FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3109

DATE FILMED 6/26/91 CAMERA NO. 1

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DOC 5100

National Republican Senatorial Committee

MUR 3019

SENATOR DON NICKLES
CHAIRMAN

DOYCE BOESCH
EXECUTIVE DIRECTOR

January 10, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 JAN 11 PM 4:24

Mrs. Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Madam Chairman:

This letter constitutes a formal, sworn complaint pursuant to 2 United States Code, 437(g) and sets forth reasons to believe that violations of the Federal Election Campaign Act have been committed by a North Carolina company doing business as "Intellicom of Raleigh, North Carolina." This complaint concerns a television advertisement which aired on television stations, including WDCA-TV in Washington, D.C., during the latter part of November, 1989. A video copy of that WDCA advertisement is enclosed as "Exhibit A" and a transcript of that WDCA advertisement is enclosed as "Exhibit B".

The WDCA advertisement specifically advocates the defeat of incumbent United States Senator Jesse Helms in the 1990 general election. The advertisement directs that individuals who are opposed to Senator Helms take action and "join the dump Helms movement..." by calling a "1-900" telephone number. The advertisement concludes with a graphic which includes the following statement: "Paid for by Intellicom of Raleigh, North Carolina." Payment by Intellicom of an advertisement which expressly advocates the defeat of Senator Helms, in connection with the Senator's 1990 general election, clearly constitutes an "independent expenditure," as defined at 2 United States Code, section 17 and failure to report such an expenditure would constitute a violation of 2 United States Code, section 434(c)(1) et seq.

As an adjunct to the television advertisements referred to above, it also appears that Intellicom of Raleigh, North Carolina has paid for a "1-900" telephone number. This "1-900" number is referred to in the tape-recorded message as the "Jesse Helms information hotline...brought to you by Intellicom of Raleigh, North Carolina." The tape-recorded telephone message, attached as "Exhibit C," indicates that callers to the "1-900" telephone number who leave their name and address will be subsequently apprised of "progress in the campaign to defeat Jesse Helms." Payment for this "1-900" telephone service by Intellicom also

PAID FOR AND AUTHORIZED BY THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE.

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constitutes an "independent expenditure" as defined at 2 United States Code, section 17 and failure to report such expenditure would constitute a violation of 2 United States Code, section 434(c)(1). A transcript of this telephone message is attached as "Exhibit D".

In media interviews about this campaign to "dump Senator Helms," Mr. Robert Rodman, a professor at North Carolina State University, and the principal behind Intellicom of Raleigh, North Carolina, has indicated that his purposes were to defeat Senator Helms, create an anti-Helms political mailing list of individuals who responded to the "1-900" telephone number (to be subsequently used by Senator Helms' opponents, see "Exhibit E" attached) and generate income from the $2.00 per minute charge levied on calls to the "1-900" telephone number.

In that regard, a review of the text of the "1-900" telephone message employed by Intellicom leads to the inescapable conclusion that the message was prepared with the assistance of and in coordination with the Democrat State Party Committee of North Carolina or one of the candidate committees currently opposing Senator Helms. For example, the "1-900" message utilizes sophisticated "opposition research" to review (1) specific television news editorials written by Senator Helms for a Raleigh, North Carolina television station prior to Senator Helms' 1972 election, (2) the text of a March, 1976 fundraising letter sent by Senator Helms on behalf of the National Conservative Political Action Committee, (3) the text of specific newspaper articles and commentaries written by Senator Helms during the late 1960's and early 1970's and (4) a book authored by Senator Helms in 1976. The specificity of these illustrations, many dating back over twenty years, leads to the conclusion that an organized and coordinated "opposition research" effort was undertaken by Senator Helms' political opponents in North Carolina in an effort to assist Intellicom in the preparation of its "dump Helms" message.

Cooperation between Mr. Rodman, Intellicom and the Democrat Party organization of North Carolina (including previous opponents of Senator Helms in 1984) with respect to the research or preparation of these "expenditures" would constitute a violation of 2 United States Code, section 434(c)(2)(B) because cooperation between Intellicom and Senator Helms' opponents would negate the "independence" required for such "expenditures."

In preparing the research for the advertisements, purchasing the costly television time and creating a sophisticated "1-900" service, Intellicom may have had to rely on contributions from major financial donors to both the North Carolina Democrat Party and Senator Helms' current campaign opponents. Such financial contributions to Intellicom would add support to the suspicion that this "expenditure" was coordinated with and not "independent" of Senator Helms' opponents in the 1990 general election. Additionally, as a "quid pro quo" for their research assistance and financial support, North Carolina Democrats might reasonably be expected to receive the anti-Helms mailing list developed by

9104084541 5

Intellicom. Transfer of this list by Intellicom to political committees opposed to Senator Helms would constitute an "inkind" contribution subject to the limitations of the Federal Election Campaign Act.

I ask that the Commission's Office of General Counsel review this complaint and determine that it satisfies the criteria for opening a Matter Under Review into the alleged violations set forth above.

Sincerely,

William B. Canfield Jr.
Legal Counsel

enclosures (5)

Sworn to and subscribed before me this 11 day of January 1990.

Laura C. Snider
Notary Public

My Commission Expires: July 14, 1992

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Ex. "B"

DUMP HELMS AD

BE AFRAID. BE VERY AFRAID. BECAUSE JESSE HELMS IS RUNNING FOR REELECTION. THE CHAMPION OF RIGHT-WING EXTREMISM, HE BRAGS THAT HE HASN'T CHANGED IN THIRTY YEARS. HE CALLED CIVIL RIGHTS LEADERS MORAL DEGENERATES. HIS POLICIES ARE ANTI-POOR, ANTI-BLACK, ANTI-FEMALE, ANTI-LABOR, AND EVEN ANTI-ART. FOR EIGHTEEN YEARS, YOU'VE WATCHED HELPLESSLY WHILE HELMS PROMOTED HIS RACIST, SEXIST POLICIES. AT LAST YOU CAN DO SOMETHING. JOIN THE DUMP HELMS MOVEMENT -- CALL 1-900 DUMP-HELMS. ACT NOW. ONLY $2 A MINUTE TO DUMP HELMS.

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Ex. "D"

MALE: Hello -- Thank you very much for calling the Jesse Helms information hotline. This information is brought to you by Intellicomm of Raleigh, N. C. You've already taken an important step towards unseating Helms by calling this number. Would you believe that in order to raise money Helms once claimed that tax dollars were being used to pay for grade school courses to teach children that cannibalism, wife-swapping and murder are acceptable behavior? More on that in a moment. But first, some important information.

Female: If you're not a citizen of North Carolina, you cannot vote against Helms. But his policies affect you directly and you have the right to oppose his reelection. Right wing organizations from all over the country back Helms. We want your support to oppose him. It would be of tremendous value to us if we knew your name and address so that we could correspond personally with you and apprise you of progress in the campaign to defeat Jesse Helms. At the end of this information message, you'll have the opportunity to record your name and address, only if you wish to, so please stay on the line.

Male: There are 2 more ways you can help. First, call us back again on 1-900-DUMP-HELMS. Each Sunday, by 6:00 p.m., we update our program with new information about Senator Helms.

Female: And second, tell your family, friends and neighbors about our campaign and ask them to call 1-900-DUMP-HELMS for information on how they too can have a say in opposing right-wing extremists like Jesse Helms.

Male: Now, here is this week's new information about Senator Helms. Using his Senate letterhead to raise money for the National Conservative Political Action Committee, an ultra right-wing extremist PAC, Helms sent out a 4 page harangue to his right-wing supporters in which he asserted that "tax dollars are being used to pay for grade school courses that teach our children that cannibalism, wife-swapping and the murder of infants and the elderly are acceptable behavior". The accusations were unfounded. The mailing took place in March, 1976.

Female: Before he was elected to the Senate in 1972, Helms did right-wing editorials for a TV station in Raleigh. His program was called "Viewpoint". And for 10 years, Helms promoted the extreme right-wing view. It was in Viewpoint that Helms accused civil rights activists of moral degeneracy. It was in Viewpoint that Helms suggested that motels be built for Negroes, rather than integrating the motels that already existed. It was in Viewpoint that Helms stated that "a lot of human beings

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have been born bums.

Male: At the same time that Helms was hawking the radical right-wing on Viewpoint, he was writing articles for a white-supremacist journal called "The Citizen" published in Jackson, Mississippi. In a 10 year period, Helms published 24 articles in "The Citizen". In those articles, he suggested that world communism was behind the civil rights movement. He defended the massacre of students at Kent State and he condoned the acts of Lt. William Calley convicted of the massacre of Vietnamese civilians at Mi Lai.

Female: In 1976, the same year as the cannibalism and wife-swapping accusation, Helms published his own book which he called, "When Free Men Shall Stand". In his book, Helms equated liberalism with atheism and socialism, suggests that the answer to unwanted pregnancy is a return to Biblical teaching, and states that communism came over on the Mayflower, although the Pilgrims gave up the practice after 3 years.

Male: That's it for right now. Each Sunday we will install a new program with new information, new quotes, new outrages. Thank you for your support now, and in the future. Remember to tell everyone who opposed the right-wing policies of Jesse to call 1-900-DUMP-HELMS and become a part of the DUMP HELMS campaign.

Female: To play a personal role in our DUMP HELMs campaign please take this opportunity to record your name and address so that we may correspond with you further. We also urge you to record any comments, suggestions, ideas, or opinions that you have about our program. Please wait until you hear the tone. Goodbye for now.

9104084549

"EXHIBIT E"

THE ASHEVILLE CITIZEN
THE ASHEVILLE TIMES

JAMES B. BANKS, Publisher

LARRY POPE, Executive Editor · WILL CURTIS, Editorial Page Editor · ED DAWSON, Managing Editor

JOHN PARRIS, Senior Editor
JIM CRAWFORD, JAY HENSLEY, Associate Editors

BOB COLLINS, Times Managing Editor

N.C. Press Association 1988 Public Service Award Winner

Page 4A · Saturday, Dec. 30, 1989

U.S. Military Sets A Poor Example

The U.S. military did an excellent job in deposing Panamanian dictator Manuel Noriega. It acted professionally and responsibly until Noriega took refuge in the Vatican embassy. Then our soldiers started acting like street punks.

When it appeared that the United States might not get its hands on Noriega, soldiers surrounding the embassy trotted out loudspeakers and started blasting out raucous rock, rap and heavy metal music.

The official line is that the loud music thwarts electronic eavesdropping efforts by the press, which disclaims any such effort.

The intent is obvious. Harass the scoundrel. Make him uncomfortable. Make him squirm. Let him know who's boss. Never mind that the racket drives embassy personnel and the entire neighborhood to distraction.

Embassy officials have complained — to no avail.

One might expect Noriega and his henchmen to resort to these tactics, but not the U.S. Army. One expects better conduct from military commanders who are supposed to be "officers and gentlemen" instead of the armed goons they seek to depose.

Curious Reasoning

The new chairman of the statewide Conference of District Court Judges says he and his peers are treated as "second-class citizens" in North Carolina.

Why? According to Judge David Q. LaBarre of Durham, District Court judges work just as hard as Superior Court judges, but they make about $10,000 a year less.

That's curious reasoning. People in positions of higher authority traditionally make more money than the folks on the rung below them.

If people were paid according to what they think they are worth, there wouldn't be enough money to go around. The entire economic structure would collapse and we'd all be "second-class citizens" — or worse.

Buck-ing Jesse Helms

It had to happen sooner or later: Telephone technology has entered a new arena as a political weapon. There's now a 900 hot line you can call to register your opposition to Sen. Jesse Helms and lend a financial hand to an effort to unseat him.

The call-in line is the brainchild of Robert Rodman of Raleigh, who plans to operate his "DUMP HELMS" line through next November's election. Rodman says his purpose is to build up a list of Helms opponents (the list will be for sale) and to raise money for advertising that will help build up the list.

Although the advertised cost is $2 a minute, a caller who listens to the entire recorded message and leaves a name and address would be billed $18.

The number for anyone interested in wasting 18 bucks is 1-900-396-7435. Or you can pocket the $20 and register to vote. That's free.

Goofier Than 'Goofy'

John Magness served in the U.S. Navy through 13 engagements in World War II and three more encounters in the Korean War. But this week he was suspended as first officer of the Queen Mary for — of all things — wearing the same mustache that has thinly tufted his upper lip for 42 years.

Magness ran aground because of the Walt Disney Co.'s grooming policy, which forbids employees to wear beards and mustaches, among other things such as bright eye shadow and red fingernails.

The grooming policy, which has been around for 35 years and purportedly was instituted by Disney himself, just went into effect this month at the Disney-operated Queen Mary, docked in Long Beach (Calif.) Harbor. So far, the Disney spirit of decorum has resulted in the firing of two employees — on Christmas Eve.

Magness intends to fight the policy, as well he should. The dispute is too silly to be dignified, even in a Goofy cartoon. If a mustache was good enough for the public relations of Uncle Remus and Disney himself, it should be good enough for other Disney disciples.

01/11/90 15:43 P.2

FROM 1 919 782 0894 0100

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"EXHIBIT E"

Dislike Helms? There's 900 Hot Line For You

Inside Straight is an occasional collection of news and observations about government and politics.

Newfangled technology meets old-fashioned politics in a new 900 hot line for opponents of Sen. Jesse Helms, R-N.C.

[redacted] whose two-year old firm, Intelli-comm, also runs more traditional 900 lines, [redacted] run [redacted] through [redacted]

[redacted] who is on leave as a computer science professor at N.C. State University.

Rodman said the number — 1-900-386-7435 — has received thousands of calls since Nov. 1.

The line costs $2 a minute. A caller who listens to the entire message and leaves a name and address would get billed $10. [redacted] says he's planning [redacted]

See 900 Page 3C

900 Phone Line Set Up For Helms Foes

Continued From Page 1C

On Thursday, the message, updated weekly, included tidbits from Helms fund-raising letters and editorials in the 1970s. Rodman said he feels justified in bringing up Helms' history because "he was a lot less circumspect in the past about his beliefs."

Helms hasn't announced a bid for a fourth term, but the signs are he will run.

Democrats running include Mike Easley, a district attorney in Southport, and Bo Thomas, a former state senator from Hendersonville. Former Charlotte Mayor Harvey Gantt is also expected to run and plans to name his exploratory committee Saturday.

Bennett Changes Residence

Remove one name from the short list of the GOP's potential N.C. candidates, at least for now.

Drug czar William Bennett, bandied about in recent years for everything from senator to U.S. representative to superintendent of public instruction, has given up his Charlotte voting residence for one in Chevy Chase, Md., a Washington suburb.

"We've just been waiting for the right office to open up for him," said a disappointed Carol Donaldson, Mecklenburg's GOP chairman. "He's so well qualified. He's got great credentials."

Bennett, who switched to the Republican Party in 1986, won national attention in stints as U.S. education secretary and director of the National Humanities Center in Research Triangle Park. He's now director of the Office of National Drug Control Policy.

After stepping down as education secretary last year, government lawyers told Bennett he could no longer live in Washington and still claim a N.C. voting residence, the Charlotte home of his mother-in-law, Dorothy Glover.

But said spokesman Donald Hamilton: "He has strong ties to North Carolina. He has not abandoned the notion of moving back there some day."

— Fern Rhee

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 19, 1990

William B. Canfield, Esquire
Legal Counsel
National Republican Senatorial Committee
Ronald Reagan Republican Center
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3019

Dear Mr. Canfield:

This letter acknowledges receipt on January 11, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Intellicom . The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3019. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

9104084542 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 19, 1990

Mr. Barton W. Baldwin
North Carolina Election Campaign Fund
220 Hilsborough Street
Raleigh, NC 27603

RE: MUR 3019

Dear Mr. Baldwin:

The Federal Election Commission received a complaint which alleges that the North Carolina Election Campaign Fund may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3019. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

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9104084542 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 19, 1990

Mr. Robert Rodman
Intellicomm
2509 Winterberry Court
Raleigh, NC 27607

RE: MUR 3019

Dear Mr. Rodman:

The Federal Election Commission received a complaint which alleges that Intellicomm may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3019. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9104084542 6

MUR 3019

The Democratic Party of North Carolina

Post Office Box 12196
Raleigh, North Carolina 27605 • Telephone (919) 821-2777

The Goodwin House
220 Hillsborough Street

January 30, 1990

Mrs. Lee Ann Elliott
Chairperson
Federal Election Commission
999 E Street, N. W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 FEB -3 AM 9:26

RE: National Republican Senatorial Committee vs.
The Democratic Party of North Carolina
Your No: MUR 3019

Dear Mrs. Elliott:

This will acknowledge receipt of the complaint filed by the NRSC in the above-referenced matter along with a cover letter from Lois G. Lerner, Associate General Counsel for the FEC. We have carefully reviewed the "sworn" complaint and have conducted a thorough investigation with respect to the allegations set forth therein. Quite frankly, we do not believe that any of the allegations in this document against the Democratic Party of North Carolina are either well grounded in fact or warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law. In fact, the so-called allegations are nothing more than pure speculation, conjecture, and unfounded wild guess work by the NRSC.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 FEB -5 PM 3:56

In any event, we feel compelled to submit the following response to these allegations:

1. We have had no relationship, either directly or indirectly, with Intellicom of Raleigh, North Carolina, or with any of its officers, directors, agents or employees.

2. We have provided no assistance, either directly or indirectly, to Intellicom or any of its officers, directors, agents or employees with respect to the so-called "Dump Helms" campaign or any other activities of this organization.

3. We have not participated, either directly or indirectly, in any activity to benefit Intellicom or to promote any of its activities.

4. We have not assisted Intellicom, or any of its officers, directors, agents or employees, either directly or indirectly, in the preparation, drafting, editing, or in any other type of similar activity related in any way to any of its media advertisements.

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5. We have neither encouraged anyone to donate money to Intellicom nor otherwise participated to any extent in any activity designed to cause money to be contributed to Intellicom for any purpose.

6. We have entered into no agreements, either expressed or implied, with Intellicom or with any of its officers, directors, agents or employees regarding any possible use by the Democratic Party of North Carolina of any mailing list that could or might be developed by Intellicom.

7. We have provided no assistance of any nature whatsoever to Intellicom, or to any of its officers, directors, agents or employees with respect to the so-called "anti-Helms" research.

In closing, we are concerned that the NRSC would file such a spurious "sworn complaint" with the FEC thereby causing us to expend substantial time and energy on a matter that has absolutely no basis in fact. We would respectfully request the Commission, therefore, to impose some form of monetary sanctions against the NRSC and its counsel to compensate us for our time and efforts on this matter.

Sincerely yours,

E. Lawrence Davis, III

E. Lawrence Davis, III
Chairman

ELD,III:cwj

cc: Lois G. Lerner
Associate General Counsel, FEC

Karen Powell
Staff Attorney, FEC

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Subscribed and sworn to before me, this 30th day of January, 1990.

Charlotte W. Johnston
Notary Public

My commission expires: 3/17/90

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OGC 5290

National Republican Senatorial Committee

WILLIAM B. CANFIELD, III
LEGAL COUNSEL

OGC

90FEB-5 AM 8:54

RECEIVED
FEDERAL ELECTION COMMISSION
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90FEB-5 PM 1:03

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

January 31, 1990

Mrs. Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Madam Chairman:

On January 10, 1990 I forwarded to your office a formal, sworn complaint pursuant to 2 United States Code, section 437(g) concerning the "independent expenditures" being conducted by "Intellicom of Raleigh, North Carolina" with respect to the November, 1990 general election for the United States Senate in the state of North Carolina. On January 19, 1990 your office of General Counsel responded to this complaint, assigning to it the MUR #3019.

Subsequent to the filing of the January 10, 1990 complaint, I became aware that "Intellicom of Raleigh, North Carolina" has expanded upon its original television and telephone-based "independent expenditure." During the third week of January, 1990, "Intellicom of Raleigh, North Carolina" paid for a political advertisement in the Winston Salem (North Carolina) Journal. I attach a photocopy of the newspaper advertisement for your review and I ask that this Winston Salem Journal advertisement be appended to and considered a part of my January 10, 1990 complaint (MUR 3019) as if originally filed.

Sincerely,

William B. Canfield

enclosure

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PAID FOR AND AUTHORIZED BY THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

Winston Salem Journal

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RIGHT WING EXTREMISM GOT YOU DOWN?

WHO YOU GONNA CALL?

HELMS BUSTERS!

1-900-DUMP HELMS

1-900-786-7435 ($2.00/min.)

WE CAN BEAT HELMS

CALL 1-900-DUMP HELMS
AND HEAR HOW HE:

CALLED CIVIL RIGHTS LEADERS "MORAL DEGENERATES"
ACCUSED SCHOOLS OF TEACHING CANNIBALISM AND WIFE SWAPPING
FAVORED A BOLIVIAN DRUG DEALER BECAUSE HE WAS ANTI-COMMUNIST

WE TAKE NO PROFITS! Proceeds go entirely to inform citizens about Jesse Helms. During the call you may leave your name and address.

Paid for by INTELLICOM of Raleigh, N.C.

9104084543'0

DAC 4537

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1990

William B. Canfield, III, Esquire
National Republican Senatorial Committee
Ronald Reagan Republican Center
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3019

Dear Mr. Canfield:

This letter acknowledges receipt on February 5, 1990, of the supplement to the complaint you filed January 10, 1990, against Intellicom of Raleigh, North Carolina. The respondent will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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9104084543 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1990

Mr. E. Lawrence Davis, III
The Democratic Party of North Carolina
Post Office Box 12196
Raleigh, North Carolina 27605

RE: MUR 3019

Dear Mr. Davis:

On January 19, 1990, you were notified that the Federal Election Commission received a complaint from the National Republican Senatorial Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On February 5, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure:
Supplement to NRSC Complaint

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1990

Mr. Robert Rodman
Intellicom
2509 Winterberry Court
Raleigh, North Carolina 27607

RE: MUR 3019

Dear Mr. Rodman:

On January 19, 1990, you were notified that the Federal Election Commission received a complaint from the National Republican Senatorial Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On February 5, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure:
Supplement to NRSC Complaint

9104084543

OGC5426

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 FEB 15 AM 11:24

R. O. EVERETT (1878-1971)
WILLIAM G. HANCOCK
HUGH STEVENS
KATHERINE R. WHITE

EVERETT, HANCOCK & STEVENS
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 17254
4038 BARRETT DRIVE
RALEIGH, NORTH CAROLINA 27619
TELEPHONE (919) 781-5100
TELECOPY (919) 781-5981

DURHAM, N.C. OFFICE:
300 FIRST UNION NATIONAL BANK BLDG.
301 WEST MAIN ST.
P.O. BOX 586
DURHAM, NORTH CAROLINA 27702
(919) 683-6691

February 9, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 FEB 15 PM 2:22

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Karen Powell, Esq.

RE: MUR 3019

Dear Mr. Noble:

In response to your January 19, 1990 letter to our client Robert Rodman, we enclose an affidavit from Mr. Rodman setting out details of his operation of Intellicomm which, we believe, answers the complaint from the national Republican Senatorial Committee ("the Committee").

The Committee raises several issues in its January 10 complaint to your office, the first of which is whether Mr. Rodman is making independent expenditures as defined in 2 U.S.C. 431(17).

After our review of the applicable law and facts, we agree that Mr. Rodman is making independent expeditures and, as such, he will report them as required under 2 U.S.C. 434(c) and 11 CFR Part 109.

The remaining issues raised by the National Republican Senatorial Committee are not founded in fact. Rather, the Committee's accusations rest purely on speculation.

Mr. Rodman's attached affidavit clearly sets out that his research was independent and performed on his own. As a Ph.D. graduate of UCLA, Mr. Rodman knows how to use a library, how to research issues and how to put information together in a descriptive way.

The Committee's "inescapable conclusion that the message was prepared with the assistance of and in coordination with the Democrat State Party Committee of North Carolina or one of the candidate committees currently

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opposing Senator Helms' has no support from the facts and is expressly denied by Mr. Rodman.

There being no cooperation between Mr. Rodman and any political organization, there is no violation of 2 U.S.C. 434(c)(2)(B).

Regarding the source of funds, Mr. Rodman's affidavit shows that he has used his own money to finance the project and has used all revenues from the 900 telephone calls to offset expenses.

Should Mr. Rodman make money from the 900 telephone calls, he would like to replenish his savings.

Finally, if Mr. Rodman develops a mailing list, he would offer it for sale and any campaign committee or political party would have to report the purchase as an expenditure.

We ask, therefore, that the Commission conclude that no action is required in this matter.

If we can provide additional information, please let us know. We enclose Mr. Rodman's designation of counsel form to authorize direct communications between the FEC and this office.

Yours truly,

EVERETT, HANCOCK & STEVENS

H. Hugh Stevens

Enclosures

9104084543 5

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3019

NAME OF COUNSEL: H. HUGH STEVENS
KATHERINE R. WHITE

ADDRESS: P.O. BOX 17254
RALEIGH N.C. 27619

TELEPHONE: 919-781-5100

The above-named individuals 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.

2/19/90
Date

Robert Rodman
Signature

RESPONDENT'S NAME: ROBERT RODMAN

ADDRESS: 2509 WINTERBURY CT.
RALEIGH, N.C. 27607

HOME PHONE: 919-839-2268

BUSINESS PHONE: 919-856-1200

9104084536

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 3019

In Response To
The National Republican
Senatorial Complaint
Filed January 11, 1990:

AFFIDAVIT

Robert Rodman, being duly sworn, deposes and says:

1. I am president of Intellicomm, a small business which, in part, operates a 900-series number carrying messages about Senator Jesse Helms.

2. The business has two purposes:
   * to encourage the defeat of Senator Jesse Helms, R-N.C., in the 1990 Senatorial election; and,
   * to make enough money to cover my costs.

3. The business has not made enough money at this time to cover my costs.

4. I am using my own funds to finance Intellicomm.

5. I have no affiliation with any political party, entity or individual whatsoever in the conduct of Intellicomm nor will I affiliate myself with any political party, entity or individual while making the "Dump Helms" independent expenditures.

6. I have received no financial support from any political party, entity or individual nor will I accept financial support from any political party, entity or individual.

7. The research that is contained in the messages and advertisements for Intellicomm was done by me, using the University of North Carolina "North Carolina Collection" on

9104084543 7

the Chapel Hill campus, Duke University's Perkins Library in Durham, North Carolina, and my own personal library.

This, the 9th day of February, 1990.

Robert Rodman
Robert Rodman

Sworn to and subscribed to before my this 9th day of February, 1990.

Janice H Rutledge
Notary Public

My Commission Expires: 1-17-92

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DGC 5491

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 FEB 22 AM 10:56

R. O. EVERETT (1878-1971)
WILLIAM G. HANCOCK
HUGH STEVENS
KATHERINE R. WHITE

EVERETT, HANCOCK & STEVENS
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 17254
4038 BARRETT DRIVE
RALEIGH, NORTH CAROLINA 27619
TELEPHONE (919) 781-5100
TELECOPY (919) 781-5981

DURHAM, N.C. OFFICE:
300 FIRST UNION NATIONAL BANK BLDG.
301 WEST MAIN ST.
P.O. BOX 386
DURHAM, NORTH CAROLINA 27702
(919) 682-5691

February 21, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 FEB 22 PM 12:51

Karen Powell, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3019
Intellicomm and Robert Rodman

Dear Ms. Powell:

We enclose a copy of the Form 5 - Year End Report - which we sent by Federal Express this date to the Secretary of the Senate.

As I stated on the telephone Friday, Mr. Rodman wants to be in full compliance with the Commission's rules and in as timely a manner as possible.

Please let us know if you need additional information.

Sincerely,

EVERETT, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

Enclosure

cc: Robert Rodman

9104034539

EVERETT, HANCOCK & STEVENS
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 17254
4038 BARRETT DRIVE
RALEIGH, NORTH CAROLINA 27619
TELEPHONE (919) 781-5100
TELECOPY (919) 781-5981

R. O. EVERETT (1878-1971)
WILLIAM G. HANCOCK
HUGH STEVENS
KATHERINE R. WHITE

DURHAM, N.C. OFFICE:
300 FIRST UNION NATIONAL BANK BLDG.
301 WEST MAIN ST.
P.O. BOX 586
DURHAM, NORTH CAROLINA 27702
(919) 682-5691

February 21, 1990

Secretary of the Senate
119 D Street, N.E.
Washington, D.C. 20510

RE: Report of Independent Expenditures by
Robert Rodman d/b/a Intellicomm

Dear Sirs:

We enclose the Form 5 - Year End Report - for Mr. Rodman and apologize for the delay.

Please let us know if you need additional information.

Sincerely,

EVERETT, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

Enclosure

cc: Robert Rodman

Karen Powell, Esq.
Office of the General Counsel
Federal Election Commission

9104084540

REPORTS OF INDEPENDENT EXPENDITURES AND CONTRIBUTIONS RECEIVED

(To Be Used by a Person Other Than a Political Committee)

(See Instructions on Reverse Side)

1. (a) Name: Robert D. Rodman, d/b/a Intellicomm	(e) Occupation: computer specialist
(b) Address: 2509 Winterbury Court	2. Identification Number
(c) City, State and ZIP Code: Raleigh, N.C. 27607	3. Is this Report an Amendment? ☐ YES ☒ NO
(d) Name of Employer: Self	

4. TYPE OF REPORT (check appropriate boxes):

(a) ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☒ January 31 Year End Report
☐ July 31 Mid Year Report

☐ Twelfth Day Report preceding _____ election on _____ in the State of _____.

☐ Thirtieth Day Report following the General Election on _____ in the State of _____.

5. This Report covers the period — FROM: 10/16/89 THROUGH: 12/31/89

6. CONTRIBUTION(S) RECEIVED

Full Name, Mailing Address and ZIP Code of Contributor	Name of Employer	Occupation	Date (Month, Day, Year)	Amount
N/A				

7. EXPENDITURE(S) MADE

Full Name, Mailing Address and ZIP Code of Payee	Purpose of Expenditure	Date (Month, Day, Year)	Amount	Check One: Support	Check One: Oppose	Name and Office Sought (District, State) of Federal Candidate
SEE ATTACHED LIST WHICH IS INCORPORATED BY REFERENCE					X	Jesse Helms U.S. Senate Candidate for North Carolina

8. Total Contributions ..... $ -0-

9. Total Expenditures ..... $ $5,491.31

Under penalty of perjury I certify that the independent expenditures reported herein were not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or agent or authorized committee of such candidate. Furthermore, these expenditures did not involve the financing of, the dissemination, distribution or republication, in whole or in part, of any campaign materials prepared by the candidate or an agent or authorized committee of the candidate.

Robert D. Rodman 2/1/90
SIGNATURE Date

Subscribed and sworn to before me this _____ day of _____, 19__

My Commission Expires: _____

(Notary Public)

LUCILLE W. BARCLAY
NOTARY PUBLIC
ORANGE COUNTY, N.C.

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. 437g.

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-~~523-4068~~ 376-3120

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from such committee.

FEC FORM 5 (4/88)

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ALL ENTRIES OPPOSE FEDERAL CANDIDATE JESSE HELMS FOR U.S. SENATE

12/7/89	Everett, Hancock & Stevens, Attorneys/Legal services 4038 Barrett Drive, Raleigh, NC 27619	$ 144.85
12/1/89	Sprint Gateways/Monthly phone service P.O. Box 7910, Shawnee Mission, KS 66207	$ 100.00
11/30/89	Sprint Gateways/Monthly usage charge P.O. Box 7910, Shawnee Mission, KS 66207	$ 66.70
11/15/89	WDCA-TV of Washington, D.C./Advertising 5202 River Road, Washington, D.C. 20816	$2592.50
11/13/89	Jim Nettleton/Audio services 16511 E. Course Dr. Tampa, FL 33624	$ 450.00
11/10/89	Wheeler Productions/Video services 437 Lewis Blvd. S.E., St. Petersburg, FL 33705	$ 87.26
11/1/89	Sprint Gateways/Monthly phone service P.O Box 7910, Shawnee Mission, KS 66207	$ 100.00
11/1/89	Sprint Gateways/Install 900-386-7435 P.O. Box 7910, Shawnee Mission, KS 66207	$ 850.00
10/24/89	Marcie Mitchel/Audio services 3210 Stanford Drive, Durham, NC 27707	$ 100.00
10/20/89	Alpha Video/Video services 1911 Meredith Drive, Suite 200, Durham, NC 27713	$ 400.00
10/20/89	Conroy Audio Productions/Audio services 1006 Lamond Ave. Durham, NC 27701	$ 100.00
10/16/89	Everett, Hancock & Stevens, Attorneys/Legal services 4038 Barrett Drive, Raleigh, NC 27619	$ 500.00

9-10403454442

MUR 3019

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 FEB 26 AM 9:54

NAME OF COUNSEL: O. Max Gardner III

ADDRESS: P.O. Box 1000
Shelby, N.C. 28151

TELEPHONE: 704/ 487-0616

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 FEB 26 PM 2:

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.

1-25-90
Date

E. Lawrence Davis, III
Signature

RESPONDENT'S NAME: N.C. Democratic Party

ADDRESS: 220 Hillsborough Street
Raleigh, N.C. 27603

HOME PHONE:

BUSINESS PHONE: 919/821-2777

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MUR 3019

The Democratic Party of North Carolina

Post Office Box 12196
Raleigh, North Carolina 27605 • Telephone (919) 821-2777

The Goodwin House
220 Hillsborough Street

February 21, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAR -5 PM 2:06

Lois G. Lerner, Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Mur 3019

Dear Ms. Lerner:

We have your letter of February 14, 1990 notifying us of the additional complaints received by the Federal Election Commission from the National Republican Senatorial Committee as set forth in their letter of January 31, 1990. The North Carolina Democratic Party is not involved with "Intellicom of Raleigh, North Carolina" in connection with either the initially alleged matters or these additionally alleged matters.

Sincerely,

E. Lawrence Davis III

E. Lawrence Davis, III

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 MAR -5 AM 9:29

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OGC 5883

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR -3 AM 11:13

IntelliComm
Robert Rodman
2509 Winterbury Ct
Raleigh, NC 27607

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR -3 AM 11:57

March 31, 1990

Karen Powell, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RE. MUR 3019
IntelliComm and
Robert Rodman

Dear Ms. Powell:

Enclosed please find a copy of the Form 5 - first quarter report for 1990- also sent to the Secretary of the Senate and the Campaign Reporting Office in Raleigh, North Carolina.

If there are any questions please feel free to call me collect at (919) 839-2268.

Sincerely,

Robert Rodman

Robert Rodman, President IntelliComm

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REPORT OF INDEPENDENT EXPENDITURES AND CONTRIBUTIONS RECEIVED

(To Be Filed by a Person Other Than a Political Committee)

(See Instructions on Reverse Side)

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR -3 AM 11:13

1. (a) Name: Robert D. Rodman D/B/A/ IntelliComm	(e) Occupation: Computer Specialist
(b) Address: 2509 Winterbury Court	2. Identification Number:
(c) City, State and ZIP Code: Raleigh, NC 27607	3. Is this Report an Amendment? ☐ YES ☒ NO
(d) Name of Employer: Self	

4. TYPE OF REPORT (check appropriate boxes):

(a) ■ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report

☐ Twelfth Day Report preceding _____ election on _____ in the State of _____.

☐ Thirtieth Day Report following the General Election on _____ in the State of _____.

5. This Report covers the period — FROM: 1/1/90 THROUGH: 3/31/90

6. CONTRIBUTION(S) RECEIVED

Full Name, Mailing Address and ZIP Code of Contributor	Name of Employer	Occupation	Date (Month, Day, Year)	Amount
N/A				

7. EXPENDITURE(S) MADE

Full Name, Mailing Address and ZIP Code of Payee	Purpose of Expenditure	Date (Month, Day, Year)	Amount	Check One: Support	Check One: Oppose	Name and Office Sought (District, State) of Federal Candidate
SEE ATTACHED LIST WHICH IS INCORPORATED BY REFERENCE					X	Jesse Helm, U.S. Senate Candidate for North Carolina

8. Total Contributions ..... $ -0-

9. Total Expenditures ..... $ 7,232.46

Under penalty of perjury I certify that the independent expenditures reported herein were not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or agent or authorized committee of such candidate. Furthermore, these expenditures did not involve the financing of, the dissemination, distribution or republication, in whole or in part, of any campaign materials prepared by the candidate or an agent or authorized committee of the candidate.

Robert D. Rodman 3/30/90
SIGNATURE Date

Subscribed and sworn to before me this 30th day of March 1990

My Commission Expires: 10-18-94

Carol M. Hasleman (Notary Public)

SEAL: NOTARY PUBLIC JOHNSTON CO. N.C.

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. 437g.

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-376-3120

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from such committee.

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ALL ENTRIES OPPOSE FEDERAL CANDIDATE JESSE HELMS FOR U.S. SENATE

3/1/90	Sprint Gateways/Monthly phone service	$1000.00
	P.O Box 7910, Shawnee Mission, KS 66207	
2/18/90	Charlotte Observer/Advertising	$2073.18
	P.O. Box 32188, Charlotte, NC 28232	
2/1/90	Sprint Gateways/Monthly phone service	$1000.00
	P.O Box 7910, Shawnee Mission, KS 66207	
1/19/90	Greensboro News & Record/Advertising	$1470.96
	P.O. Box 20848, Greensboro, NC 27420	
1/18/90	The Independent Magazine/Photo rights	$ 50.00
	P.O. Box 2690, Durham, NC 27705	
1/12/90	Winston Salem Journal/Advertising	@$1317.72
	P.O. Box 3159, Winston Salem, NC 27102	
1/12/90	Catherine Wood/Preparation of Ad materials	$ 220.60
	5026 Avenida Del Sol, Box c-15, Raleigh, NC 27604	
1/1/90	Sprint Gateways/Monthly phone service	$ 100.00
	P.O. Box 7910, Shawnee Mission, KS 66207	

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 MAY 24 AM 11:40

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3019
DATE COMPLAINT RECEIVED BY OGC: 1-11-90
DATE OF NOTIFICATION TO RESPONDENTS: 1-19-90
STAFF MEMBER: Karen Powell

COMPLAINANT: William B. Canfield, Legal Counsel
National Republican Senatorial Committee

RESPONDENTS: Intellicom of Raleigh, North Carolina

Robert Rodman

State Democratic Party of North Carolina

RELEVANT STATUTES:
2 U.S.C. § 431(17)
2 U.S.C. § 431(18)
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441d(a)(3)

INTERNAL REPORT CHECKED: Report of Independent Expenditures filed by Robert Rodman d/b/a Intellicom

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On January 11, 1990 the Commission received a complaint from William B. Canfield, Legal Counsel for the National Republican Senatorial Committee (the "NRSC"), alleging that Intellicom of Raleigh, North Carolina ("Intellicom"), violated 2 U.S.C. § 434(c)(1) by making independent expenditures in excess of $250 and failing to report such expenditures to the Commission. The focus of the expenditures was the operation and

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advertising of a 900-series number urging the defeat of North Carolina Senator Jesse Helms. The complainant also suggested that Intellicom may have been assisted in making these expenditures by the Democratic party of North Carolina or by an opponent of Senator Helms. On January 31, 1990, the NRSC supplemented the complaint with a copy of a newspaper advertisement that appeared in the Winston Salem Journal during the third week of January advertising the anti-Helms 900-series number. This supplement to the complaint was circulated to the Commission on February 6, 1990.

Notice of the complaint was sent to the President of Intellicom, Robert Rodman, and to the North Carolina Election Campaign Fund, the principal Democratic state party committee in North Carolina, on January 19, 1990. A response to the complaint was received from the Democratic Party of North Carolina on February 3, 1990. Intellicom responded to the complaint through its attorney on February 9, 1990. The response included an affidavit from Robert Rodman. On February 21, 1990, "Robert Rodman, d/b/a [doing business as] Intellicom," filed a Report of Independent Expenditures and Contributions Received for 1989 with the Secretary of the Senate which disclosed a total of $5,491.31 in expenditures and 0 contributions. On April 3, 1990, Robert Rodman, d/b/a Intellicom, filed an Independent Expenditures Report for the first quarter of 1990 which disclosed $7,232.46 in expenditures and 0 contributions.

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The NRSC included with the complaint a newspaper article which discusses the "Dump Helms" 900-series number. The article identified Robert Rodman as the head of Intellicom and described Intellicom as a two year old firm which operates other 900-series numbers. Intellicom appears to have been incorporated in North Carolina on December 7, 1989.[1/] In his affidavit, Rodman described Intellicom as "a small business which, in part (emphasis added), operates a 900-series number carrying messages about Senator Jesse Helms." Rodman went on to state that "the business has two purposes: to encourage the defeat of Senator Jesse Helms, R-N.C., in the 1990 Senatorial election; and, to make enough money to cover my costs."

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II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate. 2 U.S.C. §§ 431(17) and 431(18). Political committees, and individuals making independent expenditures in excess of $250, must report independent expenditures to the Commission. 2 U.S.C. §§ 434(b)(4)(H)(iii), (b)(6)(B)(iii) and 434(c). A person making an independent

---

1/ The Secretary of State in North Carolina stated that an organization called Intelli-com was incorporated on December 7. This Office assumes for purposes of this report that Intelli-com is the same entity as Intellicom.

expenditure for the purpose of financing communications must include in such communication a statement containing the full name of the person who paid for the communication and that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3), and 11 C.F.R. §§ 109.3 and 110.11.

The Act states that a political committee is, inter alia, any committee, club, association or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4). Independent expenditures count toward the $1,000 expenditure threshold for becoming a political committee.

In AO 1980-126, the Commission examined a situation in which an individual established a bank account to receive contributions which he solicited from other persons and which he used for the purpose of funding independent expenditures advocating the election of Republican candidates in the 1980 election. The Commission determined that such activity resulted in the creation of a political committee which was subject to all applicable provisions of the Act including, but not limited to, the registration and reporting requirements of 2 U.S.C. §§ 433 and 434. In reaching this result, the Commission considered the overall nature of the political activity engaged in by the individual, including the following two factors: the individual had held out his activities as an on-going organization engaged in the making of expenditures to advocate

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the election of candidates, and the individual had solicited funds from a broad range of people across the country which funds were used to advocate the election of candidates in the 1980 election. The fact that the individual coordinating the independent expenditures had not shared, or convinced others to share with him, organizational decisionmaking did not preclude the existence of a political committee. Rather, the Commission concluded that all persons who were solicited for funds and responded with contributions were part of the organization and, thus, together with the individual, constituted "any other group of persons" for purposes of 2 U.S.C. § 431(4). See also AO 1986-38.

B. Application of Law to Facts

1. Intellicom

The complaint states that during the latter part of November, 1989, Intellicom paid for a television advertisement broadcast on several television stations, including WDCA in Washington, D.C., which invited individuals to call a special 900-series number and join a "Dump Helms movement." The ad specifically identified North Carolina Senator Jesse Helms. The ad concluded with a notice stating that it was paid for by Intellicom of Raleigh, North Carolina. In January, 1990, a print advertisement appeared in a North Carolina newspaper advertising the same service and containing the same disclaimer notice.

Callers to the telephone number indicated in the ads heard a 5 minute tape containing information about the political

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record of Senator Helms and urging his defeat. The tape asked callers to leave a name and address so they could be contacted later by a representative of the "Dump Helms campaign." Callers were charged $2 a minute for the call. Callers were encouraged to make frequent calls to the 900-series number for the purpose of generating revenue for a "Dump Helms campaign."

In responding to the complaint, Intellicom's attorney characterized the expenditures for the "Dump Helms" 900-series number as independent expenditures, and stated that Robert Rodman would file an FEC Form 5 detailing such expenditures. As noted above, Mr. Rodman filed an FEC Form 5 on February 21, 1990[2/] reporting $5,491.31 in independent expenditures made between October 16 and December 31, 1989 and a second Form 5 on March 31, 1990, reporting $7,232.46 in independent expenditures made between January 1 and March 31, 1990.

Rodman denied in his affidavit that he was assisted by any political party, entity or individual. However, the ads and recorded message played back to callers of the 900-series number invited individuals to contribute to the "Dump Helms campaign" by making calls to the 900 number for which they would be

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2/ Individuals who made expenditures for purposes of influencing the 1990 senatorial race in North Carolina were required to file FEC Form 5 or a sworn statement regarding expenditures made between July 1, and December 31, 1989 on January 31, 1990. 11 C.F.R. § 109.2(a)(2). Rodman filed FEC Form 5 on February 21, 1990, 21 days late. Because, as will be discussed below, it appears that Rodman's activities resulted in the creation of a political committee, triggering the Act's registration and reporting requirements, this Office makes no recommendation at this time regarding a violation of 2 U.S.C. § 434(c)(2) by Mr. Rodman.

charged $2 per minute. Although no information is in hand as to the number of calls placed to the "Dump Helms" 900 number, the service has been operational for five months. Callers are asked to leave their names and addresses so that they can be contacted by representatives of the "Dump Helms campaign."

Applying the factors considered in AO 1980-126, Intellicom was acting as a political committee when it solicited and apparently received funds from a broad range of persons across the country and used those funds to advocate the defeat of Senator Jesse Helms. According to the reports of independent expenditures filed with the Commission, $12,723.77 had been expended on the "Dump Helms" 900-series number as of March 31, 1990. Thus, there is reason to believe that Intellicom has met the statutory test for political committee status. Intellicom has not filed a statement of organization or reports with the Commission. Therefore, this Office recommends that the Commission find reason to believe that Intellicom has violated 2 U.S.C. §§ 433 and 434.[3/]

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3/ This Office presently has no information in hand to indicate that Rodman was assisted, either financially or in other ways, by other persons prior to the date the "Dump Helms" 900-series number came on-line. It is possible that Rodman discussed his planned "Dump Helms" 900-series number and his efforts to defeat Senator Helms with others who may have offered him financial or other support prior to the date the number became operational. Further, Rodman stated in his affidavit that he was using his own funds but failed to elaborate on the source of these funds. Therefore, this Office proposes directing questions to Intellicom to ascertain whether, in fact, other persons have provided money or other support to Rodman for purposes of assisting in the establishment of the "Dump Helms" 900-series number.

As noted above, the disclaimer notice included with the ad broadcast on WDCA and the ad printed in the Winston Salem Journal stated that the ads were paid for by Intellicom of Raleigh, North Carolina. However, the ads did not state that the communication was not authorized by any candidate or candidate's committee. Therefore, this Office recommends that the Commission find reason to believe that Intellicom of Raleigh, North Carolina violated 2 U.S.C. § 441d(a)(3).

2. Cooperation between Rodman and the Democratic Party of North Carolina, and Helm's opponents

The complainant also alleges that Intellicom cooperated with the state Democratic party in North Carolina in researching and preparing the "Dump Helms" phone message, and coordinated its anti-Helms activities, with the state party.4/ In return, the complainant alleges, the state party was to receive access to the mailing list generated by calls to the 900-series number. The complainant also alleges that Intellicom may have received financial support for the project from contributors to both the state Democratic party and Helms' political opponents. The complainant concludes that such cooperation between Intellicom and the state Democratic party or certain candidate committees would void the independent nature of Intellicom's expenditures.

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4/ The complainant also alleged that Intellicom coordinated its "Dump Helms" 900-series number with opposition candidates. However, the complainant has failed to clearly identify any such opposition candidates. Therefore, this Office is assuming for purposes of this report that the respondents in this matter are properly Intellicom and the state Democratic party.

This Office infers from this complaint that the NRSC is alleging that Intellicom made in-kind contributions to the Democratic Party of North Carolina ("DPNC") when it allegedly operated the "Dump Helms" 900-series number in cooperation with the party, and that these contributions were not reported by the party in violation of 2 U.S.C. § 434. The NRSC did not, however, present any evidence in the complaint to support its allegation of coordination between Intellicom and the DPNC. As noted above, a response to the complaint was received from the DPNC on February 3, 1990. The DPNC denied any involvement with, or knowledge of Intellicom's activities. In its response to the complaint dated February 9, 1990, Intellicom also denied receiving any assistance or support from the DPNC or from any other political entity or individual. Rodman stated in his affidavit that all research for the messages contained in the "Dump Helms" advertisements and in the "Dump Helms" phone message was done by him personally, utilizing the University of North Carolina's "North Carolina Collection" located on the Chapel Hill Campus, Duke University's Perkins Library in Durham and his own personal library. Therefore, this Office recommends that the Commission find no reason to believe that the Democratic Party of North Carolina violated 2 U.S.C. § 434 by failing to report in-kind contributions from Intellicom as a result of the advertising and operation of the "Dump Helms" 900-series number.

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3. Other Possible Violations

No information is in hand as to whether Intellicom established a separate account into which it deposited all contributions received as a result of calls to the "Dump Helms" 900-series number and from which it paid the expenses of its "Dump Helms campaign." Consequently, Intellicom may have commingled funds generated by the company's other 900-series numbers with contributions to the "Dump Helms campaign." Based on the results of its investigation, this Office may make a recommendation that Intellicom commingled funds in violation of 2 U.S.C. § 432(b)(3). This Office is not recommending such a finding at present pending the results of its investigation into the status of Intellicom as a political committee. This Office also makes no recommendation at this time as to whether, as a result of the expenditures in excess of $1000 reported on the two FEC Form 5s filed with the Commission, Rodman made excessive contributions in violation of 2 U.S.C. § 441a to the political committee created as a result of Intellicom's operation of the 900-series number.5/

As noted above, Rodman acknowledged that one of his purposes in operating Intellicom was to encourage the defeat of

5/ While it is possible that persons making repeated calls to the "Dump Helms" 900-series number may, by virtue of repeated calling, have exceeded the Act's limitations on contributions contained at 2 U.S.C. § 441a(a), this Office has no information in hand to indicate that this occured. This Office will make appropriate recommendations at a later time, if the investigation reveals that persons were repeatedly calling the "Dump Helms" 900-series number for the purpose of making impermissible contributions to the "Dump Helms campaign".

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Jesse Helms. In addition, Rodman stated in his affidavit that it was his intention to recover the costs of the operation of the "Dump Helms" 900-series number from the operation of other 900-series numbers by Intellicom. Because Intellicom appears to have been incorporated in North Carolina on December 7, 1989, two different issues are raised concerning possible violations of 2 U.S.C. § 441b: 1) whether Intellicom should be treated as a corporation, and if not, 2) whether Intellicom's account contained any prohibited funds. However, at this time, this Office is recommending that the Commission only find reason to believe that Intellicom has achieved the status of a political committee and, thus, may have violated 2 U.S.C. §§ 433 and 434. Following this Office's investigation into the source of all funds used by Intellicom to finance the operation of the "Dump Helms" 900-series number, this Office may make additional recommendations related to violations of 2 U.S.C. § 441b.

IV. **RECOMMENDATIONS**

1. Find reason to believe that Intellicom of Raleigh, North Carolina violated 2 U.S.C. §§ 433, 434, and 441d(a)(3).

2. Find no reason to believe that the Democratic Party of North Carolina violated 2 U.S.C. § 434.

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3. Approve the appropriate letters and the attached factual and legal analysis.

5/23/90
Date

Lawrence M. Noble
General Counsel

Attachments
1. Response to Complaint from Robert Rodman
2. Response to Complaint from Democratic Party of North Carolina
3. Reports of Independent Expenditures filed by Robert Rodman
4. Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS
COMMISSION SECRETARY

DATE: MAY 30, 1990

SUBJECT: MUR 3019 - FIRST GENERAL COUNSEL'S REPORT
DATED MAY 23, 1990

The above-captioned document was circulated to the Commission on Thursday, May 24, 1990 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXXX
Commissioner Elliott	
Commissioner Josefiak	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	

This matter will be placed on the meeting agenda for Tuesday, June 5, 1990.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Intellicom of Raleigh, North Carolina	)	MUR 3019
Robert Rodman	)	
State Democratic Party of North Carolina	)	

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission executive session of June 5, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3019:

1. Find reason to believe that Intellicom of Raleigh, North Carolina violated 2 U.S.C. §§ 433, 434, and 441d(a)(3).

2. Find no reason to believe that the Democratic Party of North Carolina violated 2 U.S.C. § 434.

3. Approve the appropriate letters and the factual and legal analysis as recommended in the May 23, 1990 General Counsel's report.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision.

Attest:

June 5, 1990
Date

Hilda Arnold
Hilda Arnold
Administrative Assistant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1990

H. Hugh Stevens, Esquire
Katherine R. White, Esquire
Everett, Hancock & Stevens
P.O. Box 17254
4038 Barrett Drive
Raleigh, North Carolina 27619

RE: MUR 3019
Intellicom of Raleigh,
North Carolina

Dear Mr. Stevens and Ms. White:

On January 19, 1990, the Federal Election Commission notified your client 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.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on June 5, 1990, found that there is reason to believe Intellicom of Raleigh, North Carolina violated 2 U.S.C. §§ 433, 434 and 441d(a)(3), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or

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recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Interrogatories and Request for Production of Documents
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Intellicom of Raleigh, North Carolina MUR: 3019

The Office of the General Counsel received a complaint on January 11, 1990, from William B. Canfield, Legal Counsel for the National Republican Senatorial Committee (the "NRSC"), alleging that Intellicom of Raleigh, North Carolina ("Intellicom"), violated 2 U.S.C. § 434(c)(1) by making independent expenditures in excess of $250 and failing to report such expenditures to the Commission.

The Federal Election Campaign Act of 1971, as amended (the "Act"), defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate. 2 U.S.C. §§ 431(17) and 431(18). Political committees, and individuals making independent expenditures in excess of $250, must report independent expenditures to the Commission. 2 U.S.C. §§ 434(b)(4)(H)(iii), (b)(6)(B)(iii) and 434(c). A person making an independent expenditure for the purpose of financing communications must include in such communication a statement containing the full name of the person who paid for the communication and that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3), and 11 C.F.R. §§ 109.3 and 110.11.

The Act states that a political committee is, inter alia, any committee, club, association or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4). Independent expenditures count toward the $1,000 expenditure threshold for becoming a political committee.

In AO 1980-126, the Commission examined a situation in which an individual established a bank account to receive contributions which he solicited from other persons and which he used for the purpose of funding independent expenditures advocating the election of Republican candidates in the 1980 election. The Commission determined that such activity resulted in the creation of a political committee which was subject to all applicable provisions of the Act including, but not limited to, the registration and reporting requirements of 2 U.S.C. §§ 433 and 434. In reaching this result, the Commission considered the overall nature of the political activity engaged in by the individual, including the following two factors: the individual had held out his activities as an on-going organization engaged in the making of expenditures to advocate the election of candidates, and the individual had solicited funds from a broad range of people across the country which funds were used to advocate the election of candidates in the 1980 election. The fact that the individual coordinating the independent expenditures had not shared, or convinced others to

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share with him, organizational decisionmaking did not preclude the existence of a political committee. Rather, the Commission concluded that all persons who were solicited for funds and responded with contributions were part of the organization and, thus, together with the individual, constituted "any other group of persons" for purposes of 2 U.S.C. § 431(4). See also AO 1986-38.

The complaint states that during the latter part of November, 1989, Intellicom paid for a television advertisement broadcast on several television stations, including WDCA in Washington, D.C., which invited individuals to call a special 900-series number and join a "Dump Helms movement." The ad specifically identified North Carolina Senator Jesse Helms. The ad concluded with a notice stating that it was paid for by Intellicom of Raleigh, North Carolina. In January, 1990, a print advertisement appeared in a North Carolina newspaper advertising the same service and containing the same disclaimer notice.

Callers to the telephone number indicated in the ads heard a 5 minute tape containing information about the political record of Senator Helms and urging his defeat. The tape asked callers to leave a name and address so they could be contacted later by a representative of the "Dump Helms campaign." Callers were charged $2 a minute for the call. Callers were encouraged to make frequent calls to the 900-series number for the purpose of generating revenue for a "Dump Helms campaign."

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In responding to the complaint, Intellicom's attorney characterized the expenditures for the "Dump Helms" 900-series number as independent expenditures, and stated that Robert Rodman would file an FEC Form 5 detailing such expenditures. As noted above, Mr. Rodman filed an FEC Form 5 on February 21, 1990 reporting $5,491.31 in independent expenditures made between October 16 and December 31, 1989 and a second Form 5 on March 31, 1990, reporting $7,232.46 in independent expenditures made between January 1 and March 31, 1990.

Rodman denied in his affidavit that he was assisted by any political party, entity or individual. However, the ads and recorded message played back to callers of the 900-series number invited individuals to contribute to the "Dump Helms campaign" by making calls to the 900 number for which they would be charged $2 per minute. Although no information is in hand as to the number of calls placed to the "Dump Helms" 900 number, the service has been operational for five months. Callers are asked to leave their names and addresses so that they can be contacted by representatives of the "Dump Helms campaign."

Applying the factors considered in AO 1980-126, Intellicom was acting as a political committee when it solicited and apparently received funds from a broad range of persons across the country and used those funds to advocate the defeat of Senator Jesse Helms. According to the reports of independent expenditures filed with the Commission, $12,723.77 had been expended on the "Dump Helms" 900-series number as of March 31,

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1990. Thus, there is reason to believe that Intellicom has met the statutory test for political committee status. Intellicom has not filed a statement of organization or reports with the Commission. Therefore, there is reason to believe that Intellicom has violated 2 U.S.C. §§ 433 and 434.

As noted above, the disclaimer notice included with the ad broadcast on WDCA and the ad printed in the Winston Salem Journal stated that the ads were paid for by Intellicom of Raleigh, North Carolina. However, the ads did not state that the communication was not authorized by any candidate or candidate's committee. Therefore, there is reason to believe that Intellicom of Raleigh, North Carolina violated 2 U.S.C.§ 441d(a)(3).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3019
)

INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mr. Robert Rodman
Intellicom
2509 Winterberry Court
Raleigh, North Carolina 27607

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions and requests for discovery set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of General Counsel, Federal Election Commission, Room 659, 999 E. St. N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

"Intellicom" shall mean the entity described in your response of February 9, 1990 to the Complaint from the National Republican Senatorial Committee, and shall include all variations of such name and all associated or related activities of such entity however designated.

INTERROGATORIES

1. State the date you began doing business as Intellicom. Identify all persons with a financial or business interest in Intellicom, including but not limited to partners, business associates, and/or investors and the amount of such person's investment in Intellicom, if any.

2. State whether Intellicom is incorporated. If so, give the date and jurisdiction of incorporation. Identify all persons who are officers, directors and/or shareholders of Intellicom.

3. Describe Intellicom. Include the following information in your answer:

a) a description of Intellicom's history and purpose;

b) a description of all operations and activities, including all 900-series telephone numbers Intellicom has operated and is operating;

c) number of employees; and,

d) source(s) of income.

4. Provide the following information with respect to each of the 900-series telephone numbers described in your answer to question 3:

a) the average monthly cost of operation; and,

b) the average monthly income.

5. Identify all persons to whom you disclosed your intention to create and operate a 900-series telephone number carrying political messages. Identify all persons who provided you with money, loans, or other financial support as a result of such disclosure.

6. State the date upon which the 900-series telephone number carrying messages about Senator Jesse Helms ("Dump Helms 900-series number") became operational.

7. State whether the expenditures reported by you on Report of Independent Expenditures and Contributions Received filed with

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the Secretary of the Senate on February 21, 1990 were financed, in whole or in part, with income derived from Intellicom's activities other than the operation of the Dump Helms 900-series number. If so, identify all expenditures which were financed with such income.

8. State whether income from the operation of the Dump Helms 900-series number was and is segregated from income from other Intellicom activities and from your personal funds. If so, describe how this segregation was and is accomplished.

9. State the total number of calls made to the Dump Helms 900-series number and the total amount charged to callers as a result of such calls during the first thirty days of operation. State the total number of calls made to the Dump Helms 900-series number and the total amount charged to callers as a result of such calls as of the date of these interrogatories. If you are unable to provide exact numbers or amounts, please estimate.

10. State the total number of persons who have recorded a name and address at the end of the message carried by the Dump Helms 900-series number.

11. State whether you have developed or created a mailing list which contains the names and addresses of persons, or any other information, obtained as a result of the operation of the Dump Helms 900-series number. If so, identify all persons to whom yo sold, rented or provided access to this mailing list. State whether you have used this list for the purpose of soliciting contributions to finance the Dump Helms 900-series number or any other expenditures expressly advocating the defeat of Senator Jesse Helms.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce all documents referred to in your answers to the above interrogatories

2. Produce a copy of Intellicom's articles of incorporation.

3. Produce copies of all advertisements for the Dump Helms 900-series number.

4. Produce a copy of your contract with the telephone company for the Dump Helms 900-series number.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1990

Mr. E. Lawrence Davis, III, Chairman
The Democratic Party of North Carolina
Post Office Box 12196
Raleigh, North Carolina 27605

RE: MUR 3019

Dear Mr. Davis:

On January 19, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On June 5, 1990, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Democratic Party of North Carolina violated 2 U.S.C. § 434. Accordingly, the Commission closed its file in this matter as it pertains to the Democratic Party of North Carolina.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

OGC 6748

EVERETT, GASKINS, HANCOCK & STEVENS

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE BOX 911
THE PROFESSIONAL BUILDING, SUITE 600
127 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27602-0911

TELEPHONE (919) 755-0025
TELECOPIER (919) 755-0009

R.O. EVERETT (1878-1971)
E. D. GASKINS, JR.
WILLIAM G. HANCOCK
HUGH STEVENS
KATHERINE R. WHITE
JEFFREY B. PARSONS

DURHAM, N.C. OFFICE:
300 FIRST UNION NATIONAL BANK BLDG.
301 WEST MAIN STREET
POST OFFICE BOX 586
DURHAM, NORTH CAROLINA 27702
TELEPHONE: (919) 682-5691
TELECOPIER: (919) 682-5469

June 22, 1990

Ann Weisenborn, Esquire
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3019
Intellicom of Raleigh, North Carolina

Dear Ms. Weisenborb:

Thank you for your call today with regard to Intellicom's status before the FEC.

As I mentioned, we did not receive any interrogatories in the commission's letter dated June 11, 1990, received in this office on June 18, 1990. We will be counting the time for answering these questions from the date we receive them.

Further, our client wishes to resolve this matter as quickly as possible and has authorized us to discuss the possibility of pre-probable cause conciliation with you. We ask that this letter be considered the written request necessary under 11 C.F.R. § 111.18(d).

The "Dump Helms" 900 number was disconnected on April 1, 1990 and Mr. Rodman, the sole propietor of Intellicomm, will not be pursuing any reprise of the campaign.

We look forward to hearing from you.

Sincerely,

EVERETT, GASKINS, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

cc: Robert Rodman

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 JUN 27 PM 12:48
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MAIL ROOM

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EVERETT, GASKINS, HANCOCK & STEVENS

ATTORNEYS AND COUNSELORS AT LAW

R.O. EVERETT (1878-1971)
E. D. GASKINS, JR.
WILLIAM G. HANCOCK
HUGH STEVENS
KATHERINE R. WHITE
JEFFREY B. PARSONS

POST OFFICE BOX 911
THE PROFESSIONAL BUILDING, SUITE 600
127 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27602-0911

TELEPHONE (919) 755-0025
TELECOPIER (919) 755-0009

DURHAM, N.C. OFFICE:
300 FIRST UNION NATIONAL BANK BLDG.
301 WEST MAIN STREET
POST OFFICE BOX 586
DURHAM, NORTH CAROLINA 27702
TELEPHONE: (919) 682-5691
TELECOPIER: (919) 682-5469

July 11, 1990

Anne A. Weissenborn, Esquire
Assistant General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3019
Intellicomm of Raleigh, North Carolina

Dear Ms. Weissenborn:

Enclosed please find the Answers to Interrogatories and Request for Documents for the above referenced matter.

In reviewing Mr. Rodman's material in preparing the answers, I understand now why your office has focused on his business status. Mr. Rodman has called himself president of the company but that is a title he has bestowed upon himself rather than a title derived from any corporate entity.

We look forward to hearing from you with regard to the matter. As I mentioned earlier, Mr. Rodman is interested in resolving this case as expeditiously as possible.

Please note that our address and telephone number have changed.

Yours truly,

EVERETT, GASKINS, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

Enclosures 1 Beta Tape

cc: Robert D. Rodman

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MUR 6933

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 JUL 13 PM 3:52

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RESPONSE TO FEDERAL ELECTION COMMISSION INTERROGATORIES
JUNE 30, 1990

ROBERT D. RODMAN
INTELLICOMM
2509 WINTERBURY COURT
RALEIGH, NC 27607

1. Intellicomm commenced business on January 1, 1988. I, Robert Rodman, am the sole proprietor, and am the only person with a financial or business interest in Intellicomm.

2. Intellicomm is not incorporated.

3. a. Intellicomm was started on January 1, 1988 to engage in the "pay-by-call" business. It became a 976- information provider in April, 1988, through Southern Bell of Raleigh, North Carolina, a Bell South Corporation. In June, 1989, Intellicomm began two 900- programs through Telesphere Media Four, Oak Brook Terrace, Illinois. In October, 1989 Intellicomm began two 900- programs through Sprint Gateways, Shawnee Mission, Kansas. In November, 1989, IntelliComm started its "DUMP HELMS" 900- phone line. This particular program lost money and was discontinued April 1, 1990.

3. b. Intellicomm operates three 976- programs: 976-9000 for horoscopes; 976-2000 for bio-rhythms; and 976-2273 for credit card information. It currently operates two 900- lines: 900-321-7827 for horoscopes, biorhythms and astrological profiles; and 900-872-3325 for auto information.

3. c. Intellicomm has one employee, namely the 16 year old son of the proprietor who does odd jobs and errands.

3. d. Intellicomm's sources of income are through its 976- lines via Southern Bell, and its 900- lines via Telesphere Media Four. Intellicomm no longer does business with Sprint Gateways. Sprint Gateways was a source of income between October 1, 1989 and April 1, 1990.

4. 900-321-7827:

AMC:	(Average monthly cost)	$1,000
AMI:	(Average monthly income)	$1,750

(continued on page two)

900-872-3325 (currently inactive)
AMC: $326
AMI: -0-

900-246-6663 (no longer exists)
AMC: $1,050
AMI: $500

900-246-2277 (no longer exists)
AMC: $1,175
AMI: $625

900-386-7435 (no longer exists)
AMC: (6-month period) $2,120*
AMI (4-month period) $1,500
*Cost does not reflect current expenditures for legal services. There is no income.

5. Intellicomm's intentions to operate a 900- line with political content was revealed to the following:

Byron Culbertson
Account Representative
Sprint Gateways
6666 West 110th Street
Overland Park, KS 66211
913-661-8051

Karen Schlosser
Account Representative
Sprint Gateways
666 West 110th Street
Overland Park, KS 66211
913-661-8051

Adrian Toader
Director of Sales & Marketing
Sprint Gateways
666 West 110th Street
Overland Park, KS 66211
913-661-8051

Jack Lawless
General Manager
Sprint Gateways
666 West 110th Street
Overland Park, KS 66211
913-661-8051

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(continued on page three)

Bruce Ogden
Sales Manager
Telesphere Media 4
One Mid America Plaza
Oak Brook Terrace, IL 60181
312-954-7222

Harvey Uelk
General Manager
Telesphere Media 4
One Mid America Plaza
Oak Brook Terrace, IL 60181
312-954-7222

Brenda Mulloy
Customer Relations Coordinator
Telesphere Media 4
One Mid America Plaza
Oak Brook Terrace, IL 60181
312-954-7222

Charles F. Jones
President
C&J Communications
5600 Maggiore Street
Coral Gables, FL 33146
305-372-8832
Potential Service Bureau for the 900 number

Hugh Stevens
Everett, Hancock & Stevens
Attorneys and Counselors at Law
P.O. Box 911
127 W. Hargett St. Suite 600
Raleigh, NC 27602
919-755-0025

Catherine Wood
5026 Avenida Del Sol
Box c-15 Raleigh, NC 27604
872-5742
Advertising preparation

Bob Conroy
Conroy Audio Productions
1006 Lamond Avenue
Durham, NC 27701
919-687-0217
Advertising preparation

(continued on page four)

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Jeanne Longworth
WLFL Television
1205 Front Street
Raleigh, NC 27609
919-821-2200
Account Representative for TV advertising
Assisted with Advertising preparation

Martin Yount
WLFL Television
1205 Front Street
Raleigh, NC 27609
919-821-2200
Assisted with video production of advertising

Peter Berg
Teletext Inc.
12311 Taft Street
Pembroke Pines, FL 33026
305-436-1000
Agent for Cable TV Advertising

Rob Shoaf
The Freeman Group
Suite 404, The Snow Building
331 West Main Street
Durham, NC 27701
919-682-2222
Provided advertising references. For example, he referred Conroy Audio.

Steve Schewel
Publisher
Independent Weekly
2810 Hillsborough Rd
Durham, NC 27707
919-266-1972
Ran advertising

David Cook
Account Representative
The News & Observer
210 South McDowell St.
P.O. Box 191
Raleigh, NC 27602
919-872-2759
Was asked to run advertising - refused.

(continued on page five)

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Kim McClintock
Account Representative
Charlotte Observer
P.O. Box 32188
Charlotte, NC 28283
704-379-6936
Ran advertising

Rusty Williamson
Account Representative
115 Market Street
P.O. Box 2092
Durham, NC 27702
919-687-6724
Was asked to run advertising - refused

David B. Morrison
Account Executive
Winston-Salem Journal
P.O. Box 3159
Winston-Salem, NC 27102
919-727-7413
Ran advertising

Beulah Battle
Account Representative
Greensboro News & Record
P.O. Box 20848
Greensboro, NC 27420
919-373-7114
Ran advertising

Mrs. Sara Tucker Niles
2903 Bainbridge Drive Apt G.
Durham, NC 27713
919-544-9368
Personal friend

Zachary Rodman
2509 Winterbury Court
Raleigh, NC 27607
919-839-2268
Intellicomm employee

NO PERSON PROVIDED MONEY, LOANS OR OTHER FINANCIAL SUPPORT.

(continued on page six)

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continued from page five)

6. The "Dump Helms" 900-series number became operational November 15, 1990.

7. All financing for the "Dump Helms" 900-series program came from the personal savings of Robert Rodman.

8. As noted above, Intellicomm is the sole proprietorship of Robert Rodman. Income from the operation of the Dump Helms 900-series number was not segregated from the income of other Intellicomm activities. Since Intellicomm is financed entirely by the personal funds of Robert Rodman, and since Intellicomm has been and still operates at a loss, Intellicomm funds and said personal funds are mixed.

9. Number of calls first 30 days: 230
Total amount charged to callers: $1,380

Number of calls total: 1,500
Total amount charged to callers: $9,000

NB: These are estimates. Calls averaged about 3 minutes, so the average charge to the caller is $6. Of the amount charged to callers by the phone company, Intellicomm received about $4/call. Sprint Gateways kept the rest.

10. The information requested is currently unknown. That is because all recorded messages are on cassette tapes, and Intellicomm has not yet listened to all the tapes.

11. As part of Sprint Gateway's service in connection with 1-900-386-7435, names and addresses were produced of persons whose telephones were used to make calls to the DUMP HELMS program, and these in turn were provided to Intellicomm in the form of printed labels. No mailing list has been developed and no one has been provided access to these labels.

(continued on page seven)

9 1 0 4 0 8 4 5 4 8 2

(continued from page six)

REQUEST FOR PRODUCTION OF DOCUMENTS

1. No documents were referred to in the above answers.
2. Intellicomm is not incorporated.
3. Copies of all advertising are enclosed.
4. A contract is included.

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"ON THE ISSUES I AM PRECISELY WHERE I WAS TWENTY YEARS AGO, THIRTY YEARS AGO. I DON'T THINK ANYBODY HAS EVER ACCUSED ME OF CHANGING MY PRINCIPLES."

Jesse Helms, 1981

1-900-DUMP HELMS

1-900-386-7435 ($2.00/min.)

WE CAN BEAT HELMS!

CALL 1-900-DUMP HELMS AND HEAR HOW HE:

WROTE 22 ARTICLES FOR A WHITE SUPREMACIST MAGAZINE

CONDONED MASSACRES AT KENT STATE AND MY LAI

DRAGGED "I'M JUST A SOLDIER IN PHYLLIS' (SCHLAFLY) ARMY"

WE TAKE NO PROFITS! Proceeds go entirely to inform citizens about Jesse Helms. During the call you may leave your name and address.

Paid for by INTELLICOM of Raleigh, N.C.

RIGHT WING EXTREMISM GOT YOU DOWN?

WHO YOU GONNA CALL?

HELMS BUSTERS!

1-900-DUMP HELMS

1-900-386-7435 ($2.00/min.)

WE CAN BEAT HELMS

CALL 1-900-DUMP HELMS AND HEAR HOW HE:

CALLED CIVIL RIGHTS LEADERS "MORAL DEGENERATES"

ACCUSED SCHOOLS OF TEACHING CANNIBALISM AND WIFE SWAPPING

FAVORED A BOLIVIAN DRUG DEALER BECAUSE HE WAS ANTI-COMMUNIST

WE TAKE NO PROFITS! Proceeds go entirely to inform citizens about Jesse Helms. During the call you may leave your name and address.

Paid for by INTELLICOM of Raleigh, N.C.

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SPRINT GATEWAYS
A UNITED TELECOM COMPANY

INFORMATION PROVIDER AGREEMENT

This Agreement is entered into between Intelli Comm, (hereinafter referred to as "IP"), with its principal place of business at 2609 WINTERBURY CT RALEIGH NC 27607 Sprint Gateways (hereinafter referred to as "Gateways"), a Kansas corporation, with its principal place of business at 6666 West 110th Street, Overland Park, Kansas 66211.

I. Gateways Responsibilities

In return for the payment by IP of all applicable charges set forth in paragraph X of this Agreement, and Exhibit A, attached and incorporated by reference herein, as well as execution of the attached Service Order, Gateways will provide the following services:

A. Transport of "900" calls to the location or the locations set forth in Exhibit B, attached and incorporated by reference herein.

B. Technical support for all necessary interface between Gateways network equipment and IP.

C. Provision of billing inquiry and problem reporting assistance.

D. Rating and Billing and Collection services to IP for all billable messages. Billable messages for the purpose of this Agreement shall refer to those messages which are distributed under the local exchange company (LEC) billing and collection agreements in effect. IP will be billed for transport of billable messages only.

E. Reports containing the number of calls to all of the IP's 900 Programs serviced by Gateways. However, these reports should not be construed to represent billable message for the purpose of IP revenue reporting.

F. All other product specific responsibilities set forth in Exhibit C, attached and incorporated by reference herein.

G. Number assignment for use on the Gateways network by IP.

II. IP Responsibilities

IP will undertake the following in order to utilize the Gateways 900 network:

A. Create, update and edit all programming utilized by IP for its services offered through Gateways. The content of the message is and shall be the exclusive property of the IP.

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B. Retain sole responsibility for the quality of the audio recording used in any program provided over the Gateways network.

C. Provide 48 hours notice, to Gateways, prior to stimulating any programming on the Gateways network which could result in traffic surges, such as more than 30% of daily calls in a one-hour period.

D. Provide Gateways, 15 days prior to the first day of each month, an estimate of its monthly and daily minutes of use, the anticipated time-zone busy hours, busy hour call volumes, message length and end-user pricing for each.

E. Submit, at Gateways' request, descriptions of programming and advertising samples.

F. Any other product specific responsibilities set forth in Exhibit D, attached and incorporated by reference herein.

G. Payment of all applicable taxes.

III. Non-Program Exclusivity

Gateways shall have the right to offer to other information providers access to its network, even if those providers have the same or similar messages as IP.

IV. Awareness Message

Each program, at Gateways' discretion, must inform the end user of the following:

A. The price;

B. Any price changes;

C. The name of the IP;

D. That end-users under 13 should get parental permission to contact audiotext programs.

E. Any other information required by the LEC, interexchange carrier or regulators.

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V. End-User Pricing

A. The charge for each billable call originated by the end-user, will be referenced as the "retail price". The retail price for Recorded Announcements, whether Passive or Interactive, may be on a usage-sensitive or fixed price basis. However, Live Programming (broadcast) must be on a usage-sensitive basis unless the programming has an automatic disconnect. Any combination of Recorded Announcements and Live Programming is considered Live Programming for the purpose of pricing and rating.

B. Any request by IP for a change in the retail price must be received by Gateways, in writing, a minimum of 15 days prior to the pricing change. If the price change represents an increase of 10% or more, the Provider will be required to state, on an awareness message, that there will be a new price and/or price structure commencing on a particular date, such statement to commence ten (10) days prior to the proposed rate and/or structure change and terminating ten (10) days after the proposed rate and/or structure change.

C. Any request for a change in number assignment must be made in writing to Gateways, and if available, Gateways will endeavor to make such a change at the earliest possible time.

D. Gateways reserves the right to set a maximum retail price if required by billing and collection restraints.

E. In an effort to limit the liability of end-users responsible for telephone bill payments, Gateways reserves the right to establish a monthly credit limit per end-user telephone number which, when reached, will result in Gateways blocking further end-user access from that phone for the balance of the billing period. Access will be restored at the beginning of the next billing period. Providers will be advised as to current blocking limits.

F. Gateways reserves the right to block end-user telephone numbers, at its discretion, in the case of disruptive users, repeat credit offenders, violations of the Company's policies, or pursuant to end-user request.

G. Gateways reserves the right to provide to any end-user or any member of the general public the address and telephone number of IP.

H. Any calls of a duration of six (6) seconds or less shall not be billed or collected by Gateways.

I. All usage-sensitive price calls shall be rounded to the next minute for billing purposes.

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VI. Programming

A. Once an audio program has been established by IP, it shall provide the Program on a continuous and uninterrupted basis. If the program is not offered on a 24-hour basis, times of operation must be clearly stated in all advertising and promotions.

B. Gateways may, in its sole discretion, require IP to submit any or all proposed programming and proposed formats for Live Programming to Gateways for its review and Gateway's approval. For programming directed to children under 13 approval is mandatory and must be in writing. Approval for child-related programming may be withheld for any reason including that the programming is exploitative or unsuitable. Charges for child-related programming may not exceed $1.50 a minute or $3.00 per call. If the review and approval requirement is implemented, IP must submit the proposed programming and proposed formats for Live Programming to Gateways a minimum of thirty (30) days before the proposed first date of dissemination.

C. If IP changes the type of program without the prior written notification of Gateways, Gateways may terminate IP's service with five (5) days' notice. If the change results in objectionable program material, termination by Gateways will be immediate.

D. Each Program which contains a cross-promotion to another Program shall include an announcement of the price of the cross-promoted Program.

E. IP may be required to change its telephone program number whenever the subject matter of the programming and/or format of the Live Programming is different than that which was originally used and/or approved by Gateways and could result in end-user complaints brought about by the subject matter changes. IP is required to sign a new service order prior to changing its number.

F. If IP elects to provide a Program which makes statements, assertions or inferences that part or all proceeds of the retail price will be donated to a charity or fund-raising cause the IP must submit written verification to Gateways of a fund-raising agreement between the IP and the organization receiving the contribution. Gateways shall be appointed by IP to collect the money intended for the charitable organization and remit same directly to the charitable organization unless directed by that organization to remit elsewhere. Gateways reserves the right to reject proposed recipients of charitable contributions for any reason.

VII. Promotions

A. IP must clearly and conspicuously include in all printed advertisements, publications or other communications to the public:

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(1) The price per call, if billed on a fixed price basis, or the price per minute, if billed on a usage-sensitive basis, in no less than size 15 type for a 3" x 2" advertisement or any other written publication and proportionately sized thereafter, and including the symbol "$" or the word "dollar" or "dollars", or the symbol "c" or the words "cent" or "cents" and the words "per minute" or "per call", whichever is appropriate;

(2) A description of the subject matter of the audiotext program provided in no less than size 15 type for a 3" x 2" advertisement or other written publication and proportionately sized thereafter; and

(3) Hours of program availability, if other than 24 hours daily.

B. IP must clearly and conspicuously include in all television and radio advertisements or other communications to the public:

(1) A voice-over announcement of the price per call, if billed on a fixed price basis, or the price per minute, if billed on usage-sensitive basis;

(2) An accurate description of the subject matter of the audiotext program provided; and

(3) Hours of program availability; if other than 24 hours daily.

C. All advertising, whether print, television, radio or other medium which either specifically references Gateways or any affiliate or implies a relationship with Gateways or any affiliate, must be submitted to Gateways, for approval, no less than two weeks prior to appearing.

D. Gateways will not permit advertising which is, in its opinion, objectionable. Advertising which has not been submitted to and approved by Gateways, and which Gateways determines, in its sole discretion, to be violative of this advertising policy may result in a warning to be issued by Gateways to IP. The warning shall advise IP that its advertising violates Gateways' policy against objectionable advertising and shall provide that a second offense (same or similar advertising) may result in immediate termination of IP's services.

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VIII. Warranty and Representations

A. THIS IS A SERVICE AGREEMENT. EXCEPT AS MAY BE EXPRESSLY STATED IN THIS AGREEMENT, THERE ARE NO WARRANTIES EXPRESSED OR IMPLIED, BY OPERATION OF LAW OR OTHERWISE. GATEWAYS DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

B. Gateways represents to IP the following:

(1) Gateways holds all rights necessary to provide the services set forth in Paragraph I and Exhibit C;

(2) Gateways will use its best efforts to maximize coverage for billing and collection by entering into billing and collection agreements with as many LECs as possible. Gateways will remit revenue to IP based on messages distributed for billing and collection under the agreements with LECs; and

(3) Gateways has entered into an agreement with a carrier who has procured all necessary regulatory approvals to provide necessary interexchange services, and will do so in compliance with all necessary laws, regulations and tariffs, but that should such interexchange carrier change its tariff or modify any agreement, all portions of the Agreement which may be affected are subject to modification in accordance therewith.

C. IP represents to Gateways the following:

(1) IP shall utilize the Services in compliance with all necessary laws and regulations;

(2) All statements made by IP on the Service Order are true and correct; and

(3) The signator of this Agreement is duly authorized and empowered to execute on behalf of IP.

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IX. Limitation of Liability and Indemnification

A. Gateways' entire liability resulting from Gateways' failure to perform any of its obligations under this Agreement shall be IP's actual, direct damages as might be provable in a court of law, but not to exceed the amount paid to Gateways by IP for monthly services pursuant to this Agreement.

B. IN NO EVENT SHALL GATEWAYS BE LIABLE FOR: (1) ANY INCIDENTALS, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, ANY DAMAGES RESULTING FROM THE INTERRUPTION OR DISCONTINUANCE OF THE SERVICES FURNISHED BY GATEWAYS, THE DESTRUCTION OR DAMAGE OF IP'S AUDIOTEXT PROGRAMMING OR OTHER INFORMATION, OR ANY LOST REVENUES OR PROFITS OF IP OR ANY THIRD PARTY, EVEN IF GATEWAYS HAS BEEN ADVISED, KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH DAMAGES, OR (2) CLAIMS, DEMANDS OR ACTIONS AGAINST IP BY ANY OTHER PARTY.

C. IP shall indemnify and hold harmless Gateways, its agents, employees, officers, shareholders and directors from and against any and all fines, penalties, losses, costs, damages, injuries, claims, expenses or other liabilities arising out of or resulting from or in connection with this Agreement or the performance of the Agreement and caused by the acts or omissions, negligent or otherwise, of IP or a subcontractor or an agent of IP or an employee of any one of them, including but not limited to claims of third parties arising out of or resulting from or in connection with the dissemination or broadcast of programming furnished or supplied by IP or an employee or customer or any one of them or any claim for trademark or patent infringement or any claim for libel or slander, except to the extent that such liabilities arise from the active negligence or willful misconduct of Gateways or its employees.

X. Payment

A. Prior to remitting funds to IP, Gateways shall deduct all charges detailed in Exhibit A.

B. IP grants Gateways a security interest in and a contingent assignment of any and all monetary receivables due IP, from the LEC, which are generated by calls serviced by the Gateways network. Gateways agrees not to exercise its rights in or request payments from the LEC pursuant to the granted security interest and contingent assignment unless IP fails to make any and all payments due LEC or Gateways pursuant to this Agreement within the time periods allowed.

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C. IP agrees to waive any and all notices of protest to Gateways or LEC, and to release the LEC from any and all liability which might result from the LEC's release of IP monetary receivables to Gateways pursuant to this Agreement. Further, IP agrees to file whatever documentation may be reasonably necessary to perfect and protect the security interest granted Gateways by IP pursuant to this Agreement.

XI. Term of Agreement

A. This Agreement shall be effective on 9-1-89, and continue for nine months.

B. If IP (a) fails to pay any Gateways invoices when due, (b) becomes insolvent, (c) makes an assignment for the benefit of creditors, (d) files or has filed against it a petition in bankruptcy, Gateways may terminate this Agreement by giving ten (10) days written notice of termination and the reasons therefore. Any such termination shall not prejudice or limit in any way Gateways' rights and remedies arising at, prior to or after such termination. If Gateways, in its sole discretion, determines that IP has provided programming which is objectionable pursuant to paragraph XII it may terminate this agreement without notice. Any such termination shall not limit Gateways from any additional legal remedies it may elect to pursue.

XII. Objectionable Program Material

Gateways will not load, allow to be loaded, store or in any way deliver programming it determines is objectionable. Objectionable program material may include, but is not limited to, (1) programs which are prohibited by federal, state or local law or tariff, (2) programs which contain obscene, indecent, lewd, lascivious or sexually explicit material or which provides access to such programming, (3) programs containing profanity, (4) programs which permit more than two parties to communicate, (5) any programs which in the sole opinion of Gateways might reflect adversely on Gateways or its affiliates, or harm the good business name of Gateways or its affiliates.

XIII. Confidentiality and Protection of Information Materials

A. All information and materials furnished by Gateways to IP pursuant to this Agreement are proprietary and confidential. While this Agreement is in effect and thereafter, IP shall keep in confidence all proprietary information and protect such from any use except as may be authorized by Gateways as well as from disclosure to other parties without the written authorization of Gateways.

B. All information relating to call volumes or any other information marked "confidential" by IP will be kept in confidence by Gateways to the same extent it keeps its own information confidential.

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C. Neither party shall copy nor reproduce any proprietary information in whole or in part except to the extent such copying or reproduction is necessary in connection with the authorized use of such proprietary information. Upon termination of this Agreement, all proprietary information shall be returned to the appropriate party.

XIV. Assignment

IP shall not assign or transfer its rights or obligations under this Agreement except with Gateways' prior written consent any prohibited assignment or transfer shall be void or may result in the immediate termination of the Agreement, at the option of Gateways.

XV. Default

A default shall have occurred and this Agreement may be terminated by the non-defaulting party at any time with no liability whatsoever to the non-defaulting party, in the event that:

A. A party hereto is involved in any illegal activities;

B. IP's non-cumulative Uncollectibles exceed a percentage to be determined from time to time by Gateways;

C. There has been a material breach of any provision of the Agreement by either party;

D. A party fails to perform any covenant, or agreement made by it herein;

E. There is a breach of any warranty or falsity of a representation made herein;

F. A party is liquidated or dissolved, whether voluntarily or involuntarily;

G. There is an attachment, seizure, foreclosure, forfeiture or levy against a party which results from litigation proceedings;

H. Any proceeding by or against a party is instituted under any bankruptcy or insolvency statute or there is an assignment by said party for the benefit of creditors and/or appointment of a receiver for said party, or filing of a tax lien notice by the United States or any State;

I. The accrual of any lien against a party and the failure of said party to discharge such a lien upon demand.

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XVI. Cure

The defaulting party shall have five (5) days from date of a default to cure any default. In the event that curing the particular default requires greater than five (5) days, the party in default shall provide the party not in default with evidence that it has begun and is diligently attempting to cure the default. In no event shall the cure period exceed thirty (30) days.

XVII. Remedies

In the event of default hereunder, the party not in default shall have all remedies to it in law and equity. All remedies are cumulative and election of any one remedy is not the exclusion of any other remedy.

XVIII. Miscellaneous

A. Severability. If any of the provisions of this Agreement shall be or become invalid or unenforceable, such invalidity or unenforceability shall not invalidate or render unenforceable the remaining provisions of the Agreement. Instead, the entire Agreement shall be construed as though not containing the particular invalid or unenforceable provision or provisions.

B. Notices. Any written notice relating to this Agreement shall be effective when delivered by certified or registered mail to:

Sprint Gateways
6666 W. 110th Street
Overland Park, Kansas 66211

and

INTELLICOMM
P.O. BOX 5293
RALEIGH, NC 27650

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C. Force Majeure. Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its fault or negligence, such as acts of God, acts of civil or military authority, embargoes, epidemics, war, riots, insurrections, fires, explosions, earthquakes, floods, unusually severe weather conditions, shortages of parts and/or materials due to causes described within this paragraph, or strikes. Upon any such excused delay, the time for performance shall be extended for a period equal to the time lost by reason of delay.

D. Governing Law. The construction, interpretation and performance of this Agreement shall be governed by the laws of the State of Kansas.

E. Waiver. No waiver of any breach of any provision of this Agreement by either party or the failure of either party to insist on the exact performance of any provision of this Agreement shall constitute a waiver of any prior, concurrent or subsequent breach of performance of the same or any other provisions hereof, and no waiver shall be effective unless made in writing and signed by both parties.

F. Entire Agreement. This Agreement along with its exhibits and service order constitutes the entire agreement between the parties with respect to the subject matter herewith and shall supersede all previous proposals, both oral and written, negotiations, representations, commitments, writings, agreements and all other communications between the parties.

G. Amendments. Amendments to this Agreement are allowed only if such amendments are in writing and are signed by an authorized representative of both parties.

H. Attorney Fees. In the event of legal action by either of the parties hereto, it is expressly agreed that the party in whose favor final judgment shall be entered shall be entitled to recover from the other party, reasonable attorneys' fees, costs and expenses, in addition to any other relief which may be awarded.

Robert D Rodman
for
INTELLICOMM

John P. Lawless
SPRINT GATEWAYS

August, 1989

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SPRINT GATEWAYS

A UNITED TELECOM COMPANY

Exhibit A

PRICING OPTIONS

Sprint Gateways' programming options are matched by flexibility in pricing. Flat rate pricing offers advantages both to the information provider and to the end user. There's no revenue sharing and no hidden charges.

General Fees

One time account set up charge	$1,500

Monthly recurring fees per account

One phone number	$1,000
Each add'l phone number	$ 100

Uncollectible charge — 7% of total retail price, non refundable. Also covers charge backs up to $20.00 per phone number on each monthly end user bill.

Service Fees

VOICE 900℠

(Service bureau, transport, billing and collection)

	Minutes/Month			
	0-50K	50K-250K	250K-500K	500K+
First Minute	$.48	$.45	$.42	$.40
Add'l Minutes	.38	.35	.32	.30

Discounts are applied to minutes of use within each level.

Storage Fee: First 10 minutes of storage per program per month are free. Additional storage is $.025 minute/month/port in 24 port increments.

Programming Fees

Initial Voice Map (Basic 4 x 4, passive)	$250
Special applications	Individual case basis
Changes	$150

NETWORK 900℠

(Transport, billing and collection services)

First Minute	$.35
Add'l Minutes	.28

DATA 900℠

(Transport, billing and collection service for data)

First Minute	$.35
Add'l Minutes	.20

Services outside the contract pricing due to customization will be subject to additional charges. Prices subject to change.

P.O. Box 7910 • Shawnee Mission, Kansas 66207 • 1-800-SELL-900

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ADDENDUM TO EXHIBIT A

Effective August 26, 1989, each customer has 60 days to activate a 900 number. The monthly recurring fee will be charged from the date the 900 number is reserved.

Sixty days from the date the number is reserved, each account must generate a thousand dollars in combined usage and maintenance fees for each 900 number. The fees will be averaged across all 900 numbers. If your account is being billed $1000 on average, per phone number, then there will be no change to your billing.

10 program

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EXHIBIT B

Gateways shall transport all of the IP's 900 calls to the call terminating locations determined by Gateways.

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EXHIBIT C
VOICE 900

In addition to those responsibilities set forth in paragraph I of the Agreement, Gateways shall be responsible for the following:

A. Implementation of IP's programming via the Gateways network as well as providing the ability to update and edit programming.

B. Storage of IP's programming to enable IP service through telephone switching equipment.

C. Use of Gateways network facilities to load IP supplied programming into Gateways storage equipment. The program content shall be delivered to Gateways by IP on a standard audio cassette or by IP transmission of the program content by telephone to the designated Gateways facility.

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EXHIBIT C
NETWORK 800

In addition to those responsibilities set forth in paragraph I of the Agreement, Gateways shall be responsible for the following:

A. Performance of site survey of customer premise to determine:

(1) Suitability of environment for network termination equipment.

(2) Compatibility of customer premise equipment and Gateways network.

(3) Hardware and software requirements for network termination equipment.

B. Coordination of information relating to the number of direct access links required.

C. Ordering of facilities from US Sprint point of presence to customer premise, when necessary.

D. Coordinating construction and installation of facilities when bypass is appropriate or coordination of necessary purchase from third party facilities provider.

E. Acting as liaison between IP and interexchange carrier relating to any network problems.

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EXHIBIT C
DATA 800

In addition to those responsibilities set forth in paragraph I of the Agreement, Gateways shall be responsible for the following:

A. Performance of a site survey to determine:

(1) Suitability of environment for network termination equipment.

(2) Compatibility of customer premise equipment and Gateways network.

(3) Hardware and software requirements for network termination equipment.

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EXHIBIT D
NETWORK 900

In addition to those responsibilities set forth in paragraph II of the Agreement, IP shall be responsible for the following:

A. Provision of accurate usage forecasts.

B. Provision of customer premise equipment which is compatible with the US Sprint network and complies with the functional specifications for the industry.

C. Subscription to a sufficient number of access lines necessary to handle calls from end users without impairing services to the public or other IP's on Gateways network. Gateways will notify IP if an increase in lines is necessary because of impairment of services and IP shall have ten (10) calendar days in which to subscribe to additional lines or Gateways shall have the right to terminate the agreement.

D. For programming, whether passive or interactive, IP-provided customer premise equipment must provide answer supervision and call disconnect signalling in a protocol compatible with the US Sprint network. IP-provided equipment must also be of a capacity to assure satisfactory call completion.

E. Payment of all recurring and installation charges relating to 900 services, including but not limited to terminating network components set forth in site surveys, channels, ports and circuits.

9104084503

EXHIBIT D
DATA 900

In addition to those responsibilities set forth in paragraph II of the Agreement, IP shall be responsible for the following:

A. Assurance that only data communications will be transmitted over the Data network.

B. Provision of accurate usage forecasts.

C. Provision of customer premise equipment which is compatible with the US Sprint network and complies with the functional specifications for the industry.

D. Subscription to a sufficient number of access lines necessary to handle calls from end users without impairing services to the public or other IP's on Gateways network. Gateways will notify IP if an increase in lines is necessary because of impairment of services and IP shall have ten (10) calendar days in which to subscribe to additional lines or Gateways shall have the right to terminate the agreement.

E. For programming, whether passive or interactive, IP-provided customer premise equipment must provide answer supervision and call disconnect signalling in a protocol compatible with the US Sprint network. IP-provided equipment must also be of a capacity to assure satisfactory call completion.

SPRINT GATEWAYS
A UNITED TELECOM COMPANY

December 13, 1989

Robert Rodman
Intellicomm
PO Box 5293
Raleigh, NC 27607

Dear Robert:

To begin 900 service with Sprint Gateways, an initial Information Provider Agreement was executed to establish our respective responsibilities for providing 900 service.

Based on your feedback, several clarifications have been made to the agreement. In general the changes involve number assignments, service activation requests, length of contract, notification of traffic surges, chargebacks and regulatory/tax requirements.

Prior modifications to your existing Information Provider agreement (if any were made) should not be affected by this addendum.

Attached is a one page addendum to the Information Provider Agreement that needs your signature by DECEMBER 27, 1989.

Should there be any questions, please give us a call at 1-800-SELL-900.

We look forward to a continuing profitable business partnership and appreciate your prompt attention to this matter.

Sincerely,

Paula Grim
Sprint Gateways

9104084550 4

P.O. Box 7910 • Shawnee Mission, Kansas 66207 FAX 913-661-8066 6666 West 110th Street • Overland Park, Kansas 66211

INFORMATION PROVIDER AGREEMENT ADDENDUM I

This document shall become part of the existing Information Provider Agreement between Gateways and IP. If any terms of this Addendum conflict with the Information Provider Agreement this Addendum shall take precedence.

I(a) Gateways will not provide service to IP until such time a valid service activation request has been received and processed.

I(g) Gateways shall be responsible for number assignments to IP and shall retain all interests in said numbers. IP shall have no ownership or property rights to said numbers and Gateways may retrieve any number assigned IP, for cause.

II(d) IP shall provide Gateways 48 hours notice prior to stimulating any programming which could result in traffic surges representing more than 20% of average daily calls in a one-hour period. Non-compliance may result in Gateways restricting traffic for network protection purposes.

II(h) IP shall be responsible to assure that all programs comply with all applicable laws and regulatory requirements.

VI(f) If IP provides a program which asserts that a portion of the call proceeds will go to charity, represent a donation or have any other tax consequences, IP will be responsible for such tax issues.

X(a) IP shall be responsible for all chargebacks which exceed $20.00 per phone number on each monthly end-user bill. In those situations in which this provision is applicable, IP will be responsible for the entire chargeback.

XI(a) This Addendum shall be effective on January 1, 1990 and continue until terminated by either party. IP may terminate the IP Agreement at any time with fourteen days notice. Gateways may terminate any time with ninety days notice or with appropriate notice, for cause, as set forth in the Information Provider Agreement.

Further Gateways may modify the terms and/or conditions found in Exhibit A with thirty days written notice.

XIV. IP shall not assign, transfer or sell any number it receives from Gateways without Gateways written consent.

Sprint Gateways

2104084550505

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
90 NOV 21 AM 11:54

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Intellicomm of Raleigh, North Carolina and Robert Rodman	)	MUR 3019
	)	
	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Office of the General Counsel received a complaint on January 11, 1990, from William B. Canfield, Legal Counsel for the National Republican Senatorial Committee (the "NRSC"), alleging that Intellicomm of Raleigh, North Carolina ("Intellicomm"), violated 2 U.S.C. § 434(c)(1) by making independent expenditures in excess of $250 and failing to report such expenditures to the Commission.

On June 5, 1990, the Commission found reason to believe Intellicomm of Raleigh, North Carolina violated 2 U.S.C. §§ 433 and 434 by failing to file a statement of organization or reports with the Commission. On that same date the Commission also found reason to believe Intellicomm of Raleigh, North Carolina violated 2 U.S.C. § 441d(a)(3) by not including a disclaimer that stated whether the communication was authorized by any candidate or candidate's committee.

On June 25, 1990, the Commission submitted the Interrogatories and a Request for Documents to Intellicomm of Raleigh, North Carolina. On July 13, 1990, Intellicomm of

9104084550 6

Raleigh, North Carolina submitted documents and answers to the Commission's interrogatories, and also requested preprobable cause conciliation.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate. 2 U.S.C. §§ 431(17) and 431(18). Political committees and individuals making independent expenditures in excess of $250, must report independent expenditures to the Commission. 2 U.S.C. §§ 434(b)(4)(H)(iii), (b)(6)(B)(iii) and 434(c). A person making an independent expenditure for the purpose of financing communications must include in such communication a statement containing the full name of the person who paid for the communication and that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3), and 11 C.F.R. §§ 109.3 and 110.11.

The Act states that a political committee is, inter alia, any committee, club, association or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4). Independent expenditures count toward the $1,000 expenditure threshold for becoming a political committee.

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In AO 1980-126, the Commission examined a situation in which an individual established a bank account to receive contributions which he solicited from other persons and which he used for the purpose of funding independent expenditures advocating the election of Republican candidates in the 1980 election. The Commission determined that such activity resulted in the creation of a political committee which was subject to all applicable provisions of the Act including, but not limited to, the registration and reporting requirements of 2 U.S.C. §§ 433 and 434. In reaching this result, the Commission considered the overall nature of the political activity engaged in by the individual, including the following two factors: the individual had held out his activities as an on-going organization engaged in the making of expenditures to advocate the election of candidates, and the individual had solicited funds from a broad range of people across the country which funds were used to advocate the election of candidates in the 1980 election. The fact that the individual coordinating the independent expenditures had not shared, or convinced others to share with him, organizational decisionmaking did not preclude the existence of a political committee. Rather, the Commission concluded that all persons who were solicited for funds and responded with contributions were part of the organization and, thus, together with the individual, constituted "any other group of persons" for purposes of 2 U.S.C. § 431(4). See also AO 1986-38.

The complaint states that during the latter part of

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November, 1989, Intellicomm paid for a television advertisement broadcast on several television stations, including WDCA in Washington, D.C., which invited individuals to call a special 900-series number and join a "Dump Helms movement." The ad specifically identified North Carolina Senator Jesse Helms. The ad concluded with a notice stating that it was paid for by Intellicomm of Raleigh, North Carolina. In January, 1990, a print advertisement appeared in a North Carolina newspaper advertising the same service and containing the same disclaimer notice.

Callers to the telephone number indicated in the ads heard a five minute tape containing information about the political record of Senator Helms and urging his defeat. The tape asked callers to leave a name and address so they could be contacted later by a representative of the "Dump Helms campaign." Callers were charged $2 a minute for the call. Callers were encouraged to make frequent calls to the 900-series number for the purpose of generating revenue for a "Dump Helms campaign."

In responding to the complaint, Intellicomm's attorney characterized the expenditures for the "Dump Helms" 900-series number as independent expenditures, and stated that Robert Rodman would file a FEC Form 5 detailing such expenditures. As noted above, Mr. Rodman filed a FEC Form 5 on February 21, 1990 reporting $5,491.31 in independent expenditures made between October 16 and December 31, 1989 and a second Form 5 on March 31, 1990, reporting $7,232.46 in independent expenditures made between January 1 and March 31, 1990. The form filed by Rodman

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did not include any reported receipts.

On July 13, 1990, the Commission received Rodman's response to the Commission's interrogatories. Rodman states that no person provided money, loans or other financial support, and that he is the sole proprietor of Intellicomm, and the only person that has a financial or business interest in Intellicomm. He also stated that Intellicomm was not incorporated. Rodman further states that "Intellicomm's only source of income are through its 976- lines via Southern Bell, and its 900- lines via Telesphere Media Four."[1] Rodman alleges that all financing for the "Dump Helms" 900-series program came from his personal savings.

Rodman also states in his response that the average charge to the caller of the "Dump Helms" 900- lines was six (6) dollars, and out of that amount Intellicomm received about four (4) dollars. Rodman alleges that the total amount charged to callers who phone the "Dump Helms" 900- line was $9,000, and that Intellicomm only received $6,000 from out of that figure after the phone company took out its servicing fee.[2] Rodman also states that as a part of the telephone service, name and addresses were produced of persons who made calls to the "Dump

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1. It should be noted that Intellicomm also operated other "pay-by-call" (976 & 900 phone lines) services that were not election related.

2. In Advisory Opinion 1990-1, the Commission noted that the amount paid by callers to a 900- telephone political communication service which provides callers with access to making contributions, not just the net proceeds to the campaign, is a contribution subject to the limitations and prohibitions of the Act.

Helms" program. These names and addresses allegedly were turned over to Intellicomm in the form of labels. Rodman further states that no mailing list has been developed and no one has been provided access to the labels.

Applying the factors considered in AO 1980-126, Intellicomm, an unincorporated entity, was acting as a political committee when it solicited and apparently received funds from a broad range of persons across the country and used those funds to advocate the defeat of Senator Jesse Helms. According to the reports of independent expenditures filed with the Commission, $12,723.77 had been expended on the "Dump Helms" 900-series number as of March 31, 1990. Thus, Intellicomm has met the statutory test for political committee status. Intellicomm has not filed a statement of organization or reports with the Commission as a political committee.[3] Therefore, Intellicomm has violated 2 U.S.C. §§ 433 and 434.

As noted above, the disclaimer notice included with the ad broadcast on WDCA and the ad printed in the Winston Salem Journal stated that the ads were paid for by Intellicomm of Raleigh, North Carolina. See Attachment 2, page 9. However, the ads did not state that the communication was not authorized by any candidate or candidate's committee. Therefore,

3. As noted above, Intellicomm did file a FEC Form 5 reporting independent expenditures, but that report for the 1989 Year End was not filed until February 21, 1990.

9 1 0 4 0 8 4 5 1 1

Intellicomm has violated 2 U.S.C. § 441d(a)(3).[4]

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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4. The Office of General Counsel has no information which indicates that Rodman set up the "Dump Helms" 900-series in concert with or authorization from any candidate or political committee. Intellicomm denies receiving any assistance or support from the Democratic Party of North Carolina ("DPNC") or from any other political entity or individual. In DPNC's February 3, 1990 response, DPNC denied any involvement with, or knowledge of Intellicomm's activities.

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IV. RECOMMENDATIONS

1. Enter into conciliation with Intellicomm of Raleigh, North Carolina prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 11/20/90

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Request for conciliation
2. Answer to Interrogatories and Request for Documents
3. Proposed Conciliation Agreement

Staff assigned: Lawrence D. Parrish

9104084551 4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS DH
COMMISSION SECRETARY

DATE: NOVEMBER 27, 1990

SUBJECT: MUR 3019 - GENERAL COUNSEL'S REPORT DATED NOVEMBER 20, 1990

The above-captioned document was circulated to the Commission on Wednesday, Nov. 21, 1990 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXX
Commissioner Elliott	
Commissioner Josefiak	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, DECEMBER 4, 1990.

Please notify us who will represent your Division before the Commission on this matter.

9104084515

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3019
Intellicomm of Raleigh, North Carolina and Robert Rodman.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 4, 1990, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 3019:

1. Enter into conciliation with Intellicomm of Raleigh, North Carolina prior to a finding of probable cause to believe.

2. Approve the proposed conciliation agreement and letter as recommended in the General Counsel's report dated November 20, 1990.

Commissioners Aikens, Elliott, McGarry, and Thomas voted affirmatively for the decision; Commissioners Josefiak and McDonald were not present.

Attest:

12-5-90
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 1990

Katherine R. White, Esquire
Everett, Gaskins, Hancock & Stevens
Post Office Box 911
127 West Hargett Street
Raleigh, North Carolina 27602-0911

RE: MUR 3019
Intellicomm of Raleigh, North Carolina

Dear Ms. White:

On June 5, 1990, the Federal Election Commission found reason to believe that Intellicomm of Raleigh, North Carolina violated 2 U.S.C. §§ 433, 434 and 441d(a)(3). At your request, on December 4, 1990, the Commission determined 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 Lawrence D. Parrish, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

OBC1248

EVERETT, GASKINS, HANCOCK & STEVENS

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE BOX 911
THE PROFESSIONAL BUILDING, SUITE 600
127 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27602-0911
TELEPHONE (919) 755-0025
FAX (919) 755-0009

DURHAM, N.C. OFFICE:
P.O. BOX 586
300 FUNS BLDG.,
301 WEST MAIN ST.
DURHAM, NORTH CAROLINA 27702
TELEPHONE (919) 682-5691
FAX (919) 682-8489

R. O. EVERETT (1878-1971)
E. D. GASKINS, JR.
WILLIAM G. HANCOCK
HUGH STEVENS
J. MARK PAYNE
KATHERINE R. WHITE
JEFFREY B. PARSONS
KATHERINE A. O'CONNOR

OF COUNSEL
ROBINSON O. EVERETT
HUGH CANNON

May 20, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 22 PM 3:19

BY FACSIMILE

Lawrence D. Parrish, Esquire
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3019
Intellicomm of Raleigh, North Carolina

Dear Mr. Parrish:

As we discussed by telephone today, this letter is to confirm that Robert Rodman, proprietor of Intellicomm, will sign the conciliation agreement proposed by the FEC so that he may conclude this matter.

Later this week, I will forward to you the executed agreement with the $1,000.00 payment. The required Statement of Organization and Report of Receipts and Disbursements will follow within 30 days of execution of the agreement, as stated in the agreement.

Yours truly,

EVERETT, GASKINS, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

KRW
Enclosure

cc: Robert Rodman

91 MAY 22 AM 11:33

2104084551 8

OGC 1307

EVERETT, GASKINS, HANCOCK & STEVENS

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE BOX 911

THE PROFESSIONAL BUILDING, SUITE 600

127 WEST HARGETT STREET

RALEIGH, NORTH CAROLINA 27602-0911

TELEPHONE (919) 755-0025

FAX (919) 755-0009

R. O. EVERETT (1879-1971)
E. D. GASKINS, JR.
WILLIAM G. HANCOCK
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J. MARK PAYNE
KATHERINE R. WHITE
JEFFREY B. PARSONS
KATHERINE A. O'CONNOR

OF COUNSEL
ROBINSON O. EVERETT
HUGH CANNON

DURHAM, N.C. OFFICE:
P.O. BOX 586
300 FUNK BLDG.,
301 WEST MAIN ST.
DURHAM, NORTH CAROLINA 27702
TELEPHONE (919) 682-5659
FAX (919) 682-5469

May 21, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 28 AM 10:39

Lawrence D. Parrish, Esquire
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3019
Intellicomm of Raleigh, North Carolina

Dear Mr. Parrish:

As indicated by letter dated May 20, Mr. Rodman executed the conciliation agreement which is enclosed, as is his check for $1,000.00.

The required Statement of Organization and Report of Receipts and Disbursements will follow within 30 days of execution of the agreement, as stated in the agreement.

Yours truly,

EVERETT, GASKINS, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

KRW
Enclosure

cc: Robert Rodman

91 MAY 23 AM 11:01

9104034519

OGC 1380

EVERETT, GASKINS, HANCOCK & STEVENS
ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 911
THE PROFESSIONAL BUILDING, SUITE 600
127 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27602-0911
TELEPHONE (919) 755-0025
FAX (919) 755-0009

R. O. EVERETT 1870-1975
E. D. GASKINS, JR.
WILLIAM S. HANCOCK
HUGH STEVENS
J. MARK PAYNE
KATHERINE R. WHITE
JEFFREY B. PARSONS
KATHERINE A. O'CONNOR

OF COUNSEL
ROBINSON O. EVERETT
HUGH CANNON

DURHAM, N.C. OFFICE:
P.O. BOX 586
300 FUNS BLDG.
301 WEST MAIN ST.
DURHAM, NORTH CAROLINA 27702
TELEPHONE (919) 682-5691
FAX (919) 682-5469

May 27, 1991

91 MAY 31 AM 10:48
FEDERAL ELECTION COMMISSION
RECEIVED
MAIL ROOM

Lawrence D. Parrish, Esquire
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3019/Intellicomm of Raleigh, North Carolina

Dear Mr. Parrish:

As we have discussed by telephone, I have had difficulty understanding the Federal Election Commission's position that Robert Rodman, the proprietor of Intellicomm, created a political committee when he established his "900" DUMP HELMS telephone line. Also, as we have discussed, my client does not have the resources to pursue a challenge to the FEC's ruling, and for that reason Mr. Rodman has signed the concilliation agreement and submitted a check for the assessed penalty on May 21, 1991.

91 MAY 31 PM 12:09
FEDERAL ELECTION COMMISSION
RECEIVED
OFFICE OF GENERAL COUNSEL

At the same time, in re-reading FEC regulations, I am puzzled by the apparent conflict between the FEC's ruling against Mr. Rodman and 11 CFR 109.2 (a)(vi). That rule requires an individual, other than a political committee, who makes independent expenditures in excess of $250 a year to file an FEC Form 5. The report must identify "each person who made a contribution in excess of $200 to the person filing such report, which contribution was made for the purpose of furthering the reported independent expenditure."

In my view, Mr. Rodman's activities fall within this section for reporting independent expenditures.

Please tell me why, in the FEC's view, he does not. Please explain as well why -- if there is a reason that the above-referenced section does not say what it says -- Mr. Rodman cannot be credited with "good faith reliance" on the rules pursuant to 2 U.S.C.§438(e).

Thank you for your cooperation in this matter.

Yours truly,

EVERETT, GASKINS, HANCOCK & STEVENS

Katherine R. White

Katherine R. White

KRW

9104084552O

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

91 JUN 10 PM 12:45

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
) MUR 3019
Intellicomm of Raleigh,)
North Carolina)
And Robert Rodman)
)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Robert Rodman of Intellicomm of Raleigh, North Carolina.

The attached agreement contains no changes from the agreement approved by the Commission on April 9, 1991. The $1,000 civil penalty in this matter has been received. (See Attachment 2.)

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Intellicomm of Raleigh, North Carolina.

2. Close the file.

3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

6/7/91
Date

BY: _____
Lois G. Lerner
Associate General Counsel

Attachments
1. Conciliation Agreement
2. Copy of civil penalty check

Staff Assigned: Lawrence D. Parrish

9104084552 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3019
Intellicomm of Raleigh, North Carolina and Robert Rodman.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 12, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3019:

1. Accept the conciliation agreement with Intellicomm of Raleigh, North Carolina, as recommended in the General Counsel's Report dated June 7, 1991.

2. Close the file.

3. Approve the letters, as recommended in the General Counsel's Report dated June 7, 1991.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

6-14-91
Date

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, June 10, 1991 11:45 a.m.
Circulated to the Commission: Monday, June 10, 1991 4:00 p.m.
Deadline for vote: Wednesday, June 12, 1991 4:00 p.m.

dh

9104084552

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William B. Canfield, Esquire
National Republican Senatorial Committee
Ronald Reagan Republican Center
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3019
Intellicomm of Raleigh, North Carolina

Dear Mr. Canfield:

This is in reference to the complaint you filed with the Federal Election Commission on January 11, 1991, concerning the above-mentioned matter.

The Commission found that there was reason to believe Intellicommm of Raleigh, North Carolina violated 2 U.S.C. §§ 433, 434 and 441d(a)(3) provisions of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On June 14, 1991, a conciliation agreement signed by the respondent was accepted by the Commission. Accordingly, the Commission closed the file in this matter on June 14, 1991. A copy of this agreements is enclosed for your information.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

9104084552 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1991

Katherine R. White, Esquire
Everett, Gaskins, Hancock & Stevens
Post Office Box 911
127 West Hargett Street
Raleigh, North Carolina 27602-0911

RE: MUR 3019
Intellicomm of Raleigh, North Carolina

Dear Ms. White:

On June 14, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 433, 434 and 441d(a)(3), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Lawrence D. Parrish, the attorney staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Intellicomm of Raleigh, North Carolina	)	MUR 3019
	)	
	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by William B. Canfield, Legal Counsel for the National Republican Senatorial Committee. The Federal Election Commission ("Commission") found reason to believe that Intellicomm of Raleigh, North Carolina ("Respondent") violated 2 U.S.C. §§ 433, 434 and 441d.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

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

1. Intellicomm is an unincorporated business which operates 976- & 900- series lines, and is a political committee

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within the meaning of 2 U.S.C. § 431(4).

2. The Federal Election Campaign Act of 1971, as amended (the "Act"), defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate. 2 U.S.C. §§ 431(17) and 431(18). Political committees, and individuals making independent expenditures in excess of $250, must report independent expenditures to the Commission. 2 U.S.C. §§ 434(b)(4)(H)(iii), (b)(6)(B)(iii) and 434(c).

3. A person making an independent expenditure for the purpose of financing communications must include in such communication a statement containing the full name of the person who paid for the communication and that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a)(3), and 11 C.F.R. §§ 109.3 and 110.11.

4. The Act states that a political committee is, inter alia, any committee, club, association or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4). Political committees, and individuals making independent expenditures in excess of $250, must report independent expenditures to the Commission. 2 U.S.C. § 434. Independent expenditures count toward the $1,000

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expenditure threshold for becoming a political committee. All political committees must file a statement of organization within ten (10) days after becoming a political committee. 2 U.S.C. § 433.

5. In November of 1989, Intellicomm paid for a television advertisement broadcast on several television stations, including WDCA in Washington, D.C., which invited individuals to call a special 900-series number and join a "Dump Helms movement." The ad specifically identified North Carolina Senator Jesse Helms. The ad concluded with a notice stating that it was paid for by Intellicomm of Raleigh, North Carolina.

6. In January of 1990, a print advertisement appeared in a North Carolina newspaper advertising the same service and containing the same disclaimer notice.

7. Callers who phoned the telephone number indicated in the advertisements heard a five (5) minute tape containing information about the political record of Senator Helms and urging his defeat. The tape asked callers to leave a name and address so they could be contacted later by a representative of the "Dump Helms campaign." Callers were charged $2 a minute for the call. Callers were encouraged to make frequent calls to the 900-series number for the purpose of generating revenue for a "Dump Helms campaign."

8. On February 22, 1990, Mr. Rodman filed a FEC Form 5, dated February 22, 1990, reporting $5,491.31 in independent expenditures made between October 16 and December 31, 1989. On April 3, 1990, Mr. Rodman filed a second

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Form 5, dated March 31, 1990, reporting $7,232.46 in independent expenditures made between January 1, 1990 and March 31, 1990. According to these reports, a total of $12,723.77 had been expended on the "Dump Helms" 900-series number as of March 31, 1990. The "Dump Helms" 900-series ceased operation on April 1, 1990.

9. Intellicomm's advertisement and phone services were made without any authorization, cooperation or consultation with any candidates or political committees.

10. There were fifteen hundred calls placed to the "Dump Helms" 900 number.

V. 1. Intellicomm failed to file a statement of organization or reports with the Commission as a political committee in violation 2 U.S.C. §§ 433 and 434.

2. Intellicomm failed to include a disclaimer that stated that the communication was not authorized by any candidate or candidate's committee in violation of 2 U.S.C. § 441d(a)(3).

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of one thousand dollars ($1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent will file a Statement of Organization as a political committee and shall file reports of its receipts and disbursements for the periods in which it had financial activity pursuant to 2 U.S.C. §§ 433 and 434.

VII. 1. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at

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issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement 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 enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: LG Lerner — 6-18-91
Lois G. Lerner — Date
Associate General Counsel

FOR THE RESPONDENT:

Robert Robinson — 5/21/1991
(Name) — Date
(Position)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3109

DATE FILMED 6/26/91 CAMERA NO. 4

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

THIS IS THE BEGINNING OF MUR # 3109

DATE FILMED 8-2-95 CAMERA NO. 1

CAMERAMAN JMH

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OGC 7389

CHAIRMAN
R. Jack Hawke

THE REPUBLICAN PARTY

North Carolina's Conservative Voice

VICE CHAIRMAN
Elinor Swaim

FINANCE CHAIRMAN
Steve Stroud

SECRETARY
Jan Grube

TREASURER
Carl Ward

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 AUG 13 PM 12:36

MUR 3109

Dear Mrs. Elliott

Enclosed is a complaint that I am sending to you as Chairman of the Federal Elections Commission.

Please consider this complaint as speedily as possable.

Thank you
Jack Hawke

RECEIVED
FEDERAL ELECTION COMMISSION
90 AUG 10 PM 3:11

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1410 Hillsborough Street ★ Post Office Box 12905 ★ Raleigh, North Carolina 27605
919-828-6423 919-828-1839

Political contributions are not tax deductible

August 9, 1990

Mrs. Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Madam Chairman:

This letter constitutes a formal, sworn complaint pursuant to 2 United States Code, section 437(g) and sets forth reasons to believe that a violation of the Federal Election Campaign Act has been committed by the National Abortion Rights League (NARAL) and its affiliates, including the National Abortion Rights Action League-North Carolina Political Action Committee (NARAL-N.C.-PAC) and the NARAL Foundation. This complaint alleges a violation of 2 United States Code, section 431(17) with respect to the "independence" of an " independent expenditure" made by NARAL in North Carolina advocating the defeat of Senator Jesse Helms and the election of Harvey Gantt in the November, 1990 general election. As such, these expenditures should have been reported by NARAL as is required by 2 U.S.C 434(b).

Facts:

On May 15, 1989, a national news publication, "Insight Magazine," reported that NARAL had "launched a pro-choice media

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campaign" in North Carolina and quoted NARAL's political and legislative director, Ms. Nancy Broff, as conceding that the media campaign had a "long view" toward the 1990 Senate race in North Carolina (exhibit 1). During 1989, NARAL and the NARAL Foundation paid for and placed a series of newspaper and television advertisements in North Carolina papers and on TV stations, including an advertisement in the Raleigh (N.C.) News and Observer on April 17, 1989 (exhibit 2). And NARAL plans to begin broadcasting ads on August 12, 1990 using a script attacking Senator Helms (exhibit 2a).

In early 1990, NARAL decided to engage a national public opinion polling company to conduct a poll in North Carolina on the abortion issue and other political questions. Not surprisingly, NARAL selected the firm of Hickman/Maslin Associates, 1427 Jefferson Place, NW, Washington, D.C. 20036, to conduct the poll in North Carolina. Between July 18-19, 1990, Hickman/Maslin Associates conducted a poll of 603 potential voters in North Carolina (exhibit 3). In this survey of 29 questions, fully 21 dealt with the pending Senate election and mentioned either Senator Helms, Mr. Gantt or both. NARAL announced the results of the poll at a press conference in Raleigh, N.C. on July 30, 1990, the press conference being conducted by R. Harrison Hickman, a principal in the firm of Hickman/Maslin Associates (exhibit 4). As reported by the Raleigh News and Observer on July 31, 1990 (exhibit 4), Mr. Hickman's characterization of the polling results focused far

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more on Senator Helms and his campaign for re-election than on the views of North Carolinians on the abortion issue. Mr. Hickman's personal role at the July 30, 1990 press conference was more than happenstance, however, For the central political strategy role played by Mr. Hickman and his firm in the political activities of NARAL, the Democratic National Committee (DNC), the Democratic Senatorial Campaign Committee (DSCC), the North Carolina Democratic Party, the previous North Carolina Senate campaign of Terry Sanford, political polling for former Governor and Senate candidate, Jim Hunt and the current North Carolina Senate campaign of Harvey Gantt give rise to the allegation of violations of 2 United States Code 431(17).

The interrelationship of NARAL media expenditures and the Harvey Gantt campaign, the central objective of both being the defeat of Senator Helms in November, 1990, is evidenced by the role played by Harrison Hickman. For example, the Expenditure Report of the North Carolina Democratic Party, dated July 12, 1990, shows that the North Carolina Democratic Party retained Mr. Hickman and his firm, Hickman/Maslin Associates, in the spring of 1990 to conduct a series of major polls in North Carolina (exhibit 5), the cost of which has thus far reached $16,000.

Simultaneously, Mr. Hickman and his firm, Hickman/Maslin Associates, were providing public opinion polling services for the DSCC, according to the Expenditure Report of the DSCC (exhibit 6),

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and were traveling on behalf of the DNC, according to the Expenditure Report of the DNC (exhibit 7). Both the DNC and the DSCC are simultaneously providing financial and professional assistance to the Harvey Gantt campaign (exhibits 8, 9, and 10).

While providing professional assistance to NARAL, the DSCC and the DNC, Mr. Hickman is simultaneously serving as a political advisor to Senator Terry Sanford, according to a July 31, 1990 Charlotte Observer article (exhibit 11). Previously, Mr. Hickman also served as the pollster for former Governor Jim Hunt, according to press account (exhibit 12). Both Senator Sanford and former governor Hunt have publicly announced support of the candidacy of Harvey Gant and both have, according to a July 15, 1990 Raleigh News and Observer article, engaged in fundraising activities on behalf of the Gantt campaign (exhibit 13).

The Gantt campaign has hired the Washington, D.C. firm of Donilon and Petts to conduct public opinion polling according to press accounts, a principal of this firm, David Petts, was formerly an employee of Harrison Hickman (exhibit 14).

NARAL and its political action committee (NARALPAC) are also closely aligned with both the DNC (exhibit 15) and the North Carolina Democratic Party. In fact, NARALPAC's recent Expenditure Report actually shows that it expended $2,000 in February, 1990 on a poll being conducted by the North Carolina Democratic Party

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(exhibit 16), presumably by Harrison Hickman and Hickman/Maslin Associates. In addition, NARAL's North Carolina affiliate and its leadership, through Mr. David Jones of Chapel Hill, North Carolina (exhibit 17), have joined with other left-oriented groups in North Carolina to form "North Carolina Senate Vote '90," a "statewide coalition... dedicated to the defeat of Senator Jesse Helms in November" (exhibit 18). According to recent press accounts, Mr. Harvey Gantt has already met with the leadership of Senate Vote '90 and has received their endorsement (exhibit 19).

NARAL has also joined with other groups in North Carolina to form the North Carolina Coalition for Choice, according to Ruth A. Ziegler, executive director of NARAL-North Carolina, who was quoted in an April 29, 1990 Raleigh News and Observer article (exhibit 20). The North Carolina Coalition for Choice and its constituents, including NARAL, are directly linked to the Harvey Gantt campaign. The Coalition's letter to North Carolina supporters concerning a rally in Raleigh on April 29, 1990 listed the membership of the Coalition's steering committee which included Ms. Charlotte Brody of Planned Parenthood of Greater Charlotte and Mrs. Roberta Waddle of the North Carolina Organization for Women (exhibit 21). Both Ms. Waddle and Ms. Brody are active participants in the Gantt campaign, with Ms. Brody being listed as a member of the Gantt Exploratory Committee which was announced on December 30, 1989 (exhibit 22).

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Several other NARAL-North Carolina leaders serve in senior advisory positions with the Gantt campaign. For example, Ms. Jane Stein of Chapel Hill, North Carolina, Rev. W. W. Finlator of Raleigh, North Carolina and state representative H. M. Michaux of Durham, North Carolina all served on the Gantt Exploratory Committee (exhibit 23). In fact, Rev. Finlator sponsored a Gantt committee fundraising appeal (exhibit 24), Ms. Stein contributed very substantially to NARAL-North Carolina PAC (exhibit 25) and NARAL-North Carolina PAC has, in turn contributed to the reelection campaign of state representative Michaux (exhibit 26).

Lastly, Harvey Gantt personally addressed the Coalition's April 28, 1990 march in Raleigh (exhibit 27) and the Gantt campaign subsequently received three contributions from NARAL-North Carolina PAC in May, 1990 (exhibit 28).

Most recently, in late July 1990, NARAL mailed a funds solicitation into North Carolina which includes the following:

> "The Brennan resignation focuses the political debate more sharply than ever. For example, Jesse Helms, once invincible, is now vulnerable on the choice issue as he faces re-election in 1990. We must make certain that the voters of North Carolina know both his past record on choice and how he stands on the new Supreme Court nominee. We need funds at once for media to build public awareness

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and bring pressure on the U.S. Senate. We can do nothing less than make the Supreme Court nomination the issue which defines the 1990 Senate races."

The interrelationship between the Harvey Gantt campaign and its senior advisors, NARAL and its North Carolina affiliates and surrogates, the North Carolina Democratic Party, the DNC, the DSCC, and Harrison Hickman (Hickman/Maslin Associates) is clear. The active interrelationship of these entities is important when viewed in light of the "independent expenditure" media campaign being undertaken in North Carolina by NARAL as announced by Ms. Nancy Broff of NARAL last year (exhibit 1). The purchases of print advertising by NARAL to date and present plans by NARAL to purchase television time in North Carolina to oppose the candidacy of Senator Helms are not "independent" of the Gantt campaign and, given the interrelationship between NARAL, Hickman/Maslin Associates, the DSC, The DSCC and the Gantt committee , there has been improper coordination between NARAL and the Gantt committee, regarding the NARAL media advertisements which oppose Senator Helms. Because of the coordination with the Gantt committee, those media expenditures must be considered to be "contributions" to Mr. Gantt.

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Legal Analysis:

The central thrust of the Federal Election Campaign Act (the "Act") is full public disclosure of contributions to candidate committees

which are themselves limited as to amount and source. In addressing the constitutionality of the Act, the United States Supreme Court held, in 1976, that while "contributions" to federal candidates could be limited, the constitution would not tolerate limits being placed upon "independent expenditures", for or against a federal candidate, made by an individual or committee provided that such expenditures were undertaken "totally independently" of the candidate's committee and were not "prearranged or coordinated expenditures" (Buckley vs. Valeo, 424 U.S. at 47).

Following the Buckley vs. Valeo decision, Congress amended the Act so as to provide a definition of an "independent expenditure" (2 U.S.C. 431(17)). In formulating this definition, it appears that Congress intended to enact the Supreme Court's distinction between expenditures which were or were not independent of a candidate's campaign so as to preclude the possibility that "independent expenditures" could be undertaken in cooperation with a candidate's committee with the result that the "contribution" limits applicable to such a committee would be breached. Thus, section 431(17) of the Act defines "independent expenditure" as: "(A)n expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized

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committee or agent of such candidate."

Section 441(a)(a)(7)(B)(i) of the Act also defines a "contribution" to include expenditures made "in cooperation, consultation, or concert, with... a candidate, his authorized political committees, or their agents...." In implementing these provisions, the Federal Election Commission adopted a regulation, found at 11 C.F.R. 109.1(D)(4)(i), which provides that an expenditure by a person will not be deemed independent if there is "(a)ny arrangement, coordination or direction by the candidate or his... agent prior to the publication, distribution, display or broadcast of the communication." Thus, expenditures which have been coordinated with a candidate are subject to the statute's contribution limitations.

The Commission has also adopted regulations at 11 C.F.R. 109.1(b)(4)(i) which provide for a presumption that an "expenditure" has been coordinated with a candidate's committee when that "expenditure" is:

(A) Based on information about the candidate's plans, projects, or need provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been,

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authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent...

Conclusion:

In the factual case presented herein, a presumption must lie against the independence of the NARAL expenditures where NARAL, the DSCC, the DSC and the North Carolina Democratic Party all share a common pollster, whose former associate is now the pollster for the Gantt campaign and where officials of the NARAL affiliate in North Carolina are also publicly identified as senior officials of the Gantt campaign committee.

While the confluence of interests between NARAL and the Gantt campaign and the parallels between officials and consultants to both groups do not necessarily prove an improper level of "cooperation, consultation, or concert," as precluded by 2 U.S.C. (a)(7)(B)(i), the facts and circumstances presented herein do require additional exploration by the Federal Election Commission so as to assure the public that the so-called "independent expenditures" complained of herein are not, in reality, coordinated

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in-kind contributions from NARAL to the Gantt campaign in excess of the Act's contribution limits.

Sincerely,

R. Jack Hawke

R. Jack Hawke
Chairman
North Carolina Republican Party

Sworn to and subscribed before me this 9 day of August, 1990.

Effie S. Pennell
Public Notary

My commission expires: 12-19-92

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Exhibit 1

Moola Is Growing Scarcer for a Conservative Cash Cow

SUMMARY: Raising armfuls of cash for conservative election races used to be a snap for the National Congressional Club. No longer. Has some of the edge worn off the legendary Jesse Helms of North Carolina? Or is the absence of galvanizing issues in next year's Senate race sapping it of a sense of urgency?

By now, the plot should be familiar to the voters of North Carolina.

Faced with the prospect of another arduous fight to retain his seat, Sen. Jesse Helms recently warned his fellow Tar Heels in a fund-raising letter that the other Jesse (the Rev. Jackson) wants to bring thousands of Rainbow Coalition activists into the state on an anti-Helms voter registration crusade. The letter was similar in tone to the rhetoric in Helms's 1984 Senate race, when the outspoken Republican rallied conservative white voters to his side by staging a filibuster against the proposed national holiday for the Rev. Martin Luther King Jr. Race likewise was an issue in Helms's first reelection effort in 1978, when he railed against then-U.N. Ambassador Andrew Young.

As in past years, Helms will be a favorite pincushion of interest groups in the 1990 race. At roughly the same time that the anti-Jackson letter was in circulation, the National Abortion Rights Action League launched a pro-choice media campaign in the senator's home state. Although the effort was timed around the recent pro-choice rally in Washington, NARAL's political and legislative director, Nancy Bryft, concedes that the television, radio and newspaper ads had "a long view" toward the 1990 Senate race. Helms is a leading Senate abortion foe. The league's effort evoked memories of 1984, when another women's rights group, the National Organization for Women, declared Helms public enemy No. 1. More recently, Helms was a target of the Human Rights Campaign Fund, the national political action committee for the gay community. The group called Helms public enemy No. 2 in a fund-raising letter for "undermining the fight against AIDS."

Still, even though the battle lines are being drawn in North Carolina long before 1990, the odds are long that next year's race will approach the 1984 contest either in terms of dollars spent (Helms and former Gov. James B. Hunt Jr. invested a record $33 million) or pure vitriol (both candidates produced attack ads that ran the gamut from God to country to tax increases). Part of this relates to the lack of a strong Democratic candidate. Hunt's name usually surfaces first in talk of an opponent for Helms, but he no longer has the governor's office as a lure for donations, and he already lost once to Helms. Other Democrats mentioned include Raleigh attorney Wade Smith and former Charlotte Mayor Harvey Gantt, but both are seen as lightweights more interested in building a base for 1992, when Democratic Sen. Terry Sanford is expected to retire.

Reagan stumped for Helms (center) against Hunt in $33 million Senate contest.

The other factor in the equation is Helms himself — now 67 years old, with nearly three Senate terms under his belt and the frequent subject of speculation regarding his future in Washington. Senate aides like to joke in private, for instance, that Helms has changed from the cantankerous "Senator No" to the less volatile "Senator No Comment."

The senator who waged something of a one-man war against the appointments of former Secretary of State George P. Shultz was relatively quiet as the Foreign Relations Committee approved Deputy Secretary of State Lawrence Eagleburger, whom Helms initially criticized for ties to a Yugoslav firm thought to have been linked to that nation's intelligence network. Helms is expected to vote against the nomination of Bernard Aronson as assistant secretary of state for inter-American affairs but may not make a public display of his opposition.

"He doesn't think [Secretary James A.] Baker will let the State Department bureaucracy run him like it did Shultz," explains a conservative GOP senator. "I think he believes Baker's instincts are pretty good. Not that he won't disagree when it's necessary — like on the Contra issue — but he doesn't see the State Department out of control the way it was under Shultz."

Analysis of Helms tends to follow one of two paths: that the senator will retire in 1990 to tend to his wife, Dorothy, who has had colon cancer, or that Helms simply is burned out on the contentious style of politics that brought him to national attention in the late 1970s.

Longtime associates of Helms dismiss the talk that he is tired of the job. Conservative activist Paul Weyrich concedes that Helms "is operating a little bit different," but he says it is a necessity caused by the senator's shift in 1986 from chairman of the Agriculture, Nutrition and Forestry Committee to ranking minority member on the Foreign Relations Committee. "He is less up-front than he has been in the past," says Weyrich. "But if you're dealing worldwide

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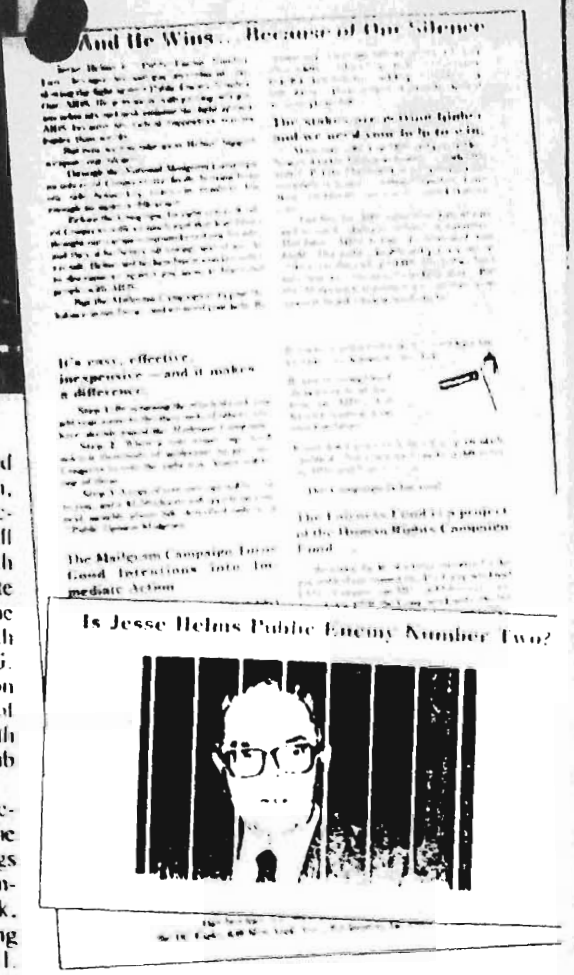

Helms's opposition to AIDS spending drew fire in mailing of gay activist group.

as he now is doing, he cannot be out as the point man on every issue that comes down the pike. In my view of things, I think Jesse Helms has never been more of a power inside the Senate in accomplishing real things."

"He still is what I consider the conservative conscience of the Senate and tries to make sure that the right position is articulated on every issue, whether it can win or not," asserts Republican strategist Charlie Black. "There haven't been too many burning issues in the last couple of years as he used to get into, but he's still there sort of guarding the palace gates."

The "burning issues" argument hits home in North Carolina, where Helms's National Congressional Club experienced the consequences of one of its initial raisons d'etre: putting a conservative in the Oval Office. Set up originally to pay off the debt from Helms's first Senate effort in 1972, the club went national in 1979 and cashed in on the wave of conservatism that swept Ronald Reagan into office the following year. By 1981, the group was the nation's largest political action committee, raising and spending nearly $14 million from 1979 through 1981.

In terms of money, the club has fallen on hard times. Except for 1984, when conservatives had both Helms and Reagan to support, dollars from the right have been fewer and farther between. For the 1983-84 campaign cycle, the club raised approximately $6 million. But in the 1985-86 and 1987-88 cycles, the fund-raising totals fell to about $4 million for each period.

"My guess is that it's not going to be until George Bush is seen as being a liberal or abandons all conservatives or we elect another Jimmy Carter that people will say, 'Oh my God, we've got to do something,'" says club Chairman Tom Ellis. "It's going to take something to shock people in order to get them to start shelling out money so that we can get back on the tube and radio and do more direct mail."

Talk in the late 1970s that direct mail outfits such as the club and the National Conservative Political Action Committee were the wave of the future turned out to be premature, however. The club seemed to reach a high water mark in 1984 when, in addition to the Helms and Reagan successes, it engineered former GOP Rep. Bill Cobey's victory in North Carolina's 4th District, a seat it had coveted since the late 1970s. Nonetheless, in that same year the club endured a serious loss when North Carolinians elected Republican James G. Martin as their new governor. The election of Martin gave the establishment wing of the GOP the upper hand in its battle with the New Right and the Congressional Club over control of the state party apparatus.

Two years later, the club's problems became more evident. First, there was the confrontation between the two GOP wings over who would run that fall against Sanford. The club backed David Funderburk, while Martin and the establishment wing lined up behind former Sen. James H. Broyhill, who was appointed to the seat after the death of group protege John East. Broyhill won the primary but lost the general election. Broyhill did not approach the club after the primary and the club did not offer its support.

The group's other setback was in the 4th District, where Cobey was ousted by Democrat David E. Price. Two years later, Price retained his seat, in part by asking voters if they were tired of negative affairs such as the Helms-Hunt race. "When you ask why don't people like the club, there may be many different reasons for different people," offers Price. "In some cases it's not liking the issue positions that Helms and the club take. But one of the dominant reasons is simply campaign tactics in the sense that the club has led the way in devaluing North Carolina politics."

Carter Wrenn, the club's executive director, believes his group is hurting from the special interest pendulum's swinging the other way. "The liberals are a lot better funded, they're a lot better organized, and their campaign strategies have developed and matured," he explains. "The liberal groups have proliferated, they've mobilized new cores of activists around the feminist movement, the homosexual movement, the unions are more powerful, the Democratic national committees have grown."

For now, the club's most obvious problem is that it is too dependent on its every-six-years dose of Helms to promote its cause. "The key to the club is tied to Jesse," says Thad Beyle, a political scientist at the University of North Carolina at Chapel Hill. "When Jesse is coming up for reelection they will be resuscitated and raise some money. The question this time is how resuscitated and how much money they can raise." GOP strategist Black, who is aiding Helms's quest for a fourth term, says $10 million is a reasonable goal for the race.

The $10 million expenditure may be overkill, even in a state where registered Republicans are outnumbered 5 to 2, if Helms faces no serious challenger. What then is likely to occur is a repeat of 1978, when first-term incumbent Helms gathered a comfortable 55 percent of the vote against Democrat John R. Ingram.

He is "a living legend, and nobody can beat him," says Hoover Adams, a Helms crony and editor and publisher of the Dunn Daily Record. "If I were the strongest Democrat in North Carolina, I'd have a lot of sleepless nights worrying about running against a man with his organization and ability to raise money." That is, of course, if Helms decides to make the race.

Bill Whalen

Exhibit 2

Raleigh News & Observer
4-17-89
Full Page Ad

WHEN WOMEN HAD NO CHOICE . . .
THEY TOOK A TERRIFYING WALK INTO THE BACK ALLEYS OF AMERICA.

The right to choose is in great danger. On April 26, the Supreme Court will hear arguments in a Missouri case, Webster v. Reproductive Health Services.

The Court's ruling on the Webster case could give state politicians the power to determine whether or not women can obtain safe and legal abortions. The Court could give politicians the power to make your most personal decision for you.

The danger is real. The Webster case is the first time the Supreme Court, with its new conservative majority, will consider the question of who decides this most private matter.

President Bush and his Justice Department believe that now is the time to overturn the decision that legalized abortion and now is the time to let judges and politicians determine your ability to obtain a safe and legal abortion.

The Attorney General of the United States formally petitioned the Court to use its decision in this case to end legal abortion. The Attorney General's argument raises this question: who will decide whether or not a woman can have an abortion? You or 7,161 state politicians?

If we lose the right to choose, America will go back to the terrifying days when women risked their lives in back alleys.

You can keep our daughters from using alleys as operating rooms. You can keep the government out of your personal life. You can keep the politicians from taking away your right to decide. Call us at 1-900-988-8888 or clip the coupon and add your voice to the majority of Americans who believe private decisions should be in the hands of the people, not the politicians.

The National Abortion Rights Action League was founded in 1969 to win the right to a safe and legal abortion. NARAL, a non-profit, non-partisan advocacy organization with more than 250,000 members and local affiliates in 31 states, works in conjunction with the NARAL Foundation. It is the only organization dedicated solely to protecting a woman's right to choose whether or not to have an abortion. Contact NARAL now, while you still have the choice.

NARAL

I agree. The decision whether or not to have an abortion is a private one. I do not want politicians determining the most personal choice a woman can make. I support the National Abortion Rights Action League's Campaign to protect my right to choose.

Name _____

Address _____

City _____

State _____ Zip _____

Phone _____

Enclosed is a deductible donation of

□ $15 □ $25 □ $50 □ $100 □ $ more

Please return coupon to:
National Abortion Rights Action League
P.O. Box 226, 2940 Polk Street
San Francisco, CA 94109

DO WE WANT OUR DAUGHTERS TO FOLLOW IN THEIR FOOTSTEPS?

SPEAK OUT on the right to choose on April 26 at 12:00 Noon at the State Legislative Building.

National Abortion Rights Action League, 1101 14th Street, N.W., Suite 500, Washington, DC 20005

Paid for by NARAL and the NARAL Foundation.

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TV ads promote abortion right

Three television commercials advocating a woman's right to a legal abortion are scheduled to begin airing in the Raleigh area on Wednesday, said the sponsoring group, the National Abortion Rights Action League.

The 30-second commercials, to be shown on stations WPTF, WKFT and WLFL in Raleigh, will also air on stations in Sacramento, Calif.; Des Moines, Iowa; and Austin, Texas, the group said. They will begin airing nationally on Sunday.

The league said the commercials have been scheduled to air just before the Supreme Court hears arguments in a Missouri case that many feel could provide the opportunity to reverse the landmark 1973 decision legalizing abortion.

The commercials will also be shown at 10 a.m. Wednesday at the North Carolina Equity Headquarters, 302 Jefferson St., Suite 200, Raleigh. North Carolina directors of the abortion rights group will discuss the state campaign in support of a woman's right to a legal abortion.

The advertising campaign, which also includes radio and print ads, was paid for by individual donations, the group said. It says it has a current membership of 250,000.

4-18-89 NC

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Exhibit 2a

Exhibit 2a

AD #1

Six years ago when Jesse Helms ran for reelection the right to choose was protected by the courts. No more. Jesse Helms now has the power to put his extremist views into law. Ten times he has sponsored a constitutional amendment to outlaw abortion. Even in cases of rape and incest. Jesse Helms wants politicians to decide for you. On November 6, stand up for your right to choose. Vote. Tell Jesse Helms it is the people of NC who will decide.

Paid for by NARAL and NARAL NC.

AD #2

Six years ago Jesse Helms ran for reelection saying he would keep government out of your private life. But ten times he has sponsored a constitutional amendment that would outlaw abortion. Even for victims of Rape or Incest. 10 times even for victims of rape and incest. The fact is Jesse Helms wants the government and politicians to make this personal decision for you. Six Years ago the Supreme Court protected the rights of NC women from politicians like Jesse Helms. Now it's up to you.

Paid for by NARAL and NARAL NC.

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Exhibit 3

[redacted]-Maslin Research 90MMR687
North Carolina / July 1990 FINAL
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Hello, my name is _____ from HMR, a national public opinion research firm. We're conducting a confidential survey in North Carolina about government and politics, and this number was selected at random. We are not selling anything and do not even need to know your name. According to the research procedure, I would like to speak to the (ALTERNATE) (YOUNGEST/OLDEST) (ALTERNATE) (MAN/WOMAN) at this address who is registered to vote.

A. Are you officially registered to vote at this address in North Carolina (IF YES) Are you registered as a Democrat, a Republican, an Independent, or something else?

YES: Democrat	59%
YES: Republican	32
YES: Independent	7
YES: Other	1

B. This November, there will be an election for U.S. Senate between Jesse Helms and Harvey Gantt, elections for U.S. Congress, and other office. How likely is it that you will actually vote in that election--will you definitely vote, probably vote, 50-50 that you will vote or not, or is it unlikely that you will vote?

Definitely	76%
Probably	24

1. Regardless of how you are registered, do you generally think of yourself as a Democrat, an Independent or a Republican?

Strong Democrat	27%
Weak Democrat	10
Independent Democrat	10
Independent	10
Independent Republican	11
Weak Republican	11
Strong Republican	15
(Other)	3
(Don't Know)	3

2. Now I'm going to read you a list of several important issues facing the country. Please tell me which one concerns you personally the most. (PROBE) And which one will be the second most important issue to you?

ROTATE	2a. MOST IMPT	2b. TOT MOST IMPT
o Fighting crime and drugs	27%	46
o Controlling the federal budget deficit	17	34
o Improving public education	15	29
o Protecting the environment	11	25
o Holding down taxes	10	19
o Helping the poor & needy	6	16
o Dealing with the decline in morals	5	13
o The abortion issue	5	10
o (Other)	1	3
o (Don't Know)	1	3

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3. Now I'm going to read you a list of people in public life, and ask you to rate how you feel about them. Please rate each on a ten point scale where one means you have a very unfavorable impression of them and 10 means that you have a very favorable impression. If you haven't heard of someone or don't know enough to rate them, just say so. Here's the first one (READ FIRST NAME) Where would you rate them on a scale of 1 to 10? Remember 1 means a very unfavorable impression and 10 mean a very favorable impression.

ROTATE	MEAN	CAN'T RATE	NEVER HEARD
a. George Bush.....	6.69	2%	-
b. Terry Sanford.....	6.12	10	4
c. Jesse Helms.....	5.52	3	-
d. Jim Martin.....	5.87	6	3
e. Harvey Gantt.....	6.33	16	2

4. Now I'd like to ask you a different question about some of these same people. As I read each name, please tell me whether you think the way he is handling his job is excellent, good, not so good or poor. Here's the first one:

ROTATE	EXCLT	GOOD	[MIXED]	NOT SO GOOD	POOR	DK
a. George Bush as President.....	15	60	5	14	6	-
b. Jim Martin as Governor.....	8	55	5	19	10	3
c. Terry Sanford as U.S. Senator...	9	54	6	14	6	10
d. Jesse Helms as U.S. Senator.....	15	42	5	14	22	2

5. As you look toward the this year's election for U.S. Senate, do you think Jesse Helms definitely should be re-elected, probably should be re-elected, probably should not be re-elected, or definitely should not be re-elected?

Definitely should be re-elected-30%
Probably should be re-elected---21
Probably should not----------14
Definitely should not----------30
(Depends)----------2
(Don't Know)----------3

6. In particular, if the candidates are [ROTATE] Jesse Helms, the Republican, and Harvey Gantt, the Democrat, which one will you vote for, Helms or Gantt? [IF UNDECIDED] Well, which one would you lean toward supporting if the election were held today?

GO TO Q. 7--->Helms----------43%
GO TO Q. 7--->(Lean Helms)----------3
GO TO Q.10--->Gantt----------43
GO TO Q.10--->(Lean Gantt)----------2
GO TO Q.12a-->(Don't Know)----------9

IF CHOOSE HELMS IN Q. 6 (Q6=1 OR 2)

7. Would you say that your vote is more a vote for Helms or a vote against Gantt?

For Helms----------87%
Against Gantt----------9
(Both)----------4
(Don't Know)----------1

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READ Q8. ONLY IF CHOOSE HELMS IN Q. 6 (Q6=1 OR 2)

8. Thinking about your support for Helms, as I read each of the following reasons other people have given for supporting Helms, tell me how it rates in your decision--is it very important, somewhat important, or not important at all. Here's the first one: [READ ITEM] Is that very important, somewhat important, or not important at all in your support for Helms?

ROTATE		VERY	SOME	NOT AT ALL	(DK)
1 a.	Helms' experience in the Senate	80%	18	1	*
4 b.	Helms' conservative approach	63%	31	5	1
c.	Helms' views on foreign policy issues	50%	37	4	8
6 d.	Helms' views on tax issues	62%	29	4	5
3 e.	Helms' views on government spending	67%	25	3	4
f.	The fact that Helms is a Republican	19%	24	56	1
g.	Something Helms or his staff members have done for you personally or someone you know	12%	14	68	6
h.	The fact that George Bush supports Helms	25%	23	51	*
i.	Helms' views on the abortion issue	45%	23	23	8
5 j.	The fact that Helms always stands up for what he believes	87%	10	3	*
k.	Helms' Christian beliefs	56%	22	15	7
l.	The fact that you know more about Helms	47%	31	19	2
m.	Things you don't like about Gantt	16%	24	41	18
n.	Helms' views on AIDS and homosexuality	50%	25	17	7

READ Q9. ONLY IF CHOOSE HELMS IN Q. 6 (Q6=1 OR 2)

9. On the other hand, even though you are supporting Helms, what would you say, are the things you like least about him--that is, in your own words, what are the things he has done or the positions he takes that you disagree with most?

TOTAL	278
Stand on abortion	7%
Too outspoken	5
Don't agree w/his stand on issues	4
View on tobacco industry	3
Stand on Gays	3
Views on foreign policy	2
Too hard-headed/ "Know-it-all"	2
Stand on art issue	2
Views on education	1
Needs--lower taxes	1
He is a Republican	1
Disagree w/campaign tactics	1
Stand on Panama Canal	1
Stand on social issues	1
He is narrow-minded	1%
Doesn't keep his promises/dishonest	1
Views on AIDS	1
Carries things too far/out on limb	1
Racist	1
Views on social security	1
OTHER	3
POSITIVE RESPONSE	10
NO/NONE/NOTHING	16
DK/REFUSED	34
TOTAL HELMS NEGATIVE	41

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READ Q10 ONLY IF CHOOSE GANTT IN Q. 6 (Q.6= 3 OR 4)

10. Would you say that your vote is more a vote for Gantt or a vote against Helms?

For Gantt	59%
Against Helms	30
(Both)	7
(Don't Know)	3

READ Q11 ONLY IF CHOOSE GANTT IN Q. 6 (Q.6= 3 OR 4)

11. Thinking about your support for Gantt, as I read each of the following reasons other people have given for supporting Gantt, tell me how it rates in your decision--is it very important, somewhat important, or not important at all. Here's the first one: [READ ITEM] Is that very important, somewhat important, or not important at all in your support for Gantt?

ROTATE		VERY	SOME	NOT AT ALL	(DK)
a.	Gantt's experience in government	36%	46	15	4
b.	Gantt's progressive approach	59%	32	6	3
c.	Gantt's views on foreign policy issues	28%	40	10	23
d.	Gantt's views on tax issues	54%	37	3	6
e.	Gantt's views on government spending	57%	32	2	9
f.	The fact that Gantt is a Democrat	25%	29	44	2
g.	Gantt's views on the abortion issue	47%	27	15	11
h.	Gantt's personal background	34%	32	26	9
i.	Helms has been in long enough	45%	18	36	2
j.	Things you don't like about Helms' views	64%	22	10	4
k.	The fact that Gantt is black	6%	10	83	2
l.	The fact that Gantt is younger than Helms	11%	20	67	1

13. I'm going to read you some descriptions that apply to political candidates. As I read each one, regardless of which one you support, tell me whether you think it is a better description of Jesse Helms, a better description of Harvey Gantt, describes them both the same, or does not describe either of them at all. Here's the first one. [READ ITEM] Is that a better description of Jesse Helms, a better description of Harvey Gantt, does it describe them both the same, or does it not describe either of them at all?

ROTATE		GANTT	HELMS	BOTH	NEITHER	(DK)
a.	A truly special leader	27%	35	16	14	9
b.	Just another politician	18%	28	16	30	8
c.	Strong and decisive	18%	47	25	3	6
d.	Represents North Carolina's best	34%	41	12	5	8
e.	A leader we can be proud of	36%	35	15	7	7
f.	Able to make tough decisions	23%	42	25	3	7
g.	In line with North Carolina on important issues	31%	38	20	4	8
h.	Gets things done	21%	46	20	4	8
i.	Stands up for what he believes	19%	47	29	1	4
j.	Cares about people like you	39%	32	18	5	6
k.	Offers more effective ways to deal with our most important problems	35%	34	12	8	12

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14. Political candidates have strengths and weaknesses. Regardless of which candidate you currently support, we want to know whether you think Jesse Helms or Harvey Gantt would do a better job at each of the following issues. Here's the first one: [READ ITEM] Would Jesse Helms or Harvey Gantt would do a better job at that?

ROTATE	GANTT	HELMS	(SAME)	(DK)
a. Handling the issue of government funding for the arts	42%	31	8	20
b. Dealing with crime issues	35%	40	16	10
c. Reducing unemployment and creating jobs	43%	31	13	13
d. Protecting the environment	40%	31	15	14
e. Looking out for the middle class	48%	33	10	9
f. Supporting programs that help North Carolina workers	43%	35	13	9
g. Dealing with the abortion issue	37%	37	7	18
h. Proposing good ways to control the federal budget deficit	33%	40	13	14
i. Dealing with drug issues	35%	39	16	10
j. Keeping his campaign promises	34%	37	16	13
k. Cutting waste in government spending	34%	39	13	14
l. Working for a fair tax system	41%	34	13	12
m. Improving the quality of public education	46%	31	13	11
n. Dealing with issues facing America overseas	27%	47	9	16
o. Dealing with issues facing America at home	40%	38	13	8
p. Sending the kind of message you want to send to Washington and the rest of the country	42%	42	8	8
q. Staying independent of special interest groups	39%	37	9	15
r. Getting things done for North Carolina	38%	42	12	8
s. Dealing with the issue of gay or homosexual rights	40%	33	8	20
t. Changing the way things are done in Washington	34%	39	11	15
u. Creating the kind of country people want for their children	40%	38	12	9

15. On the issue of abortion, do you generally favor keeping it legal for women to be able to have abortions when they decide they need to have one, or do you generally oppose keeping it legal for women to be able to have abortions when they choose to have on ?

Generally favor----------58%
Generally oppose---------33
(Don't know)------------- 9

16. Which of the following is closer to your opinion on this issue:

o Government should pass laws that will protect the rights of the unborn and limit the number of needless abortions performed every year----------33%

OR

o Government should stay out of the abortion issue and leave the decision of whether or not to have an abortion up to the woman and her doctor----------59

(Both)---------- 2
(Neither)--------- 1
(Don't know/Depends)------- 4

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17. As you may know, North Carolina currently maintains a limited fund to pay for abortions for women who become pregnant through rape, incest, or if their health is in danger but cannot afford to pay for an abortion themselves. Do you think this fund should be maintained or eliminated?

Maintained----------79%
Eliminated----------17
(Don't know)---------- 4

18. In thinking about Jesse Helms and the election this year, which of the following is closer to your own opinion:

ROTATE
- Jesse Helms represents a commitment to basic American values that this country needs to have represented in Washington--------46%

OR
- Jesse Helms may have serve an important role in the past, but he does not represent the point of view we need for the 1990's--46

- (Don't Know)---------- 8

19. In thinking about Harvey Gantt and the election this year, which of the following is closer to your own opinion:

ROTATE
- Harvey Gantt represents a positive voice for change that needs to be represented in Washington----------52%

OR
- Harvey Gantt represents the liberal Democratic approach that created many of the problems we have in Washington----------32

- (Don't Know)----------16

20. On the issue of federal aid for the arts, which of the following is closest to your opinion:

ROTATE
- The federal government should encourage the arts and should not interfere with the artists' freedom to create or try to define what art is----------43%

OR
- The federal government should not give any money to any artist who produces art that people in government define as as obscene art----------47

- (Don't Know)----------10

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21. Now I'm going to read you a list of positions Jesse Helms has taken. For each one, tell me whether it makes you much more likely to vote for Helms, somewhat more likely to vote for Helms, somewhat less likely to vote for Helms, or much less likely to vote for Helms. [READ ITEM] Does that make you much more likely to vote for Helms, somewhat more likely to vote for Helms, somewhat less likely to vote for Helms, or much less likely to vote for Helms?

ROTATE A-O		---MORE---		---LESS---		
		MUCH	SOME	SOME	MUCH	(DK)
a.	During the 1984 campaign, Helms promised to stay on the Agriculture Committee as the top ranking Republican. After the campaign, he gave up the Agriculture post to be the top ranking Republican on the Foreign Relations committee.....	10%	16	31	29	13
b.	Helms voted for the largest tax increase in American history, including supporting an increase in the tax on tobacco.....	10%	16	30	36	8
c.	Helms favors an amendment to the U.S. Constitution that would say life begins at conception, and would make it illegal for women to have abortions under almost all circumstances.....	14%	9	27	45	6
d.	Helms believes the federal holiday that honors Martin Luther King, Jr., is wrong and too expensive, and should be eliminated.....	25%	15	19	32	9
e.	Helms has voted to cut federal funds for AIDS research since the government should not be spending money on a disease spread by immoral behavior..	14%	12	25	42	7
f.	Helms has consistently voted against increases in Social Security benefits and expanded health care programs for the elderly.....	9%	12	27	47	5
g.	Helms opposes the federal equal rights amendment for women--which he calls another example of government meddling in an area where it shouldn't be involved.....	11%	13	25	42	9
h.	Helms favors passing a constitutional amendment to the Bill of Rights to make it illegal for people to burn the flag as political protest.....	46%	17	12	21	4
i.	Helms opposes giving homosexuals equal rights and protections when it comes to getting a job	20%	19	24	29	9
j.	Helms opposes giving people with AIDS equal rights and protections when it comes to getting a job and not being fired.....	16%	12	30	33	9
k.	Helms favors having the death penalty rather than life in prison with no parole for major drug dealers.....	41%	21	14	18	6

CONTINUED ON NEXT PAGE

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		---MORE--- MUCH	SOME	---LESS--- SOME	MUCH	(DK)
l.	Helms favors allowing Oliver North to have his military pension even though North was convicted of felonies during the Iran-Contra arms scandal.....	26%	24	17	25	8
m.	Helms has voted to cut federal aid to education because he believes the federal government is too involved in public education already.....	13%	13	26	41	6
n.	Helms favors eliminating all federal aid to artists unless they agree not to use the money to create art the government defines as obscene.....	27%	17	20	29	7
o.	Helms has voted against the Clean Air Act and to cut the amount of money the federal government spends to clean up the environment and to reduce the pollution control rules that businesses must follow.....	8%	10	31	45	5

22. Now I'm going to read you a list of things people have said about Harvey Gantt relating to the U.S. Senate campaign. For each one, tell me it makes you personally much more likely to vote for Gantt, somewhat more likely to vote for Gantt, somewhat less likely to vote for Gantt, or much less likely to vote for Gantt in the election against Jesse Helms. Here's the first one. [READ ITEM] Does that make you much more likely to vote for Gantt, somewhat more likely to vote for Gantt, somewhat less likely to vote for Gantt, or much less likely to vote for Gantt?

ROTATE		---MORE--- MUCH	SOME	---LESS--- SOME	MUCH	(DK)
a.	Gantt thinks things are off track in Washington, and that voting for him is a way to send a message that things need to change.....	35%	24	18	14	9
b.	Gantt favors protecting the right of women to decide for themselves whether or not to have an abortion without government restrictions on their rights.....	40%	21	13	19	6
c.	Gantt would be the first black Senator from the Democratic Party or from the South in this century and would send a message to the whole country	26%	19	18	13	24
d.	Gantt thinks Helms spends too much time on problems in foreign countries and not enough on basic issues important to North Carolina like education, health care, and keeping the economy strong.....	38%	26	17	10	9
e.	Gantt thinks Helms' approach may have been okay for the 1950s but that North Carolina needs a different approach for the 1990s.....	34%	21	18	17	10
f.	Gantt thinks Helms spends too much time on issues like homosexual rights and arts funding and not enough time on issues that are important to North Carolina.....	38%	21	18	16	8

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23. Sometimes during a survey like this, people change their minds and sometimes they don't. Having thought about these issues a little more, if the candidates in the U.S. Senate election are [ROTATE] Jesse Helms, the Republican, and Harvey Gantt, the Democrat, which one will you vote for, Helms or Gantt? [IF UNDECIDED] Well, which one would you lean toward supporting if the election were held today?

GO TO Q.24--->Helms	39%
GO TO Q.24--->(Lean Helms)	3
GO TO Q.25--->Gantt	47
GO TO Q.25--->(Lean Gantt)	2
GO TO Q.26--->(Don't Know)	9

IF VOTE HELMS IN Q.23 (Q23=1 OR 2)

24. Even though you support Helms, what would you say that you have heard are the things you like least about him--what are the things he has done or the positions he takes that you disagree with most?

TOTAL 278

Stand on abortion	14%
Lack of funding for education	4
Stand on environment	4
Too much time on foreign policy	3
Don't agree w/his stand on issues	3
Views on Gay rights	2
Stand on art issue	2
Voting against inc. benefits--elderly	2
Too outspoken/comes on too strong	2
Stand on tobacco industry	2
Provide funding for AIDS research	2
Stand on farmers/agriculture	2
Stand on taxes/need lower taxes	1
Too stubborn/should be more flexible	1
He's Republican/Conservative	1
Too radical on issues/morals	1
OTHER	8
POSITIVE RESPONSE	7
NO/NONE/NOTHING	10
DK/REFUSED	18
TOTAL HELMS NEGATIVE	51

IF VOTE GANTT IN Q.23 (Q23=3 OR 4)

25. What would you say that you have heard are the things you like least about Helms--what are the things he has done or the positions he takes that you disagree with most?

TOTAL 274

Views on abortion	20%
Dislike his stand on issues	6
He is racist	6
Involvement in foreign affairs	5
Stand on education	4
Just don't like him	4
Stand on Gays	3
Stand--flag burning	3
Not concerned about the people	3
Stand on taxes	3
Stand on art	3
Not for tobacco industry	2
Been in office too long	2
His stand--medical research & AIDS	2
Too conservative	2
Stand on environment	2
Embarrassment to NC	1
Run by big business & special interest	1
Cares only for himself	1
Against women	1
Old-fashioned/behind the times	1
Against elderly	1
He is too outspoken	*
Interferes with individual rights	*
OTHER	6
NO/NONE/NOTHING	7
DK/REFUSED	7
TOTAL HELMS NEGATIVE	84

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IF UNDECIDED IN Q.23 (Q23=5)

26. Even though you are undecided at this time, what would you say that you have heard are the things you like least about Helms--what are the things he has done or the positions he takes that you disagree with most?

TOTAL	52
Views on abortion	14%
Disagree with his stand on issues	6
Too much time on foreign affairs	4
Stand on environment	4
Stand on education	2
OTHER	9
NO/NONE/NOTHING	-
DK/REFUSED	13
TOTAL HELMS NEGATIVE	39
NOT UNDECIDED	48

27. As you may know, interest groups and individuals often get involved in U.S. Senate elections. As I read through a list of groups and what they may do in North Carolina this year, tell me if that will make you more likely to vote for Gantt, more likely to vote for Helms, or if it will not make any difference in who you will support. Here's the first one. [READ ITEM] Will that make you more likely to vote for Gantt, more likely to vote for Helms, or won't it make any difference in who you support? [IF CHOICE] Does it make you much more or only somewhat more likely to vote for [CHOICE]?

ROTATE	--GANTT-- MUCH	SOME	--HELMS-- SOME	MUCH	NO DIFF	(DK)
a. Civil rights groups helping Harvey Gantt	17%	10	9	9	54	2
b. Major business corporations helping Jesse Helms	15%	14	10	7	51	4
c. Women's rights groups helping Harvey Gantt	18%	16	7	8	48	4
d. Groups that support free expression in art helping Harvey Gantt	16%	12	10	12	47	4
e. Labor unions helping Harvey Gantt	14%	13	11	12	47	3
f. Fundamentalist Christian groups such as Jerry Falwell's Moral Majority helping Jesse Helms	22%	12	9	11	43	3
g. Groups that support abortion rights for women helping Harvey Gantt	19%	15	8	13	42	4
h. Environmental protection groups helping Harvey Gantt	27%	21	4	6	40	3
i. Groups that protect the unborn against abortions helping Jesse Helms	16%	13	9	17	41	4
j. George Bush and national Republican leaders helping Jesse Helms	16%	10	11	13	48	2

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Now I would like to ask you a few questions for statistical purposes only.

100. SEX (OBSERVATION: DO NOT ASK)

Male	49%
Female	51

102. What is your age? (RECORD IN PROPER CATEGORY) (READ CODES IF NECESSARY)

18-24	6%
25-29	7
30-34	11
35-39	13
40-44	13
45-49	13
50-54	9
55-59	7
60-64	6
65+	15
(Refused)	*

104. How long have you lived in North Carolina? (RECORD IN PROPER CATEGORY) (DO NOT READ CODES)

0-5 years	6%
6-10 years	5
11-15 years	3
16-20 years	8
21-30 years	18
31-40 years	20
41-50 years	18
50+ years	23

106. In terms of your job status, are you employed, unemployed but looking for work, retired, a student, or a homemaker?

GO TO Q107----------> Employed	69%
Unemployed	3
Retired	18
Student	3
Homemaker	7
(Other)	*
(DK/REFUSED)	-

(IF EMPLOYED)

107. What is your occupation? (IF NECESSARY) What exactly does that work involve? (WRITE IN) (RECORD IN PROPER CATEGORY UPON COMPLETION OF INTERVIEW)

Professional	18%
WC Managerial	12
WC Clerical	10
Service employee	2
Gov't employee	2
Farmer	1
Unskilled BC	5
Skilled BC	19
Other	-
Don't know	-
Refused	*
NOT EMPLOYED	31

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RESUME ASKING ALL RESPONDENTS
116. What is the last grade you completed in school?

Some grade school (1-8)	4%
Some high school (9-11)	9
Graduated high school	31
Technical/Vocational	4
Some college	23
Graduated college	20
Graduate/Professional	9
(DK/REFUSED)	-

117. Thinking in political terms, would you say that you are liberal, somewhat liberal, moderate, somewhat conservative or conservative?

Liberal	13%
Somewhat liberal	13
Moderate	22
Somewhat conservative	23
Conservative	25
(Don't know)	5

119. And just to make sure we have a representative sample of voters, could you please tell me your race? (IF NECESSARY) Well, most people consider themselves black or white?

Black	19%
White	80
(Other)	2
(DK/REFUSED)	-

120. And finally, may I ask your religious preference -- is it Protestant, Catholic, Jewish or something else? (IF PROTESTANT) What particular denomination is that?

PROTESTANT:	
Baptist	46%
Methodist, Presbyterian, Lutheran, Unitarian, etc	10
Church of Christ, Pentecostal, Church of God, Born Again Christian and other Fundamentalists	5
(Other Protestant)	3
CATHOLIC	4
JEWISH	*
(OTHER)	8
(NONE/DK/REFUSED)	4

122. Finally, for each of the following, tell me whether it is or is not an accurate description of your personal religious beliefs?

		IS	NOT	(DONT KNOW)
a.	Born again	61%	32	8
b.	Fundamentalist	23%	59	18

9504367299 95

124. One last question. To get some idea of people's financial situation, we need to know the general ranges of incomes of all the families and individuals we talk to. I'm going to read you some ranges of incomes and please tell me to stop when I come to the one which represents your total family income, before taxes, for 1989. (READ CATEGORIES)

$0-10,000	5%
$10-15,000	6
$15-20,000	10
$20-25,000	10
$25-30,000	12
$30-35,000	8
$35-50,000	23
$50,000 +	18
(DK/REFUSED)	7

Q171. REGION

Mountains	17%
Charlotte	19
N. Piedmont	10
S. Piedmont	3
Triad	10
Triangle	11
Rest/Raleigh/Durham	4
Northeast	16
Southeast	12

Q172. MEDIA MARKET

Charlotte	25%
Grnsbro/Winston-Salem/ High Point	21
Greenville/New Bern/ Washington	10
Greenville/Spartanburg/ Asheville	10
Norfolk/Portsmouth	2
Raleigh/Durham	27
Wilmington	5

Thank you for taking the time to complete this survey.

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KEY SURVEY FACTS:

LIKELY GENERAL ELECTION VOTERS

SAMPLE SIZE: 603
SELECTED BY RANDOM DIGET DIALING
SAMPLING ERROR: +/- 4.0

INTERVIEWING: JULY 18-19, 1990
INTERVIEWERS: ALL WHITE

SAMPLE COMPOSITION

80% WHITE, 18.5% BLACK, 1.5% OTHER
51% FEMALE, 49% MALE

** TOTAL PAGE.015 **

9 5 0 4 3 6 7 2 9 9 7

NEWS & OBSERVER
RALEIGH, N.C.

JUL 31 90

Exhibit 4

154

Poll shows Senate race tied; most support abortion rights

By FERREL GUILLORY
Staff writer

A new poll of North Carolina voters shows a deadlocked race between Democrat Harvey B. Gantt and Republican Jesse A. Helms for the U.S. Senate.

Commissioned by an abortion-rights organization, the poll sheds some light on the strengths and vulnerabilities of the incumbent Republican senator and his Democratic challenger.

The survey was conducted by Hickman-Maslin Research Inc., a Washington-based firm whose poll-takers questioned a random sample of 603 likely voters on July 18 and 19. The poll's margin of error is plus or minus 4 percent.

"The election today is extremely close," said pollster R. Harrison Hickman, who released the results at a news conference Monday in Raleigh. "I would classify it as a tie."

When those surveyed were asked which candidate they would vote for, 43 percent picked Mr. Helms and 43 percent picked Mr. Gantt, with 14 percent undecided. When the undecided voters were asked which candidate they were leaning toward and those results were included, Mr. Helms had 46 percent and Mr. Gantt had 45 percent.

When only the 461 "most likely" voters — those committed to or leaning toward a candidate — were counted, Mr. Gantt had 48 percent and Mr. Helms 45 percent.

The poll was released in part to bolster the contention of the National Abortion Rights Action League that Mr. Helms' long-standing anti-abortion positions had the potential to shift votes from the Republican senator to Mr. Gantt, who has supported the right of women to choose abortion. NARAL paid about $21,000 to have the poll conducted.

Of all North Carolinians surveyed, 59 percent indicated agreement with the statement that "government should stay out of the abortion issue and leave the decision of whether or to have an abortion up to the woman and her doctor." Thirty-three percent agreed that "government should pass laws that will protect the rights of the unborn and limit the number of needless abortions performed every year."

When only Helms voters were counted, 50 percent agreed with the first statement, 43 percent with the second.

"Helms voters are much more pro-choice than he is," Mr. Hickman said.

He noted that voters ranked several issues — including government spending and the candidates' general philosophy — above abortion. While the abortion issue could help Mr. Gantt attract some voters who are undecided or leaning to Mr. Helms, Mr. Hickman said, "It's also clear that the abortion issue may not emerge on its own."

Ruth A. Ziegler, executive director of NARAL's North Carolina branch, said that her organization would seek to make Mr. Helms' anti-abortion record a matter of discussion in the campaign, but she said NARAL had not decided on the form of its participation. NARAL had not coordinated its activities with the Gantt campaign, she said.

The poll went beyond the abortion issue and tested North Carolinians' reactions to a wide range of attitudes relevant to the Senate race.

For example, it found that Mr. Gantt ranked ahead of Mr. Helms when respondents were asked candidate "would do a better job" on such issues as improving public education, creating jobs and looking out for the middle class.

The poll put Mr. Helms ahead on such issues as dealing with foreign affairs and addressing the federal deficit. It also showed 62 percent were more likely to vote for Mr. Helms because of his support for the death penalty for drug dealers. Mr. Gantt opposes capital punishment.

Moreover, when asked their reasons for supporting Mr. Helms, fully 87 percent of those backing the Republican senator picked the response that he "always stands up for what he believes."

Such a statement is a constant refrain of the Helms campaign, and Mr. Hickman said, "The Helms voters know what they are supposed to say."

Among black voters committed to or leaning toward a candidate, Mr. Gantt, the black former mayor of Charlotte, led Mr. Helms, 86 percent to 10 percent. Among white men, Mr. Helms led Mr. Gantt, 62 percent to 31 percent. Among white women, the margin was narrower, with Mr. Helms at 48 percent and Mr. Gantt at 39 percent.

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Exhibit 5

NC DEMOCRATIC EXECUTIVE COMMITTEE — DATE 7/12/90
REPORT OF EXPENDITURES
COVERING PERIOD FROM 4/01/90 TO 6/30/90 —

DATE	NAME/ADDRESS OF PAYEE	PURPOSE	AMOUNT	TOTAL TO DATE
5/30/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	SALARY-RESEARCH ASSISTANT	246.86	
6/08/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	MEDIA AND SUBSCRIPTIONS	60.00	
6/14/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	MEDIA AND SUBSCRIPTIONS	16.16	
6/14/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	OFFICE SUPPLIES	6.56	
6/14/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	MEDIA AND SUBSCRIPTIONS	26.00	
6/15/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	SALARY-RESEARCH ASSISTANT	460.91	
6/29/90	ZOE BEATTY C/O P.O. BOX 12196 RALEIGH, NC 27605	SALARY-RESEARCH ASSISTANT	389.56	
		TOTAL THIS PAYEE	1206.05	1206.05
5/08/90	HICKMAN/MASLIN 1827 JEFFERSON PLACE, NW WASHINGTON, DC 20036	DLCC-POLL	9600.00	
6/08/90	HICKMAN/MASLIN 1827 JEFFERSON PLACE, NW WASHINGTON, DC 20036	DLCC-POLL	6400.00	
		TOTAL THIS PAYEE	16000.00	16000.00
6/29/90	ROWAN CO BD OF ELECTIONS 402 N. MAIN STREET SALISBURY, N.C. 28144	MEDIA AND SUBSCRIPTIONS	4.00	
		PAGE TOTAL --	17210.05	

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Exhibit 6

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)

Democratic Senatorial Campaign Committee

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code Democratic Senatorial Campaign Comm. 430 South Capitol Street, SE Washington, DC 20003	Information Services Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/12/90	1,300.00 IN-KIND
B. Full Name, Mailing Address and ZIP Code Friends of Jim Nichols 3436 York Drive Woodbury, MN 55125	**SEE ABOVE** Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/12/90	1,300.00 IN-KIND (MEMO ENTRY)
C. Full Name, Mailing Address and ZIP Code Marcia Hale 3900 Watson Place Washington, DC 20016	Travel Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/20/90	172.00 IN-KIND
D. Full Name, Mailing Address and ZIP Code Hickman-Muslin 1827 Jefferson Place, NW Washington, DC 20036	Professional Services Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/21/90	2,000.00 IN-KIND
E. Full Name, Mailing Address and ZIP Code Phil Lader 42 Pine Island Road Hilton Head Island, SC 29928	**SEE ABOVE** Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/20/90 2/21/90	172.00 2,000.00 IN-KIND (MEMO ENTRY)
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			3,472.00
TOTAL This Period (last page this line number only)			3,472.00

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[redacted] -SERVICES CORPORATION

SCHEDULE B ITEMIZED DISBURSEMENTS
OPERATING EXPENDITURES
FOR THE PERIOD
[redacted] TO [redacted]

[redacted]	CHECKS	PURPOSE	DATE	AMOUNT OF DISBURSEMENT
	024614	MEETINGS & RECEPTIONS	[redacted]	20.00
	024152	PROF SERV MAIL SERVICES	4/25/93	144.76
[redacted] FUND FOR CIVIL RIGHT				
CIVIL RIGHTS AWARDS DINNER				
1227 MASSACHUSETTS AVENUE, NW				
WASHINGTON, DC 20036				
	024153	MEETINGS & RECEPTIONS	4/23/93	[illegible]
[redacted]NJAMIN J. LIEBLICH				
600 NORTH OAK STREET				
2710				
[redacted]INGTON, VA 22209				
	024 [illegible]	COMPENSATION AND FEES	4/19/93	1,[illegible]0.00
[redacted] & M COMMUNICATIONS				
1801 PLEGINS DRIVE				
SILVER SPRING, MARYLAND				
20902				
	024[illegible]	PRINTING	4/15/93	349.37
[redacted] MARKETING SYSTEMS, INC.				
6770 GREENWOOD PLACE				
[redacted], MD [redacted]				
	024[illegible]	PROF SERV MAIL SERVICES	4/17/93	330.99
[redacted]-B OFFICE SUPPLY CO.				
51 V STREET, NE				
[redacted]GTON, DC 20018-1502				
	024171	OFFICE SUPPLIES & EXPENSES	4/12/93	546.36
	024177	OFFICE SUPPLIES & EXPENSES	4/11/93	839.65
	024101	OFFICE SUPPLIES & EXPENSES	4/25/93	590.10
[redacted]REPAIR JOINT VENTURE				
[redacted] FORCHEIM & CO., STE 0535				
[redacted] COLIN CAPITOL COURT, SE				
[redacted]INGTON, DC [redacted]				
	024[illegible]	OCCUPANCY COSTS	4/01/93	3,225.00
[redacted]ICKMAN HASLIM				
[redacted] JEFFERSON PLACE, N.W.				
[redacted]SHINGTON, D.C. [redacted]				
	024 [illegible]	TRAVEL	4/23/93	867.00
		SUBTOTAL OF DISBURSEMENTS THIS PAGE		10,199.27

Exhibit 7

Exhibit 8

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1

FOR LINE NUMBER 21

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NAME OF COMMITTEE (In Full)

Democratic Senatorial Campaign Committee

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code Sloane for Senate 835 Jefferson Street, # 105 Louisville, KY 40202	441(a)(h) Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	6/25/90	17,500.00
B. Full Name, Mailing Address and ZIP Code Senate Committee for Twilegar ost Office Box 1697 Boise, ID 83701	441(a)(h) Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	6/25/90	17,200.00
C. Full Name, Mailing Address and ZIP Code Harvey Gantt for U.S. Senate 700 East Stonewall Street, # 655 Charlotte, NC 28202	441(a)(h) Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	6/12/90	17,500.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			52,200.00
TOTAL This Period (last page this line number only)			52,200.00

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Exhibit 9

News & Observer

10-6-90 Gantt

Under the DOME

Gantt will retain Charlotte office

Democratic Senate nominee Harvey B. Gantt is planning to keep his campaign headquarters in Charlotte for the fall election.

Traditionally, campaigns have been headquartered in Raleigh, the state's government, political and media center.

But Susan Jetton, Mr. Gantt's press secretary, said that being based in Charlotte during the Democratic primary was more convenient and had not hurt the campaign.

Charlotte is not only Mr. Gantt's home, but also where most of his key advisers live. The campaign headquarters is housed in a modern office building owned by the law firm in which former state Sen. Melvin Watt, Mr. Gantt's campaign manager, works.

"That's where we are," Ms. Jetton said. "He [Gantt] likes to spend as much time as possible with his family. It is easier to get flights in and out, if we need to get to Asheville or Wilmington."

She said the campaign would open a secondary campaign office in Raleigh, perhaps in state Democratic headquarters.

Promises of help have also been pouring in, according to Ms. Jetton. Among them was one from House Speaker Josephus L. Mav-

See DOME, page 3B

10-9-90

Dome

Continued from page 1B

retic, D-Edgecombe.

He has offered to sponsor a Raleigh fund-raiser for Mr. Gantt while the General Assembly is in session, so that lawmakers, lobbyists and others can contribute to Mr. Gantt's campaign.

"What the speaker would like to do is get everybody together and have the legislature and the party unified for Harvey Gantt," said Bob Geolis, an aide to Mr. Mavretic.

The speaker delivered a letter with the offer to Mr. Gantt while attending a Democratic unity news conference on Wednesday.

Mr. Gantt also received offers of help from the national Democratic Party. Two operatives from the Democratic Senatorial Campaign Committee, Larry Harrington and Marsha Hale, were in Raleigh Wednesday to confer with the Gantt campaign.

The campaign may need a quick infusion of money until it gets its fund-raising mechanism going for the fall election.

Although Mr. Gantt plans to take a few days off to rest, he will hit the campaign trail next week to capitalize on the burst of favorable publicity from his nomination.

When Mr. Gantt arrived Wednesday at his home in Charlotte's Fourth Ward neighborhood, there were a dozen yellow roses on his doorstep.

9504367300 3

Easley Thomas Ingram Exhibit 10

The Region

Sanford's fund-raising offer gets quick response

By Matthew Davis
States News Service

WASHINGTON — North Carolina's Democratic senatorial candidates say they plan to cash in on an offer from Sen. Terry Sanford, D-N.C., to help them raise money for the May primary.

Sanford said he can't play favorites in the battle to see who will challenge Sen. Jesse Helms, R-N.C. Instead, he's offered to appear at a campaign event for each candidate, or supply them with his personal mailing list of potential donors.

"There's a problem getting up money for a primary," Sanford said. "I thought that was the fairest way I could play it . . . I have to do this for everybody or it will appear like an endorsement."

Three candidates — Hendersonville's Bo Thomas, Wilmington's Mike Easley and Charlotte's Harvey Gantt — said they plan to take advantage of Sanford's offer for assistance.

The fourth major contender, John Ingram, an Asheboro native who now lives in Cary and Myrtle Beach, S.C., said he had not yet discussed fund-raising with Sanford, but would "welcome his help in any way."

"It might be easier on him if he held one fund-raiser and let all of us have the money," Ingram said.

Ingram said it also would be helpful for Sanford and former Gov. James B. Hunt to provide candidates with both their in-state and out-of-state mailing lists. He said he met with Hunt Wednesday to discuss the Senate race and Hunt said he would consider releasing his list.

While Ingram said he plans to get the bulk of his financing through contacts in North Carolina, winning the primary and challenging Helms likely will require financing from outside the state.

Thomas' spokesman, Bob McCarson, said Thomas, who owns a produce distributorship in Hendersonville, is using his business contacts to raise money. Thomas has a fund raiser scheduled for later this month in Nogales, Ariz., McCarson said, and plans to hold several more around the country.

"The produce business is a pretty tight fraternity," McCarson said. "These are Bo's friends and they don't want to see Harvey or Mike beat their friend."

Gantt, a member of the Democratic National Committee, plans to work with his contacts in the DNC to raise money in Washington, according to his spokeswoman, Susan Jetton.

Easley will spend most of March canvassing the state in search of financing, possibly including a fund raiser with Sanford in Fayetteville, said his spokesman, Hampton Dellinger. He said Easley has opened a special account to save up money for an April blitz of campaign advertising.

"We're exploring every option," Dellinger said. "March is a critical time to get money in the bank so you can afford to get yourself on TV."

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Activists Say Helms Vulnerable On Abortion Issue

By JIM MORRILL
Staff Writer

Republican Sen. Jesse Helms is vulnerable on the issues of abortion, the environment and racial bias, according to a survey by a Democratic pollster for an abortion rights group.

The poll for the National Abortion Rights Action League could signal an independent campaign against Helms by the group, Ruth Ziegler, N.C. NARAL's executive director, said Monday the group plans to make voters aware of Helms' opposition to abortion.

"What we know we're going to do is take Helms' position on the issues and let the voters know," she said. "Jesse Helms says he wants to run a campaign on the issues. And so do we."

According to the survey by Democratic pollster Harrison Hickman of Washington, an adviser to Sen. Terry Sanford, D-N.C., nearly six of 10 voters favor abortion rights, as do half the supporters of Helms, an outspoken abortion critic.

The survey, criticized by the Helms campaign, differs from an April Charlotte Observer poll.

That survey of 843 voters found opinion evenly split, with 44% describing themselves as "pro-choice" and 43% as "pro-life."

The NARAL poll found that 54% of Helms' supporters would be less likely to vote for him after they were told Helms voted against several environmental bills. It found 59% less likely to vote for him after being told he supports a constitutional amendment outlawing most abortions and another 59% less likely after being told that Helms has opposed health care programs.

In a statement, Helms spokesman Beth Burrus said the NARAL poll was designed to help Gantt. She asked why NARAL didn't "ask if people approve Harvey Gantt's record on taxes as mayor of Charlotte?"

"The NARAL poll, like other negative attacks by extremely liberal, single issue groups, was designed to favor Mr. Gantt," she said.

'Voter Card' Questioned

The envelope bears an eagle that resembles the national seal, and says "Official 1990 National Voter Data Card Enclosed." Inside are a "voter address confirmation card," and instructions to fill it out and return it "immediately."

Smaller print reminds recipients to enclose a $9 "processing check."

The mailing by the National Republican Senatorial Committee is, the letter explains, part of an effort to help the GOP's get-out-the-vote efforts. But critics say it is misleading.

"It's deceptive," said Karen Hobert, a spokesman for Public Citizen's Congress Watch, a Washington-based consumer lobby. "You really do have to scrutinize it carefully to figure out who it's coming from. ... In my opinion, it's meant to be misleading."

The committee did not return phone calls Monday. Postal Service spokesman Paul Griffo said the flyer is legal.

"Although it might appear somewhat deceptive, there really aren't any violations because (recipients) are told what is going to be done with their $9," Griffo said. However, he added, such mailings could end under a bill called the Deceptive Mailing Practices Act of 1990 now before Congress.

The bill would ban what critics call "government look-alike" mailings.

"It really makes it look like a voter registration type thing," Griffo said.

Gantt Goes North

After two weekend appearances in the Piedmont, Democrat Harvey Gantt is campaigning up North.

Gantt, raising money in the Boston area over the weekend and in Chicago on Monday, is expected back later today.

E Phillips 11

Exhibit 12

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Under the dome

Clifton Benson endorses David Price

Clifton L. Benson, a Raleigh developer and major fund-raiser for Democratic candidates, has endorsed David E. Price in the 4th Congressional District race, boosting Price's hopes of tapping Raleigh area businessmen for financial support.

Benson, board chairman of Carolina Builders Inc., has been a leading fund-raiser for former U.S. Rep. Ike F. Andrews and other candidates for several years. Aside from making contributions himself, Benson is regarded as influential in persuading other businessmen to back a candidate.

Price's opponents for the Democratic nomination, however, say they have strong business backing of their own.

Benson is "a valuable person to have raising money, but he's not

See DOME, page 15A

Under the dome

Continued from page 1A

the only one," state Sen. Wilma C. Woodard of Garner told Dome. Sen. Woodard, who plans to formally announce her candidacy on Sept. 11, has enlisted the support of several prominent Raleigh businessmen, including developer Roddy L. Jones and banker Frank Bodenheimer. Sources say former Raleigh mayor G. Smedes York, a developer, has indicated he also will back Sen. Woodard.

Other Democrats who have announced their candidacy for the 4th District seat are W. Woodward "Woody" Webb, who lives in Chapel Hill and practices law in Raleigh, and Kirsten A. Nyrop of Hillsborough, former executive director of the N.C. Technological Development Authority.

Webb, who worked under former Attorney General Rufus L. Edmisten, is backed by some of Edmisten's top supporters, including Raleigh restaurateurs Thad Eure Jr. and Bill Carl.

Ms. Nyrop, 31, is considered a dark horse in the four-way Democratic race.

Some Democrats say they worry that a hard fought Democratic primary will play into the hands of incumbent Rep. William C. Cobey Jr. of Chapel Hill, a Republican who ousted Andrews last November. Cobey, expected to face little or no GOP opposition in the May primary, has scheduled six public meetings throughout Wake County on Aug. 30.

Supporters of Price, a Duke University political science professor and former state Democratic chairman, say they hope Price can win enough early support to discourage his Democratic opponents. They are touting Benson's endorsement as a major coup.

"Mr. Benson is the most influential businessman in the 4th District, and one of the best fund-raisers in North Carolina," said Randolph Cloud, Price's chief campaign organizer.

Benson could not be reached for comment, but his Raleigh office confirmed that he is supporting Price.

Benson's endorsement clearly disappointed some of Price's opponents.

"It surprises me. He hasn't talked with us," said Thomas E. Merkel, Webb's campaign manager. Despite Benson's move, Merkel said, "Woody, we think, will be the business type candidate" in the Democratic primary.

While spreading the word of Benson's backing, Price's campaign also announced Wednesday that U.S. Rep. Stephen L. Neal, a Democrat from Winston-Salem, will come to Raleigh on Price's behalf Tuesday. Neal is scheduled to meet privately with bankers and home builders, urging them to support Price. Neal sits on the House Banking, Finance and Urban Affairs Committee.

The 4th District comprises Wake, Franklin, Orange, Chatham and Randolph counties.

Hunt getting results of Senate race poll

Former Gov. James B. Hunt Jr., who is expected to decide soon whether to run for the U.S. Senate next year, has received the results of an extensive polling of voter sentiment, Democratic Party sources say.

Washington based pollster R. Harrison Hickman, a Wake Forest native, was to meet with Hunt this week to discuss the results and whether Hunt should run for the Senate seat now held by Republican John P. East.

While the results of the polling remain a closely guarded secret in the Hunt camp, one source said the survey generally confirmed a substantial lead by Hunt over East.

The lead was said to be similar to the one indicated this year in survey by The Charlotte Observer. The Observer poll showed Hunt over East by a 51 percent to 38 percent margin. The rest were undecided.

However, the source said the poll also reflected that many of the charges leveled at Hunt by Republican Sen. Jesse A. Helms during their bitter Senate campaign last year have had a lingering impact.

Unlike the newspaper poll, which was based on the more standard random telephone interviews with voters, the latest Hunt poll was based on visits and interviews by polltakers with hundreds of randomly selected voters.

Also, the latest Hunt poll was limited to white voters, who supplied Helms with his winning margin in 1984. Hunt won virtually all of the state's black vote.

One Democrat who had talked to a person who was interviewed by the Hunt pollsters said the survey probed deeply on religious issues. Fundamentalist Christians comprised a voter group that went decidedly in Helms' favor.

Hickman declined to comment this week on the poll or to speculate about Hunt's decision.

Hickman was the pollster for D.M. "Lauch" Faircloth in last year's Democratic primary for governor. Among his firm's other current clients are former U.S. Rep. Geraldine A. Ferraro, who is considering a U.S. Senate bid in New York.

In past campaigns, Hunt has used Washington pollster Peter D. Hart.

Exhibit 13

Jesse A. Helms may use attack politics on Harvey B. Gantt, but some say that could backfire

Gantt, Helms vie for voters

Democrat woos working class while senator turns to TV, Bush

By ROB CHRISTENSEN
Staff writer

STATESVILLE — Harvey B. Gantt, former Charlotte mayor and urbane architect, did not exactly look at home in Clyde Perry's barnyard, even when he shed his jacket and rolled up his sleeves.

But Mr. Gantt found a way last week to connect with the group of farmers, who are angry over their land being considered as a site for a hazardous waste incinerator.

"If my granddaughter is drinking milk from Iredell County that's contaminated . . . that ought to be of real concern," Mr. Gantt said, eliciting hearty applause. "This is not something to play with."

It was a foray by Mr. Gantt into Jesse Helms country, a rural, heavily Republican area. Mr. Gantt must make inroads in such areas if he is to have any chance of defeating the three-term Republican senator in November.

In winning the Democratic nomination in June, Mr. Gantt had strong support among urban voters, blacks and active Democrats. But Mr. Gantt must

See CANDIDATES, page 13A

NO 7-15-90

News & Observer

9504367300 7

Candidates vie for voters

Continued from page 1A

now prove that he can appeal to the broader general election electorate.

"They are certainly aware that they have to broaden their base and go out and appeal to those people whom they haven't had to appeal to before — the white, male, over 50 Eastern North Carolinian," said Samuel H. Poole, the top aide to U.S. Sen. Terry Sanford.

A key part of Mr. Gantt's strategy is to win back some of the state's traditionally Democratic blue-collar workers who have been deserting the party in recent elections. Accordingly, Mr. Gantt is stressing domestic issues that affect "working families": the environment, health care, education, day care and drug abuse.

"We are getting the support of mill workers, we are getting the support of pink-collar workers, we are getting the support of professional women," Mr. Gantt, 47, said in an interview. "I believe they consider the issue of family important, but not as Jesse Helms has tried to articulate it."

Mr. Helms, 68, a former television commentator, is expected to run a TV-oriented campaign, portraying the Senate race as a clear choice between a conservative Republican and a liberal Democrat. Providing a taste of things to come, Mr. Helms recently began running commercials underscoring his support for the death penalty. Mr. Gantt has expressed moral opposition to capital punishment.

"It will be a classic battle between conservatism vs. liberalism," said Wendy M. DeMaucker of the Washington based Republican Senatorial Campaign Committee.

"It is the only Senate race in the country where voters are presented with such a difference in views on the economy, on defense, on the peace dividend, on the flag, on art funding, on abortion, on the death penalty," she said. "The list is quite endless."

race has begun to capture national attention because the battle is one of the best-known conservatives against the nation's first black Democratic Senate nominee.

"There are intangibles in this race that may make it more difficult to call than any race we've had in recent times," said state GOP Chairman R. Jack Hawke Jr.

In the view of some politicians, the fact that Mr. Gantt is black could make him an awkward opponent for Mr. Helms. The senator's usual brand of attack politics could backfire, they calculate, if he is perceived as descending into racial politics.

For instance, some Democratic strategists think that when Republicans use the death penalty issue, it's intended as a racial code. Mr. Gantt said he found it interesting that Mr. Helms' first post primary television commercial featured the death penalty.

While Mr. Gantt's race is likely to be a barrier for some white voters, he is also likely to attract support from whites who would like to see the election of the South's first black U.S. Senator since Reconstruction.

How Mr. Gantt and Mr. Helms handle the abortion issue and matters of special interest to women may emerge as a factor. The Democratic candidate supports abortion rights, while the Republican opposes abortion.

Mr. Gantt said some had questioned the wisdom of his speaking to the National Organization for Women's recent convention in San Francisco. But Mr. Gantt said he was unwilling to shun his early supporters for political expediency.

So far, the contest has been far quieter than the celebrated 1984 race between Mr. Helms and then-Gov. James B. Hunt Jr.

"He goes into this race in much better shape than last time," Mr. Hawke said of Mr. Helms. "He is going into it with an opponent who is less well-known and not as well-financed."

Mr. Gantt faces the task of assembling a campaign war chest and building a political organization. State and national Democratic circles already are uneasy that Mr. Gantt's campaign may be slow in getting off the mark.

Mr. Gantt said he needed to raise between $5 million and $7 million to be competitive with Mr. Helms, who is expected to exceed the $16 million he spent to defeat Mr. Hunt.

Mr. Hunt and Mr. Sanford, the two senior statesmen in the party, are providing help to the Gantt campaign. Mr. Hunt recently mailed a fund raising letter to his past contributors that has brought in $35,000 to $40,000, according to one insider.

As Southern chairman for the Democratic Senatorial Campaign Committee, Mr. Sanford secured a quick infusion of $160,000 to the Gantt campaign, according to Mr. Poole.

Also helping Mr. Gantt is the Council for a Livable World, a national arms-control group, which recently sent out a direct mailing on his behalf. Mr. Gantt has made fund-raising trips to New York, Washington and San Francisco, and more are planned for August.

Mr. Gantt also is trying to expand his organization. In a meeting in Raleigh last month, Mr. Gantt told his county primary leaders, a largely black group, that "we have a big job in front of us to broaden our base."

He has proposed that Democratic county chairmen, most of whom are white, become "co-keys," thereby melding the party organization with his own. Campaign "keys" are designated campaign leaders in a county or region of the state.

The Gantt high command is a racially-mixed group of Charlotteans who have been with the candidate since he ran for city council and mayor.

Although veterans of Charlotte politics, they have limited experience in statewide politics. Former state Sen. Melvin L. Watt, a Yale-educated lawyer who is Mr. Gantt's "next-door-neighbor" and tennis partner, is managing the campaign.

Unlike any major statewide candidate in recent memory, Mr. Gantt has kept his campaign headquarters in Charlotte. The campaign will open a subsidiary headquarters on Tucker Street in Raleigh today.

In contrast, the Helms organization is managed by battle-hardened veterans of the senator's previous campaigns. Mr. Helms' key political advisers are Thomas F. Ellis, a lawyer in Raleigh, and R E. Carter Wrenn, executive director of the National Congressional Club, the senator's Raleigh-based political organization.

Mr. Helms has shown every indication of running his campaign as he has in the past — by remote control.

Since he announced for re-election Jan. 13, Mr. Helms has made just five public campaign appearances in the state. He avoids prolonged questioning from the news media and only occasionally grants short interviews. Mr. Helms and his top campaign officials declined to be interviewed for this story.

As in the past, Mr. Helms is relying largely on television commercials to take his message to the voters. Mr. Helms has not agreed to any debates and has avoided joint appearances.

"He may never come out, and that would disappoint me," Mr. Gantt said. "Maybe we'll have to campaign with an empty chair on the stage to carry the point home. I'm hoping that as he perceives the race is tightening up, that he'll decide that it will make some sense to come home from Washington."

Mr. Helms doesn't have to leave the Senate floor to campaign. He made news last week by offering an amendment that would have let employers bar AIDS infected workers from food handling jobs — and casting the sole vote for it.

Moreover, in the spring, the Helms campaign began running commercials featuring testimonials to the senator from such Republican colleagues as Nancy L. Kassebaum of Kansas and Trent Lott of Mississippi.

Last month, while attending a $1 million fund raiser in Charlotte for Mr. Helms, President Bush tried to present the senator's softer side, comparing him with the fictional TV character "Aunt Bee" of Mayberry.

More recently, Mr. Helms began running two weeks of commercials — estimated to cost $75,000 to $100,000 — featuring Mr. Bush. The commercials, featuring footage from the Helms fund raiser, showed the president praising Mr. Helms for his support for the death penalty.

Mr. Hawke said he thought the Helms campaign would stay with positive commercials unless the Gantt campaign ran commercials attacking the senator. If that happened, the Helms commercials likely would toughen up "and the race will really heat up," Mr. Hawke said.

Although the Republicans are preparing to portray Mr. Gantt as a liberal, the Democrat said he had no plans to shift to the right.

"I don't see a need to change the message," Mr. Gantt said. "My belief with regard to censorship, my belief with regard to the choice question, my belief with regard to the death penalty, those are things I just believe.

"People have to take you where you are. I have a certain belief system that operates for me. Jesse Helms and I are in agreement on that. We ought to stand up for what we believe in."

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Exhibit 14

Under the DOME

Gantt hires firms to do ads, polling

Democratic Senate candidate Harvey B. Gantt has hired the Sawyer/Miller Group, a New York-based consulting firm, to handle its campaign advertising.

The company also produced television commercials for Democratic former Gov. James B. Hunt Jr. during his 1984 challenge of Republican Sen. Jesse A. Helms.

"There is nothing like trial by fire," said Bob Chlopac, who runs Sawyer/Miller's Washington office. "Having gone against Senator Helms once, we are better prepared to go again this time, with a different outcome."

The member of the firm who is expected to handle the Gantt race is Mandy Grunwald, daughter of Henry Grunwald, former editor-in-chief of Time magazine.

Since the Hunt-Helms race, the firm worked on the campaigns of Don Beyer, who was elected lieutenant governor of Virginia last year; Sen. Daniel Patrick Moynihan, D-N.Y., who won re-election in 1988; Louisiana Gov. Charles "Buddy" Roemer in 1986; and Kentucky Gov. Wallace G. Wilkinson in 1986.

The Gantt campaign has hired a pollster, the Washington-based firm of Donilon & Petts Research Inc. The small firm was created last year and handled polling in L. Douglas Wilder's successful cam-

See DOME, page 3B

NO 243-90

Dome

Continued from page 1B

paign for governor of Virginia.

The two principals in the firm are Mike Donilon, who previously worked for Democratic pollster Patrick Caddell, and David Petts, who previously worked for pollster Harrison Hickman.

Key lawyer leaving

The state's top environmental lawyer is about to leave the state Department of Justice and go into private practice.

Daniel C. Oakley, special deputy attorney general in charge of the environmental section, is leaving the department at the end of the month to join a Greensboro law firm. He will specialize in environmental law.

No replacement has been named, but a top aide to Attorney General Lacy H. Thornburg said he hoped to move quickly to fill the slot.

Mr. Oakley has worked in the Justice Department for 15 years, the last seven as head of the environmental section. A native of Mebane, he said he was attracted by the opportunity to practice environmental law in a city closer to his hometown.

The environmental section has grown in the past seven years — from a staff of five attorneys when Mr. Oakley first took charge to a staff of 14 today.

Deputy Attorney General John D. Simmons III said the office may grow even more.

"It's grown more in terms of responsibility than it has in manpower," Mr. Simmons said. "It's an area where I expect we will be seeking more and more help, especially as we try to develop more aggressive environmental enforcement."

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Exhibit 15

Exhibit 16

SCHEDULE B — ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

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	Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A	Senator Hugh Parmer Committee Capitol Station, PO Box 12007 Austin, TX 78711	Contribution to Hugh Parmer Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/2/90	2,500
B	Keep George Brown in Congress PO Box 1421 Riverside, CT 92502	Contribution to George Brown Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/2/90	500
C	N C. Democratic Party PO Box 12196 Raleigh, N.C. 27601	Contribution for poll Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/2/90	2,000
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E	Bacchus for Congress 1121 E. Ridgewood Orlando, Florida 32803	Contribution to Jim Bacchus Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/2/90	2,500
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G	NARAL of Iowa PAC 1201 Grand Ave Des Moines, IA 50265	Iowa Affiliate Grant Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/2/90	100
H	Congressman Sidney R. Yates 230 S. Dearborn #3920 Chicago, IL 60604	Contribution to Sidney Yates Disbursement for ☐ Primary ☐ General ☐ Other (specify)	2/2/90	1,500.00
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EXECUTIVE DIRECTOR
TITLE OF PERSON FILING REPORT

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Ruth A. Ziegler
Signature of Candidate or Treasurer

Subscribed and sworn to (affirmed) before me, this 30 day of April 19 90.

Michelle Rene J. Nelson
Notary Public

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Exhibit 18

NC SENATE VOTE VOTE '90

604 West Chapel Hill Street, Durham, North Carolina 27701
Telephone (919) 682-6374

Julie Cooper
1 or 2 pm?

PRESS CONFERENCE SCHEDULED

DATE: Monday, May 7, 1990 **TIME:** 10:00 a.m.
PLACE: Fayetteville Mall, Main Post Office Building, Downtown Raleigh
PURPOSE: To announce a new statewide coalition, N.C. Senate Vote '90, dedicated to the defeat of Jesse Helms in November.

A news release and contact numbers are enclosed. Please call our Greensboro press office at any time over the weekend at 919-274-3632 if we can be of further assistance, and join us on Monday morning. Thank you.

COALITION ORGANIZES FOR NOVEMBER HELMS DEFEAT

DURHAM, N.C. -- Anybody but Jesse Helms.

That's the message of a new state-wide coalition of arts advocates, peace and justice activists, environmentalists, people of color, gay people and other opponents of the Helms agenda. They say they are committed to spreading the word that Helms does not represent the REAL North Carolina.

N.C. Senate Vote '90 was founded by nationally-recognized AIDS activist Leo Teachout of Wilmington, N.C. and is directed by Mandy Carter of Durham, a peace and human rights activist with almost two decades of experience as a professional organizer for the War Resisters League.

Carter emphasized that the coalition and political action committee are tied to no single candidate or specific political party. "No matter who survives the May 8 primary and any runoff, supporting them will be preferable to continuing into almost a quarter century of Helms in the U.S. Senate," she said.

The board of directors and advisory committee include environmentalist and anti-apartheid activist Monroe Gilmour, Jr. of Asheville; Chapel Hill Town Council member Joe Herzenberg; AIDS Minority Outreach educator Richard Epson-Nelms and Charlotte ACLU board member Don King of Charlotte; author Mab Segrest of Durham; political science professor and film critic Jeremy Byman, women's rights advocate Diedre Washington, history professor Dr. John D'Emelio and Metropolitan Community Church minister Rev. Christine Oscar of Greensboro; Methodist minister Rev. Jimmy Creech of Raleigh; and National Organization for Women local vice-president Martha Wilson of Winston-Salem.

The coalition and political action committee grew out of a statewide planning meeting in Chapel Hill last June. A steering committee of Carter, Herzenberg, Segrest and AIDS activist David Jones of Chapel Hill was appointed to develop a structure for an organization to fight against Helms's ongoing attacks on pro-choice advocates, people of color, gay men and women, artists and other populations.

The group decided during the spring to raise funds for a statewide television, radio and print campaign. Members plan to publicize their belief that "Helms's brand of far-right hate is out of step with North Carolina's progressive tradition," said

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Carter. "His protection of big-business interests flies in the face of the state's growing environmental movement and manufacturing wages that rank at the bottom nationally."

The coalition will hold at least two special events -- a Festival for Freedom in the Arts in Greensboro and a Campaign Countdown March and Rally in Raleigh on Oct. 6 -- to mobilize anti-Helms sentiment and to highlight progressive issues in the race.

Statewide voter registration and get-out-the-vote efforts are key parts of the organization's plans.

N.C. Senate Vote '90's statewide office is at 604 W. Chapel Hill St. in Durham. Local groups are already in place in Asheville, Boone, Durham, and Greensboro. Groups in Chapel Hill, Charlotte, Raleigh and Winston-Salem are planning initial meetings and a coalition in Wilmington is in the formative stages. Students at N.C. State, UNC-Asheville, Warren-Wilson College and Appalachian State are also organizing.

Carter, in what she terms "a leap of faith that Helms's opponents from across the country will help us out," took an unpaid professional leave of absence to work full-time in the anti-Helms effort.

The local meetings are bringing in a wide variety of people as constituencies willing to support an anti-Helms effort come forward.

Teachout, a grandfather recently honored by U.S. Health and Human Resources Secretary Louis Sullivan for his advocacy for children with AIDS, said, "Helms's Senate career has directly contributed to countless deaths of AIDS-affected folk, and has encouraged an atmosphere of violence against all minorities including gay people, black people and the poor." Teachout has spent almost a decade tracking hate crime in the southeastern part of the state.

"We've simply got to vote the man out. He's a menace to all of us," said SAVE: Guilford co-chair Elizabeth Lustig of Greensboro, a businesswoman whose husband, author and Civil War historian William Trotter, and son Joshua are also active in the effort.

"The members of the coalition may not agree with each other on every issue," she said, "but the bottom line is that none of us want Helms to be left in Washington to make decisions on matters of particular interest to us."

The coalition hopes to offset Helms's millions of dollars from out-of-state Congressional Club supporters with financial assistance from his opponents across the country. Carter says that fundraising will be Vote '90's greatest challenge.

"We'll never match Helms dollar-for-dollar, but we can outmatch his people in our own commitment," Carter said. "Defeating Helms is a North Carolina obligation, and we're determined to stop the damage Helms is doing to human dignity and personal freedoms.

"That's in the best interest of all Americans."

FOR MORE INFORMATION, CONTACT:

DURHAM OFFICE: Mandy Carter, Director, 919-682-6847
Asheville Office: Monroe Gilmour, Jr., 704-631-3661
Greensboro Office: Janelle Lavelle, 919-274-3632

ASHEVILLE: Dr. Cynthia Jones 704-252-4037
CHAPEL HILL: Joe Herzenberg, 919-929-4053
CHARLOTTE: Don King, 704-332-2834
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GREENSBORO: Elizabeth Lustig, 919-274-0828
Kevin Drewery, 919-299-6844
RALEIGH: Jim Baxter, 919-829-0181
WILMINGTON: Leo Teachout, 919-675-3845
WINSTON-SALEM: Martha Wilson, 919-727-0915
Ginny Reel, 919-788-6522

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Exhibit 19

NC Senate Vote '90 Endorses Gantt & Candidate Speaks to Charlotte Chapter

By Kathy Hoke

A coalition waging a grassroots fight to unseat U.S. Senator Jesse Helms this month endorsed former Charlotte mayor Harvey B. Gantt for the June 5 Democratic run-off primary.

In a May 12 meeting of N.C. Senate Vote '90, some two dozen activists favored Gantt over Southport District Attorney Michael F. Easley. A few days later, on May 15, Gantt stopped by a Charlotte meeting of the organization to express his appreciation for the endorsement.

"When he entered the room, you could feel the electricity," according to Frank Duckworth, who was among those at the meeting. "Everyone was very glad to see him there."

Duckworth, who is pledge coordinator for the Charlotte committee of Senate Vote '90, said "I was already committed to the campaign to defeat Jesse Helms, whoever won the primary, but when Gantt appeared I said 'Yes, this is the one.' I will do everything in my power to get him elected."

Gantt said he appreciated the opportunity to come by and speak to the people in Charlotte who were in Senate Vote '90. He talked for 4 or 5 minutes, and received a standing ovation when he finished.

"Everybody really feels that Gantt's got a chance to defeat Jesse," Duckworth said. "He's not going to flinch, and he's be able to take anything Jesse throws at him and come back."

Earlier that same day, in speaking to reporters, Gantt needled Helms for his opposition to legislation to make $600 million available to help victims of AIDS.

Helms is "placing the blame for this problem on homosexuals rather than looking at the problem as something we need to resolve," Gantt said (*News and Observer*, 5/16/90). "He votes against it because he's angry that homosexuals exist. It's just another example of how irrelevant he's become."

In the crowded primary slate, Gantt won the most votes — 37 percent — but not enough to avoid the run-off allowed if the leading candidate receives less than 40 percent of the vote.

Easley — who trailed Gantt in the May 8 primary, earning 30 percent of the vote — ignored Gantt's plea to call off his bid for a run-off that Gantt said would divide North Carolina Democrats.

Organizers of Senate Vote '90 say they choose Gantt over Easley for a number of reasons. As a black American, Gantt represents a sharp contrast to Helms, who consistently ignores or lobbies against the interests of people of color. Gantt has campaigned for the interests of minorities and poor people while maintaining a business conservatism.

In addition, many activists said they favored Gantt because he would generate state and national interest in the North Carolina senate race.

Easley, on the other hand, was described as a clone of Jim Hunt, the conservative Democrat and

continued on page 4

9504367301 6

THE FRONT PAGE

MAY 15 to June 4 1990

NC SENATE VOTE '90 ENDORSES GANTT

Continued from page 1

former governor who lost to Helms in 1984 in the ugliest and most expensive Senate race in American history.

A telegenic candidate favored by state party leaders, Easley is the district attorney for Brunswick and Columbus counties who has taken a strong law-and-order stance in the primary. Meanwhile, he has been criticized for his handling of the killing this spring of a black man by a state trooper.

Many observers fear an Easley victory in the runoff would discourage black voters and others who despair of change from voting in November.

Unlike Gantt, Easley has said the race against Helms should stay within North Carolina. Gantt has welcomed national interest in the race, arguing it is essential to counter the millions of dollars Helms will raise from right-wing people all over the country.

The endorsement by N.C. Senate Vote '90 allows the non-connected political action committee (PAC) to give Gantt up to $1,000 for the runoff election. Under federal law, the group may give the winning candidate another $1,000 in the general election.

The post-primary meeting of N.C. Senate Vote '90 drew many new volunteers, including environmental and Central American activists. The coalition was initiated early this year by gay men and lesbians from across the state.

As a non-connected federal PAC, N.C. Senate Vote '90 may raise an unlimited amount of money. The coalition hopes to raise $2 million for a television, print and radio campaign to publicize Helms' 18-year Senate record of hate against North Carolinians. ●

Exhibit 20

Abortion-rights rally attracts up to 3,000

By RACHELE KANIGEL
Staff writer

A river of chanting abortion-rights protesters coursed past the empty Capitol and legislative buildings Saturday to call attention to abortion issues coming before the General Assembly next month.

The "N.C. Stands Up!" march ended in a festive rally at Moore Square, where demonstrators, many wearing abortion-rights T-shirts, caps and buttons, lolled in the hazy sunshine and cheered for abortion-rights politicians, musicians and activists.

Organizers counting the marchers as they walked into the park estimated the size of the crowd at 3,000. Police gave an unofficial crowd estimate of 2,000 to 2,500 people.

"1990 is the year the pro-choice movement has to flex its political muscle, and we're here to say we will," said Ruth A. Ziegler, executive director of the National Abortion Rights Action League of North Carolina. The organization is one of 64 abortion-rights groups making up the North Carolina Coalition for Choice, which sponsored the event.

"I don't know if Earth Day will clean up the air, but this is easy," said Charlotte S. Brody, president of Planned Parenthood of Greater Charlotte. "We just need 50 percent plus one in the [state] House and 50 percent plus one in the Senate to keep abortion legal in North Carolina."

The rally, which attracted abortion-rights activists from as far as Macon County in the west and Elizabeth City in the northeast, coincided with a major gathering in Washington, D.C., of abortion-rights opponents.

"I'm glad they're there so they are not confronting us here," said Louise S. Peters, who participated in the Raleigh demonstration.

Life Advocates, an anti-abortion group based in Asheville, released a statement in response to the Raleigh rally. It said, in part, "It is a shame to North Carolina that some people seem to have aborted their consciences to the extent that they would 'stand up' for the unrestrained killing of unborn children."

But those who participated in the rally saw the issue another way.

"The freedom to control one's body is as fundamental as the freedom of speech and the freedom of religion," said Liane R. Curtis, who dressed up in a flowing white sheet and spiked crown and carried a paper torch to represent the Statue of Liberty.

Activists on both sides of the abortion-rights issue are gearing up for three battles in the General Assembly this spring, Ms. Brody said:

- The state abortion fund, which ran out in December after it was sliced in half last year from $924,500 to $424,000. The fund pays for poor women to have abortions.
- A parental consent bill that would require girls under 18 to get their parents' permission — or approval from a judge — before they could have an abortion.
- A bill modeled after the Missouri abortion law the U.S. Supreme Court upheld last summer. It would mandate that schoolchildren be taught that life begins at conception. It would also prohibit government-funded hospitals and clinics from performing abortions and giving out information about the practice.

People attending the rally said they would be thinking about these issues when they went to the polls May 8.

"Abortion is one of the number-one issues in deciding who I vote for," said Jay R. Sloane of Chapel Hill. "I wouldn't vote for someone who doesn't feel strongly about pro-choice and women's rights."

Mary A. Armstrong of Durham said: "We're here to give a message to politicians. The message is: If you're not pro-choice, you're not going to be in the legislature for long."

ND 4-29-90

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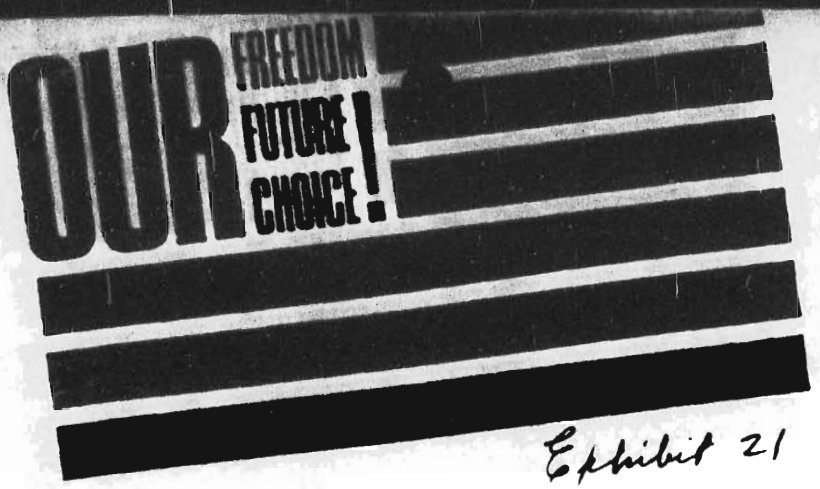

It we are to save th Ba[illegible]s, we must not let the death dealer out do US!

This is the aborters rally

Exhibit 21

N.C. STANDS UP!
Rally in Raleigh
April 28, 1990

N.C. Coalition for Choice
Post Office Box 27572
Raleigh, N.C. 27611
919-755-3796

Dear Friend of Choice,

April 28, 1990 can -- with your help -- be the day that North Carolina stands up for our freedom. Our future. Our choice.

On that day, our organizations are joining together to sponsor a public mobilization in Raleigh. Our goal is simple: to prove beyond any doubt that the majority of North Carolinians do not want the government dictating who may have a safe, legal abortion.

Because you support at least one of the groups we represent, we probably do not need to stress how important this event is.

That's why we -- the co-signers of this letter -- urge you to join us in the most massive reproductive rights rally ever undertaken in this state! We need your help in three critical ways.

- First, please sit down and write us a check for as large a contribution as you can possibly make. We must raise $10,000 in the next two weeks in order to fund this rally. No one organization can do it alone, so we are all contributing organizational resources and staff time. And we've pooled our membership lists in this one-time effort to raise the money we need for this historic event.

  As you consider the size of your donation, please understand that we are requesting a one-time contribution over and above the support you give to individual pro-choice organizations.

- Second, we need volunteers to help with this effort. We need people to operate phone banks, to serve as rally facilitators, to help with publicity, to coordinate transportation.

- Third, of course, we want you to join us in Raleigh on April 28 and to bring your friends, co-workers, and family with you.

You know that the Webster decision means that our freedom, our future, our choices are in jeopardy.

In North Carolina, our General Assembly will begin its short session twenty-two days after this event. When our legislators convene, they could act on three issues that could drastically limit reproductive freedom in our state.

You know about the "Abortion Control Act," and the "Parental Consent Bill," both introduced by Rep. Paul Stam of Wake County. These bills are aimed at the women in our state who have the least political clout and who can least afford to lose their reproductive freedom -- poor women and teenagers.

You know about the State Abortion Fund for our state's poorest women. The Fund was drastically cut last year and ran out of funds after only six months. This session we have the opportunity to restore the Fund to an adequate level. Or to lose it entirely.

And you know that extremists within the anti-choice movement will not rest until they have deprived all of us of our right to make our own decisions about abortion, without government interference. And then they'll go after birth control.

OVER

9504367301 8

This mobilization will send a powerful message to our legislators. And, it will send an important signal throughout the nation: North Carolina, home of Jesse Helms, stands up for choice.

While all our organizations must and will continue to move forward on our own special programs in defense of reproductive freedom and our other issues - whether in public education, litigation, electoral activity, direct service, or legislative activity -- we are determined to use our collective strength to make April 28 a success.

That's why we are taking the unprecedented step of sending this letter to all our members throughout the state -- tens of thousands of pro-choice North Carolinians -- to ask your help to fund this effort and to join with us on April 28.

Only you can help us make April 28 a truly historic day in North Carolina. Please join us by sending your one-time contribution and by standing with us on that day.

Thank you.

Suzanne J. Anderson
National Abortion Rights Action League - NC

Joseph W. Flora
Religious Coalition for Abortion Rights - NC

Jim Shields
North Carolina Civil Liberties Union

Sandra P. Babb
NC Equity

Bett Hargrave
Episcopal Diocese of North Carolina
Commission on Women's Issues

Deborah Steely
Planned Parenthood Public Affairs of NC

Charlotte Brody
Planned Parenthood of Greater Charlotte

Maggie Kessee-Forrester
NC Women's Political Caucus

Mary Thompson
NC Association of Women Attorneys

C. Lynn Calder
Planned Parenthood of Greater Raleigh

Elizabeth Lansing
Humanists of NC

Roberta Waddle
NC National Organization for Women

Janet Colm
Planned Parenthood of Orange County

Marcia Mandel
Progressive Jewish Network

Barbara Walser
Planned Parenthood of the Triad

Anne N. Fischer
South Mountain Women's Health Alliance

Beth Norris
American Association of University Women - NC

Brenda S. Williamson
Women of Color Partnership Project, NC-RCAR

Peggie Rouman
B'nai B'rith Women

P.S. Please send your contribution to the organization that has sent you this letter. We will deduct our mailing costs and send the balance to the N.C. Coalition for Choice to support the April 28 rally.

P.P.S. Please mark your calendar NOW and plan to be in Raleigh on April 28. More details about the mobilization will be coming soon.

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HARVEY GANTT FOR SENATE
EXPLORATORY COMMITTEE

NAME	CITY
Dr. Robert Albright	Charlotte
Ms. Almetto Armstrong	Candor
Ms. Linda Ashendorf	Charlotte
Mr. Don Baker	Charlotte
Mr. Frank Ballance	Warrenton
Ms. Mary D. G. Barker	Charlotte
Rep. Howard Barnhill	Charlotte
Rev. George Battle	Charlotte
Mr. Phil Bazemore	Monroe
Dr. Patricia Beaver	Zionville
Mr. John M. Belk	Charlotte
Rep. Dan Blue	Raleigh
Ms. Elizabeth Anne Bolin	Stanley
Mr. Erskine Bowles	Charlotte
Dr. Louise Brennan	Charlotte
* Ms. Charlotte Brody	Charlotte
Mr. Clark S. Brown	Winston-Salem
Ms. Gloria Woods Byrd	Hickory
Mr. George Carr	Greensboro
Mr. W. Donald Carroll, Jr.	Charlotte
Ms. Eva Clayton	Littleton
Ms. Josephine Clement	Durham
Mr. Dan Clodfelter	Charlotte
Ms. Wanda Coleman	Asheville
Ms. Dottie Coplon	Charlotte
Ms. Doris Cromartie	Charlotte
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Ms. Lenore Jones Deutch	Charlotte
Mr. Charles Duncan	Charlotte
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Rep. Milton Fitch	Wilson
Rep. Jo Graham Foster	Charlotte
Ms. Laura Frech	Charlotte
Ms. Shirley Frye	Greensboro
Mr. Clarence Gaines	Winston-Salem
Ms. Cindy Gantt	Charlotte
Rep. Herman Gist	Greensboro

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(7)

HARVEY GANTT FOR SENATE
EXPLORATORY COMMITTEE

NAME	CITY
Dr. Robert Albright	Charlotte
Ms. Almetto Armstrong	Candor
Ms. Linda Ashendorf	Charlotte
Mr. Don Baker	Charlotte
Mr. Frank Ballance	Warrenton
Ms. Mary D. G. Barker	Charlotte
Rep. Howard Barnhill	Charlotte
Rev. George Battle	Charlotte
Mr. Phil Bazemore	Monroe
Dr. Patricia Beaver	Zionville
Mr. John M. Belk	Charlotte
Rep. Dan Blue	Raleigh
Ms. Elizabeth Anne Bolin	Stanley
Mr. Erskine Bowles	Charlotte
Dr. Louise Brennan	Charlotte
* Ms. Charlotte Brody	Charlotte
Mr. Clark S. Brown	Winston-Salem
Ms. Gloria Woods Byrd	Hickory
Mr. George Carr	Greensboro
Mr. W. Donald Carroll, Jr.	Charlotte
Ms. Eva Clayton	Littleton
Ms. Josephine Clement	Durham
Mr. Dan Clodfelter	Charlotte
Ms. Wanda Coleman	Asheville
Ms. Dottie Coplon	Charlotte
Ms. Doris Cromartie	Charlotte
Ms. Kathleen Crosby	Charlotte
Ms. Gwen Cunningham	Charlotte
Rep. W. Pete Cunningham	Charlotte
Mr. W. R. Cuthbertson	Charlotte
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Mr. Charles Duncan	Charlotte
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Mr. Bob Ervin	Morganton
* Rev. W. W. Finlator	Raleigh
Rep. Milton Fitch	Wilson
Rep. Jo Graham Foster	Charlotte
Ms. Laura Frech	Charlotte
Ms. Shirley Frye	Greensboro
Mr. Clarence Gaines	Winston-Salem
Ms. Cindy Gantt	Charlotte
Rep. Herman Gist	Greensboro

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(7)

Gantt Steering Committee

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Mr. Arthur Goodman, Jr.	Charlotte
Dr. James P. Green	Henderson
Ms. Susan Green	Charlotte
Mr. Wib Gulley	Durham
Ms. Ann Hammond	Charlotte
Ms. Betty Jo Hamrick	Charlotte
Ms. Elizabeth Hargrave	Lexington
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Mr. Cameron M. Harris	Charlotte
Mr. Parks Helms	Charlotte
Mr. Lecil Henderson	Charlotte
Rev. Robert Holloman	Ahoskie
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*Ms. Sarah Jordan	Mt. Gilead
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Mr. Ron Leeper	Charlotte
Ms. Judy Leonard	Charlotte
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Rev. Eugene Owens	Charlotte
Mr. Will Parker	Greensboro
Ms. Cyndee Patterson	Charlotte
Mr. Jim Patterson	Charlotte
Mr. Kevin Patterson	Charlotte
Mr. Richard Penegar	Gastonia
Jud Donald Ramseur	Gastonia
Dr. Elizabeth S. Randolph	Charlotte
Ms. Betty C. Rash	Charlotte
Sen. James F. Richardson	Charlotte
Mr. Al Rousso	Charlotte

9504367302 2

(4)

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Ms. Ella Scarborough	Charlotte
Ms. Johnsie Setzer	Claremont
Ms. Susan Shackleford	Charlotte
Mr. George Shinn	Charlotte
Dr. George Simpkins	Greensboro
Ms. Fay Skidmore	Charlotte
Mr. Ken Spaulding	Durham
Mr. John Stedman	Charlotte
Ms. Jane Stein	Chapel Hill
Ms. Marjorie Storch	Charlotte
Ms. Mildred Taylor	Charlotte
*Mr. Melvin Watt	Charlotte
Ms. Camilla B. Weaver	Charlotte
Mr. E. V. Wilkins	Roper
Ms. Tawana Wilson-Allen	Charlotte
Ms. Leslie Winner	Charlotte
Mr. Larry Womble	Winston-Salem
Rev. William Wood	Charlotte

*Co-Chairs

9504367302 3

Exhibit 24

Greetings!

Over the years I have been involved in many worthwhile projects and have given of my time to support causes and candidates who have drawn us forward to be a better people than we already are. My 26 years as pastor of Raleigh's Pullen Memorial Baptist Church gave me many opportunities to come in contact with political figures who stand out above the rest.

Yet this year a candidate has emerged who not only represents a new era in North Carolina politics but whose leadership skills and style are a rarity in any generation. That person is Harvey Gantt.

Harvey, who is a candidate for the United States Senate, truly cares about people. A native of Charleston, South Carolina, and a graduate of Clemson University, he has spent two decades as an architect and founding partner of a firm in Charlotte.

Serving Charlotte city government for eleven years, twice as mayor after two terms on city council, Harvey Gantt gained wide respect for his ability to combine practical problem-solving skills with creative leadership.

Recent polls show that Jesse Helms' support is slipping. The Mason Dixon Poll reports that if the general election were held today the vote would be Helms 47% and Harvey Gantt 43%. Just 4 points difference!

I could spend several pages listing Harvey's accomplishments as mayor of our state's largest city, but these are well known. I believe it is most important that we realize that Harvey can win the Democratic Party nomination. The enclosed poll memorandum supports this.

Now more than ever we need a Senator from North Carolina who is ready and able to meet the challenges of this changed world. We need a Senator who can articulate our commitment to that basic quest for freedom. Harvey Gantt will be that kind of Senator.

To be your Senator, Harvey Gantt needs your support. That's why I am asking you to put down this letter and write a check for $50, $100, or $1,000 (the maximum allowed by law). The cost of running an effective campaign in today's media market is expensive. Harvey needs your help so he can take his positive message to the voters for the primary on May 8th and for the general election in November.

I am confident that Harvey Gantt can win, and I am proud to support his candidacy for U.S. Senate.

Please, won't you help today?

Sincerely,

W. W. Finlator

W.W. Finlator
Pastor Emeritus, Pullen Memorial Baptist Church
Raleigh, North Carolina

9504367302 4

MEMORANDUM

FROM: DONILON & PETTS RESEARCH
RE: LATEST POLL RESULTS
DATE: APRIL 16, 1990

The latest poll results in North Carolina point to two critical findings:

(1) Harvey Gantt is the front-runner in the Democratic Primary for Senate;

(2) Jesse Helms is vulnerable and can be defeated.

The latest poll conducted for the Charlotte Observer shows that Harvey Gantt is leading the Democratic Primary field among those voters most likely to vote in the Primary. Among the most likely voters, Gantt is winning 29% of the vote, John Ingram is at 26%, Mike Easley has 11%, and Bob Thomas has 9%. The fact that Gantt leads among likely voters is especially important because turnout is likely to be low. Moreover, careful analysis reveals that Gantt's growth potential far exceeds any of his Primary opponents because as the campaign approaches Primary day, Gantt will almost certainly increase his support among black voters to 90% (he is receiving about a third today).

A Mason-Dixon poll conducted in February makes it clear that Jesse Helms can be beaten. In a match-up against Harvey Gantt, Helms leads Gantt by a slim margin of 47% to 43%. Against, Gantt, Helms' vote is under 50%, a sure sign that the incumbent is in trouble. Moreover, Helms' vote is actually inflated in the polls because he is benefitting from higher support from several groups in the polls than he will receive on election day. Most notably, Helms is receiving 15% of the black vote in the polls.

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Harvey Gantt for Senate
c/o W.W. Finlator
700 East Stonewall St., Suite 655
Charlotte, NC 28202

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CAMPAIGN REPORT TRANSMITTAL

NATIONAL ABORTION RIGHTS [redacted]TION LEAGUE OF NORTH C[redacted]OLINA - PAC
FULL NAME OF COMMITTEE [redacted]nt in ink or type

Exhibit 25

RUTH ZIEGLER
NAME OF PERSON FILING REPORT

EXECUTIVE DIRECTOR
TITLE OF PERSON FILING REPORT

☐ Check box if address or treasurer has changed since last report.

316 S. GREGSON ST. SUITE 1
MAILING ADDRESS

DURHAM, NC 27701
CITY, STATE AND ZIP

OFFICE & DISTRICT (CANDIDATE ONLY)

RECEIVED MAY 1990 STATE BD. ELECTIONS Campaign Reporting Office Pm 4-30-90

TYPE OF REPORT

Report is being filed by ☐ Candidate Committee ☒ PAC ☐ Party Committee

☐ Report #1 (Organization)
☒ Report #2 (Preprimary)
☐ Report #3A (Postprimary-First)
☐ Report #3B (Postprimary-Second)
☐ Report #4 (PreElection)
☐ Annual Report (19_____)
☐ Final (All Funds Disbursed)
☐ Other _____ specify

THIS REPORT COVERS THE PERIOD FROM 1 JAN 1990 TO 21 APRIL 1990

10 pages of Contributions Totaling $ 11,180.44

ϕ pages of Loan Proceeds Totaling $ ϕ

ϕ pages of Loan Repayments Totaling $ ϕ

2 pages of Expenditures Totaling $ 6697.58

CERTIFICATION OF NO RECEIPTS OR EXPENDITURES

☐ I certify that no contributions or loan proceeds were received and no expenditures were made during the period from _____ through _____.

VERIFICATION BY OATH OR AFFIRMATION

State of North Carolina
County Durham

I, RUTH A. ZIEGLER, being duly sworn, depose (affirm) and say that this report is complete, true and correct.

Ruth A. Ziegler
Signature of Candidate or Treasurer

Subscribed and sworn to (affirmed) before me, this 30 day of April 19 90.

Michelle Hines Dixon
Notary Public

SEAL

My commission expires 3/27/95.

STATE BOARD FORM T (MAY BE COPIED)

9504336730027

	NAME OF CONTRIBUTOR AND COMPLETE MAILING ADDRESS		CONTRIBUTION	
1/8/90			25 -	
1/25/90			15 -	
			25 -	
			50 -	
			2 -	
	Jane Stein	222 Vance St. Chapel Hill, NC 27516	1000 -	1000 -
	Peggy Dorfman	402 Ray Rd. Chapel Hill NC 27516	100 -	
			50 -	
			25 -	
			30 -	
			5 -	
2/9/90			10 -	
			50 -	
	Marguerite Kildea	1323 Queens Rd. Charlotte, NC 28207	100 -	100 -
1/8/90			25 -	
			25 -	
			25 -	
	Anne S Corlett	701 Arbor Dr. Winston-Salem 27104	100 -	
	Nancy Cotten	1853 Whitecross Dr. Winston-Salem NC 27104	100 -	
	Suzanne Ark	830 Arbor Rd Winston-Salem, NC 27104	100 -	
	Deborah Isbister	317 Beechcliff Ct. Winston Salem 27104	100 -	
	Carolyn Fence	672 Hertford Rd. Winston-Salem, NC 27104	100 -	
	Merle Weygandt	4132 Allistair Rd. Winston-Salem, NC 27104	100 -	
			50 -	
			50 -	

Complete only if previous contributions this contributor

TOTAL THIS PAGE 2262.00

STATE BOARD FORM C
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Exhibit 26

NARAL - NC PAC REPORT OF EXPENDITURES

Page E — 2 Jan 1 April 21

DATE Mth/Day/Yr	NAME OF PAYEE AND COMPLETE MAILING ADDRESS		PURPOSE FOR WHICH PAYMENT WAS MADE	AMOUNT OF PAYMENT	YEAR TO DATE * THIS PAYEE
4/9/90	Robert Lewis	6711-B Irongate Dr. Fayetteville, NC 28306	campaign contribution	$100.00	$
4/9/90	H.M. Michaux, Jr.	1722 Alfred St. Durham, NC 27713	campaign contribution	100.00	
4/9/90	George Miller, Jr.	3826 Somerset Dr. Durham, NC 27707	campaign contribution	100.00	
4/9/90	Paul Luebke	1311 Alabama Ave. Durham, NC 27705	campaign contribution	200.00	
4/9/90	Bertha Holt	P.O. Box 1111 Burlington, NC 27216	campaign contribution	400.00	
4/9/90	Maggie Jeffus	1803 Rolling Road Greensboro, NC 27403	campaign contribution	250.00	
4/9/90	Maura Fallon	P.O. Box 10616 Greensboro, NC 27404	campaign contribution	250.00	
4/9/90	Frank Rhodes	4701 Whitehaven Rd. Winston-Salem NC 27106	campaign contribution	150.00	
4/9/90	Marie Colton	392 Charlotte St. Asheville, NC 28801	campaign contribution	150.00	
4/9/90	Ruth Easterling	811 Bromley Road Apt 1 Charlotte, NC 28207	campaign contribution	200.00	
4/9/90	Brad Miller	3211 Coleridge Rd. Raleigh, NC 27609	campaign contribution	200.00	
4/9/90	Betty Wiser	404 Dixie Trail Raleigh, NC 27607	campaign contribution	100.00	
4/9/90	William Draper	2905 Hiking Trail Raleigh, NC 27615	campaign contribution	100.00	
4/12/90	NARAL-NC	316 S. Gregson St. Suite 1 Durham, NC 27701	payroll tax Reimbursement	53.72	
4/16/90	Mary Jamis		Fundraising supplies	17.50	
4/16/90	Ameri Speedy Printing	1304 Patton Ave. Asheville, NC 28806	Printing costs	85.94	
4/20/90	U.S. Post Office		MAILING costs	36.96	

* Complete only if previous payments to payee have been made.

TOTAL THIS PAGE $2494.12

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950436 / 30029

Exhibit 27

Abortion Rights Supporters Hold Rally At State Capitol

By EMERY JEFFREYS
United Press International

RALEIGH — Supporters of abortion rights — more than 5,000 strong — chanted to the cadence of drummers as they marched around the state Capitol Saturday.

"What do we want — choice. When do we want it — now," they chanted, their cries resounding off buildings along the one-mile parade route that concluded with an afternoon rally.

"Hey, hey Jesse Helms has got to go," shouted another group of marchers as they passed the domed Capitol building. They were referring to Sen. Jesse Helms, R-N.C., and his anti-abortion stance.

With the North Carolina's U.S. Senate primary just 10 days away, the march and rally almost seemed to be an anti-Helms rally.

Dozens of marchers carried placards touting the candidacy of former Charlotte mayor Harvey B. Gantt, the only black among four Democrats seeking the nomination. Dozens more wore Gantt stickers.

The National Organization of Women, timed to coincide with the event, announced their endorsement of Gantt, for the Democratic nomination to the Senate.

Gantt got the endorsement because he is "strongly supportive of and has a proven track record" on issues of concern to women," said Molly Yard, NOW national political action committee chairwoman.

"This is especially important to me as the father of three daughters. I want my daughters to live in the world that is not only color blind but is free of gender restrictions as well," Gantt said. "I want to see an end to the kinds of policies that force more and more women into poverty."

"A lot of people hold him (Helms) up as a champion," Gantt said. "The fact is Jesse Helms is speaking only for Jesse Helms."

Earlier this month, the North Carolina Chapter of the National Abortion Rights Action League refused to endorse any candidate in the race. The group said the views of the Democratic candidates were too similar to make an endorsement.

While Gantt was the only candidate to speak during the rally, three challengers for his party's nomination pressed those attending for their support.

Former state Insurance Commissioner John Ingram, the self-proclaimed front-running Democratic, walked along in the march.

"I've been participating in freedom of choice since 1971," Ingram said. "That's before Roe vs. Wade. I'm no johnny-come-lately to freedom of choice."

DDR 4-30-90

950436730

Abortion-rights rally attracts up to 3,000

NO 4-29-90

By RACHELE KANIGEL
Staff Writer

A river of chanting abortion-rights protesters coursed past the empty Capitol and legislative buildings Saturday to call attention to abortion issues coming before the General Assembly next month.

The "N.C. Stands Up!" march ended in a festive rally at Moore Square, where demonstrators, many wearing abortion-rights T-shirts, caps and buttons, lolled in the hazy sunshine and cheered for abortion-rights politicians, musicians and activists.

Organizers counting the marchers as they walked into the park estimated the size of the crowd at 3,000. Police gave an unofficial crowd estimate of 2,000 to 2,500 people.

"1990 is the year the pro-choice movement has to flex its political muscle, and we're here to say we will," said Ruth A. Ziegler, executive director of the National Abortion Rights Action League of North Carolina. The organization is one of 64 abortion-rights groups making up the North Carolina Coalition for Choice, which sponsored the event.

"I don't know if Earth Day will clean up the air, but this is easy," said Charlotte S. Brody, president of Planned Parenthood of Greater Charlotte. "We just need 50 percent plus one in the [state] House and 50 percent plus one in the Senate to keep abortion legal in North Carolina."

The rally, which attracted abortion-rights activists from as far as Macon County in the west and Elizabeth City in the northeast, coincided with a major gathering in Washington, D.C., of abortion-rights opponents.

"I'm glad they're there so they are not confronting us here," said Louise S. Peters, who participated in the Raleigh demonstration.

Life Advocates, an anti-abortion group based in Asheville, released a statement in response to the Raleigh rally. It said, in part, "It is a shame to North Carolina that some people seem to have aborted their consciences to the extent that they would 'stand up' for the unrestrained killing of unborn children."

But those who participated in the rally saw the issue another way.

"The freedom to control one's body is as fundamental as the freedom of speech and the freedom of religion," said Liane R. Curtis, who dressed up in a flowing white sheet and spiked crown and carried a paper torch to represent the Statue of Liberty.

Activists on both sides of the abortion-rights issue are gearing up for three battles in the General Assembly this spring, Ms. Brody said:

- The state abortion fund, which ran out in December after it was sliced in half last year from $924,500 to $424,000. The fund pays for poor women to have abortions.
- A parental consent bill that would require girls under 18 to get their parents' permission — or approval from a judge — before they could have an abortion.
- A bill modeled after the Missouri abortion law the U.S. Supreme Court upheld last summer. It would mandate that schoolchildren be taught that life begins at conception. It would also prohibit government-funded hospitals and clinics from performing abortions and giving out information about the practice.

People attending the rally said they would be thinking about these issues when they went to the polls May 8.

"Abortion is one of the number-one issues in deciding who I vote for," said Jay R. Sloane of Chapel Hill. "I wouldn't vote for someone who doesn't feel strongly about pro-choice and women's rights."

Mary A. Armstrong of Durham said: "We're here to give a message to politicians. The message is: If you're not pro-choice, you're not going to be in the legislature for long."

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Exhibit 28

SCHEDULE A — ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 2 OF 2

FOR LINE NUMBER 11C

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NAME OF COMMITTEE (In Full)

HARVEY GANTT FOR SENATE CAMPAIGN COMMITTEE C00242156

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Mid-Manhatten PAC c/o Jean Lindenbaum 805 Third Ave. 26th. Fl. New York, NY 10022		5/8/90	500.00
Receipt For: ☐ Primary ☐ General ☒ Other (specify): Runoff	Aggregate Year-to-Date > $	500.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
NARAL-NC PAC c/o Ruth Z. Ziegler P.O. Box 17057 Durham, NC 27705		5/8/90 5/8/90	100.00 100.00
Receipt For: ☐ Primary ☐ General ☒ Other (specify): Runoff	Aggregate Year-to-Date > $	200.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Architect's Quality Gov. Fund 1735 New York Ave. Washington, DC		5/11/90	1,000.00
Receipt For: ☐ Primary ☐ General ☒ Other (specify): Runoff	Aggregate Year-to-Date > $	5,000.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
American Occupational Therapy Assoc. Inc. 1383 Piccard Dr. Suite 300 Rockville,MD 20850		5/16/90	1,000.00
Receipt For: ☐ Primary ☐ General ☒ Other (specify): Runoff	Aggregate Year-to-Date > $	1,000.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional)	2,700.00
TOTAL This Period (last page this line number only)	9,400.00

95043673032

NAME OF COMMITTEE:
HARVEY GANTT FOR SENATE CAMPAIGN COMMITTEE C00242156

A. Name and Address: AILA PAC 1050 - 31st Street, NW Washington, DC 20007	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 06/29/90	Amou 5,000.
Receipt For: RUNOFF	Year-to-Date: 15,000.00		
B. Name and Address: AILA PAC 1050 - 31st Street, NW Washington, DC 20007	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 06/29/90	Amou 5,000.
Receipt For: GENERAL	Year-to-Date: 15,000.00		
C. Name and Address: NOW/PAC National Organization for Wome P.O. Box 7157 Washington, DC 20044	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 06/29/90	Amou 1,000.
Receipt For: GENERAL	Year-to-Date: 4,000.00		
D. Name and Address: Employees Fed. PAC - Duke Power P.O Box 33189 Charlotte, NC 28242	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 05/29/90	Amou 500.
Receipt For: RUNOFF	Year-to-Date: 1,500.00		
E. Name and Address: NARAL-NC PAC Federal c/o Ruth A. Ziegler 316 S. Gregson Street Suite 1 Durham, NC 27701	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 05/24/90	Amou 200.
Receipt For: PRIMARY	Year-to-Date: 200.00		
F. Name and Address: Yellow Freight PAC c/o Steven Murphy 211 N. Union Street Suite 100 Alexandria, NC 22314	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 06/04/90	Amou 1,000.
Receipt For: RUNOFF	Year-to-Date: 1,000.00		
G. Name and Address: Comm. for Democ. Consensus PAC 1250 - 24th St. NW. Suite 300 Washington, DC 20037	Name of Employer: INFORMATION REQUESTED Occupation: INFORMATION REQUESTED	Date 06/12/90	Amou 5,000.
Receipt For: RUNOFF	Year-to-Date: 10,000.00		

SUBTOTAL of Receipts This Page ..... 17,700.

95043673033

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 17, 1990

North Carolina Republican Party
Jack Havke, Chairman
1410 Hillsborough Street
Post Office Box 12905
Raleigh, NC 27605

RE: MUR 3109

Dear Mr. Havke:

This letter acknowledges receipt on August 13, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the National Abortion Rights Action League-Political Action Committee, Kathryn H. Young, as treasurer, National Abortion Rights Action League of North Carolina PAC, Ruth Ziegler, as treasurer and the National Abortion Rights Action League Foundation. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3109. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

9504367303 4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 17, 1990

National Abortion Rights Action League-
Political Action Committee (NARAL-PAC)
Kathryn H. Young, Treasurer
Fifth Floor
1101 14th Street, N.W.
Washington, D.C. 20005

RE: MUR 3109

Dear Ms. Young:

The Federal Election Commission received a complaint which alleges that the National Abortion Rights Action League-Political Action Committee (NARAL-PAC) and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3109. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9504367305

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9504367330336

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 17, 1990

National Abortion Rights Action League of
North Carolina PAC (NARAL-NC PAC)
Ruth Ziegler, Treasurer
Suite #1
316 S Gregson Street
Durham, NC 27701

RE: MUR 3109

Dear Ms. Ziegler:

The Federal Election Commission received a complaint which alleges that the National Abortion Rights Action League of North Carolina PAC (NARAL-NC PAC) and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3109. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9504367307

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9504367308

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1990

National Abortion Rights Action League Foundation
c/o National Abortion Rights Action League
Suite 500
1101 14th Street, N.W.
Washington, D.C. 20005

RE: MUR 3109

Dear Sirs:

The Federal Election Commission received a complaint which alleges that the National Abortion Rights Action League Foundation may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3109. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9504367303 9

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

95043673040

06C 7689

ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

90 AUG 31 AM 11:30

August 30, 1990

CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

90 AUG 31 PM 3:09
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Mr. Michael Marinelli
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109

Dear Mr. Marinelli:

As we discussed on the phone earlier today, we have just been appointed as counsel to the National Abortion Rights Action League PAC ("NARAL PAC") and the National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC"). Both of these organizations have been named as respondents in MUR 3109. We had previously been retained by the National Abortion Rights Action League Foundation ("NARAL Foundation") in this matter. There is currently a request pending in your office for a thirty-day extension to file a response on behalf of the NARAL Foundation. However, since we now are required to respond on behalf of three different respondents, we are formally requesting a sixty-day extension to respond on behalf of the three organizations.

As I mentioned in my earlier letter to you, the work plans and vacation plans of several attorneys here and on our client's staff will make it difficult to respond to the allegations of the complaint within the fifteen days allotted in the regulations. In addition, I am getting married on September 29, 1990, and will not be back in the office until October 15, 1990. The extension we seek would require us to file our response by November 5, 1990. (The complaint was received by each of the respondents on August 22, 1990.)

9504367304 1

If you have any questions, please call me at 202/872-6935. Thank you for your consideration of this request.

Sincerely,

Sheila M. Nix

Sheila M. Nix

9504367300 42

OGC 7636

ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

600 GRANT STREET
DENVER, COLORADO 80203
(303) 863-1000

90 AUG 28 AM 9:37

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 AUG 28 PM 2:33

August 24, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Marinelli
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109

Dear Mr. Marinelli:

Pursuant to our telephone conversation earlier today, I am writing on behalf of our client, the National Abortion Rights Action League Foundation, formally to request a thirty-day extension to file a response with the General Counsel's Office regarding MUR 3109.

I am requesting this extension because the work plans and vacation plans of several attorneys here and on our client's staff will make it difficult to respond to the allegations of the complaint within the fifteen days allotted in the regulations. The extension we seek would require us to file our response on October 8, 1990. (The complaint was received by the respondent on August 22, 1990.)

If you have any questions, please call me at (202) 872-6935. Thank you for your consideration of this request.

Sincerely,

Sheila M. Nix

Sheila M. Nix

95043673043

06C7642

STATEMENT OF DESIGNATION OF COUNSEL

MUR #3109

NAME OF COUNSEL: Kathleen Hallman

ADDRESS: Arnold and Porter
1200 New Hampshire Ave., NW
Washington, DC 20036

TELEPHONE: (202) 728-4958

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.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
96 AUG 29 AM 11:45

8/29/96
Date

Kathryn N Young
Signature

RESPONDENT'S NAME: Nat'l Abortion Rights Action League -- Political Action Cte.

ADDRESS: 1101 14th Street, NW Suite 500
Washington, DC 20005

HOME PHONE: (703) 768-9309

BUSINESS PHONE: (202) 408-4600

9504367330044

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3109

NAME OF COUNSEL: Kathleen Wallman

ADDRESS: Arnold & Porter

1200 New Hampshire Ave NW

Washington, D.C. 20036

TELEPHONE: 872 - 6700

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.

8/23/90
Date

Kate Michelman
Signature

RESPONDENT'S NAME: National Abortion Rights Action League Foundation

ADDRESS: 1101 14th St. NW

Washington, D.C. 20005

HOME PHONE: 543 - 5178

BUSINESS PHONE: 408 - 4601

9504367304 5

90 C 7610

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3109

90 AUG 27 AM 10:50
HAND DELIVERED

NAME OF COUNSEL: Kathleen Wallman
ADDRESS: Arnold & Porter
1200 New Hampshire Ave. NW
Washington, DC 20036
TELEPHONE: 872 6700

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 AUG 27 PM 12:51

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.

8/24/90
Date

Ruth A Ziegler
Signature

RESPONDENT'S NAME: RUTH A. ZIEGLER/ NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NC PAC
ADDRESS: 316 S. GREGSON ST.
SUITE 1
DURHAM, NC 27701
HOME PHONE: 919 688 6008
BUSINESS PHONE: 919 687 4959

9504367300416

OGC 7876

ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

1600 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

90 SEP 17 AM 10: 12

September 11, 1990

VIA TELECOPY AND
CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

90 SEP 17 PM 12: 32
RECEIVED
FEDERAL ELECTION COMMISSION

Michael Marinelli, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109

Dear Mr. Marinelli:

I am writing on behalf of the respondents in the above-referenced MUR. Currently, we have a request for a 60-day extension to file this response pending before the Federal Election Commission. I understand that the Commission will not be meeting until the end of September and will not make a decision on our request until then, and that you are unable to grant us a provisional or interim extension while the matter is pending before the Commission. As I discussed with you on the phone today, this response would be due tomorrow if the extension is not granted.

I also understand from our conversation that the General Counsel's office will recommend that the Commissioners grant our extension, and that under such circumstances, it is likely that our extension request will be granted.

I understand that the General Counsel's office normally does not go forward with a complaint until it has considered the respondents' responses. Since our request for extension will still be pending at the time that the 15-day period specified in the regulations will expire, I wanted to confirm by letter that we do intend to file a response pursuant to 11 C.F.R. § 111.6, and will do so within the schedule established by the Commission when it considers our request.

9504367300447

Thank you for your consideration. Please let me know if there are any other steps that we should take to ensure that our response is considered before the General Counsel's office goes forward with MUR 3109.

Sincerely,

Sheila M. Nix
for:
National Abortion Rights Action League PAC and its Treasurer, Kathy Young;
National Abortion Rights Action League North Carolina PAC and its Treasurer, Ruth Ziegler;
National Abortion Rights Action League Foundation

9504367330048

OGC 8077

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION

90 OCT -4 AM 11:47

MUR 3109

NAME OF COUNSEL: Kathleen Wallman and Sheila Nix

ADDRESS: Arnold and Porter
1200 New Hampshire Avenue, NW
Washington, D.C. 20036

TELEPHONE: (202) 872-6700

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 OCT -4 PM 12:40

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.

9.28.90
Date

Ruth Ziegler
Signature

RESPONDENT'S NAME: NARAL-North Carolina Political Action Committee

ADDRESS: 316 South Gregson Street, #1
Durham, NC 27701

HOME PHONE:

BUSINESS PHONE: (919) 687-4959

2504367300 49

OGC 8054

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 OCT -2 PM 12:10

MUR 3109

NAME OF COUNSEL: Kathleen Wallman and Sheila Nix

ADDRESS: Arnold and Porter
1200 New Hampshire Avenue, NW
Washington, D.C. 20036

TELEPHONE: (202) 872-6700

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 OCT 2 PM 2:34

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.

9/25/90
Date

Kathryn Ted Gurney
Signature

RESPONDENT'S NAME: NARAL Political Action Committee

ADDRESS: 1101 14th Street, NW
Washington, D.C. 20005

HOME PHONE:

BUSINESS PHONE: (202) 408-4600

9504336730550

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
90 SEP 20 AM 11:00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

September 20, 1990

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 3109 Requests for Extension of Time

I. **BACKGROUND**

On August 17, 1990 this Office sent National Abortion Rights Action League PAC ("NARAL PAC"), National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC") and National Abortion Rights Action League Foundation ("NARAL Foundation") notification of the complaint filed in this Matter. According to respondents, the notification letters were received on August 22, 1990. On August 24, 1990, counsel for NARAL Foundation requested a thirty day extension of time to answer the complaint. On August 31, 1990, counsel informed this Office that she was also representing NARAL PAC and NARAL-NC PAC and amended the earlier thirty day request to a sixty day request on behalf of all three respondents.

9504367305 1

II. **ANALYSIS**

Counsel for respondents states that a sixty day extension is necessitated by work and other scheduling difficulties, such as previously scheduled vacations and marriage plans. Attachment 2 at 2. Specifically, counsel points to her upcoming marriage on September 29, 1990 and absence from the office until October 15, 1990.

Under the circumstances presented by counsel, the Office of the General Counsel believes that the requested extension of time should be granted. This Office also notes that the complaint concerns independent expenditures, an issue of complexity. Resolution of the questions raised would be facilitated by allowing respondents sufficient time to make a full and complete response.

III. **RECOMMENDATIONS**

1. Grant counsel for National Abortion Rights Action League PAC, National Abortion Rights Action League North Carolina PAC and National Abortion Rights Action League Foundation the requested extension of sixty days.

2. Approve the appropriate letter.

Attachments
August 24, 1990 letter from counsel for NARAL Foundation.
August 30, 1990 letter from counsel for respondents.

Staff assigned: Michael Marinelli

9504367302

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Abortion Rights Action League PAC; National Abortion Rights Action League North Carolina PAC; and National Abortion Rights Action League Foundation.	)	MUR 3109

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission Executive Session of October 4, 1990, do hereby certify that the Commission took the following actions in MUR 2788:

1. Decided by a vote of 5-0 to direct the Office of the General Counsel, in conjunction with the Staff Director, to prepare a recommendation for any revisions to the Directives or Procedures, as appropriate, to process requests for extensions on a more timely basis.

   Commissioners Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision. Commissioner Aikens was absent.

2. Decided by a vote of 6-0 to grant counsel for National Abortion Rights Action League PAC, National Abortion Rights Action League North Carolina PAC and National Abortion Rights Action League Foundation the requested extension of sixty days, and

3. Approve the appropriate letter as recommended in the General Counsel's Report dated September 20, 1990.

   Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision.

Attest:

Oct 5, 1990
Date

Hilda Arnold
Hilda Arnold
Adminstrative Assistant

9504367303

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 11, 1990

Sheila M. Nix, Esquire
Kathleen Wallman, Esquire
Arnold & Porter
1200 New Hampshire Ave, N.W.
Washington, D.C. 20036

RE: MUR 3109
NARAL PAC
NARAL-NC PAC
NARAL Foundation

Dear Ms. Nix and Ms. Wallman:

This is in response to your letter dated August 30, 1990, which we received on August 31, 1990, requesting an extension of 60 days to respond to the complaint filed against your clients. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on November 6, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504367330564

OGC 8567

ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -6 PM 3:57

November 6, 1990

BY HAND

Lois Lerner, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109

Dear Ms. Lerner:

I am writing on behalf of the National Abortion Rights Action League Foundation ("NARAL Foundation") pursuant to 11 C.F.R. § 111.6 to demonstrate that no action should be taken against NARAL Foundation in the above-referenced MUR.

The complaint filed in MUR 3109 alleges a violation of 2 U.S.C. § 431(17) with respect to the independence of an independent expenditure. It mentions NARAL Foundation in connection with an advertisement that is appended to the complaint as Exhibit 2. That advertisement was not related to any election and involved no independent expenditures. To the contrary, the advertisement was a public education message paid for in part by NARAL Foundation in connection with the Supreme Court's consideration of Webster v. Reproductive Health Services. NARAL Foundation has made no independent expenditures in connection with the 1990 North Carolina Senate election or any other federal election. I have enclosed an affidavit from Kate Michelman, Executive Director of NARAL Foundation, in which she attests to these facts.

Since there is no evidence in the complaint that the NARAL Foundation has made any independent expenditures and the NARAL Foundation has never in fact

9504367305 5

made any such expenditures no action should be taken against the Foundation.

If you have any questions regarding this response or the enclosed affidavit, please call us.

Sincerely,

Kathleen Wallman

Enclosure

cc: Michael Marinelli, Esq.

9504367306

AFFIDAVIT

Kate Michelman
Executive Director
National Abortion Rights Action League Foundation

KATE MICHELMAN, being duly sworn, deposes and says:

1. I am the Executive Director of the National Abortion Rights Action League Foundation ("NARAL Foundation") headquartered in Washington, D.C.

2. I have reviewed the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990 and the response to which this affidavit is appended.

3. All expenditures made by the NARAL Foundation are authorized by me.

4. I have reviewed the relevant financial records of the NARAL Foundation and have confirmed that NARAL Foundation never made any independent expenditures in connection with the 1990 North Carolina Senate race or any other federal election.

5. The advertisement appended to the complaint as "Exhibit 2" and referred to on page 2 of the complaint was not related to any election and involved no independent expenditures. To the contrary, the advertisement was a public education message paid for in part by NARAL Foundation in connection with the Supreme

9504367305057

Court's consideration of Webster v. Reproductive Health Services.

Kate Michelman

Kate Michelman

Sworn to before me this
2nd day of December, 1990.

Kathryn M Young

Notary Public

My Commission expires: 3/2/92

9504367/30058

OGC 8568

ARNOLD & PORTER

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

November 6, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -6 PM 3:58

9504367305 9

BY HAND

Lois Lerner, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109

Dear Ms. Lerner:

I am writing on behalf of the National Abortion Rights Action League Political Action Committee ("NARAL PAC"), pursuant to 11 C.F.R. § 111.6 to demonstrate that no action should be taken against NARAL PAC in the above-referenced MUR.

The complaint filed in MUR 3109 alleges a violation of 2 U.S.C. § 431(17) with respect to the independence of an independent expenditure. NARAL PAC has made no independent expenditures in connection with the 1990 North Carolina Senate election. I have enclosed an affidavit from Kathryn Young, who was NARAL PAC's Treasurer during the period of time at issue in MUR 3109, in which she attests to these facts.

Since there is no evidence in the complaint that NARAL PAC has made any independent expenditures and NARAL PAC has not in fact made any such expenditures no action should be taken against NARAL PAC.

If you have any questions regarding this response or the enclosed affidavit, please call us.

Sincerely,

Kathleen Wallman

Enclosure

cc: Michael Marinelli, Esq.

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AFFIDAVIT

Kathryn Young
Former Treasurer
National Abortion Rights Action League
Political Action Committee

KATHRYN YOUNG, being duly sworn, deposes and says:

1. I was the Treasurer of the National Abortion Rights Action League Political Action Committee ("NARAL PAC") headquartered in Washington, D.C. during the period of time at issue in MUR 3109.

2. I have reviewed the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990 and the response to which this affidavit is appended.

3. All expenditures made by NARAL PAC were authorized by me.

4. I have reviewed the relevant financial records of NARAL PAC and have confirmed that NARAL PAC made no independent expenditures in connection with the 1990 North Carolina Senate.

Kathryn T. Young
Kathryn Young

Sworn to before me this
2nd day of November, 1990

Janice L. Rodgers
Notary Public

My Commission expires: My Commission Expires February 1, 1993

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ARNOLD & PORTER
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1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

November 6, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -6 PM 3:57

BY HAND

Lois G. Lerner, Esquire
Associate General Counsel
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Ms. Lerner:

Pursuant to your letter dated August 17, 1990 and as provided in 11 C.F.R. § 111.6, we are writing to demonstrate that no action should be taken against the National Abortion Rights Action League-North Carolina Political Action Committee ("NARAL-NC PAC") in connection with a complaint filed by R. Jack Hawke, Chairman of the North Carolina Republican Party, dated August 9, 1990. NARAL-NC PAC denies that the coordination alleged in the complaint occurred. The allegations are irrelevant, untrue and do not raise any presumption of coordination under the Commission's regulations or its jurisprudence. Further investigation is unwarranted.

I. NARAL-NC PAC Categorically and Unequivocally Denies the Charges Advanced in the Complaint.

The complaint alleges that NARAL-NC PAC's independent expenditures advocating the defeat of Senator Jesse Helms in the November 1990 general election were not, in fact, independent. It also alleges that these expenditures have not been, but should have been, reported pursuant to 2 U.S.C. § 434(b).

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The alleged reporting violation is unfounded. NARAL-NC PAC has timely reported each and every independent expenditure it has made. Copies of these reports are attached (Exhibit 1).[1]

As to the allegations that NARAL-NC PAC's independent expenditures were made in coordination, cooperation or consultation with the campaign of senatorial candidate Harvey Gantt, or were authorized by his campaign, NARAL-NC PAC categorically and unequivocally denies those charges.[2] NARAL-NC PAC has been aware, at all relevant times during the 1989-1990 election cycle, of what the law requires of those who make independent expenditures and has scrupulously adhered to the applicable requirements. We have appended an affidavit executed by Ms. Ruth Ziegler, the Treasurer of NARAL-NC PAC, verifying the independence of the expenditures in question (Exhibit 2).

II. Review of Allegations and Summary of Responses.

Nothing in the complaint is sufficient even to raise a presumption of coordination, much less prove actual coordination, as the complaint itself concedes (at 10). The complaint contains no allegations of direct coordination between NARAL-NC PAC and the Gantt campaign. It does not even identify circumstantial

[1] The complaint is dated August 9, 1990. NARAL-NC PAC's first independent expenditure was made on August 8, 1990 and was timely reported thereafter. Complainant obviously had no basis for alleging a reporting violation with respect to an expenditure that had been made the previous day and was not yet required to be reported. This underscores the political motivation of the complaint.

[2] Throughout this response, the word "coordination" is used to refer to all types of behavior, e.g., cooperation and consultation, that might lead the Commission to conclude that an independent expenditure was not truly independent. Thus, wherever "coordination" is denied, it should be understood to mean that all other similar types of behavior, e.g., cooperation and consultation, are also denied.

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evidence of direct coordination.[3] In fact, it does no more than suggest that the separate activities of various organizations, each of which separately favors the election of Mr. Gantt, created an opportunity for coordination. The attached affidavits establish that, even to the extent that such an opportunity may appear to have existed, NARAL-NC PAC did not avail itself of it.

The operative allegations and our responses, in summary form, are as follows:

- The roles of three individuals -- Jane Stein, W.W. Finlator, and H.M. Michaux -- whom the complainant asserts to be NARAL "leaders" and Gantt activists -- are alleged to have created opportunities for coordination between NARAL-NC PAC and the Gantt campaign.

  In reality, these three individuals are <u>not</u> NARAL leaders. Two of them are contributors to NARAL-NC, NARAL-NC PAC or both; the third is a recipient of a campaign contribution from NARAL-NC PAC. None of them is or was in any position to coordinate NARAL-NC PAC's activities with the Gantt campaign.

- The activities of a former Hickman-Maslin Research employee, David Petts, who was retained by the Gantt campaign to provide polling services, is alleged to have created opportunities for coordination with NARAL-NC PAC because of his past association with Mr. Harrison Hickman, a polling consultant who performed work during the 1989-1990 election cycle that benefited NARAL-NC PAC.

  In reality, Mr. Petts has not worked for Hickman-Maslin Research for over three years,

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[3] <u>Cf.</u> <u>Federal Election Commission</u> v. <u>National Conservative Political Action Committee</u>, 647 F. Supp. 987, 993-94 n.18 (S.D.N.Y. 1986) (highlighting similarities in language of candidate's campaign materials and independent expenditure materials as evidence of coordination).

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and Mr. Hickman has never discussed the Gantt campaign with him.

- Mr. Hickman is alleged to have provided an opportunity for coordination during the 1989-1990 election cycle between NARAL-NC PAC and the Gantt campaign because of his unrelated work for the Democratic National Committee, the Democratic Senatorial Campaign Committee, the Democratic Legislative Campaign Committee, Senator Terry Sanford and former Governor Jim Hunt.

  In reality, NARAL-NC PAC made no independent expenditures by or through Mr. Hickman; none of his work for the party committees, or Senator Sanford or Governor Hunt, involved the Gantt/Helms race; and he played no coordinating role whatever, as described below and as Mr. Hickman attests in his affidavit (Exhibit 3).

- NARAL-NC PAC is alleged to be a member of "Senate Vote '90," a coalition that supports the election of Harvey Gantt.

  In reality, NARAL-NC PAC has never belonged to or even worked with this organization.

- The North Carolina Coalition for Choice is alleged to have presented opportunities for coordination between NARAL-NC PAC and the Gantt campaign.

  In reality, the Coalition is a <u>legislative</u> alliance that refrains from electoral activity. Harvey Gantt's brief appearance at a Coalition rally involved no coordination between NARAL-NC PAC and the Gantt campaign.

- Two individuals, Ms. Charlotte Brody of Planned Parenthood of Greater Charlotte and Ms. Roberta Waddle of North Carolina National Organization for Women, are alleged to have created opportunities for coordination between NARAL-NC PAC and the Gantt campaign because their organizations belonged, along with NARAL-NC PAC's connected organization,

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to the North Carolina Coalition for Choice. The two women are alleged to be active in the Gantt campaign.

In reality, these individuals are officers of other reproductive and women's rights organizations in North Carolina, not NARAL-NC PAC. Neither has served in a leadership role in NARAL-NC or NARAL-NC PAC during the 1989-1990 election cycle. Neither has had any "coordinating" role concerning NARAL-NC PAC's activities. Finally, the Coalition itself had no such coordinating role.

The appended affidavits demonstrate NARAL-NC PAC's compliance with the reporting requirements and with the laws and regulations pertaining to independent expenditures. The affidavits warrant a conclusion on the General Counsel's part that no further action should be taken on the complaint. The facts, as explained further below, demonstrate NARAL-NC PAC's compliance with the law.

III. Analysis.

A. The Persons Identified as NARAL Leaders and Alleged To Have Served as Agents of Coordination Have No Such Leadership Responsibilities.

The unfounded nature of the complaint is underscored by the completely baseless factual assertions it contains. For example, it identifies three individuals -- Jane Stein, W.W. Finlator, and H.M. Michaux -- and asserts that they are "NARAL-North Carolina leaders" who "serve in senior advisory positions with the Gantt campaign." (Complaint at 6.)

It may or may not be true that these individuals are "senior advisers" to the Gantt campaign -- as Ruth Ziegler, Treasurer of NARAL-NC PAC, states in the attached affidavit, she has no knowledge of their activities in the Gantt campaign, or whether they are in fact affiliated with the campaign. In any event, NARAL-NC PAC categorically denies that these individuals

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are "leaders" of NARAL-NC or NARAL-NC PAC or have any leadership responsibilities in either organization that would put them in a position to direct or coordinate NARAL-NC PAC's activities. Two merely contributed funds to one or both organizations, as have many others. With respect to the third, Rep. H.M. Michaux, the complaint does not even allege that he has made contributions to NARAL-NC or NARAL-NC PAC. It merely alleges that NARAL-NC PAC has made a contribution in support of Mr. Michaux's own state election campaign. We do not understand what relevance this has to purported coordination between NARAL-NC PAC and the Gantt campaign.

As these factual discrepancies demonstrate, the complainant's allegations are, at best, sloppily investigated, and, at worst, maliciously fabricated and politically motivated.

B. Complainant's Allegations Regarding a Former Employee of Hickman-Maslin Research and Senate Vote '90 Are Irrelevant and/or Untrue.

The wild irrelevance of some of complainant's other allegations also points to the emptiness of the complaint. For example, the complaint urges the Commission to be suspicious because "[t]he Gantt campaign has hired the Washington, D.C. firm of Donilon and Petts to conduct public opinion polling according to press accounts [sic], a principal of this firm, David Petts, was formerly an employee of Harrison Hickman." (Complaint at 4.) To our knowledge, the FEC has never found or even expressed concern about coordination in such attenuated circumstances. The true facts of this matter, moreover, illuminate the baselessness of the allegations: Mr. Petts has not been employed by Mr. Hickman since July 1987, and as indicated in the attached affidavit, Mr. Hickman has seldom seen or talked to Mr. Petts since that time. He has never discussed the Gantt/Helms race with him.

Likewise, the complaint vaguely asserts that NARAL-NC PAC has some involvement with "Senate Vote '90." NARAL-NC PAC is not and never has been affiliated with that organization, as indicated in Ms. Ziegler's affidavit. NARAL-NC PAC avoided participation in Senate Vote '90 precisely because it was anticipated that such involvement in its activities might raise questions

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about the independence of NARAL-NC PAC's subsequent independent expenditures. Complainants' allegations concerning the activities of Senate Vote '90 therefore are unfounded and irrelevant.[4]

C. Mr. Hickman Was Not a "Common Vendor" of Services to NARAL-NC PAC and the Gantt Campaign Committee.

Complainant appears to be stretching toward an argument that the role of a purported "common vendor" of polling services, Mr. Harrison Hickman, infected the independence of NARAL-NC PAC's expenditures. But the only expenditure involving Mr. Hickman that the complaint alleges is linked to NARAL-NC PAC is an exploratory poll, paid for by the National Abortion Rights Action League of Washington, D.C., not by NARAL-NC PAC, that probed the potential significance of the abortion issue and other issues in the North Carolina race. (See complainant's exhibit 3.) It involved no express advocacy on behalf of a candidate and therefore did not constitute an independent expenditure. NARAL-NC PAC therefore made no independent expenditure "by or through" Mr. Hickman.[5] Under the

[4] David Jones, whom the complaint identifies as a Senate Vote '90 activist, is not a "leader" in NARAL-NC or NARAL-NC PAC, contrary to the complaint's allegations. He has merely contributed to NARAL-NC PAC (see complainant's exhibit 17). He is and was in no position to direct NARAL-NC PAC's activities or to provide an opportunity for coordination with the Gantt campaign.

[5] Commission regulations provide that an independent expenditure is presumed to entail coordination if it is

> Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent . . . .

11 C.F.R. § 109.1(b)(4)(i)(B) (1990) (emphasis added).

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Commission's regulations, complainant's allegations do not give rise to a presumption of coordination.

Moreover, the instant complaint nowhere makes the allegation that is crucial to a common vendor case: that NARAL-NC PAC retained a consultant also retained by Mr. Gantt.[6] In fact, neither Mr. Hickman nor any other person or firm was a common vendor serving both NARAL-NC PAC and the Gantt campaign.

Indeed, the complaint draws no link between the Gantt campaign and NARAL-NC PAC through Mr. Hickman. Complainant's only allegation is that Mr. Hickman received compensation or reimbursement from national or state Democratic party organizations that naturally favor Mr. Gantt's election, as well as the election of many other Democratic candidates for federal and state offices.[7] Commission action on this complaint would require a presumption of coordination in circumstances that have never before, to our knowledge, been deemed to warrant such a presumption. The implication of such action would be that each and every independent expenditure made in a federal election is potentially actionable if it involves the services of any consultant who has ever had a party organization as a client -- no matter how remote or how carefully insulated the consultant's work for the party client may be from that of other clients who make independent expenditures. Experienced consultants of the type that political activists seek to retain will so frequently be in such a position that Commission action on this complaint would create a cottage industry in the manufacture of such complaints.

The true facts refute the allegations of this complaint:

First, Mr. Hickman conducted no "series of major polls" for the North Carolina Democratic Party during the 1989-1990 election cycle. At the request of a

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[6] Cf. Advisory Opinion 1979-80.

[7] The Commission's staff confirmed by telephone today that none of the party organizations or committees named in the complaint had been named by the Gantt committee as an authorized committee.

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consultant to the party, Mr. Gary Pearce, he conducted one poll for the Democratic Legislative Campaign Committee ("DLCC") which also included questions relating to other clients of Mr. Hickman and his firm. The DLCC was charged $16,000 for its portion of the poll. As Mr. Hickman states in the attached affidavit, he was not aware that his work for DLCC was to be paid for by the state party, and was not aware that it had been paid for by the party until he saw the report of expenditures attached to the complaint. At no time did he have any direct contact with any North Carolina state party officials in connection with the poll. Even if Mr. Hickman had had direct contact with the state party, this still would not raise a presumption of coordination between NARAL-NC PAC and the Gantt campaign committee: Still missing is any evidence or even allegation that Mr. Hickman served as a common vendor both to the Gantt campaign committee and to NARAL-NC PAC, or any evidence that Mr. Hickman served as an agent or conduit of coordination.

Second, contrary to complainant's assertion (at 4-5), Mr. Hickman did not conduct a poll on behalf of the North Carolina Democratic Party in February 1990. Another firm, not Mr. Hickman's, apparently provided that service.

Third, the $2,000 payment that the complaint identifies as being made by the Democratic Senatorial Campaign Committee ("DSCC") to Hickman-Maslin Research has nothing to do with the Gantt/Helms race. As indicated in Mr. Hickman's affidavit, he has undertaken exactly three projects for the DSCC in the 1989-1990 election cycle: one involving the Senate race in South Carolina, another involving the Senate race in Oregon and a third relating to the Senate race in Indiana. He has not undertaken any projects involving the North Carolina Senate race, and has scrupulously avoided discussions with any DSCC personnel concerning campaign strategy in the North Carolina race.[8]

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[8] Mr. Hickman states in the attached affidavit that his work for Senator Terry Sanford and former North Carolina Governor Jim Hunt does not involve and has not involved any services connected to the Gantt campaign. He has

[Footnote continued on next page]

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Fourth, with respect to the Democratic National Committee ("DNC"), the $267.50 payment to Mr. Hickman identified in the complaint represents partial reimbursement of travel expenses for a trip that Mr. Hickman made to San Francisco to speak to the Business Council on December 3, 1989. Mr. Hickman did not speak to any DNC officials about Senate campaign strategy in North Carolina, and did not address the audience on that topic.

These facts are presented in order to make clear that, even if Mr. Hickman's work for these party organizations were legally relevant, no coordination occurred. But we emphasize that his work for them could warrant further inquiry, under the Commission's jurisprudence, only if the relationship between the party committees and the candidate committee was such that these committees operated essentially as alter egos of the Gantt campaign committee so that working for any of them was tantamount to working for the Gantt committee.[9] Complainant has made no such allegations, and neither Ms. Ziegler nor Mr. Hickman is aware of circumstances suggesting such a relationship.[10]

[Footnote continued from previous page]
been scrupulously careful in his conversations with both Senator Sanford and Governor Hunt not to discuss matters that involve the campaign strategy of the Gantt campaign.

[9] See Advisory Opinion 1979-80.

[10] We considered whether to approach officials at DSCC, DNC and North Carolina Democratic Party to obtain affidavits in support of this response concerning the nature of those committees' relationships with the Gantt campaign. We decided against doing that, however, for two reasons. First, since the complaint raises no specific allegations, it would be impossible to know what to rebut in such an affidavit. Second, since the subject of the complaint is alleged coordination between NARAL-NC PAC and each of those committees, we thought it prudent to refrain from approaching them, prior to the election, to discuss their involvement in the Gantt campaign. If the General Counsel feels that affidavits from officials of these three party committees would
[Footnote continued on next page]

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Complainant has merely alleged that the party organizations supported the party candidate in the usual ways -- a rather unremarkable proposition.

D. NARAL-NC's Activities in Connection with the North Carolina Coalition for Choice Involved no Coordination with the Gantt Campaign Committee.

The complaint also alleges that NARAL-NC PAC is linked to the Gantt campaign through the North Carolina Coalition for Choice. NARAL-NC PAC does not participate in the Coalition. Only the sponsoring organization of NARAL-NC PAC, NARAL-NC, participates in the Coalition along with other reproductive and women's rights organizations in North Carolina. The Coalition was organized as a legislative alliance of like-minded groups. It refrains from electoral work and has not made any endorsement in connection with the North Carolina Senate race. It is not controlled in any sense by NARAL-NC or NARAL-NC PAC, on the one hand, or by the Gantt campaign, on the other.

The undated Coalition letter referred to in the complaint and appended to it as Exhibit 21 sought contributions for an April 28, 1990 pro-choice rally on state legislative issues. The letter indicates that the purpose of the rally was to send a message to the North Carolina General Assembly, which was to "begin its short session twenty-two days after this event. When our legislators convene, they could act on three issues that could drastically limit reproductive freedom in our state." At the rally, which was held before Harvey

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[Footnote continued from previous page]
help lay this matter to rest, we suggest that it would be most appropriate for him to approach these groups directly.

Gantt became the Democratic nominee by virtue of winning the June 5 run-off election, candidates who had been endorsed by member organizations of the Coalition were introduced to the audience.[11] In that connection, Mr. Gantt, who had been endorsed by the National Organization for Women (see complainant's exhibit 27), made a speech of approximately two minutes in duration. The event in no sense involved coordination of strategy between NARAL-NC PAC and the Gantt campaign.[12]

As for the roles of Ms. Charlotte Brody of Planned Parenthood of Greater Charlotte and Ms. Roberta Waddle of North Carolina National Organization for Women, it may or may not be true that they are "active participants" in the Gantt campaign; Ms. Ziegler has no knowledge about what their activities may be.[13] Whatever their roles in the Gantt campaign may have been, neither has served in a leadership role in NARAL-NC or NARAL-NC PAC during the 1989-1990 election cycle, and neither has had any "coordinating" role concerning NARAL-NC PAC's activities. Ms. Ziegler denies that they ever served as agents or conduits of coordination between NARAL-NC PAC and the Gantt campaign.

<u>CONCLUSION</u>

The Commission must be flooded at this time of year with complaints designed to divert the attention of political activists from the election to litigation. This is one of those complaints. The allegations are untrue and they raise no presumption of coordination

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[11] Significantly, NARAL-NC had not made any such endorsement (see complainant's exhibit 27).

[12] Complainant also points out that NARAL-NC PAC made three contributions to the Gantt campaign. Complainant offers no evidence that these contributions involved coordination and, in fact, they involved no coordination (see Ziegler affidavit). <u>See</u> MUR 1333, <u>In the Matter of Stewart R. Mott</u> (General Counsel's Report at 9).

[13] Complainant offers no support at all for his assertion that Ms. Waddle is an active participant in the Gantt campaign.

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under Commission and federal court precedent.[14] Actual coordination is categorically denied by the affiants. Further investigation is unwarranted.

The foregoing responds to all of the operative allegations against NARAL-NC PAC and demonstrates that the General Counsel's office should close this matter. Should you require any additional information to aid your consideration of this matter, we hope that you will not hesitate to contact us.

Very truly yours,

Kathleen M.H. Wallman
Sheila M. Nix

3 Attachments:

Exhibit 1: NARAL-NC PAC Independent Expenditure Disclosure Reports
Exhibit 2: Affidavit of Ruth Ziegler
Exhibit 3: Affidavit of Harrison Hickman

cc: Michael Marinelli, Esquire

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[14] See Democratic Senatorial Campaign Committee v. Federal Election Commission, 2 Fed. Elec. Camp. Financ. Guide (CCH) ¶ 9289 (Aug. 27, 1990) (affirming FEC's finding of no reason to believe where common vendor relationship conceded to exist but where respondents' affidavits denied coordination "broadly and with particularity"); Common Cause v. Federal Election Commission, 715 F. Supp. 398 (D.D.C. 1989) (affirming FEC's decision not to presume coordination where common vendor relationship determined to exist), rev'd on other grounds, 906 F.2d 705 (D.C. Cir. 1990).

11 01 '90 14:35 ☎ 9196574959 NARAL/NC P.02

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1 C00167361 091790 N 219
RUTH ZIEGLER
NATIONAL ABORTION RIGHTS ACTIO
N LEAGUE OF NORTH CAROLINA P A
316 S GREGSON ST SUITE #1
DURHAM NC 27701

2 FEC IDENTIFICATION NUMBER
C00167361

3 ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☒ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Terminal Report

Monthly Report Due On:
☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period 1 JULY 1990 through 30 SEPTEMBER 1990		
6 (a)	Cash on Hand January 1, 1990		$ 78.74
(b)	Cash on Hand at Beginning of Reporting Period	$ 640.44	
(c)	Total Receipts (from Line 19)	$ 7803.14	$ 8573.84
(d)	Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 8443.58	$ 8652.58
7	Total Disbursements (from Line 28)	$ 1559.82	$ 768.82
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 6883.76	$ 6883.76
9	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	$	
10	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	$	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-[illegible]-3120

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

Type or Print Name of Treasurer: RUTH ZIEGLER

Signature of Treasurer: X Ruth Ziegler

Date: 10 | 11 | 90

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

95043673075

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in full): NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA

Report Covering the Period From: 1 JULY 1990 To 30 SEPTEMBER 1990

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	250.00	500.00	11(a)(i)
(ii) Unitemized	2546.00	3056.00	11(a)(ii)
(iii) Total of contributions from individuals	2796.00	3556.00	11(a)(iii)
(b) Political Party Committees			11(b)
(c) Other Political Committees (such as PACs)	5000.00	5000.00	11(c)
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	7796.00	8556.00	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	7.14	17.84	17
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	7803.14	8573.84	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		200.00	21
22. INDEPENDENT EXPENDITURES (use Schedule E)	1559.82	1559.82	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees (such as PACs)			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			26(d)
27. OTHER DISBURSEMENTS		9.00	27
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	1559.82	1768.82	28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	7796.00	8556.00	29
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))			30
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	7796.00	8556.00	31
32. TOTAL OPERATING EXPENDITURES (from Line 19)			32
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)			33
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)			34

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SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 11a

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA PAC

A. Full Name, Mailing Address and ZIP Code PHILIP D. HARVEY 106 OUTRIDER TRAIL CHAPEL HILL NC 27514 Receipt For: ☐ Primary ☒ General ☐ Other (specify)	Name of Employer N/A Occupation Aggregate Year-to-Date > $ 250.00	Date (month, day, year) 9/13/19	Amount of Each Receipt this Period 250.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional)	250.00
TOTAL This Period (last page this line number only)	250.00

95043673017

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 21

FOR LINE NUMBER 11c

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committees.

NAME OF COMMITTEE (In Full)

NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA PAC

A. Full Name, Mailing Address and ZIP Code NATIONAL ABORTION RIGHTS ACTION LEAGUE PAC 1101 14th St. NW 5th Floor WASHINGTON D.C. 20005 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $ 5000.00	Date (month, day, year) 9/6/1990	Amount of Each Receipt this Period 5000.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional) > 5000.00

TOTAL This Period (last page this line number only) > 5000.00

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SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 1 of 1 Pages

Name of Committee (in Full): NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA

I.D. No: C00167361

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
GREER, MARGOLIS & MITCHELL 2626 PENNSYLVANIA AVE NW. SUITE 301 WASHINGTON, DC 20037	ADVERTISING	8/8/90	300.00	JESSE HELMS U.S. SENATE ☐ Support ☒ Oppose
SAME AS ABOVE	ADVERTISING	9/4/90	100.45	JESSE HELMS U.S. SENATE ☐ Support ☒ Oppose
SAME AS ABOVE	ADVERTISING	9/25/90	700.00	JESSE HELMS U.S. SENATE ☐ Support ☒ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$ 1100.45	
(b) SUBTOTAL of Unitemized Independent Expenditures	$ 459.87	
(c) TOTAL Independent Expenditures		$ 1559.82

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

X [signature] Signature — Date: 10 | 11 | 90

Subscribed and sworn to before me this 11th day of October, 1990

My Commission expires 2-1-95

[signature] NOTARY PUBLIC

9504367309

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1 NAME OF COMMITTEE (in full)
NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA PAC

ADDRESS (number and street) ☐ Check if different than previously reported
316 S. GREGSON ST. SUITE # 1

CITY, STATE and ZIP CODE
DURHAM, NC 27701

2 FEC IDENTIFICATION NUMBER
C00167361

3 ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

4. TYPE OF REPORT

(a)
☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Termination Report

Monthly Report Due On:
☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☒ Twelfth day report preceding GENERAL (Type of Election) election on 6 NOVEMBER in the State of NORTH CAROLINA

☐ Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period 1 October 1990 through 17 October 1990		
6	(a) Cash on Hand January 1, 19 90		$ 78.74
	(b) Cash on Hand at Beginning of Reporting Period	$ 6883.76	
	(c) Total Receipts (from Line 18)	$ 1365.47	$ 9939.31
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 9249.23	$ 10018.05
7	Total Disbursements (from Line 28)	$ 100.00	$ 1868.82
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 9149.23	$ 9149.23
9	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	$	
10	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	$	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424 9530
Local 202-376-3120

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

Type or Print Name of Treasurer
RUTH ZIBGLER

Signature of Treasurer
X Ruth Zibgler

Date
10.22.90

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

95043673080

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in full)	Report Covering the Period
NATIONAL ABORTION RIGHTS ACTION LEAGUE OF N.C.	From 1 October 1990 To 17 October 1990

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11 CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	200.00	700.00	11(a)(i)
(ii) Unitemized	1145.00	4201.00	11(a)(ii)
(iii) Total of contributions from individuals	1345.00	4901.00	11(a)(iii)
(b) Political Party Committees			11(b)
(c) Other Political Committees (such as PACs)		5000.00	11(c)
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	1345.00	9901.00	11(d)
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13 ALL LOANS RECEIVED			13
14 LOAN REPAYMENTS RECEIVED			14
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17 OTHER RECEIPTS (Dividends, Interest, etc.)	20.47	38.31	17
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	1365.47	9939.31	18
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES			19
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		200.00	21
22 INDEPENDENT EXPENDITURES (use Schedule E)	100.00	1659.82	22
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)			23
24 LOAN REPAYMENTS MADE			24
25 LOANS MADE			25
26 REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees (such as PACs)			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			26(d)
27 OTHER DISBURSEMENTS		9.00	27
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	100.00	1868.82	28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29 TOTAL CONTRIBUTIONS (other than loans)(from Line 11(d))	1345.00	9939.31	29
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))			30
31 NET CONTRIBUTIONS (other than loans)(subtract Line 30 from 29)	1345.00	9939.31	31
32 TOTAL OPERATING EXPENDITURES (from Line 19)			32
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)			33
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)			34

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SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 11ai

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA DAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
KATHRYN S BYER PO Box 489 CULLOWHEE, NC 28723	N/A Occupation	10/8/1990	200.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify)	Aggregate Year-to-Date > $ 200.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date > $		
C. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date > $		
D. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date > $		
E. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date > $		
F. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date > $		
G. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional)	200.00
TOTAL This Period (last page this line number only)	200.00

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SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 1 of 1 Pages

Name of Committee (in Full)	I.D. No
NATIONAL ABORTION RIGHTS ACTION LEAGUE OF NORTH CAROLINA	C00167361

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$ —	
(b) SUBTOTAL of Unitemized Independent Expenditures	$ 100.00	
(c) TOTAL Independent Expenditures		$ 100.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

Signature 10.22.90 Date

Subscribed and sworn to before me this 22 day of October 19 90

My commission expires 6-22-95

Evelyn P. Stafford NOTARY PUBLIC

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AFFIDAVIT

Ruth Ziegler
Treasurer
National Abortion Rights Action League-
North Carolina Political Action Committee

RUTH ZIEGLER, being duly sworn, deposes and says:

1. I am the Treasurer of the National Abortion Rights Action League-North Carolina Political Action Committee ("NARAL-NC PAC") located in Durham, North Carolina.

2. I have reviewed the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990.

3. All expenditures made by NARAL-NC PAC are authorized by me.

4. I have reviewed the relevant records of NARAL-NC PAC and I have ascertained that all independent expenditures made to urge the defeat of Jesse Helms were made without the coordination, cooperation or consultation of his opponent and are in fact independent.

5. I am not aware of any contacts between the North Carolina Democratic Party and NARAL-NC PAC that involved or resulted in coordination, cooperation or consultation between the Gantt campaign committee and NARAL-NC PAC.

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6. I do not have personal knowledge of any relationship that Jane Stein, W.W. Finlator, David Jones or H.M. Michaux may have with the Gantt campaign. These individuals, except for H.M. Michaux, from time to time have made contributions to NARAL-NC, NARAL-NC PAC or both, but none of them, including H.M. Michaux, is a "leader" of either NARAL North Carolina ("NARAL-NC") or NARAL-NC PAC, contrary to the allegations of the complaint.

7. NARAL-NC PAC is not and has not been affiliated with "Senate Vote 90." I have no firsthand knowledge of the activities of "Senate Vote 90" because I have refrained from discussing the organization with those involved with it in order to avoid any inadvertent contact with any group affiliated with Harvey Gantt.

8. I have no firsthand knowledge of the work that Ms. Charlotte Brody and Mrs. Roberta Waddle may be doing in the Gantt campaign. In any event, neither of these women is a board member of NARAL-NC or NARAL-NC PAC, neither serves in a position of responsibility in either organization and neither has ever served, to my knowledge, as means of coordination between NARAL-NC PAC and the Gantt campaign.

9. At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of

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avoiding coordination, cooperation and consultation with candidates who would be benefited by NARAL-NC PAC'S independent expenditures. I have scrupulously avoided any possibility of coordination between NARAL-NC PAC and the Gantt campaign. To my knowledge, no such coordination, cooperation or consultation has occurred.

Ruth Ziegler

Ruth Ziegler

Sworn to before me this 5th day of November, 1990.

Whitney P Young

Notary Public

My Commission expires: 2-1-95

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IN THE CITY OF WASHINGTON)
) SS:
DISTRICT OF COLUMBIA)

AFFIDAVIT

Harrison Hickman
Hickman-Maslin Research Inc.

HARRISON HICKMAN, first being duly sworn, deposes and says:

1. I am a principal of the polling and consulting firm of Hickman-Maslin Research Inc., headquartered in Washington, D.C.

2. I have read the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990.

3. At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by independent expenditures made by NARAL-NC PAC. I have never engaged in activities that involved coordination, cooperation or consultation between NARAL-NC PAC and the Gantt campaign.

4. I have not conducted a "series of major polls" for the North Carolina Democratic Party or any North Carolina candidate during the 1989-90 election

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cycle. I did not conduct the poll for the North Carolina Democratic Party referred to on pp. 4-5 of the complaint.

5. I performed one poll in North Carolina for the Democratic Legislative Campaign Committee ("DLCC") at the request of a consultant to DLCC, Mr. Gary Pearce. I charged DLCC $16,000 for this work. Apparently, as reflected in the exhibit attached to the complaint, this fee was paid by the North Carolina Democratic Party. However, I was not aware that my work for the DLCC was to be paid for by the state party and was not aware that it had been paid for by the state party until I saw the report of expenditures attached to the complaint. I had no direct contact with any North Carolina state party officials in connection with my performance of the poll.

6. My firm has performed consulting work for the Democratic Senatorial Campaign Committee ("DSCC") in the 1989-90 election cycle. The work we have performed for the DSCC involved the U.S. Senate races in South Carolina, Oregon, and Indiana.

7. I perform consulting services for Senator Terry Sanford and former North Carolina Governor Jim Hunt. My work for them does not and has not involved any services related to the Gantt campaign and I have not discussed matters involving the campaign strategy of the Gantt campaign with them.

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8. My firm has not undertaken any projects for the DSCC involving the North Carolina Senate race or any other North Carolina race and I have avoided discussions with any DSCC personnel concerning campaign strategy in the North Carolina race.

9. I am not retained on an ongoing basis by the Democratic National Committee. I was, however, reimbursed for travel expenses in connection with a trip to San Francisco to speak to the Business Council on December 3, 1989. I have never spoken to any DNC officials about the 1990 North Carolina Senate campaign strategy and that was not the topic of my December 3, 1989 speech.

10. I have no reason to believe that any of my work for DLCC, DNC or DSCC resulted in any illegal coordination, cooperation or consultation between NARAL-NC PAC and the Gantt campaign.

11. David Petts, a partner in the consulting firm of Donilon & Petts, which has been hired to do polling for the Gantt campaign, is a former employee of my firm. However, he has not worked for us since July, 1987, and I have had very little contact with Mr. Petts since that date. I have never discussed the Gantt

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campaign with either Mr. Petts or his partner, Mike Donilon.

Harrison Hickman

Sworn to before me this
5th day of November, 1990

Notary Public

My commission expires: May 14, 1994

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 19, 1990

Kate Michelman, Executive Director
National Abortion Rights Action League Inc.
1101 14th Street, N.W., 5th Floor
Washington, D.C. 20005

RE: MUR 3109

Dear Ms. Michelman:

The Federal Election Commission received a complaint which alleges that the National Abortion Rights Action League Inc. ("NARAL") may have violated 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 3109. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the Office of the General Counsel, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

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OGC 9084

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3109

NAME OF COUNSEL: Kathleen Wallman and Sheila Nix

ADDRESS: Arnold and Porter
1200 New Hampshire Avenue, NW
Washington, D.C. 20036

TELEPHONE: (202) 872-6700

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC 21 PM 2:11

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.

December 20, 1990
Date

Dawn Johnsen, Legal Director
Signature

Respondent's name: National Abortion Rights Action League, Inc.
ADDRESS: 1101 14th Street, N.W., Suite 500
Washington, DC 20005

Business Phone: (202) 408-4600

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ARNOLD & PORTER

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-6060

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

December 20, 1990

VIA FACIMILE

Mr. Michael Marinelli
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109

Dear Mr. Marinelli:

I am writing pursuant to our telephone conversation earlier today in which I requested additional time on behalf of our client, the National Abortion Rights Action League, Inc., to file a response with the General Counsel's Office regarding MUR 3109. After discussion, you indicated that your office would be agreeable to an extension of twenty-one days. I therefore make this formal request for a twenty-one-day extension.

I am requesting this extension because the work plans and holiday plans of several attorneys here and on our client's staff will make it impossible to respond to the allegations of the complaint within the fifteen days allotted in the regulations. The extension we seek would require us to file our response on January 25, 1991. (The complaint was received by the respondent on December 20, 1990.)

If you have any questions, please call me at (202) 872-6935. Thank you for your consideration of this request.

Sincerely,

Sheila M. Nix

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 26, 1990

Sheila M. Nix, Esquire
Arnold & Porter
1200 New Hampshire Ave, N.W.
Washington, D.C. 20036

RE: MUR 3109
NARAL

Dear Ms. Nix:

This is in response to your letter dated December 20, 1990, which we received on December 21, 1990, requesting an extension of 21 days to respond to the complaint filed against your client, the National Abortion Rights Action League. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on January 25, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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OGC 9929

ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

January 25, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 JAN 25 PM 4:02

BY HAND

Lois G. Lerner, Esquire
Associate General Counsel
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Ms. Lerner:

Pursuant to your letter dated December 19, 1990, and as provided in 11 C.F.R. § 111.6, we are writing to demonstrate that no action should be taken against the National Abortion Rights Action League, Inc. ("NARAL") in connection with a complaint filed by R. Jack Hawke, Chairman of the North Carolina Republican Party, dated August 9, 1990. NARAL denies that any coordination, as alleged in the complaint, occurred. The allegations are irrelevant, untrue and do not raise any presumption of coordination under the Commission's regulations or its jurisprudence. Further investigation is unwarranted.

I. NARAL Categorically and Unequivocally Denies the Charges Advanced in the Complaint.

The complaint alleges that NARAL's independent expenditures advocating the defeat of Senator Jesse Helms in the November 1990 general election were not, in fact, independent. It also alleges that these expenditures have not been, but should have been, reported pursuant to 2 U.S.C. § 434(b).

The alleged reporting violation is unfounded. NARAL has timely reported each and every independent

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expenditure it has made as our filings with the Commission reflect.[1]

As to the allegations that NARAL's independent expenditures were made in coordination, cooperation or consultation with the campaign of senatorial candidate Harvey Gantt, or were authorized by his campaign, NARAL categorically and unequivocally denies those charges.[2] NARAL was aware, at all relevant times during the 1989-1990 election cycle, of what the law requires of those who make independent expenditures and has scrupulously adhered to the applicable requirements. We have appended an affidavit executed by Kate Michelman, Executive Director of NARAL, verifying the independence of the expenditures in question (Exhibit 1).

II. Review of Allegations and Summary of Responses.

Nothing in the complaint is sufficient to prove actual coordination, as the complaint itself concedes (at 10), or even to raise a presumption of coordination. The complaint contains no allegations of direct coordination between NARAL and the Gantt campaign. It does not even identify circumstantial evidence of direct

[1] The complaint is dated August 9, 1990. NARAL's first independent expenditure was made on August 8, 1990 and was timely reported thereafter. Complainant obviously had no basis for alleging a reporting violation with respect to an expenditure that had been made the previous day and was not yet required to be reported. This underscores the baselessness and the political motivation of the complaint.

[2] Throughout this response, the word "coordination" is used to refer to all types of behavior, e.g., cooperation and consultation, that might lead the Commission to conclude that an independent expenditure was not truly independent. Thus, wherever "coordination" is denied, it should be understood to mean that all other similar types of behavior, e.g., cooperation and consultation, are also denied.

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coordination.[3] In fact, it does no more than suggest that the separate activities of various organizations, each of which separately favored the election of Mr. Gantt, created an opportunity for coordination between NARAL and the Gantt campaign. The attached affidavits establish that, even to the extent that such an opportunity may appear to have existed, NARAL did not avail itself of it.

The operative allegations and our responses, in summary form, are as follows:

- NARAL is alleged to have "launched a pro-choice media campaign", that was somehow related to the North Carolina Senate race, by placing a series of advertisements in North Carolina newspapers and on North Carolina television stations during 1989.

  In reality, those advertisements made no mention of the North Carolina Senate race or any other Senate race or any candidate. To the contrary, the advertisements were public education messages paid for in part by NARAL in connection with the Supreme Court's consideration of Webster v. Reproductive Services. The advertisements were placed in newspapers and on television stations nationally, not just in North Carolina.

- The activities of a former Hickman-Maslin Research, Inc. employee, David Petts, who was retained by the Gantt campaign to provide polling services, is alleged to have created opportunities for coordination with NARAL because of his past association with Mr. Harrison Hickman, a polling consultant who performed work during the 1989-1990 election cycle for NARAL.

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[3] Cf. Federal Election Commission v. National Conservative Political Action Committee, 647 F. Supp. 987, 993-94 n.18 (S.D.N.Y. 1986) (highlighting similarities in language of candidate's campaign materials and independent expenditure materials as evidence of coordination).

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In reality, Mr. Petts has not worked for Hickman-Maslin Research, Inc. for over three years, and Mr. Hickman never discussed the Gantt campaign with him during the campaign.

- Mr. Hickman is alleged to have provided an opportunity for coordination during the 1989-1990 election cycle between NARAL and the Gantt campaign because of his unrelated work for the Democratic National Committee, the Democratic Senatorial Campaign Committee, the Democratic Legislative Campaign Committee, Senator Terry Sanford and former Governor Jim Hunt.

  In reality, neither NARAL, nor Mr. Hickman on behalf of NARAL, coordinated expenditures with the Gantt campaign; none of Mr. Hickman's work for the party committees, Senator Sanford or Governor Hunt involved the North Carolina Senate race; and Mr. Hickman played no coordinating role whatsoever and scrupulously avoided discussing the North Carolina Senate race with his other clients, as described below and as Mr. Hickman attests in his affidavit (Exhibit 3).

- NARAL is alleged to be "closely aligned" with the Democratic National Committee ("DNC") and the North Carolina Democratic Party on the basis of two contributions identified in the complaint: a $295 contribution by the DNC to NARAL and a $2,000 contribution by NARAL's affiliated PAC ("NARAL PAC") to the North Carolina Democratic Party.

  In reality, NARAL is not affiliated in any way with either the DNC or the North Carolina Democratic Party. The $295 payment was a partial payment to NARAL for attendance at a luncheon on January 22, 1990 commemorating the anniversary of Roe v. Wade. (See Exhibit 4.) The $2,000 payment was made by NARAL PAC, not NARAL, to the North Carolina Democratic Party to support research to assess the relative strengths of various potential candidates.

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- The North Carolina Coalition for Choice is alleged to have presented an opportunity for coordination between NARAL and the Gantt campaign.

  In reality, the Coalition is a <u>legislative</u> alliance that refrains from electoral activity. Harvey Gantt's brief appearance at a Coalition rally, referred to in the complaint, involved no coordination between NARAL and the Gantt campaign.

- Two individuals, Ms. Charlotte Brody of Planned Parenthood of Greater Charlotte and Ms. Roberta Waddle of North Carolina National Organization for Women, are alleged to have created opportunities for coordination between NARAL and the Gantt campaign because their organizations belonged, along with NARAL's North Carolina affiliate ("NARAL-NC"), to the North Carolina Coalition for Choice. The two women are alleged to have been active in the Gantt campaign.

  In reality, these individuals are officers of <u>other</u> reproductive and women's rights organizations in North Carolina, <u>not</u> NARAL or its North Carolina affiliate. Neither has served in a leadership role in NARAL, NARAL PAC, NARAL-NC or NARAL-NC PAC during the 1989-1990 election cycle. Neither has had any "coordinating" role concerning NARAL's activities. Finally, the Coalition itself had no such coordinating role.[4]

[4] The complaint also alleges that other organizations and individuals in North Carolina, namely Senate Vote '90, Jane Stein, W. W. Finlator and H. M. Michaux, created opportunities for coordination between NARAL and its affiliates and the Gantt campaign. NARAL has no connection to these individuals or with Senate Vote '90 and denies that they provided any opportunity for coordination with the Gantt campaign. Please refer to the discussion of these allegations in NARAL-NC PAC's response to MUR 3109 filed with the Federal Election Commission on November 6, 1990, for more detailed information.

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The appended affidavits conclusively demonstrate NARAL's compliance with the law. Together with this response, they warrant a conclusion on the General Counsel's part that no further action should be taken on the complaint.

III. Analysis.

A. NARAL's Alleged "Pro-Choice Media Campaign" Was a Public Education Campaign Made In Connection with The Supreme Court's Consideration Of Webster v. Reproductive Services

The complainant recites that NARAL launched a "pro-choice media campaign" and alleges that this public education campaign was somehow related to the North Carolina Senate race. It is not clear what relevance this is intended to have to complainant's allegation of coordination. Nevertheless, we respond in order to show that the true facts could not support an allegation of coordination.

The advertisement referred to in the complaint as Exhibit 2 is dated April 17, 1989. It was part of a national public education campaign paid for, in part, by NARAL, concerning the Supreme Court's consideration of Webster v. Reproductive Services, as evidenced by the text of the advertisement. It contains no express advocacy. It does not refer to the North Carolina Senate rate -- for good reason: as of April, 1989, there was no announced candidate running against Senator Helms. Moreover, as the attached listing of media buys shows, the advertisements were not directed exclusively at North Carolinians; it was a national campaign. (Exhibit 5.)

B. Complainant's Allegations Regarding A Former Employee of Hickman-Maslin Research, Inc. are Irrelevant.

The complaint urges the Commission to be suspicious because "[t]he Gantt campaign has hired the Washington, D.C. firm of Donilon and Petts to conduct public opinion polling according to press accounts

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[sic], a principal of this firm, David Petts, was formerly an employee of Harrison Hickman." (Complaint at 4.) To our knowledge, the FEC has never found or even expressed concern about coordination in such attenuated circumstances. The true facts of this matter, moreover, illuminate the baselessness of the allegations: Mr. Petts has not been employed by Mr. Hickman since July 1987, and as indicated in the attached affidavit, Mr. Hickman has seldom seen or talked to Mr. Petts since that time. He never discussed the North Carolina Senate race with him during the campaign.

C. Mr. Hickman Was Not a "Common Vendor" of Services to NARAL and the Gantt Campaign Committee.

Complainant appears to be stretching toward an argument that the role of a purported "common vendor" of polling services, Mr. Harrison Hickman, infected the independence of NARAL's expenditures. There is no dispute that Harrison Hickman of Hickman-Maslin Research, Inc. was retained by and conducted polls for NARAL on the subject of the North Carolina Senate race.[5] But Mr. Hickman and his firm were not retained by the Gantt Committee. Thus, the instant complaint nowhere makes the allegation that is crucial to a common vendor case: that NARAL retained a consultant also retained by Mr. Gantt.[6] In fact, neither Mr. Hickman nor any other

[5] Mr. Hickman conducted an exploratory poll for NARAL that probed the potential significance of the abortion issue and other issues in the North Carolina race. (See complainant's exhibit 3.) It involved no express advocacy and therefore did not constitute an independent expenditure. (See Advisory Opinion 1979-80.) Subsequent to the date of the complaint, during September and October, 1990, Hickman-Maslin Research, Inc. conducted two other polls for NARAL which were reported as independent expenditures. Both polls were conducted for NARAL's internal and strategic purposes; however, the October polling results were also released to the press. None of the polls involved any coordination by NARAL or by Mr. Hickman or his firm with the Gantt campaign.

[6] Cf. Advisory Opinion 1979-80.

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person or firm was a common vendor serving both NARAL and the Gantt campaign.

Indeed, the complaint draws no link between the Gantt campaign and NARAL through Mr. Hickman. Complainant's only allegation is that Mr. Hickman received compensation or reimbursement for work on unrelated matters, from national or state Democratic party organizations that naturally favored Mr. Gantt's election, as well as the election of many other Democratic candidates for federal and state offices.[7] Commission action on this complaint would require a presumption of coordination in circumstances that have never before, to our knowledge, been deemed to warrant such a presumption.

The implication of such action would be that each and every independent expenditure made in a federal election is potentially actionable if it involves the services of any consultant who has ever had a party organization as a client -- no matter how remote or how carefully insulated the consultant's work for the party client may be from that of other clients who make independent expenditures. Experienced consultants of the type that political activists seek to retain will so frequently be in such a position that Commission action on this complaint would create a cottage industry in the manufacture of such complaints.

The true facts refute the allegations of this complaint:

First, Mr. Hickman conducted no "series of major polls" for the North Carolina Democratic Party during the 1989-1990 election cycle. At the request of a consultant to the party, Mr. Gary Pearce, he conducted one poll for the Democratic Legislative Campaign Committee ("DLCC") which also included questions relating to other clients of Mr. Hickman and his firm. The DLCC was charged $16,000 for its portion of the poll. As Mr. Hickman states in the attached affidavit, he was not aware that his work for DLCC was to be paid

[7] The Commission's staff confirmed by telephone on November 6, 1990 that none of the party organizations or committees named in the complaint had been named by the Gantt committee as an authorized committee.

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for by the state party, and was not aware that it had been paid for by the party until he saw the report of expenditures attached to the complaint. At no time did he have any direct contact with any North Carolina state party officials in connection with the poll. Even if Mr. Hickman had had direct contact with the state party, this still would not raise a presumption of coordination between NARAL and the Gantt campaign committee: Still missing is any evidence or even allegation that Mr. Hickman served as a common vendor both to the Gantt campaign committee and to NARAL, or any evidence that Mr. Hickman served as an agent or conduit of coordination.

Second, contrary to complainant's assertion (at 4-5), Mr. Hickman did not conduct a poll on behalf of the North Carolina Democratic Party in February 1990. Another firm, not Mr. Hickman's, provided that service.[8]

Third, the $2,000 payment that the complaint identifies as being made by the Democratic Senatorial Campaign Committee ("DSCC") to Hickman-Maslin Research has nothing to do with the North Carolina Senate race. As indicated in Mr. Hickman's affidavit, he undertook exactly three projects for the DSCC in the 1989-1990 election cycle: one involving the Senate race in South Carolina, another involving the Senate race in Oregon and a third relating to the Senate race in Indiana. He did not undertake any projects involving the North Carolina Senate race, and scrupulously avoided during the campaign any discussions with any DSCC personnel concerning campaign strategy in the North Carolina race.[9]

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[8] See pages 11-12 of this response for further information regarding this poll.

[9] Mr. Hickman states in the attached affidavit that his work for Senator Terry Sanford and former North Carolina Governor Jim Hunt does not involve and has not involved any services connected to the Gantt campaign. He was scrupulously careful in his conversations with both Senator Sanford and Governor Hunt during the campaign not to discuss matters that relate to the campaign strategy of the Gantt campaign.

Fourth, with respect to the Democratic National Committee ("DNC"), the $267.50 payment to Mr. Hickman identified in the complaint represents partial reimbursement of travel expenses for a trip that Mr. Hickman made to San Francisco to speak to the Business Council on December 3, 1989. Mr. Hickman did not speak to any DNC officials about Senate campaign strategy in North Carolina, and did not address the audience on that topic.

These facts are presented in order to make clear that, even if Mr. Hickman's work for these party organizations were legally relevant under the common vendor theory, no coordination occurred. But we emphasize that his work for them could warrant further inquiry, under the Commission's jurisprudence, only if the relationship between the party committees and the candidate committee was such that these committees operated essentially as alter egos of the Gantt campaign committee so that working for any of them was tantamount to working for the Gantt committee.[10] Complainant has made no such allegations, and neither Ms. Michelman nor Mr. Hickman is aware of circumstances suggesting such a relationship.[11] Complainant has merely alleged that the party organizations supported the party candidate in the usual ways -- a rather unremarkable proposition.

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[10] See Advisory Opinion 1979-80.

[11] We considered whether to approach officials at DSCC, DNC and North Carolina Democratic Party to obtain affidavits in support of this response concerning the nature of those committees' relationships with the Gantt campaign. We decided against doing that, however, for two reasons. First, since the complaint raises no specific allegations, it would be impossible to know what to rebut in such an affidavit. Second, since the subject of the complaint is alleged coordination between NARAL and each of those committees, we thought it prudent to refrain from approaching them to discuss their involvement in the Gantt campaign. If the General Counsel feels that affidavits from officials of these three party committees would help lay this matter to rest, we would be happy to obtain them upon your request.

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D. NARAL Is Not "Closely Aligned" With Either the DNC or the North Carolina Democratic Party

The complainant alleges that NARAL is "closely aligned" with both the DNC and the North Carolina Democratic Party. (See Complaint at 4.) However, the only connection alleged between NARAL and the DNC is an expenditure report, attached to the complaint as Exhibit 15, showing that the DNC made a payment of $295 to NARAL. In fact, this was a partial payment for three tickets, priced at a total of $500, to a luncheon commemorating the anniversary of Roe v. Wade. A copy of the invitation and the DNC's reply to the luncheon invitation is attached at Exhibit 4. Attendance at a luncheon by three representatives of the DNC hardly constitutes a "closely aligned" relationship between NARAL and the DNC, especially considering that over 175 people attended the luncheon. The theme of the luncheon, as evidenced by the invitation (Exhibit 4), was a commemoration of Roe v. Wade; it was not held for an electoral purpose.

Further, NARAL has no "closely aligned" relationship with the North Carolina Democratic Party. The only link drawn between the two in the complaint is an expenditure of $2,000 made by NARAL's affiliated organization, NARAL PAC, in February, 1990.[12] NARAL PAC made this contribution to the North Carolina Democratic Party to help fund research to identify the relative strengths of various potential opponents to the incumbent, Senator Helms. (See Exhibit 2: Affidavit of Jill Hanauer.) As a benefactor of the research, NARAL PAC received a copy of the results, but neither NARAL nor Harrison Hickman used these polling results in connection with making any independent expenditures. (See Exhibits 1, 2, and 3, Affidavits of Kate Michelman, Jill Hanauer, and Harrison Hickman.) Indeed, these polling results would not have been particularly useful because they had been collected in connection with the

[12] It should be emphasized that the expenditure was made by NARAL PAC, not NARAL, and that NARAL PAC did not make any independent expenditures in connection with the North Carolina Senate race (see NARAL PAC's response to MUR 3109 filed with the Federal Election Commission on November 6, 1990).

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primary election campaign. NARAL only made independent expenditures during the general election. NARAL was not interested, in accordance with its practice of declining to support one pro-choice candidate over another, in making independent expenditures before the North Carolina runoff election had determined which of the pro-choice primary candidates would be the Democratic nominee.

E. NARAL-NC's Activities in Connection With the North Carolina Coalition For Choice Involved No Coordination With the Gantt Campaign Committee.

The complaint also alleges that NARAL was linked to the Gantt campaign through the North Carolina Coalition for Choice. NARAL did not participate in the Coalition. Only NARAL-NC participates in the Coalition along with other reproductive and women's rights organizations in North Carolina. The Coalition was organized as a legislative alliance of like-minded groups. It refrains from electoral work and did not make any endorsement in connection with the North Carolina Senate race. It is not controlled in any sense by NARAL, NARAL PAC, NARAL-NC or NARAL-NC PAC, on the one hand, or by the Gantt campaign, on the other.

The undated Coalition letter referred to in the complaint and appended to it as Exhibit 21 sought contributions for an April 28, 1990 pro-choice rally on state legislative issues. The letter indicates that the purpose of the rally was to send a message to the North Carolina General Assembly, which was to "begin its short session twenty-two days after this event. When our legislators convene, they could act on three issues that could drastically limit reproductive freedom in our state." At the rally, which was held before Harvey Gantt became the Democratic nominee by virtue of winning the June 5 runoff election, candidates who had been endorsed by member organizations of the Coalition were introduced to the audience.[13] In that connection, Mr. Gantt, who had been endorsed by the National Organization for Women (see complainant's exhibit 27), made a speech of approximately two minutes in duration.

[13] Significantly, NARAL-NC had not made any such endorsement (see complainant's exhibit 27).

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The event in no sense involved coordination of strategy between NARAL and the Gantt campaign.

As for the roles of Ms. Charlotte Brody of Planned Parenthood of Greater Charlotte and Ms. Roberta Waddle of North Carolina National Organization for Women, it may or may not be true that they are "active participants" in the Gantt campaign; Ms. Michelman has no knowledge about what their activities may have been.[14] Whatever their roles in the Gantt campaign may have been, neither has served in a leadership role in NARAL, NARAL PAC, NARAL-NC or NARAL-NC PAC during the 1989-1990 election cycle, and neither has had any "coordinating" role concerning NARAL's activities. Ms. Michelman denies that they ever served as agents or conduits of coordination between NARAL and the Gantt campaign.

CONCLUSION

The foregoing responds to all of the operative allegations against NARAL and demonstrates that the General Counsel's office should close this matter. The allegations of the complaint are untrue and they raise no presumption of coordination under Commission and federal court precedent.[15] Actual coordination is categorically denied by the affiants. Further investigation is unwarranted.

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[14] Complainant offers no support at all for his assertion that Ms. Waddle is an active participant in the Gantt campaign. See also Ziegler affidavit, appended to NARAL-NC PAC's Response filed with the Federal Election Commission on November 6, 1990.

[15] See Democratic Senatorial Campaign Committee v. Federal Election Commission, 745 F.2d 742 (D.D.C. 1990) (affirming FEC's finding of no reason to believe where common vendor relationship conceded to exist but where respondents' affidavits denied coordination "broadly and with particularity"); Common Cause v. Federal Election Commission, 715 F. Supp. 398 (D.D.C. 1989) (affirming FEC's decision not to presume coordination where common vendor relationship determined to exist), rev'd on other grounds, 906 F.2d 705 (D.C. Cir. 1990).

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Should you require any additional information to aid your consideration of this matter, we hope that you will not hesitate to contact us.[16]

Very truly yours,

Sheila M. Nix

Kathleen M.H. Wallman
Sheila M. Nix

5 Attachments:

Exhibit 1: Affidavit of Kate Michelman
Exhibit 2: Affidavit of Jill Hanauer
Exhibit 3: Affidavit of Harrison Hickman
Exhibit 4: NARAL Luncheon Invitation and DNC's Luncheon Reply
Exhibit 5: Listing of Media Buys for Webster advertising campaign

cc: Michael Marinelli, Esquire

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[16] We understand from your December 19, 1990 letter that the complaint was not forwarded to NARAL within five days of the Commission's receipt of it, as required by your regulations, due to an administrative oversight. To date, this does not appear to have caused any prejudice to NARAL, but we respectfully reserve the possibility of revisiting this issue with the Commission should evidence of prejudice emerge at some later point.

IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

Kate Michelman
Executive Director
National Abortion Rights Action League, Inc.

KATE MICHELMAN, being duly sworn, deposes and says:

1. I am the Executive Director of the National Abortion Rights Action League, Inc. ("NARAL"), headquartered in Washington, D.C.

2. I have reviewed the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990.

3. I was responsible for authorizing independent expenditures made by NARAL during the 1989-1990 election cycle.

4. I have reviewed the financial records of NARAL, and I have ascertained that all independent expenditures made in opposition to Jesse Helms were independent and were made without coordination, consultation or cooperation with the Gantt campaign.

5. The activities referred to in the complaint that are alleged to involve the Democratic Senatorial Campaign Committee, the Democratic National Committee or the North Carolina Democratic Party, on the one hand, and NARAL, on the other, during the 1989-1990 election

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cycle did not, to my knowledge, entail or result in coordination, cooperation or consultation between NARAL and the Gantt campaign.

6. NARAL did not use the results of the poll performed by the North Carolina Democratic Party and referred to on pp. 4-5 of the complaint to assist in making independent expenditures during the North Carolina Senate general election.

7. The advertisement appended to the complaint as "Exhibit 2" and referred to on page 2 of the complaint was a public education message paid for in part by NARAL in connection with the Supreme Court's consideration of Webster v. Reproductive Health Services. It does not refer to any election and involved no independent expenditures.

8. NARAL has a general policy of declining to support or endorse one pro-choice candidate over another in primary elections. This caused NARAL to refrain from supporting Mr. Gantt's campaign until after the June 5, 1990 runoff election.

9. I am unaware of what, if any, role Ms. Charlotte Brody or Mrs. Roberta Waddle served in the Gantt campaign. However, neither of these women is or was a board member of NARAL, and, to my knowledge, they have never served as a means of coordination,

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cooperation or consultation between NARAL and the Gantt campaign.

10. During the 1989-1990 election cycle, I took all prudent steps and I caused NARAL and its staff to take all prudent steps to avoid any possibility of coordination, cooperation or consultation between NARAL and the Gantt campaign. I was aware at all relevant times of the impediments that such coordination, cooperation or consultation might create for independent expenditures by NARAL in the Gantt/Helms and other races. To the best of my knowledge, no such coordination, cooperation or consultation occurred.

Kate Michelman

Kate Michelman

Sworn to before me this
23rd day of January, 1991.

Sharon Ann Seeley

Notary Public

My Commission expires: My Commission Expires February 14, 1991

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

Jill Hanauer
Manager
National Abortion Rights Action League
Political Action Committee

JILL HANAUER, being duly sworn, deposes and says:

1. Since January 12, 1990, I have been the Manager of the National Abortion Rights Action League Political Action Committee ("NARAL PAC"), headquartered in Washington, D.C.

2. I have reviewed the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990.

3. At all relevant times during the 1989-1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation and consultation as to campaign strategy with candidates who would be benefited by independent expenditures made by NARAL and took all prudent steps to avoid such coordination, cooperation and consultation. To my knowledge, no such coordination, cooperation or consultation as to campaign strategy occurred between NARAL and the Gantt campaign.

4. I was responsible for forwarding the $2,000 contribution to the North Carolina Democratic Party for the poll referred to on pp. 4-5 of the complaint. The

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contribution was approved by the NARAL PAC Board of Directors on January 13, 1990. I caused the check to be forwarded to the North Carolina Democratic Party on February 6, 1990.

5. After February 6, 1990, but before the North Carolina runoff election on June 5, 1990, I received a copy of the results of the North Carolina Democratic Party poll referred to on pp. 4-5 of the complaint. I leafed through the document but did not study it. I forwarded my copy shortly thereafter to NARAL's pollster, Harrison Hickman, without retaining a copy. To my knowledge, these results were not used in connection with any independent expenditures made by NARAL in the North Carolina Senate race.

Jill Hanauer

Sworn to before me this
15th day of JANUARY, 1991.

Notary Public

My Commission expires: My Commission Expires May 31, 1994

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

Harrison Hickman
Hickman-Maslin Research Inc.

HARRISON HICKMAN, first being duly sworn, deposes and says:

1. I am a principal of the polling and consulting firm of Hickman-Maslin Research Inc., headquartered in Washington, D.C.

2. I have read the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990.

3. At all relevant times during the 1989-1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation and consultation as to campaign strategy with candidates who would be benefited by independent expenditures made by NARAL. I did not engage in activities that involved coordination, cooperation or consultation as to campaign strategy between NARAL and the Gantt campaign.

4. I have not conducted a "series of major polls" for the North Carolina Democratic Party or any North Carolina candidate during the 1989-1990 election cycle. I did not conduct the poll for the North Carolina Democratic Party referred to on pp. 4-5 of the

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complaint. I received a copy of the results of that poll from NARAL, but I filed my copy without reviewing it and never used the results in connection with any of the services that I provided to NARAL relating to the North Carolina general election in 1990.

5. I performed one poll in North Carolina for the Democratic Legislative Campaign Committee ("DLCC") at the request of a consultant to DLCC, Mr. Gary Pearce. I charged DLCC $16,000 for this work. Apparently, as reflected in the exhibit attached to the complaint, this fee was paid by the North Carolina Democratic Party. However, I was not aware that my work for the DLCC was to be paid for by the state party and was not aware that it had been paid for by the state party until I saw the report of expenditures attached to the complaint. I had no direct contact with any North Carolina state party officials in connection with my performance of the poll.

6. My firm performed consulting work for the Democratic Senatorial Campaign Committee ("DSCC") in the 1989-1990 election cycle. The work we performed for the DSCC involved the U.S. Senate races in South Carolina, Oregon, and Indiana.

7. I perform consulting services for Senator Terry Sanford and former North Carolina Governor Jim Hunt. My work for them during the 1990 campaign election cycle did not involve any services related to

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the Gantt campaign, and I did not discuss matters involving the campaign strategy of the Gantt campaign with them during the campaign.

8. My firm did not undertake any projects for the DSCC involving the North Carolina Senate race or any other North Carolina race during the 1989-1990 election cycle and during that period I avoided discussions with any DSCC personnel concerning campaign strategy in the North Carolina race during the campaign.

9. I was not retained on an ongoing basis during the 1989-1990 election cycle by the Democratic National Committee. I was, however, reimbursed for travel expenses in connection with a trip to San Francisco to speak to the Business Council on December 3, 1989. I did not speak to any DNC officials about the 1990 North Carolina Senate campaign strategy during the campaign and that was not the topic of my December 3, 1989 speech.

10. I have no reason to believe that any of my work for DLCC, DNC or DSCC resulted in any illegal coordination, cooperation or consultation between NARAL and the Gantt campaign.

11. David Petts, a partner in the consulting firm of Donilon & Petts, which was hired to do polling for the Gantt campaign, is a former employee of my firm. However, he has not worked for us since July 1987, and I

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have had very little contact with Mr. Petts since that date. I did not discuss the Gantt campaign with either Mr. Petts or his partner, Mike Donilon, during the campaign.

Harrison Hickman

Sworn to before me this
25th day of January, 1991.

Notary Public

My Commission Expires May 31, 1994

My Commission expires: _____

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TO: Page Gardner
FROM: Kim Haddow
DATE: 4/27/89
RE: NARAL Print Buy

Ran April 17 & 23

REGIONAL BUY (INCLUDE SPEAK OUT TAGS)

Austin Am Statesman
April 17.....Section B, pg. 5
April 23.....Section B, pg. 8
Denver Post
April 17.....Perspective Section, back page
April 23.....Main News, pg. 10
Des Moines Register
April 17.....Main News, pg. 11
April 23.....Forum, back page
Raleigh News Observer
April 17.....Main News, pg. 9
April 23.....Main News, pg. 25
Sacramento Bee
April 17.....Section B, pg. 14
April 23.....Main News, pg. 19

Ran April 23

AFFILIATE BUY (INCLUDE SPEAK OUT TAGS)

Albany Times Union.....Perspective Section, pg. 3
Baltimore Sun.....Perspective Section, pg. 8
Columbus Dispatch.....Section H, pg. 13
Hartford Courant.....Section B, pg. 10
Indianapolis Star.....Main News, pg. 9
Nashville Tennessean.....Section B, pg. 7
Pittsburgh Press.....Section B, pg. 2
Portland Oregonian.....
Springfield State
Journal Register.....Section 1, pg. 39

NATIONAL BUY

Boston Globe.....Main News, pg. 33
LA Times.....Main News, pg. 37
Miami Herald.....Viewpoint Section, back page
New York Times.....Section 1, pg. 47
St. Louis Post Dispatch..Section B (News Analysis) pg. 7
Washington Post.....Metro, pg. 8
APRIL 26.....Main News, pg. 8

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Ran April 24

COLLEGE NEWSPAPER BUY

California State
at Northridge.....
Northwestern.....pg. 14

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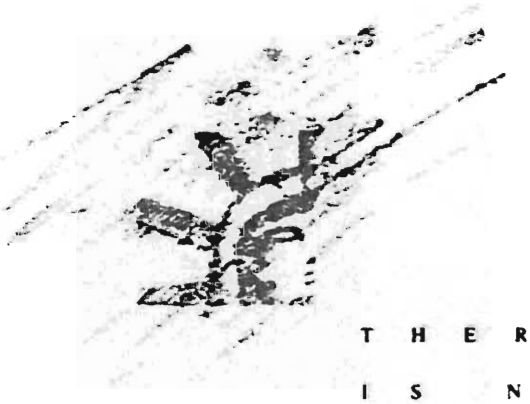

THERE
IS NO
LIBERTY
WITHOUT
CHOICE

D E C A D E

O F

C H O I C E

YES I WILL DEMONSTRATE MY COMMITMENT TO REPRODUCTIVE FREEDOM BY JOINING WITH THE NATIONAL ABORTION RIGHTS ACTION LEAGUE ON JANUARY 22ND AT THE SHERATON CARLTON HOTEL TO KICK OFF

A DECADE OF CHOICE

PLEASE RESERVE 3 LUNCHEON TICKETS

ENCLOSED IS MY CONTRIBUTION OF $ _____

- [x] PATRON $500 INCLUDES THREE TICKETS *
- [ ] SPONSOR $250 INCLUDES TWO TICKETS *
- [ ] DONOR $150 INCLUDES ONE TICKET

I CANNOT ATTEND THE NARAL LUNCHEON, BUT ENCLOSED IS MY CONTRIBUTION OF $ _____

NAME Lynn Cutler, Democratic Nat'l Comm.*

ADDRESS 430 S. Capitol St., SE

CITY Wash, STATE DC ZIP 20003

DAY PHONE 863-8011 EVENING PHONE

PLEASE MAKE CHECKS PAYABLE TO THE NATIONAL ABORTION RIGHTS ACTION LEAGUE (NARAL). 1101 14TH STREET, NW, WASHINGTON, DC 20005. 202 371-0779. CONTRIBUTIONS TO NARAL ARE NOT TAX DEDUCTIBLE.

*PLEASE LIST YOUR GUESTS ON THE REVERSE SIDE OF THIS CARD

9504367312 2

TC: LISA

FROM: KERRY / FINAL LIST AT

TO: Page Gardner, Kathy Young
FROM: Kim Maddow
RE: First Print and Broadcast Buy
DATE: April 13

	SACRAMENTO		
	Sacramento Bee		
only 2 spots cleared	★ KOVR-TV (ABC)	April 17,23	15,379.97- PAID
	KXTV-TV (CBS)	April 19 - May 1	9,265
	KTXL-TV (IND)		23,290
	KCRA-TV (NBC)		4,590
	KRAK AM/FM		49,045
	KZAP-FM	April 19 - 26	4,862
	KSFM/KSMJ		3,054.90
			1,912.50
	RALEIGH		
	Raleigh News & Observer		
	KPTF-TV (NBC)	April 17,23	9,876.68 -PAID
	WKFT-TV (IND)	April 19 - May 1	21,351
	WLFL-TV (IND)		680
	WQDR/WPTF		1,275
	WFXC/WDUR	April 19 - 26	5,202
	WCHL-AM		1,326
	WRDU-FM		674
			2,006
	AUSTIN		
	Austin American Statesman		
	KBVO-TV (FOX)	April 17,23	15,112.42 - PAID
	KTBC-TV (CBS)	April 19 - May 1	3,102.50
	KXAN-TV (NBC)		15,202.25
	KEYI-FM		19,545.75
	KASE/KVET	April 19 - 26	1,526.60
	KBTS-FM		2,427.60
			1,632.00
	DES MOINES		
	Des Moines Register		
	KCCI-TV (CBS)	April 17, 23	21,983.08 - PAID
	KDSM-TV (IND)	April 19 - May 1	21,313.75
	KLYF-FM		1,100.75
	KIOA/KDWZ	April 19 - 26	2,006
	KGGO-FM		1,365.10
			1,776.50
	DENVER		
	Denver Post	April 17, 23	17,451
	RADIO: Still being Placed		8,000

9504367312 3

NARAL
NORTH CAROLINA PAC

April 9, 1991

Michael Marinelli, Esquire
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3109 (National Abortion
Rights Action League -
North Carolina PAC ("NARAL-NC PAC"))

Dear Mr. Marinelli:

I am writing in response to a question that I understand you raised with my attorney concerning my affidavit in MUR 3109, which involves allegations against NARAL-NC PAC. I understand that you inquired whether the denials to which I averred with respect to Ms. Stein, Rev. Finlator, Mr. Jones and Mr. Michaux in paragraph 6 of my affidavit were intended to be as broad as those contained in paragraph 8 with respect to Ms. Waddle and Ms. Brody. As I told my attorney when she raised your inquiry with me, the denials in paragraph 6 were, indeed, intended to be as broad as those in paragraph 8.

Specifically, the individuals named in paragraph 6 do not (and did not) serve as leaders of NARAL-NC or NARAL-NC PAC, as I stated in paragraph 6, and they do not serve (and have not served) as board members of either organization or in any other position of responsibility, as I stated in paragraph 8. None of the individuals identified in paragraph 6 has ever served, to my knowledge, as a means of coordination between NARAL-NC PAC and the Gantt Campaign.

I appreciate the opportunity to clarify this issue. I hope that you will not hesitate to call my attorney if you have any further questions.

Very truly yours,

Ruth Ziegler

Ruth Ziegler

Affiliate
National
Abortion Rights
Action League

316 S. Gregson St.
Suite 1
Durham, NC 27701
919 687-4959

9504367312 4

OGC 0794

ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

KATHLEEN M. H. WALLMAN
DIRECT LINE: (202) 728-4958

1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

April 17, 1991

91 APR 17 PM 4:10

Michael Marinelli, Esquire
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109 (National Abortion Rights Action League - North Carolina PAC ("NARAL-NC PAC")

Dear Mr. Marinelli:

I am enclosing a letter from Ruth Ziegler, Treasurer of NARAL-NC PAC, about whose affidavit you called me recently.

Thank you for calling me about this. I was glad to have the chance to clarify this question at this stage and hope you will call me again if you have any additional questions.

Very truly yours,

Kathleen Wallman

Enclosures

9504367312 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 11, 1992

Bobby T. Martin, Treasurer
Harvey Gantt for Senate Campaign Committee
700 East Stonewall Street, Suite 655
Charlotte, N.C. 28303

RE: MUR 3109

Dear Mr. Martin:

The Federal Election Commission received a complaint which includes allegations that could inculpate the Harvey Gantt for Senate Campaign Committee and you, as treasurer, in violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. It was not sent to you earlier due to administrative oversight. We have numbered this matter MUR 3109. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to respond to the complaint before the Commission considers these allegations. Please submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Please submit your response, which should be addressed to the Office of the General Counsel, within 15 days of receipt of this letter. Under the Act, the Commission may proceed with its consideration of the matter if no response is received within 15 days of notification.

9504367312 6

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 219-3400. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

95043673127

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

92 MAR 10 P1:26

FEDERAL EXPRESS

Bobby T. Martin, Treasurer
Harvey Gantt for Senate Campaign Committee
700 East Stonewall Street, Suite 665
Charlotte, N.C. 28303

RE: MUR 3109

Dear Mr. Martin:

On February 11, 1992, the Federal Election Commission mailed you a letter and a copy of a complaint. It has been learned that the mailing was sent to the wrong address. Enclosed is a copy of the original letter and complaint.

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. February 11, 1992 letter
2. Complaint
3. Procedures
4. Designation of Counsel Statement

9504367312 8

...ENNEDY COVINGTON LOBDELL & HICKMAN

ATTORNEYS AT LAW
3300 NCNB PLAZA
CHARLOTTE, NORTH CAROLINA 28280-0002
TELEPHONE 704/377-6000

SOUTH CAROLINA OFFICE
THE GUARDIAN BUILDING
ONE LAW PLACE-SUITE ...
P O BOX ...
ROCK HILL, S.C. 29731-...
TELEPHONE 803/327-...

FACSIMILES
CHARLOTTE 704/331-7...
ROCK HILL 803/324-...

WRITER'S DIRECT DIAL NUMBER
704/331-7505

...JOSEPH B. C. BLUTTE
JONATHAN A. BARRETT
EUGENE C. BRIDGES
STEPHEN R. BYRNE
E. ALLEN DEHCHARD
RAYMOND E. OWENS, JR.
HENRY W. FLINT
DAVID M. JONES
NANCY BLACK NORELLI
JAMES C. HARDIN III*
PETER MCLEAN III
MYLES E. STANDISH
KIRAN M. MEHTA
MICHAEL B. MARKLEY
JAMES P. COONEY III
CAROL NASH NORMAN*
BRIAN P. EVANS
JEFFERSON W. BROWN
LYNN OLIVER WENIGE
GEORGE C. COVINGTON*
DANIEL L. JOHNSON, JR.

WALTER D. FISHER, JR.*
LISA MYMAN LANE*
ALICE CARMICHAEL RICHEY
BERNARD LINDSEY TEAGUE
DEAN A. WARREN
STEPHEN P. MCCRAE, JR.**
M. WILLIAM PALMER, JR.
JOHN M. CULVER III
BOBBY D. MINSON*
WILLIAM B. KIRK, JR.
MICHELLE C. LANDERS
W. HENRY SIPE III**
BEVERLY A. CARROLL**
LESLEE A. DAUGHERTY
LEROY P. HUTCHINSON
BRIAN C. REEVE
RANDALL W. LEE
MARK E. SWOFFORD**
WILLIAM N. HARRIS
ALLISON R. GARNHILL
BARBARA R. FRITH
J. ANDRE HALL

A. LEE HOGEWOOD III
CORY HOHNBAUM
C. CORLEY HOLT
FELICIA A. WASHINGTON
DAVID W. BROWN, JR.
JAMES E. EARLE
KENNETH L. FREDERICK**
CLIFFORD R. JARRE**
CAROL A. JONES VAN BUREN

FRANK H. KENNEDY
1893-1975
HUGH L. LOBDELL
1908-1982

OF COUNSEL
W. T. COVINGTON, JR.
DAVID GRIER MARTIN, JR.

SPECIAL COUNSEL
THOMAS R. PAYNE
ROBERT R. CARPENTER**

EXCEPT AS NOTED ATTORNEYS ADMITTED IN N.C. ONLY
*ADMITTED IN N.C. AND S.C.
**ADMITTED IN S.C. ONLY

April 1, 1992

VIA FACSIMILE

Mr Michael Marinelli
Federal Election Commission
Washington, D. C. 20463

Re: Helms Complaint, MUR 3109

Dear Mr. Marinelli:

I served as counsel for the Gantt Campaign in the 1990 Senatorial Election and enclose the signed Statement of Designation of Counsel.

On behalf of the Gantt Campaign, I request that we be given a two-week extension to reply to the allegations contained in the above-referenced matter. I request the extension because I only recently have had the opportunity to review the Complaint and need additional time to formulate a response.

Sincerely yours,

George C. Covington
For the Firm

GCC/sgl

Enclosure

cc: Mr. Melvin Watt (with enclosure)

9504367312 9

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3109

NAME OF COUNSEL: George C. Covington

ADDRESS: 3300 NationsBank Plaza
Charlotte, N. C. 28280

TELEPHONE: 704-377-6000

92 APR -2 PM 3:37

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.

3-31-92
Date

X Bailey J Martin
Signature

RESPONDENT'S NAME: Harvey Gantt for Senate Campaign Committee

ADDRESS: 700 East Stonewall Street - Suite 655
Charlotte, N. C. 28202

HOME PHONE:

BUSINESS PHONE:

9504367310

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 6, 1992

George Covington, Esquire
Kennedy, Covington, Lobdell & Hickman
3300 NCNB PLaza
Charlotte, North Carolina 28280-8082

RE: MUR 3109
Harvey Gantt for Senate
Campaign Committee and
Bobby T. Martin, as
treasurer

Dear Mr. Covington:

This is in response to your letter dated April 1, 1992, which we received on April 1, 1992, requesting an extension of 14 days until April 15 to respond to to the complaint filed against your client, the Harvey Gantt for Senate Campaign Committee. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 15, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Michael Marinelli
Attorney

9504367313 1

KENNEDY COVINGTON LOBDELL & HICKMAN

ATTORNEYS AT LAW
3300 NCNB PLAZA
CHARLOTTE NORTH CAROLINA 28280-8002
TELEPHONE 704/377-8000

SOUTH CAROLINA OFFICE
THE GUARDIAN BUILDING
ONE LAW PLACE-SUITE 301
P. O. BOX 3429
ROCK HILL, S. C. 29731-3429
TELEPHONE 803/327-8171

FACSIMILES
CHARLOTTE 704/331-7598
ROCK HILL 803/324-4737

WRITER'S DIRECT DIAL NUMBER
704/331-7505

April 14, 1992

VIA FACSIMILE

Mr. Michael Marinelli
Federal Election Commission
Washington, D. C. 20463

Re: Helms Complaint, MUR 3109

Dear Mr. Marinelli:

On behalf of the Harvey Gantt Campaign, I request that we be given an additional ten-day extension to reply to the allegations contained in the above-referenced matter. As I mentioned to you over the phone, the original deadline of Apri[illegible] caused hardships due to its coinciding with the income tax deadl[illegible]. In addition, the individual within the Gantt Campaign who has most of the information, Melvin Watt, is currently running for Congress, and he and I have had a hard time catching up with each other to formulate our response. Finally, I remind you that the Gantt Campaign was belatedly informed that the Complaint even applied to it.

I appreciate your consideration.

Sincerely yours,

George C. Covington

GCC/sgl

9504367313 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

April 16, 1992

George Covington, Esquire
Kennedy, Covington, Lobdell & Hickman
3300 NCNB Plaza
Charlotte, North Carolina 28280-8082

RE: MUR 3109
Harvey Gantt for Senate
Campaign Committee and
Bobby T. Martin, as
treasurer

Dear Mr. Covington:

This is in response to your letter dated April 14, 1992, which we received on April 15, 1992, requesting an extension of 10 days until April 25 to respond to to the complaint filed against your client, the Harvey Gantt for Senate Campaign Committee. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 25, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Michael Marinelli
Attorney

9504367313 3

KENNEDY COVINGTON LOBDELL & HICKMAN

ATTORNEYS AT LAW
3300 NCNB PLAZA
CHARLOTTE NORTH CAROLINA 28280-8082
TELEPHONE 704/377-6000

SOUTH CAROLINA OFFICE
THE GUARDIAN BUILDING
ONE LAW PLACE SUITE 301
P O BOX 1429
ROCK HILL S C 29731-1429
TELEPHONE 803/327-6371

FACSIMILES
CHARLOTTE 704/331-7598
ROCK HILL 803/324-4737

WRITER'S DIRECT DIAL NUMBER
704/331-7427

MARCUS T HICKMAN
CLARENCE W WALKER
JAMES E (BILL) WALKER
HENRY C LOMAX
EDGAR LOVE III
CHARLES V TOMPKINS JR
GLEN B HARDYMON
J DONNELL LASSITER
ROSS J SMYTH
A ZACHARY SMITH III
WILLIAM F DREW JR
CHARLES O DuBOSE
RALEIGH A SHOEMAKER
JOHN M MURCHISON JR
STEPHEN M S COURTLAND
RICHARD D STEPHENS
E FINCHER JARRELL
MAYNARD E TIPPS
WAYNE P HUCKEL
J NORFLEET PRUDEN III
WILLIAM C LIVINGSTON
LEE WEST MOVIUS

JOSEPH B C KLUTTZ
JONATHAN A BARRETT
EUGENE C PRIDGEN
STEPHEN K RHYNE
E ALLEN PRICHARD
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BRIAN P EVANS
JEFFERSON W BROWN
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GEORGE C COVINGTON*
DANIEL L JOHNSON JR

WALTER D FISHER JR*
LISA HYMAN LANE*
ALICE CARMICHAEL RICHEY
DENNARD LINDSEY TEAGUE
DEAN A WARREN
STEPHEN R McCRAE JR**
H WILLIAM PALMER JR
JOHN H CULVER III
BOBBY D HINSON*
WILLIAM B KIRK JR
MICHELLE C LANDERS
W HENRY SIPE III**
BEVERLY A CARROLL**
LESLEE K DAUGHERTY
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BRIAN C REEVE
RANDALL W LEE
MARK E SWOFFORD**
WILLIAM N HARRIS
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BARBARA R FRITH
J ANDRE HALL

A LEE HOGEWOOD III
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S CORLEY HOLT
FELICIA A WASHINGTON
DAVID W BROWN JR
JAMES E EAMLE
KENNETH L FREDERICK**
CLIFFORD R JARRETT
CAROL A JONES VAN BUREN

FRANK H KENNEDY
(1921-1975)
HUGH L LOBDELL
(1908-1982)

OF COUNSEL
W T COVINGTON JR
DAVID GRIER MARTIN JR

SPECIAL COUNSEL
THOMAS N PA[illegible]
ROBERT R CA[illegible]ER**

EXCEPT AS NOTED ATTORNEYS ADMITTED IN N C ONLY
*ADMITTED IN N C AND S C
**ADMITTED IN S C ONLY

April 24, 1992

Mr. Michael Marinelli
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: Helms Complaint, MUR3109
Harvey Gantt for Senate

Dear Mr. Marinelli:

The Harvey Gantt for Senate Campaign Committee ("the Gantt Committee"), has asked our assistance in responding to the complaint submitted by the North Carolina Republican Party alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Gantt Campaign has not violated the Act, 2 U.S.C. §434(b), as alleged in the complaint.

The Gantt Campaign intends to cooperate fully with the Commission for a prompt resolution of this matter; therefore, you should not hesitate to contact us if additional information is needed. We respectfully submit that much of the information furnished is confidential. Consequently, this information is being submitted to the Commission on the express condition that no part of it is to be used or disclosed, as provided by 2 U.S.C §437g(a)(4)(B) and 2 U.S.C. §437g(a)(12)(A). We understand that the Commission will treat all such confidential information in strict accordance with applicable law.

The following is a verified response to the complaint.

The Gantt Committee has not violated the Act, and specifically has not violated 2 U.S.C. §434(b). The conduct of the National Abortion Rights League ("NARAL") in connection with the 1990 general election was totally independent of efforts of the Gantt Committee. Any expenditures made by the NARAL were "independent expenditures" as defined by 2 U.S.C. §431(17) as relates

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FEDERAL ELECTION
COMMISSION
MAIL ROOM
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to the Gantt Committee. Therefore, the Gantt Committee was not governed by 2 U.S.C. §434(b) with respect to expenditures by the NARAL and has not violated the Act.

The term "independent expenditure" is defined in 2 U.S.C. §431(17) and 11 C.F.R. 109.1(a) to mean:

> . . . an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

The Gantt Committee at no time cooperated or consulted with, authorized a committee or agent to cooperate or consult with, acted in concert with, or suggested or requested the NARAL or its affiliates make an expenditure. Thus, with respect to the Gantt Committee any expenditure of the NARAL was an "independent expenditure."

The Republican Party laboriously pulled together a number of activities by the NARAL, NARALPAC, the North Carolina Democratic Party, and individual citizen supporters of the Gantt Campaign to allege that there was a planned joint effort which converted any expenditures of the NARAL into contributions to the Gantt Campaign. However, the plain language of the applicable statutory provisions reveal that the Republican Party's complaint is baseless and unfounded.

As is provided in 11 C.F.R. 109.1(b)(4)(i), an expenditure will not be deemed "independent" when there is:

> (i) Any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication.

There was no "arrangement, coordination or direction" by Mr. Gantt, his agents, or the Gantt Committee or its agents, so there is no reason the expenditure should not be deemed "independent."

It is further provided at 11 C.F.R. 109.1 that an expenditure will be presumed arranged, coordinated, or directed by a candidate or his or her agents when it is --:

9504367313 5

(A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

Neither Mr. Gantt, his agents, nor the Gantt Campaign or its agents provided information to NARAL with a view toward having an expenditure made. Neither were any expenditures identified in the complaint made by or through officers of authorized committees, persons authorized to raise or expend funds, or persons receiving compensation or reimbursement from Mr. Gantt, his agents or the Gantt Campaign or its agents.

Persons the Republican Party identified as being members of the Gantt Exploratory Committee, (Ms. Waddle, Ms. Brody, Rev. Finlator, Jane Stein, and H. M. Michaux) were just that: persons who discussed whether Mr. Gantt would run in the 1990 general election. They were not "agents" of Mr. Gantt or the Gantt Committee as they had no "actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of [Mr. Gantt]," nor were they "placed in a position within the campaign organization where it could reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures," as required by 11 C.F.R. 109.1(b)(5). Furthermore, the Gantt Campaign has no knowledge that either of those persons communicated with NARAL and assures the Commission that if any communication was made it was not as an agent or on behalf of Mr. Gantt or the Gantt Committee. They did not hold any senior advisory position with the Gantt Campaign.

The fact that Jane Stein may have contributed to NARAL-NCPAC simply does not substantiate a violation of the Act. Neither does the hiring of a person formerly employed by a pollster firm hired by NARAL, Hickman/Maslin Associates, substantiate a concerted expenditure effort on the part of NARAL and the Gantt Campaign.

Thus, there is not even a presumption that an expenditure was arranged, coordinated, or directed by Mr. Gantt, his agents, or the Gantt Campaign or its agents.

9504367316

The entities simply were not interrelated. No doubt the Republican Party's complaint shows that each entity, operating independently, had the same common goal -- to defeat Jesse Helms. However, again, the means were independent.

In conclusion, the Gantt Campaign feels that the Commission should determine that there is not reason to believe that the Gantt Campaign has violated the Act. If you should have any further questions, please do not hesitate to give either of us a call.

Sincerely,

George C. Covington

George C. Covington

Felicia A. Washington

Felicia A. Washington
For the Firm

FAW/scm

95043673137

STATE OF NORTH CAROLINA

VERIFICATION

COUNTY OF MECKLENBURG

I, Melvin L. Watt, being first duly sworn deposes and says that I have read the foregoing information provided in Mr. Covington and Ms. Washington's letter of April 24, 1992 and it is true upon my information and belief.

Melvin L. Watt
Manger, Harvey Gantt for
Senate Campaign Committee

Sworn to and subscribed before me
this 24th day of April, 1992.

Notary Public

My Commission Expires: Oct 2, 1995

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91L-7

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 1/31/91

ANALYST: Anthony Raymond

I. COMMITTEES:

National Abortion Rights Action League Inc. (C90004185)
James Wagner
1101 14th Street, NW, Fifth Floor
Washington, DC 20005

National Abortion Rights Action League - Political Action Committee (C00079541)
Elizabeth Jones, Treasurer
(October 4, 1990 - present)
Kathyrn N. Young, Treasurer
(September 1, 1988-October 4, 1990)
1101 14th Street, NW, Fifth Floor
Washington, DC 20005

NARAL of Iowa
(C90004193)
Shelley Bain, State Director
1201 Grand Avenue
West Des Moines, IA 50265

II. RELEVANT STATUTE:

2 U.S.C. §441b
11 CFR §100.8(a)(3)
11 CFR §114.2(b)
2 U.S.C. §434(c)
11 CFR §109.2(a)(2)

III. BACKGROUND:

The National Abortion Rights Action League, Inc. ("NARAL"), the connected organization of the National Abortion Rights Action League - Political Action Committee ("NARAL-PAC") and NARAL of Iowa ("IOWA") combined to make $492,457.43 in expenditures on behalf of or against five (5) federal candidates during calendar year 1990 (See chart).

On October 24, 1990, a Request for Additional Information ("RFAI") was sent to NARAL-PAC concerning NARAL'S

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apparent impermissible activity during the July Quarterly reporting period and on November 21, 1990, an RFAI was sent to Iowa concerning its apparent impermissible activity during the October Quarterly and 12 Day Pre-General reporting periods. Specifically, the RFAIs notified the organizations of the prohibitions of 2 U.S.C. §441b, 11 CFR §100.8(a)(3) and 11 CFR §114.2(b). The RFAIs stated that a narrow exception for certain non-profit organizations was defined in FEC v. Massachusetts Citizens For Life, Inc. (MCFL, 107 S. Ct. at 631); however, the organizations would have to demonstrate that they fell within the exemption (Attachment 2).

On November 8, 1990, NARAL-PAC responded, and on November 30, 1990 IOWA responded. Each letter stated that the organizations had reviewed the criteria -- for the non-profit corporation exemption for making independent expenditures -- with counsel and determined that they had been met (Attachment 3).

As of the date of this referral no further responses have been received.

Additionally, NARAL has failed to file the 1990 30 Day Post-General Report. A Non-Filer Notice was sent to NARAL on January 2, 1991 (Attachment 4). On January 29, 1991, Ms. Elizabeth Jones, treasurer of NARAL-PAC, called the Reports Analysis Division analyst. Ms. Jones told the analyst that she remembers filing the report, but would check her records and make any omitted submissions immediately (Attachment 5).

As of the date of this referral, the 1990 30 Day Post-General Report has not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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CANDIDATE	ORGANIZATION MAKING THE INDEPENDENT EXPENDITURE	REPORT/FORM* - DATE	AMOUNT OF EXPENDITURE
DENNIS A. SMITH (H0HI02010)	NABAL (C90004185)	Q3 - 08/01/90	$ 560.00
		Q3 - 08/01/90	660.80
		Q3 - 08/01/90	640.00
		Q3 - 08/01/90	800.00
		Q3 - 08/15/90	5,000.00
		Q3 - 08/16/90	718.83
		Q3 - 09/07/90	1,900.00
		Q3 - 09/24/90	602.99
		Q3 - 09/26/90	5,216.18
		Q3 - 09/28/90	1,000.00
		12G - 10/10/90	1,800.00
		12G - 10/11/90	6,000.00
		F5 - 10/18/90	5,216.18
		F5 - 10/19/90	1,864.80
			$31,979.78

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*Abbreviations:

AQ2 = 1990 Amended July Quarterly Report
Q3 = 1990 October Quarterly Report
AQ3 = 1990 Amended October Quarterly Report
12G = 1990 12 Day Pre-General Report
30G = 1990 30 Day Post-General Report
F5 = 24 Hour Independent Expenditure Report

CANDIDATE	ORGANIZATION MAKING THE INDEPENDENT EXPENDITURE	REPORT/FORM* - DATE	AMOUNT OF EXPENDITURE
TOM TAUKE (S0IA00069)	NARAL (C90004185)	02(A) - 02/02/90	$ 5,773.06
			$ 5,773.06
THOMAS HARKIN (S4IA00020)	NARAL (C90004185)	03 - 07/26/90	$ 5,050.00
		03 - 08/03/90	1,510.75
		03 - 08/16/90	1,628.58
		03 - 08/16/90	3,778.37
		03 - 08/20/90	750.00
		03 - 08/29/90	20,000.00
		03 - 09/12/90	750.00
		03 - 09/12/90	207.72
		03 - 09/18/90	140.00
		03 - 09/18/90	512.60
		03 - 09/18/90	100.88
		F5 - 10/18/90	37,970.65
		F5 - 10/19/90	7,886.00
		F5 - 10/25/90	18,000.00
			$ 98,285.55

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CANDIDATE	ORGANIZATION MAKING THE INDEPENDENT EXPENDITURE	REPORT/FORM* - DATE	AMOUNT OF EXPENDITURE
THOMAS HARKIN (S4IA00020)	IOWA (C90004193)	A03 - 08/08/90	$ 168.48
		A03 - 08/16/90	23.00
		A03 - 08/16/90	67.60
		A03 - 08/31/90	1,469.93
		A03 - 09/05/90	53.30
		A03 - 09/06/90	30.10
		A03 - 09/12/90	15.95
		A03 - 09/13/90	2.08
		A03 - 09/14/90	16.85
		A03 - 09/18/90	14.00
		A03 - 09/18/90	142.63
		A03 - 09/20/90	19.75
		A03 - 09/25/90	27.95
		A03 - 09/28/90	64.48
		A03 - 09/28/90	1,486.60
		A03 - 09/28/90	32.40
		A03 - 09/28/90	750.00
		A03 - 09/28/90	750.00
		12G - 10/01/90	9.39
		12G - 10/03/90	5.71
		12G - 10/03/90	79.35
		12G - 10/04/90	22.65
		12G - 10/09/90	30.89
		12G - 10/09/90	20.13
		12G - 10/10/90	156.97
		12G - 10/13/90	165.00
		12G - 10/13/90	7,517.50
		P5 - 10/23/90	48.65
		P5 - 10/24/90	246.00
		P5 - 10/24/90	142.10
		P5 - 10/25/90	39.20
		P5 - 10/25/90	7,500.00
		P5 - 10/25/90	10,559.00
		P5 - 10/31/90	750.00
		P5 - 10/31/90	750.00
		P5 - 10/31/90	1,513.00
		30G - 11/16/90	375.00
		30G - 11/16/90	375.00
		30G - 11/16/90	783.87
			$ 36,224.51

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CANDIDATE	ORGANIZATION MAKING THE INDEPENDENT EXPENDITURE	REPORT/FORM* - DATE	AMOUNT OF EXPENDITURE
JESSE HELMS (S8NC00015)	NARAL (C90004185)	Q3 - 08/01/90	$ 1,440.00
		Q3 - 08/07/90	28,843.60
		Q3 - 08/23/90	12,804.40
		Q3 - 08/31/90	1,699.00
		Q3 - 09/04/90	428.00
		Q3 - 09/04/90	200.00
		Q3 - 09/05/90	9,945.15
		Q3 - 09/12/90	800.00
		Q3 - 09/14/90	15,000.00
		Q3 - 09/18/90	640.00
		Q3 - 09/20/90	2,500.00
		Q3 - 09/26/90	800.00
		12G - 10/01/90	135.60
		12G(A) - 10/01/90	70,828.00
		12G - 10/05/90	1,000.00
		12G - 10/05/90	1,947.26
		12G - 10/05/90	1,600.00
		12G - 10/08/90	13,000.00
		12G - 10/09/90	800.00
		12G - 10/09/90	1,958.00
		12G - 10/10/90	1,500.00
		12G - 10/15/90	15,000.00
		12G - 10/15/90	3,000.00
		P5 - 10/18/90	70,422.20
		P5 - 10/19/90	444.00
		P5 - 10/19/90	5,700.00
		P5 - 10/19/90	3,000.00
		P5 - 10/19/90	979.00
		P5 - 10/19/90	12,980.00
		P5 - 10/19/90	1,600.00
		P5 - 10/19/90	11,896.41
		P5 - 10/23/90	581.65
		P5 - 10/23/90	2,000.00
		P5 - 10/23/90	5,700.00
		P5 - 10/26/90	481.08
		P5 - 10/30/90	6,508.13
		P5 - 10/31/90	7,779.00
			$315,910.48
CRAIG TAYLOR JAMES (H8PL04028)	NARAL (C90004185)	12G - 10/15/90	$ 1,784.05
		P5 - 10/19/90	2,500.00
			$ 4,284.05

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COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		

Attachment 1
Page 1 of 4

NATIONAL ABORTION RIGHTS ACTION LEAGUE - POLITICAL ACTION COMMITTEE NARAL-PAC ID #C00079541 NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: ABORTION RIGHTS ACTION LEAGUE; NAT'L

1989 STATEMENT OF ORGANIZATION - AMENDMENT			20SEP89		1	89FEC/609/4965
FEBRUARY MONTHLY	4,642	172	1JAN89	-31JAN89	5	89FEC/585/4197
FEBRUARY MONTHLY - AMENDMENT	4,642	172	1JAN89	-31JAN89	6	89FEC/589/1779
MARCH MONTHLY	1,806	563	1FEB89	-28FEB89	6	89FEC/589/1791
MARCH MONTHLY - AMENDMENT	-	-	1FEB89	-28FEB89	2	89FEC/592/1043
APRIL MONTHLY	2,314	8,113	1MAR89	-31MAR89	4	89FEC/592/1045
MAY MONTHLY	3,990	5,654	1APR89	-30APR89	4	89FEC/595/3825
MAY MONTHLY - AMENDMENT	3,990	5,654	1APR89	-30APR89	3	89FEC/613/3574
JUNE MONTHLY	3,031	5,577	1MAY89	-31MAY89	5	89FEC/598/4276
JULY MONTHLY	16,236	8,442	1JUN89	-30JUN89	4	89FEC/601/4504
JULY MONTHLY - AMENDMENT	19,461	8,442	1JUN89	-30JUN89	4	89FEC/607/4982
AUGUST MONTHLY	15,365	5,354	1JUL89	-31JUL89	5	89FEC/607/4987
SEPTEMBER MONTHLY	4,734	15,941	1AUG89	-31AUG89	4	89FEC/609/4967
OCTOBER MONTHLY	85,862	26,732	1SEP89	-30SEP89	9	89FEC/613/3578
OCTOBER MONTHLY - AMENDMENT	-	-	1SEP89	-30SEP89	3	89FEC/616/2193
REQUEST FOR ADDITIONAL INFORMATION			1SEP89	-30SEP89	2	89FEC/614/5531
NOVEMBER MONTHLY	87,277	67,795	1OCT89	-31OCT89	9	89FEC/615/4431
1'ST LETTER INFORMATIONAL NOTICE			1OCT89	-31OCT89	1	90FEC/620/2159
DECEMBER MONTHLY	14,713	13,907	1NOV89	-30NOV89	6	89FEC/617/4224
DECEMBER MONTHLY - AMENDMENT	14,713	13,907	1NOV89	-30NOV89	2	90FEC/623/2410
YEAR-END	32,709	9,224	1DEC89	-31DEC89	9	90FEC/623/2401
1990 STATEMENT OF ORGANIZATION - AMENDMENT			21JUN90		1	90FEC/643/3684
MISCELLANEOUS REPORT TO FEC			5SEP90		1	90FEC/667/0766
STATEMENT OF ORGANIZATION - AMENDMENT			5OCT90		2	90FEC/657/5372
MISCELLANEOUS REPORT TO FEC			16OCT90		1	90FEC/667/0765
MISCELLANEOUS REPORT TO FEC			8NOV90		1	90FEC/670/5124
FEBRUARY MONTHLY	7,545	34,448	1JAN90	-31JAN90	6	90FEC/629/1738
FEBRUARY MONTHLY - AMENDMENT	-	-	1JAN90	-31JAN90	1	90FEC/638/4571
REQUEST FOR ADDITIONAL INFORMATION			1JAN90	-31JAN90	1	90FEC/631/4056
REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN90	-31JAN90	2	90FEC/634/2382
MARCH MONTHLY	173,953	38,159	1FEB90	-28FEB90	13	90FEC/631/3308
APRIL MONTHLY	134,575	70,152	1MAR90	-31MAR90	17	90FEC/637/2611
MAY MONTHLY	110,043	44,615	1APR90	-30APR90	13	90FEC/640/2033
MAY MONTHLY - AMENDMENT	-	-	1APR90	-30APR90	2	90FEC/644/2506
REQUEST FOR ADDITIONAL INFORMATION			1APR90	-30APR90	1	90FEC/643/2143
JUNE MONTHLY	124,528	59,452	1MAY90	-31MAY90	16	90FEC/643/3685
JUNE MONTHLY - AMENDMENT	130,388	59,452	1MAY90	-31MAY90	3	90FEC/647/0138
JUNE MONTHLY - AMENDMENT	130,368	59,452	1MAY90	-31MAY90	2	90FEC/650/4241
JULY MONTHLY	28,772	76,773	1JUN90	-30JUN90	10	90FEC/650/4244
REQUEST FOR ADDITIONAL INFORMATION			1APR90	-30JUN90	3	90FEC/667/3466
AUGUST MONTHLY	19,176	25,507	1JUL90	-31JUL90	9	90FEC/653/4773
SEPTEMBER MONTHLY	19,812	48,327	1AUG90	-31AUG90	9	90FEC/656/2662
SEPTEMBER MONTHLY - AMENDMENT	19,812	48,327	1AUG90	-31AUG90	2	90FEC/666/1282
OCTOBER MONTHLY	77,787	119,551	1SEP90	-30SEP90	10	90FEC/666/1285

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FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

COMMITTEE	DOCUMENT		RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
	OCTOBER MONTHLY	- AMENDMENT	77,787		119,551		1SEP90 -30SEP90	16	90FEC/671/1701
	PRE-GENERAL		36,666		197,114		10CT90 -17OCT90	8	90FEC/668/1940
	PRE-GENERAL	- AMENDMENT	36,666		197,114		10CT90 -17OCT90	8	90FEC/671/1468
	PRE-GENERAL	- AMENDMENT	36,666		197,114		10CT90 -17OCT90	2	90FEC/676/4490
	POST-GENERAL		35,935		106,291		180CT90 -26NOV90	15	90FEC/676/4463
	TOTAL		1,050,536	0	989,863	0		271	TOTAL PAGES

All reports have been reviewed

Cash on hand as of 11/26/90: $ 126,061

Debts and obligations owed by the Committee as of 11/26/90: $-0-
Debts and obligations owed to the Committee as of 11/26/90: $-0-

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FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 16DEC90

PAGE 4

COMMITTEE / DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILER		
NARAL OF IOWA					ID #C90004193	INDEPENDENT EXPENDITURE	
CONNECTED ORGANIZATION:							
1990 24 HOUR CONTRIBUTION NOTICE					6NOV90	5	90SEN/022/1950
24 HOUR CONTRIBUTION NOTICE					26NOV90	3	90SEN/022/2364
MISCELLANEOUS REPORT TO FEC					30NOV90	16	90FEC/e71/2470
OCTOBER QUARTERLY	0		4,759		1JUL90 -30SEP90	6	90SEN/022/0e13
OCTOBER QUARTERLY - AMENDMENT	21,500		5,134		1JUL90 -30SEP90	6	90FEC/e67/2232
REQUEST FOR ADDITIONAL INFORMATION					1JUL90 -30SEP90	2	90FEC/e71/2427
PRE-GENERAL	0		8,007		1OCT90 -18OCT90	4	90FEC/e67/2228
REQUEST FOR ADDITIONAL INFORMATION					1OCT90 -18OCT90	2	90FEC/e71/2429
POST-GENERAL	1,125		1,533		1NOV90 -26NOV90	3	90SEN/023/0056
TOTAL	22,625	0	14,674			47	TOTAL PAGES

All documents have been reviewed

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FEDERAL ELECTION COMMISSION DATE 19DEC90
1989-1990
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COMMITTEE / DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILER		
NATL ABORTION RIGHTS ACTION LEAGUE INC					ID #C90004185	INDEPENDENT EXPENDITURE	
CONNECTED ORGANIZATION:							
1990 24 HOUR CONTRIBUTION NOTICE					22OCT90	2	90SEN/020/0182
24 HOUR CONTRIBUTION NOTICE					22OCT90	3	90SEN/020/0185
24 HOUR CONTRIBUTION NOTICE					22OCT90	1	90HSE/414/3473
24 HOUR CONTRIBUTION NOTICE					22OCT90	1	90HSE/414/3451
24 HOUR CONTRIBUTION NOTICE					24OCT90	4	90SEN/020/2129
24 HOUR CONTRIBUTION NOTICE					29OCT90	3	90SEN/022/0158
24 HOUR CONTRIBUTION NOTICE					31OCT90	3	90SEN/022/1001
24 HOUR CONTRIBUTION NOTICE					1NOV90	3	90SEN/022/1219
24 HOUR CONTRIBUTION NOTICE					6NOV90	3	90SEN/022/1857
JULY QUARTERLY	0		2,955		1APR90 -30JUN90	2	90FEC/667/0609
JULY QUARTERLY - AMENDMENT	-		-		1APR90 -30JUN90	42	90FEC/670/3796
REQUEST FOR ADDITIONAL INFORMATION					1APR90 -30JUN90	2	90FEC/667/3466
REQUEST FOR ADDITIONAL INFORMATION					1APR90 -30JUN90	1	90FEC/669/2270
OCTOBER QUARTERLY	0		141,066		1JUL90 -30SEP90	13	90FEC/667/0611
PRE-GENERAL	0		52,182		10CT90 -17OCT90	8	90FEC/669/4427
PRE-GENERAL - AMENDMENT	-		120,352		10CT90 -17OCT90	2	90SEN/022/1855
TOTAL	0	0	364,373	0		93	TOTAL PAGES

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All documents have been reviewed

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

RQ-2

Kathryn H. Young, Treasurer
National Abortion Rights Action League-
Political Action Committee (NARAL PAC)
1101 14th Street, NW, Fifth Floor
Washington, DC 20005

OCT 24 1990

Identification Number: C00079541

Reference: July Quarterly Report (4/1/90-6/30/90)

Dear Ms. Young:

On September 5, 1990, the Commission received an FEC FORM 5 from your connected organization, the National Abortion Rights Action League, Inc. (see attachment). Pursuant to the Federal Election Campaign Act and Commission Regulations, an incorporated entity is prohibited from making independent expenditures from general treasury funds. See 2 U.S.C. §441b and 11 CFR §§100.8(a)(3) and 114.2(b).

Should your committee believe that the National Abortion Rights Action League, Inc. (NARAL, Inc.) falls within the narrow exemption for non-profit corporations as defined in FEC v. Massachusetts Citizens For Life, Inc., (MCFL, 107 S. Ct. at 631), the Commission requests the following information:

-A description of NARAL, Inc.'s organization including its status under the Internal Revenue Code;

-A copy of NARAL Inc.'s Articles of Incorporation;

-A detailed description of the activity taken on behalf of Tom Tauke, candidate for the U.S. Senate from Iowa, including a photocopy of the newspaper ad.

Please note, in FEC v. Massachusetts Citizens For Life Inc., the Supreme Court specifically delineated the type of corporation which would be permitted to make independent expenditures. The following standards for exemption were issued:

1) The organization must be formed "for the express purpose of promoting political ideas, and cannot engage in business activities. If political fundraising events are expressly denominated as requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities."

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2) The organization must have "no shareholders or other persons affiliated so as to have a claim on its assets or earnings."

3) The organization must not have been established by a business corporation or a labor union, and must adopt a policy "not to accept contributions from such entities."

Also, note that the Court in MCFL was addressing political organizations "that only occasionally engage in independent spending on behalf of candidates." (MCFL, 107 S. Ct. at 630). The Court stated:

> [S]hould MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee... As such, it would automatically be subject to the obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns.

Please demonstrate how NARAL, Inc.'s activities and establishment are not incongruous with the criteria.

If your committee finds that NARAL, Inc. does not meet the standards for exemption as described above, the Commission recommends that your committee reimburse NARAL, Inc. for the full amount of the independent expenditure and submit a photocopy of the reimbursement to the Commission. Additionally, you must disclose this transaction as an independent expenditure on Schedule E of the report covering the period during which the reimbursement occurs.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Anthony D. Raymond
Senior Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

RQ-2

NOV 21 1990

Shelley Bain, Treasurer
NARAL of Iowa
1201 Grand Avenue
West Des Moines, IA 50265

Identification Number: C90004193

Reference: October Quarterly (7/1/90-9/30/90) and 12 Day Pre-General (10/1/90-10/18/90) Reports

Dear Ms. Bain:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

The Commission has received your FEC FORMS 5 for the periods referenced above. Pursuant to the Federal Election Campaign Act and Commission Regulations, an incorporated entity is prohibited from making independent expenditures from general treasury funds. See 2 U.S.C. §441b and 11 CFR §§100.8(a)(3) and 114.2(b).

Should your committee believe that NARAL of Iowa falls within the narrow exemption for non-profit corporations as defined in FEC v. Massachusetts Citizens for Life, Inc., (MCFL, 107 S. Ct. at 631), the Commission requests the following information:

-A description of NARAL of Iowa's organization including its status under the Internal Revenue Code;

-A copy of NARAL of Iowa's Articles of Incorporation;

-A detailed description of the activity taken on behalf of Tom Harkin, candidate for the U.S. Senate from Iowa.

Please note, in FEC v. Massachusetts Citizens for Life, Inc., the Supreme Court specifically delineated the type of corporation which would be permitted to make independent expenditures. The following standards for exemption were issued:

1) The organization must be formed "for the express purpose of promoting political ideas, and cannot engage in business activities. If political fundraising events are expressly denominated as requests for contributions

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that will be used for political purposes, including direct expenditures, these events cannot be considered business activities."

2) The organization must have "no shareholders or other persons affiliated so as to have a claim on its assets or earnings."

3) The organization must not have been established by a business corporation or a labor union, and must adopt a policy "not to accept contributions from such entities."

Also, note that the Court in MCFL was addressing political organizations "that only occasionally engage in independent spending on behalf of candidates." (MCFL, 107 S. Ct. at 630). The Court stated:

> [S]hould MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee... As such, it would automatically be subject to the obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns.

Please demonstrate how NARAL of Iowa's activities and establishment are not incongruous with the criteria.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Anthony Raymond

Anthony D. Raymond
Senior Reports Analyst
Reports Analysis Division

95030367312428

NARAL-PAC

November 8, 1990

Mr. Anthony D. Raymond
Senior Reports Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Raymond:

I am writing in response to your October 24 letter to Kathryn M. Young, former treasurer of NARAL PAC. On October 4, 1990, I was appointed as her replacement in that position.

Your letter requested that NARAL PAC send you (1) a description of the National Abortion Rights Action League's (NARAL, Inc.'s) organization, including its status under the Internal Revenue Code; (2) a copy of NARAL, Inc.'s Articles of Incorporation and (3) a detailed description of activity taken "on behalf of Tom Tauke," candidate for the U.S. Senate from Iowa, including a copy of the newspaper advertisement.

All of the documents that you requested, plus a copy of NARAL's bylaws, are enclosed.

With respect to the detailed description of the independent expenditure NARAL made advocating the defeat of Mr. Tauke, NARAL's activities in that connection involved paying a media consulting firm, identified on the Form 5, to secure placement of the enclosed advertisement, and paying the expenses of a press conference held in Iowa. Two-thirds of the expenses were reported, under Iowa law, as opposition to Iowa gubernatorial candidates, and one-third of the expenses were reported as an independent expenditure in opposition to a federal candidate on the referenced FEC Form 5.[1] NARAL made this expenditure independently of any federal candidate. Since then, NARAL has made similar independent expenditures advocating the defeat of

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[1] In preparation of this letter, I discovered that there was more than one invoice associated with the expenses of this advertisement and press conference. Consequently, the total amount of the expenditure against all three candidates was $17,319.17, and therefore the one-third attributable to opposition to Mr. Tauke should have been reported as $5773.06, rather than $2,995. I will file an amended Form 5 promptly.

[illegible] Street N.W. 5th Floor
Washington, D.C. 20005
[illegible]

Mr. Tauke. Each independent expenditure has been timely reported to the Commission.

You have asked for a description of NARAL's organization, including its status under the Internal Revenue Code. NARAL is a non-profit corporation pursuant to the District of Columbia Non-Profit Corporation Act, and is exempt from federal income tax pursuant to section 501(c)(4) of the Internal Revenue Code. NARAL engages in a broad range of activities related to abortion rights, including legislative lobbying at both the federal and state level, grassroots organizing, and public education. Making independent expenditures in political campaigns is not NARAL's "major purpose." Indeed, overall NARAL has only "occasionally" made political independent expenditures.

You also requested that NARAL "demonstrate how NARAL Inc.'s activities and establishment are not incongruous with the criteria" established by the Court in Federal Election Commission vs. Massachusetts Citizens for Life, Inc., set out in your letter. I have reviewed those criteria with our attorneys, and I am assured we meet each of them.

First, as is reflected in the enclosed documents, NARAL, Inc. was formed for the express purpose of promoting political ideas relating to the abortion issue. It does not engage in business activities. Second, NARAL is a membership organization; it has no shareholders or other persons affiliated so as to have a claim on its assets or earnings. Third, NARAL was not established by a business organization or a labor union and, as reflected in its articles of incorporation and bylaws, NARAL has a strict policy of not accepting contributions from such entities.

I hope this answers your questions. Please let me know if you need any additional information.

Very truly yours,

Elizabeth Jones

Elizabeth Jones,
Treasurer, NARAL PAC

Enclosures

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FEC FORM # 5

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Attachement 3
Page 4 of 58

AMD CONTRIBUTIONS RECEIVED

(To Be Used by a Person Other Than a Political Committee)

See Instructions on Reverse Side

1. Name: National Abortion Rights Action League Inc.	Identification: N/A
Address: 1101 14th Street, N.W., 5th Floor	N/A
City, State and ZIP Code: Washington D.C. 20005	1990 SEP -5 PM 2 11
Name of Treasurer: N/A	FEDERAL ELECTION COMMISSION

4. TYPE OF REPORT (check appropriate block)

- (a) ☒ April 15 Quarterly Report
- ☐ July 15 Quarterly Report
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report
- ☐ Twelve Day Report preceding _____ election on _____ in the State of _____.
- ☐ Thirtieth Day Report following the General Election on _____ in the State of _____.

5. This Report covers the period - FROM: 4/1/90 THROUGH: 6/30/90

6. CONTRIBUTIONS RECEIVED

Full Name, Mailing Address and ZIP Code of Contributor	Name of Employer	Occupation	Date Received (Mo., Day, Year)	Amount

7. EXPENDITURES (BY NAC)

Full Name, Mailing Address and ZIP Code of Payee	Purpose of Expenditure	Date (Mo., Day, Year)	Amount	Check One: Primary	Check One: General	Name and Office Sought of Candidate, Name of Political Committee
Greer, Margolis, Mitchell & Associates 2626 Pennsylvania Ave., Washington, D.C. 20037	Newspaper Ad	2/2/90	$2,955.00		X	Tom Tauke U.S. Senate-IA

8. Total Contributions ..... $ 0

9. Total Expenditures ..... $ 2,955.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or agent or authorized committee of such candidate. Furthermore, these expenditures did not involve the financing of the dissemination, distribution or republication, in whole or in part, of any campaign materials prepared by the candidate or his agents or authorized committees of the candidate.

Washington D. Lynch 8/1/90
SIGNATURE

Subscribed and sworn to before me this 31st day of August, 1990

by Commission Expires: Richard D. Bibbly
Notary Public

Richard D. Bibbly
District of Columbia
Commission Expires
February 28, 1995

NOTE: Submission of false, erroneous, or misleading information may subject the person signing this report to the penalties of 2 U.S.C. 437g.

For further information contact:
Federal Election Commission
Toll Free (800) 424-9530
Local 202/376-3120
TDD for the hearing impaired 202/376-3136

Any information copied from such reports and statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

PRESS FIRMLY

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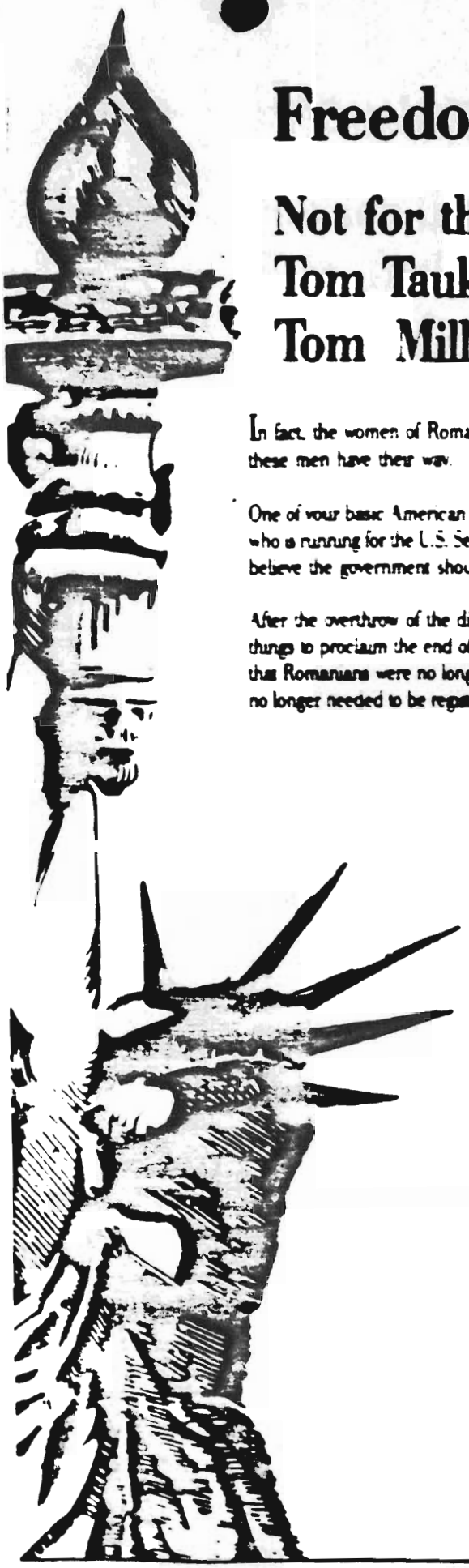
TAUKE/BRANSTAD/MILLER
ADVERTISEMENT

2 5 0 3 4 3 6 9 7 0 3 3 6 0 9



Freedom of Choice

Not for the women of Iowa if Tom Tauke, Terry Branstad and Tom Miller have their way.

In fact, the women of Romania could have more freedom than the women of Iowa if any of these men have their way.

One of your basic American freedoms, your Right to Choose, is in danger in Iowa. Tom Tauke, who is running for the U.S. Senate, and gubernatorial candidates Terry Branstad and Tom Miller believe the government should control our reproductive decisions.

After the overthrow of the dictator Ceausescu, the people of Romania immediately did three things to proclaim the end of tyranny and the restoration of personal freedom. They declared that Romanians were no longer required to address each other as "Comrade," that typewriters no longer needed to be registered with the government, and that abortion was once again legal.

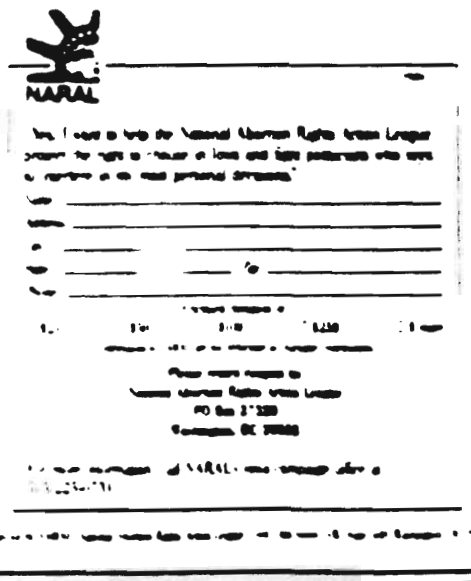
Yet, some Americans who have applauded the reinstatement of personal liberties abroad see no inconsistency in restricting the freedom of women here at home.

The National Abortion Rights Action League (NARAL) believes the Right to Choose is a fundamental American freedom and that the decision whether or not to have an abortion belongs to you, the individual, not to the politicians.

Who decides in Iowa? You will, when you vote against Tom Tauke, Terry Branstad and Tom Miller.

Vote to protect your Right to Choose.

NARAL



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NARAL BY-LAWS

NARAL BY-LAWS

Revised and Adopted by the
NARAL Board of Directors

December 1, 1979

As Amended April 1980,
April 1981, June 1982,
September 1982, March 1983,
July 1983, May 1984,
April 1985, March 1986
March 1987, March 1988
April 1990, June 1990

Article 1: NAME

The name of this corporation is NATIONAL ABORTION RIGHTS ACTION LEAGUE, hereinafter called NARAL.

Article II: PURPOSE

NARAL has been organized as a non-profit corporation under the District of Columbia Non-Profit Corporation Act to operate on a non-profit basis for the promotion of social welfare and education of the public on matters related to abortion rights.

Article III: MEMBERSHIP

1. Members of the organization shall be individuals contributing $25 or more to NARAL. Membership shall commence with payment of contributions and shall extend for a maximum of two years if no further payment is received.

2. The Board of Directors may establish classes of memership such as Regular, Supporting, Contributing and Complimentary and may prescribe the qualifications for each class and the benefits to which its members are entitled.

3. The annual membership amounts are payable on the anniversary date of previous membership payment. Members not making another single payment of at least $5.00 within a 24-month period following initial payment date may be suspended from membership in the organization. Any Member who has not made payment within said two-year period will be ineligible to vote by mail or ballot or at any meeting and cannot serve on the Board until such arrears are fully paid.

4. There shall be an Annual Meeting of Members to be held at such time and place as may be fixed by the Board of Directors. At least sixty (60) days written notice of the Annual Membership Meeting shall be given each Member. Special meetings of the membership may be called by the Board of Directors at its discretion.

5. It shall be the duty of the membership to elect annually members of the Board of Directors.

6. There shall be one vote per Member.

7. Any Member may be suspended or expelled for cause. Procedures set forth in Roberts Rules of Order Newly Revised for such suspension or expulsion shall be followed.

Article IV: CONTRIBUTORS

1. Those individuals who contribute more than $10.00 per twelve month period but do not wish to be designated as Members shall be accorded Contributor status. Those unincorporated organizations (e.g., partnerships), ideological corporations that do not receive funds from business corporations, and charitable organizations, that contribute more than $10.00 per twelve month period also shall be accorded Contributor status. Notwithstanding any other provision in these by-laws, in no event shall NARAL accept a contribution from any organizations, such as a business corporation, that would jeopardize NARAL's ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce. Contributors shall receive newsletters and other NARAL materials but shall not be allowed to vote for the Board of Directors or Nominating Committee.

Article V: AFFILIATES OF NARAL

1. NARAL encourages and facilitates the formation of state or regional affiliates of NARAL to promote the purpose of NARAL and to take action on state or local matters in accordance with that purpose. Affiliates shall be organized in conformity with standards formulated by the Board of Directors. The Board shall delegate to a committee the review of affiliate status

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on an annual basis.

2. The Board of Directors shall recognize affiliates conforming to such standards.

Article VI: OFFICERS

1. The Officers of NARAL shall be a Chair of the Board of Directors, a Vice Chair, a Secretary, a Treasurer, and such other officers as the Board may appoint.

2. The Officers shall be elected by and from the Board of Directors for a term of one year, shall take office immediately upon election, and shall serve until their successors are elected.

   Except for the Treasurer, no Officer shall hold office for more than three (3) consecutive terms. Any Officer holding one office for three (3) consecutive terms may then be nominated and elected to a different office for a further term or terms of no longer than three (3) consecutive years.

3. The Chair of the Board of Directors or, in her/his absence the Vice Chair, shall preside at meetings of the Board and the Executive Committee, preside at membership meetings, act as liaison between the staff and the Board, and perform such other duties as may be designated by the Board.

4. The Secretary shall be responsible for the records of all meetings of the membership, the Board of Directors, the Executive Committee and all other standing committees. The Secretary shall cause notice of all such meetings to be given, shall notify all Officers and Directors at their election, and shall perform such other duties as may be incident to this office.

5. The Treasurer shall prepare annual and quarterly financial statements and such interim statements and other financial reports as the Board may request, shall serve as Chair of the Finance Committee and shall perform such other duties as may be incident to this office. The Treasurer, together with the Chair of the Board and the Executive Director, shall present an annual budget for the approval of the Board of Directors.

6. Vacancies in offices which occur between Annual

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Meetings of the Board of Directors shall be filled by the Board of Directors.

7. A departing Chair of the Board will serve as an ex-officio member of the Board for one year when her or his final term as Board Chair and as a member of the Board occur simultaneously.

Article VII: BOARD OF DIRECTORS

1. The governing and policy-making body of NARAL shall be its Board of Directors numbering not less than 28 nor more than 40 as specified from time to time by the Board. The duties of the Board shall include, but not be limited to, election of Officers and selection of the Executive Director.

2. No member of the Board of Directors of NARAL may be compensated for services rendered to NARAL.

Directors and off-Board members may be reimbursed for out-of-pocket expenses incurred in attending Board meetings or otherwise in connection with the performance of their duties.

3. The term of office of Board members shall be three (3) years, and such Members shall be eligible for reelection for not more than a total of two (2) consecutive terms or not more than six (6) consecutive years. If a Board member has been elected to complete an existing term, that member is eligible only for re-election to one consecutive term. The terms shall be staggered so that no more than one-third (1/3) of the Board shall be elected in one year, excluding vacancies which occur prior to the expiration of a term.

4. Vacancies, including those resulting from increases in the number of Directors, shall be filled by the Board, upon recommendations of the Nominating Committee.

5. The Board shall hold regular Meetings at least two (2) times a year. One meeting shall take place in conjunction with the Annual Membership meeting.

Other meetings of the Board of Directors may be called at the request of the Executive Committee or at least sixteen (16) Directors upon at least ten (10) days notice at a time and place to be fixed by the Executive Committee, but shall be held within thirty (30) days of the call for a meeting.

6. One-half of the members of the Board of Directors

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shall constitute a quorum at either regular or special meetings. Directors may participate and vote in meetings by telephone, but there shall be no proxy voting.

7. If a Board member is absent from two consecutive regular meetings of the Board, the Board may declare the position vacant.

8. Members of NARAL, as recognized by Members of the Board or NARAL staff, may be present at meetings of the Board of Directors without vote and may be allowed voice by a majority vote of Board members present, except that the Board may declare an executive session.

Article VIII: COMMITTEES

1. Executive Committee: The Executive Committee shall be composed of all Officers and chairs of standing committees and may include other Directors designated by the Board. The Executive Committee shall meet as needed. Two-thirds of the Members shall constitute a quorum of the Executive Committee. The Executive Committee shall be responsible to the Board of Directors with full power to act in the operations and management of NARAL between meetings of the Board. Actions of the Executive Committee must be reported to the Board at its next meeting. Any vacancies occurring before the end of the one year term shall be filled by the Board for the remainder of the term.

2. Nominating Committee: The Nominating Committee shall be composed of seven (7) members: a Chair, who shall be a member of the Board of Directors, and six (6) committee Members, at least four (4) of whom shall be members of the Board. Members of the Nominating Committee and its Chair shall be nominated by the Board and elected by the NARAL membership for a term of one year. No Committee member may serve more than three (3) consecutive terms. The duties of the Nominating Committee are to make nominations for the Board member positions and nominations for Officers of the Board. Any vacancies occurring before the end of the one year term shall be filled by the Board for the remainder of the term.

3. Standing and Ad Hoc Committees: The Board of Directors may, from time to time, establish and disestablish standing committees and may also designate ad hoc committees and task forces as needed. Members and Chairs of such committees and task forces

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shall be appointed by the Executive Committee and approved by the Board. A minority of the members may be non-Board members.

4. Political Action Committee: The Chair and members of the PAC shall be nominated and elected by the Board and may include up to 3 non-Board members. Members shall be elected for 2 years to coordinate with election cycles. Vacancies shall be filled by the Board with a maximum membership of nine.

5. Advisory Council: The Advisory Council shall be composed of individuals who have made significant contributions to the abortion rights movement. Members of the Advisory Council shall be available for consultation.

Article IX: NOMINATING, ELECTIONS AND VOTING PROCEDURES

1. The mission of the Nominating Committee is to help NARAL build an influential and effective Board of Directors committed to keeping reproductive choice legal and available to all women, regardless of race, wealth or status. To this end, the Committee shall compile an inventory of potential board members, men as well as women, with a diversity of background and experience, who, collectively, are representative of, or identified with, all American women, rich and poor; Democrat, Republican and independent; African-American, Asian-American, Native-American, Hispanic, and Caucasian. The Committee shall seek suggestions of candidates from Board members, past as well as present, members of NARAL, Affiliates and other appropriate sources.

2. The Nominating Committee shall prepare for submission to the membership (in the case of Directors) and for the Board of Directors (in the case of Officers), a slate of candidates chosen to maintain or restore a balance among the various constituencies of NARAL and a suitable diversity of background, experience and stature in the areas in which NARAL operates, including politics, public information and fundraising. Prior to sumitting a slate of candidates to the membership, the Nominating Committee shall report the slate to the full Board of Directors.

3. Before presenting any candidates to the membership, the Nominating Committee shall establish to its satisfaction that she/he subscribes to the mission and goals of NARAL and will fulfill Board member obligations.

4. The Nominating Committee shall consider nominations for the Board made by a petition signed by at least 25 voting members of NARAL.

5. The slate prepared by the Nominating Committee shall be set forth on a ballot which shall be sent out with the notice of the annual meeting in an envelope or wrapper with "NOTICE OF MEETING AND BALLOT" printed on the outside.

6. The membership shall elect the Board of Directors with the exception of those Directors which are elected by the Board of Directors. The election by the membership will be executed by mail ballot which must be received by NARAL at least 20 days before the annual meeting. No cumulative voting is allowed. Mail ballots shall be counted and certified by an independent certified public accounting firm.

7. The Board of Directors shall be responsible for ensuring secret ballots and voting by eligible voters only.

8. Candidates for Officers shall be nominated by the Nominating Committee from members of the newly elected Board of Directors. Officers shall be elected by the incoming Board by secret ballot at its first meeting. Nominations may be accepted from the floor.

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Article X: FISCAL YEAR

The fiscal year of the Corporation shall be from April 1 to March 31 of the following year.

Article XI: PARLIAMENTARY AUTHORITY

The rules contained in Roberts Rules of Order Newly Revised shall govern the Corporation in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order which NARAL may adopt.

Article XII: INDEMNIFICATION

Every member of the Board of Directors, officer or employee of NARAL may be indemnified by the corporation against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such Directors, officers or employees in connection with any threatened, pending or completed action, suit or proceeding or any settlement

thereof, to which she/he may be made a party or in which she/he may become involved by reason of her/his being or having been Director, officer or employee, provided that she/he continues in that status at the time such expenses are incurred, except if the person is adjudged guilty of willful misfeasance or malfeasance in the performance of her/his duties. Provided, however, that in the event of settlement, the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the corporation. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such member of the Board, officer, or employee may be entitled.

Article XIII: AMENDMENTS

These By-Laws may be amended by a majority vote of the Board, provided that the amendment has been submitted in writing to each Director at least thirty (30) days prior to the vote. The vote may be at a meeting of the Board or by mail ballot.

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ARTICLES OF INCORPORATION

FILING FEE
INDEXING FEE 2.00
2.00

ARTICLES OF INCORPORATION OF THE

NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

TO: The Recorder of Deeds, D.C.
Washington, D.C.

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a corporation adopt the following Articles of Incorporation for such corporation pursuant to the District of Columbia Non-Profit Corporation Act:

FIRST: The name of the corporation is the National Abortion Rights Action League, Inc. (hereinafter referred to as "NARAL").

SECOND: The period of its duration shall be perpetual in length.

THIRD: This corporation is organized for the purpose of recognizing the basic human right of a woman to limit her own reproduction. NARAL is dedicated to the elimination of all laws and practices that would compel any woman to bear a child against her will. To that end, it proposes to initiate and coordinate political, social, and legal action of individuals and groups concerned with providing safe abortions by qualified physicians for all women seeking them regardless of economic status.

FOURTH: The corporation is to have individual, group and organizational members. The membership shall also consist of state affiliates. All members are free to carry out programs consistent with NARAL's purpose and program.

FIFTH: The corporation is to be divided into six (6) classes of members. In addition, the Executive Committee shall have the power and authority, in its discretion, to create additional classes of members. The designation of each class of members, the qualifications and rights of the members of each class and conferring, limiting or denying the right to vote are as follows:

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BY: mcs

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A. Classes of Members:

(1) Limited Income

(2) Regular

(3) Family

(4) Organization

(5) Sustaining

(6) Sponsor

B. A person, group or organization shall qualify as a member of a specific class of membership upon receipt by the corporation of annual dues as established by the Executive Committee. Membership in a specific class shall depend upon the amount of annual dues paid by such person, group, or organization.* Under special circumstances, the Executive Committee may waive the membership dues for an organization, group or individual.

C. The rights of the members are as follows:

(1) There shall be an Annual Meeting of Members to be held at such time and place as may be fixed by the Executive Committee. At least sixty (60) days written notice of the Annual Meeting shall be given each member. An agenda shall be provided twenty (20) days in advance of the meeting. Special meetings of the Membership may be called by the Board of Directors or Executive Committee at their discretion.

(2) At the Annual Meeting of Members, the members shall have the right and the duty to elect the Board of Directors and the Nominating Committee. In addition, the members may make recommendations, resulting from their consideration of timely and appropriate policy matters, to the Board of Directors or the Executive Committee.

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*The current amounts necessary to become a member of a class are as follows:

(1) Limited Income - $5.00
(2) Regular - $10.00
(3) Family - $15.00
(4) Organization - $25.00
(5) Sustaining - $25.00 to $100.00
(6) Sponsor - $100.00.

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(3) There shall be one vote per individual, group or oraganizational member. Member organizations or groups shall designate an official representative to attend membership meetings, to vote, and to receive communications. Each organization or group member may designate an alternate to serve in the absence of the official representative. Any member who is in arrears of dues for a period of sixty days will be ineligible to vote and cannot serve on the Board until such arrears are fully paid.

(4) Any member may be suspended or expelled for cause by a majority vote of the Board of Directors provided that notice in writing, stating the grounds of suspension or removal, shall have been delivered to the member or mailed to the member's last known address at least fifteen (15) days before such action is taken. The member shall be given the opportunity to present a defense, to call witnesses, to be represented by counsel, and to such other procedural rights as deemed fair and just.

SIXTH: The manner in which the corporation's directors are to be elected shall be provided in the bylaws.

SEVENTH: In the event of dissolution or final liquidation of this corporation, all the business, property and assets of the corporation shall go and be distributed to such non-profit corporation of like purpose or purposes as set forth in Article Three herein, as the directors of this corporation may select and designate; and in no event shall any of the said assets or property, in the event of dissoluation or final liquidation, thereof, go or be distributed to members, either for the reimbursement of any sum subscribed, donated or contributed by such members, or for any other purpose. Nothing stated in this Article is intended to conflict with §29-1048 or §29-1056 of the District of Columbia Code.

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Provisions for the regulation of other internal affairs of the corporation shall be provided in the bylaws.

EIGHTH: The address, of the corporation's initial registered office is 705 G Street, S.E., Washington, D.C. 20003, and the name of its initial registered agent at such address is Ms. Karen Mulhauser.

NINTH: The number of directors constituting the initial board of directors is eighty-seven (87) and the names and addresses, including street and number of the persons who are to serve as the initial directors until the first annual meeting or until their successors be elected and qualified are:

Sarah Jane Stewart	454 South Goldthwaite Street Montgomery, Ala. 36104
Eileen Hopkins Ames	3474 East California Blvd. Pasadena, Ca. 91107
J. Hugh Anwyl	1321 Via Zumaya Palos Verdes Peninsula, Ca. 9027
Cheriel M. Jensen	13737 Quito Road Saratoga, Ca. 95070
Patricia T. Maginnis	16 G Street San Rafael, Ca. 94901
Helen E. Meiklejohn	1525 La Loma Ave. Berkeley, Ca. 94708
Lana Clarke Phelan	3430 Orange Ave. Long Beach, Ca. 90807
Ramona Ripston	633 South Shatto Place Los Angeles, Ca. 90005
Robert L. Webber	Planned Parenthood/World Populat 785 Market, #1017 San Francisco, Ca. 94103
Bonnie Andrikopoulos	11880 West 30th Place Lakewood, Col. 80215
Richard M. Bowers, Esq.	156 Fifth Ave., Room 619 New York, New York 10010
Jessma Blockwick	United Methodist Church 100 Maryland Ave., N.E. Washington, D. C. 20002

Carol Burris	1345 G Street, S.E. Washington, D. C. 20003
Margot Champagne	1830 R Street, N.W. 883 Washington, D. C. 20009
Dorothy Perebee, M.D.	2960 13th Street, N.E. Washington,D. C. 20017
Joseph Nellis, Esq.	1819 H Street, N.W. Washington, D. C. 20006
Milan M. Vuitch, M.D.	1712 Eye Street, Suite 304 Washington,D. C. 20006
Marge Watson	7610 Biscayne Boulevard Miami, Fla. 33138
Margie Pitts Hames	15 Peach Tree Street 0902 Atlanta, Ga. 30303
Robert A. Hatcher, M.D.	1170 East Club Lane Atlanta, Ga. 30319
Lavonne Painter, M.D.	Fulton County Health Department 99 Butler Street, S.E. Atlanta, Ga. 30303
Jane R. Shoup	7243 Olcott Hammond, Indiana 46323
Ralph E. Brown	104 South Michigan Ave. Chicago, Ill. 60603
Helen Smith	6839 North Kilpatrick Lincolnwood, Ill. 60646
George D. Aurand, M.D.	Family Practice Clinic 1127 North Second St. Clinton, Iowa 52732
Barbara Madden	Planned Parenthood of Iowa 851 19th Street Des Moines, Iowa 50314
Biddy Hurlbut	Canaan Farm Tonganoxie, Kansas 66086
Susan Lominska	2000 Louisiana Lawrence, Kansas 60646

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Catherine P. Flynn	P. O. Box 102 Buckfield, Maine 04220
Ilse Darling	Religious Coalition for Abortion Rights 100 Maryland Ave., N.E. Washington, D. C. 20002
Carolyn M. Schneider	116 Church Street Newton, Mass. 02158
Lynda Christian	23 Fredama Road Waban, Mass. 02168
Pamela Lowry	61 Centre Street Brookline, Mass. 02146
N. Lorraine Beebe	24424 Fairmont Drive Dearborn, Mich. 48124
Edgar R. Keemer, M.D.	1111 David Whitney Building Detroit, Mich. 48226
Jack Stack, M.D.	510 Prospect Alma, Mich. 48801
Betty Benjamin	5205 Duncraig Road Minneapolis, Minn. 55436
Robert W. McCoy	549 Turnpike Road Golden Valley, Minn. 55416
Dorothy C. Roudebush	2127 North Dallas Road St. Louis, Missouri 63131
Judith Widdicombe	Reproductive Health Clinic 100 North Euclid Street St. Louis, Missouri 63108
Anita Norman	18 Rayton Road Hanover, N.H. 03755
Lee Gidding	903 West 8th Street Plainfield, N.J. 07063
Robert Livingston, M.D.	17 Kim Hunter Road Englewood Cliffs, N.J. 07632

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Rabbi Israel Margolies, Ph.D.	572 Sunderland Road Teaneck, N.J. 07666
Helen Southard	100 East Palisades Ave. Englewood, N.J. 07631
Nancy Ellefson	1408 Somervell N.E. Albuquerque, N.M. 87112
William Baird	Parent's Aid Society 107 Main Street Hempstead, N.Y. 11550
Rabbi Balfour Brickner	Union of American Hebrew Congregations 838 Fifth Ave. New York, N.Y. 10021
The Rev. Nicholas Cardell	May Memorial Unitarian Church 3800 East Genesee Street Syracuse, N.Y. 13214
Lucinda Cisler	165 West 91 Street, 4E New York, N.Y. 10024
Betty Friedan	1 Lincoln Plaza, 40-K New York, N.Y. 10023
Hon. Carol Greitzer	59 West 12 Street New York, N.Y. 10011
Richard Hausknecht, M.D.	18 East 82nd Street New York, N.Y. 10028
Lawrence Lader	51 Fifth Ave. New York, N.Y. 10003
Jesse Lyons	The Riverside Church 490 Riverside Drive New York, N.Y. 10027
Beatrice McClintock	860 Fifth Ave. New York, N.Y. 10021
Emily C. Moore	330 East 33 Street New York, N.Y. 10016

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Prof. Cyril C. Means, Jr.	1199 Park Ave. New York, N.Y. 10028
Stewart R. Mott	800 Park Ave. New York, N.Y. 10021
Frances Nathan	14 East 90 Street New York, N.Y. 10028
Anna T. Rand, M.D.	320 West 86 Street New York, N.Y. 10024
Ruth P. Smith	1 West 72nd Street New York, N.Y. 10023
Hon. Percy Sutton	Municipal Building, Room 2050 New York, N.Y. 10007
Helen Webber	United Church of Christ 287 Park Ave. South New York, N.Y. 10010
Sheila Marrotte	123 Hillside Drive Shelby, N.C. 28150
Richard A. Schwartz, M.D.	2280 Demington Drive Cleveland, Ohio 44106
Sarah G. Allison, Ph.D.	Marriage and Family Growth Cente 2813 East 51st Tulsa, Okla. 74105
Rebecca Hamilton	2308 South Portland Oklahoma City, Okla. 73108
Beverly Healy	2748 S.W. Talbot Road Portland, Oregon 97201
Medora S. Bass	216 Glenn Road Ardmore, Penn. 19003
Ellen Bronstein	321 Thorpe Road Jekintown, Penn. 19046
Barbara J. McNeel	7101 Chew Ave. Philadelphia, Penn. 19119
Howard C. Maxwell	90 Glendale Drive huntington Valley, Penn. 19006

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Mary Lou Theunissen	640 Carpenter Lane Philadelphia, Penn. 19119
Dorothy Brown, M.D.	3109 Centennial Boulevard Nashville, Tenn. 37209
Pallas Pidgeon	1478 Peabody Memphis, Tenn. 38104
Anne B. Pierson	Planned Parenthood Suite 1700 Exchange Building 2nd at Madison Memphis, Tenn. 38103
Ruth McLean Bowers	202 Bushnell St. San Antonio, Texas 78212
Barbara Kaliff	207 Terrell Road San Antonio, Texas 78209
Hon. Sarah Weddington	709 West 14th Street Austin, Texas 78701
Virginia B. Whitehill	3629 Dartmouth Ave. Dallas, Texas 75205
L. Lynne Miller	303 Pearl Street #5 Burlington, Vermont 05401
Bette Chambers	416 Candlewood Drive, S.E. Lacey, Washington 98503
Anne Gaylor	726 Miami Pass Madison, Wis. 53711
Ray W. Taylor	633 South Hawley Milwaukee, Wis. 53214
Anne Treseder	2111 University Ave. Madison, Wis. 53705
~~Carol Kruse~~	2123 Sheridan Laramie, Wyoming

TENTH: The name and address of each incorporator is:

Deborah Jacobs	2311 Connecticut Ave., N.W. Washington, D. C. 20008

Carol Werner — 601 D Street, S.E.
Washington, D. C. 20003

Betsy Bretz — 10733 Kinlock Road
Silver Spring, Md. 20903

Deborah Jacobs

Carol Werner

Betsy L Bretz

Incorporators

Date: Octb 7, 1975

CITY OF WASHINGTON
DISTRICT OF COLUMBIA

I, William Johnson, a Notary Public, hereby certify that on the 7th day of OCTOBER, 1975, personally appeared before me Deborah Jacobs, Carol Werner, and Betsy L Bretz, who signed the foregoing document as incorporators, and that the statements therein contained are true.

William Johnson

Notary Public
William Johnson
Notary Public, Dist. of Columbia
Commission Expires, Sept. 30, 1979

9950 0436 7033 1/3 1/28

STATE OF NEW YORK DEPARTMENT OF STATE
DIVISION OF CORPORATIONS AND STATE RECORDS
ALBANY kjt

FILING RECEIPT – MISC.

TYPE OF CERTIFICATE: AMENDMENT — TYPE A

CORPORATION NAME: NATIONAL ASSOCIATION FOR REPEAL OF ABORTION LAWS, INC.

DATE FILED: JAN. 8, 1975

FILM NO: A 205723-3

LOCATION OF FIRM OFFICE: 31 NY

change of name - NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

FILED AND ADDRESS: CAROLYN L. DOMREST
79 Pierrepont St.
Brooklyn, NY 11201

6 DOLLAR FEE TO COUNTY

FEES AND/OR TAX PAID AS FOLLOWS

☒ CHK ☐ M O ☐ CASH $ 30.

$	30	FILING
$		TAX
$		CERTIFIED COPY
$		CERTIFICATE

TOTAL $ 30.00

REFUND OF $ TO FOLLOW

MARIO CUOMO
SECRETARY OF STATE

[redacted]

R 662 5 10M

95034396033b2292

9509043667031882203

CERTIFICATE OF INCORPORATION

OFFICE OF RECORDER OF DEEDS, D. C.
Corporation Division
Sixth and D Streets, N. W.
Washington, D. C. 20001

CERTIFICATE

THIS IS TO CERTIFY that all provisions of the District of Columbia Non-profit Corporation Act have been complied with and ACCORDINGLY this Certificate of Incorporation

is hereby issued to the NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

as of the date hereinafter mentioned.

Date October 10, 1973

Percy S. Ridley,
Recorder of Deeds, D.C.

Marguerite C. Stokes
Marguerite C. Stokes
Assistant Superintendent of Corporations

Government of the District of Columbia
Form RD-C 16
Oct. 1970

9505043670703313824

9950043 3667 703 1 8 2 25

AMENDMENT TO
ARTICLES OF INCORPORATION

ARTICLES OF AMENDMENT FILING FEE
to the INDEXING FEE 2.00
ARTICLES OF INCORPORATION 7.00
of
NATIONAL ABORTION RIGHTS ACTION LEAGUE

To: The Recorder of Deeds, D.C.
Washington, D.C.

Pursuant to the provisions of the District of Columbia Non-profit Corporation Act, the undersigned adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: The name of the corporation is: National Abortion Rights Action League, Inc.

SECOND: The following amendment of the Articles of Incorporation was adopted by the Corporation in the manner prescribed by the District of Columbia Non-profit Corporation Act:

This corporation is organized as a non-profit corporation under the District of Columbia Non-Profit Corporation Act to operate on a non-profit basis for the promotion of social welfare and education of the public on matters related to abortion.

(This Amendment will replace paragraph THIRD of the original Articles of Incorporation)

THIRD: The amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

Date September 16, 1977

NATIONAL ABORTION RIGHTS ACTION LEAGUE
Corporate name

By Margie Pitts Hames
Its President, Margie Pitts Hames

Attest:

Robert W. McCoy
Its Secretary, Robert W. McCoy

FILED SEP 20 '77
BY

9953004336671031382 36

OFFICE OF RECORDER OF DEEDS, D. C.
Corporation Division
Sixth and D Streets, N. W.
Washington, D.C. 20001

CERTIFICATE

THIS IS TO CERTIFY that all provisions of the District of Columbia Non-profit Corporation Act have been complied with and ACCORDINGLY this Certificate of Amendment

is hereby issued to the NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

as of the date hereinafter mentioned.

Date September 20, 1977

PETER S. RIDLEY,
Recorder of Deeds, D.C.

David H. Cole
Superintendent of Corporations

Government of the District of Columbia
Form RD C 48
Oct. 1961

J-0179-79

95043867033183247

Office of Recorder of Deeds

CORPORATION DIVISION

WASHINGTON

This is to certify *that the pages attached hereto constitute a full, true, and complete copy of* CERTIFICATE AND ARTICLES OF AMENDMENT TO THE ARTICLES OF INCORPORATION OF NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC., AS RECEIVED AND FILED SEPTEMBER 20, 1977.

as the same appears of record in this office.

In Testimony Whereof,
I have hereunto set my hand and caused the seal of this office to be affixed, this

the 26th day of

SEPTEMBER A. D. 19 77

PETER B. RIMBEY,
Recorder of Deeds, D. C.

to the INDEXING FEE 2.00

ARTICLES OF INCORPORATION

of

NATIONAL ABORTION RIGHTS ACTION LEAGUE

7.00

To: The Recorder of Deeds, D.C.
Washington, D.C.

Pursuant to the provisions of the District of Columbia Non-profit Corporation Act, the undersigned adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: The name of the corporation is: National Abortion Rights Action League, Inc.

SECOND: The following amendment of the Articles of Incorporation was adopted by the Corporation in the manner prescribed by the District of Columbia Non-profit Corporation Act:

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(This Amendment will replace paragraph THIRD of the original Articles of Incorporation)

THIRD: The amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

Date September 16, 1977

NATIONAL ABORTION RIGHTS ACTION LEAGUE
Corporate name

By Margie Pitts Hames
Its President, Margie Pitts Hames

Attest:

Robert W. McCoy
Its Secretary, Robert W. McCoy

FILED SEP 20 1977

BY

9504367033836

AMENDMENT TO
ARTICLES OF INCORPORATION

HARMON & WEISS
2001 S STREET, N.W.
SUITE 430
WASHINGTON, D.C. 20009-1125

GAIL McGREEVY HARMON
ELLYN R. WEISS
DIANE CURRAN
DEAN R. TOUSLEY
ANDREA C. FERSTER

TELEPHONE
(202) 328-3500

December 23, 1985

Department of Consumer and
Regulatory Affairs
Corporation Division
614 H Street, N.W.
Washington, D.C. 20001

RE: National Abortion Rights
Action League, Inc.

Dear Madam/Sir:

Enclosed please find two signed copies of the Articles of Amendment to the Articles of Incorporation of National Abortion Rights Action League, Inc., and a check for $7.00. The corporation's 1984 & 1985 Annual Reports have been submitted to your office. Copies of the reports are enclosed.

Please send the certified copy of the Amendment to the undersigned.

Thank you for your prompt attention to this matter.

Sincerely,

Gail M. Harmon

cc: Peggy Markman

95033670333389

HARMON, WEISS & JORDAN
2001 S STREET NW SUITE 430
WASHINGTON DC 20009

REMITTANCE ADVICE

15-4
540
4944

PAY _____ DOLLARS

DATE	TO THE ORDER OF	CHECK AMOUNT
12/23/85	DC Treasurer - Nat'l ARA	7

FIRST AMERICAN BANK, N.A.
WASHINGTON, D.C.

⑈004944⑈ ⑆054000043⑆ 3 194 094⑈

ARTICLES OF AMENDMENT

to the

ARTICLES OF INCORPORATION

OF

NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

To: The Recorder of Deeds, D.C.
Washington, D.C.

Pursuant to the provisions of the District of Columbia Non-profit Corporation Act, the undersigned adopts the following Articles of Amendment to tis Articles of Incorporation:

FIRST: The name of the corporation is: National Abortion Rights Action League, Inc.

SECOND: Articles Fourth and Fifth have been struck and in their place Article Fourth shall read:

"The corporation shall have members who shall have the right and duty to elect those individuals who serve on the Board of Directors and the Nominating Committee who are set forth in the By-laws in accordance with the procedures set forth in the By-laws. Members may vote by proxy. The qualifications of members and their other rights and duties, if any, shall be specified in the corporation's By-laws."

THIRD: Accordingly, Articles Sixth through Ninth shall be renumbered Fifth through Eighth.

FOURTH: The amendment was adopted at a membership meeting held on January 28, 1984, and received the vote of a majority of the members.

National Abortion Rights Action League, Inc.

Date: 12/17/85

By Mary Dziti Czisp
President

Attest:
Its Secretary 12-21-85

95343670339

OFFICE OF RECORDER OF DEEDS, D. C.
Corporation Division
Sixth and D Streets, N. W.
Washington, D.C. 20001

CERTIFICATE

THIS IS TO CERTIFY that all provisions of the District of Columbia Non-profit Corporation Act have been complied with and ACCORDINGLY this Certificate of Amendment

is hereby issued to the NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

as of the date hereinafter mentioned.

Date September 20, 1977

RECORDER OF DEEDS
DISTRICT OF COLUMBIA

Peter S. Reilly,
Recorder of Deeds, D.C.

David H. Cole
Superintendent of Corporations

Government of the District of Columbia
Form RD-C 15
Oct. 1961

J-0125-75

95043969033939

TAX STATUS CERTIFICATE

29 50 04 36 07 70 33 18 23 14

Address any reply to: P.O.Box [redacted], New York, N. Y. 10008

US Treasury Department

District Director

Internal Revenue Service

Date:	In reply refer to:
October 19, 1971	AU:F:613:JRG
M-71-EO- 983	Tel: 264 1871

National Association for Repeal
of Abortion Laws, Inc.
250 West 57th Street
New York, N. Y. 10019

I. R. Code: Section 501(c) (4) Social Welfare

Address inquiries and File Returns with District Director of Internal Revenue: Manhattan

Accounting Period Ending: December 31

Gentlemen:

On the basis of your stated purposes and the understanding that your operations will continue as evidenced to date or will conform to those proposed in your ruling application, we have concluded that you are exempt from Federal income tax under the provisions of the Internal Revenue Code section indicated above. Any changes in operations from those described, or in your character or purposes, must be reported immediately to your District Director for consideration of their effect upon your exempt status. You must also report any change in your name or address.

You are not required to file Federal income tax returns so long as you retain an exempt status, unless you are subject to the tax on unrelated business income imposed by section 511 of the Code, in which event you are required to file Form 990-T. You are required to file an information return, Form 990, annually on or before the 15th day of the fifth month after the close of your annual accounting period indicated above.

You are liable for the taxes imposed under the Federal Insurance Contributions Act (social security taxes); and for the tax imposed under the Federal Unemployment Tax Act if you have four or more individuals in your employ.

Any questions concerning excise, employment or other Federal taxes should be submitted to this office.

This is a determination letter.

Very truly yours,

Charles H Bowen

District Director,
Acting

FORM L-179 (REV. 6-66)

9503603838

9505043366770331893336

ANNUAL REPORT

File # 752542

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ANNUAL REPORT FOR FOREIGN AND DOMESTIC CORPORATIONS

DUE APRIL 15, 19 90

Filing Fee $	25.00
Penalty	--
Interest	--
Total $	25.00

DUPLICATE COPY TO BE RETAINED BY CORPORATION
SEE REVERSE SIDE FOR FILING FEES, PENALTIES, ETC.
MAKE CHECK PAYABLE TO D.C. TREASURER
MAIL REPORT TO: DEPT. OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION, CORPORATIONS DIVISION
P.O. BOX 37200, WASHINGTON, D.C. 20013-7200

Indicate if corporation is
- ☐ Domestic Profit
- ☐ Foreign Profit
- ☒ Non-Profit

1. Name of Corporation
National Abortion Rights Action League, Inc.

2. Organized under the laws of (insert District of Columbia, State or Country)
District of Columbia

3. If a foreign corporation, the address of its principal office in the state or country where organized

4. Name of registered agent and address of registered office in the District of Columbia (Do not make change of agent on this form)
Kate Michelman, Executive Director
1101 14th Street, NW -- 5th Floor
Washington, D.C. 20005

Attachment 3
Page 42 of 58

5. Brief statement of business or affairs conducted in the District of Columbia
Initiate and coordinate political, social, and legal action of individuals and groups concerned with providing safe abortions.

6. If a domestic profit corporation, the address including street and number, of principal office in the District of Columbia

7. Name and address, including street and number of directors and officers

	NAME	ADDRESS
Director		
Director		
Director		
President	Ernesta Ballard	9120 Crefeld Street, Philadelphia, PA 19118
Vice President	Carol T. Pencke	5925 Voland Terrace South, Seattle, WA 98118
Secretary	Melissa Ness	3124 James, Topeka, KS 66614
Treasurer	Joan Babbott	1920 Marengo Street, Los Angeles, CA 90033

DOMESTIC PROFIT CORPORATIONS ANSWER ARTICLES 8 AND 9 (Foreign corporations disregard articles 8 and 9)

8. Aggregate number of shares corporation has authority to issue

NO. OF SHARES	CLASS	SERIES	PAR VALUE PER SHARE OR WITHOUT PAR

9. Aggregate number of shares issued

NO. OF SHARES	CLASS	SERIES	PAR VALUE PER SHARE OR WITHOUT PAR

FOREIGN PROFIT CORPORATIONS ANSWER ARTICLES 10 THRU 13 (Do not apply to domestic corporations)

10. Date organized

11. Term of existence authorized
☐ perpetual Limited to _____ years

12. Is corporation in good standing in State in which organized?
☐ Yes ☐ No

13. Name of corporation used in the District *

* (Add "corporation," "company," "incorporated," "limited" or an abbreviation thereof, if same does not appear in corporate name, otherwise answer same as 1.)

Date

By _____ (signature)

Its ☐ Pres. ☐ Vice Pres. ☐ Sec'y ☐ Asst. Sec'y ☐ Treas. ☐ Asst. Treas. if non-profit corporation
☐ Receiver or Trustee if non-profit corporation

CORPORATE SEAL
A fee of $15.00 will be charged for dishonored checks

Carol B Thompson
Carol B. Thompson, Director
Department of Consumer and Regulatory Affairs

(Over)

FILED
By

FILING FEES: 1. Each domestic profit corporation organized, incorporated, or reincorporated under the provisions of the Code of Laws of the District of Columbia, Title 29, Chapter 3, shall pay at the rate hereinafter set out, an annual report fee based upon the amount of the total authorized capital stock on the 15th day of March immediately preceding April 15th the date on which such report is due to be filed. The report fee shall be paid at the time of filing. Filing fee is computed as follows: Where the total authorized capital stock does not exceed $25,000, $25; where it exceeds $25,000, but not $100,000, $50; where it exceeds $100,000 but not $300,000, $100; where it exceeds $300,000, but not $500,000, $200; where it exceeds $500,000, but not $1,000,000, $300; and a further sum of $125 for each $1,000,000, or fraction thereof, in excess of $1,000,000. Shares without par value, for the purpose of ascertaining the amount of the report fee, but for no other purpose, shall be taken to be of the par value of $100 each. In case of a newly organized corporation, the amount of the annual report fee to be paid at the time of the filing of its first annual report shall be an amount at the rates provided above prorated on a monthly basis for the period from the date its certificate of incorporation or reincorporation was filed to the April 15th on which said first annual report is due to be filed.

2. Each domestic non-profit corporation pays a filing fee of $25.00.

3. Each foreign profit corporation pays a filing fee of $50.00.

4. Each foreign non-profit corporation pays a filing fee of $25.00.

PENALTIES:

1. Domestic and Foreign profit corporations pay a penalty of $25.00 if not filed by April 15.

2. Domestic and Foreign non-profit corporations pay a penalty of $5.00 if not filed by April 15.

INTEREST:

1. If the annual report of any domestic profit corporation is unpaid on the April 15 on which the same is due, the annual report fee shall bear interest at the rate of 2 per centum per month until paid.

ADDITONAL INSTRUCTIONS FOR COMPLETING FORM:

1. Domestic profit and non-profit corporations must set forth the names and addresses of three directors and corporate officers in article 7 of the annual report.

2. In case of a change or resignation of registered agent, or change of address of registered office, a statement of change must be filed with the report.

3. All outstanding fees and reports must be received and filed before any subsequent filings will be accepted by this office.

4. Only one copy of the annual report is required.

5. To assure correct payment of the report fee, your attention is called to the underlined section relating to the proration of fees in the paragraph at the top of this page under the heading "Filing Fees".

6. Failure to receive a report form does not relieve a corporation of the responsibility to file and pay on time.

2504367319 5

November 28, 1990

Mr. Anthony D. Raymond
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

98 NOV 30 AM 9:53

Re: IOB C90004193

Mr. Raymond,

I am writing in response to your November 21 letter regarding NARAL of Iowa's independent expenditure.

All of the documents you requested (status under the Internal Revenue Code, articles of incorporation, a detail description of activity take on behalf of Tom Harkin), plus a copy of NARAL of Iowa's bylaws, are enclosed with this letter.

NARAL of Iowa has made this expenditure independent of any federal candidate. Each expenditure has been timely reported to the Secretary of the Senate as required of FEC FORMS 5.

You also requested that NARAL of Iowa "demonstrate how NARAL of Iowa's activities and establishment are not incongruous with the criteria" established by the U.S. Supreme Court in Federal Election Commission vs. Massachusetts Citizens for Life, Inc., set out in your letter. I have reviewed those criteria with our attorneys and I am assured that we meet each of them.

First, as is reflected in the enclosed documents, NARAL of Iowa was established for the purpose of supporting reproductive rights. It does not engage in business activities. Second, NARAL of Iowa is a membership organization; it has no shareholders or other persons affiliated so as to have a claim on its assets or earnings. Third, NARAL of Iowa was not established by a business organization or a labor union and, as indicated in its bylaws, has a strict policy of not accepting contributions from such entities.

I hope this answers your questions. Please let me know if you need any additional information.

Shelley Bain
State Director

National Abortion Rights Action League of Iowa
1201 Grand Avenue
West Des Moines, Iowa 50265
515-225-0731

9003671547O

Internal Revenue Service
District Director

Department of the Treasury

P O BOX A-3290 DPN 22-2
CHICAGO, IL 60690

Date: MAY 16 1990

Employer Identification Number:
42-1346608
Contact person:
AUGUSTA L. SIMPSON
Contact Telephone Number:
(312) 886-1270

NATIONAL ABORTION RIGHTS ACTION
LEAGUE OF IOWA NARAL OF IOWA
1201 GRAND AVENUE
WEST DES MOINES, IA 50265

Internal Revenue Code
Section 501(c)(4)
Accounting Period Ending:
December 31
Form 990 Required:
Yes
Addendum Applies:
No

95043671315497 1

Dear Applicant:

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

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

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

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

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of $10 a day

NATIONAL ABORTION RIGHTS ACTION

is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed $5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Donors may not deduct contributions to you because you are not an organization described in section 170(c) of the Code. Under section 6113, any fundraising solicitation you make must include an express statement (in a conspicuous and easily recognizable format) that contributions or gifts to you are not deductible as charitable contributions for Federal income tax purposes. This provision does not apply, however, if your annual gross receipts are normally $100,000 or less, or if your solicitations are made to no more than ten persons during a calendar year. The law provides penalties for failure to comply with this requirement, unless failure is due to reasonable cause.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

R. S. Wintrode, Jr.
District Director

950436731598 72

ARTICLES OF INCORPORATION

NATIONAL ABORTION RIGHTS ACTION LEAGUE OF IOWA
NARAL OF IOWA

ARTICLE I

The name and title of the Corporation shall be "National Abortion Rights Action League of Iowa," NARAL of Iowa, and the Corporation is incorporated under the Iowa Nonprofit Corporation Act, 1989 Iowa Code Chapter 504A.

ARTICLE II

The Corporation shall have perpetual existence.

ARTICLE III

The Corporation is organized for the purpose of promoting reproductive rights in the State of Iowa, and is dedicated to preserving and extending the right to choose safe legal abortion, educating citizens to protect freedom and privacy, and such other related purposes which promote social welfare as may be undertaken by the Board of Directors.

ARTICLE IV

Upon the written request of at least five percent of the general membership, the Board of Directors shall adopt a resolution setting forth any proposed amendments to the Articles of Incorporation by such members and shall direct that the resolution be submitted to the general membership at a special meeting to be held not less than ninety days after the filing of the request of the members with the secretary of the organization. Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting not less than 10 days nor more than 50 days before the meeting. The proposed amendments shall be adopted upon receiving at least two thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

In addition, the Board of Directors may adopt a resolution setting forth proposed amendments to the Articles of Incorporation to be submitted to the general membership at a special meeting with notice as set forth above or at the annual meeting of the membership.

Nothing precludes the corporation from amending its Articles of Incorporation by the written consent of all members entitled to vote in lieu of holding a special meeting or presenting proposed amendments at the annual meeting.

9504367 3199 1473

All such amendments shall be executed by the corporation's president and its secretary, acknowledged by one of these officers, and shall set forth the name of the corporation, the effective date of the incorporation, the original name of the corporation if different, the amendment so adopted, the date of the meeting of the members wherein the amendment was adopted, that a quorum was present and that the amendment was adopted by at least two thirds of all members present or represented by proxy or by written agreement of all members entitled to vote.

ARTICLE V

The initial registered office of the Corporation shall be 1201 Grand Avenue, West Des Moines, Polk County, Iowa, 50265, and its initial registered agent at such address is Judy Bierkamp.

ARTICLE VI

The incorporators and Directors of the corporation are:

Michele Maguire Beck
Rural Route 1
Kellerton, Iowa 50133

Kathy Eaton
4108 Colt Drive
West Des Moines, Iowa 50265

Marcia Flory
1205 150th Avenue
Indianola, Iowa 50125

Sarah Garst
1063 21st Street
West Des Moines, Iowa 50265

Katherine Judge
2414 Kingman, #1
Des Moines, Iowa 50311

Ellen Keine
656 38th Street
Des Moines, Iowa 50312

Mary Louise Lyons, M.D.
Route 1
West Des Moines, Iowa 50265

9504367 1524740

ARTICLE VII

The Corporation shall come into existence upon the date of the issuance by the Secretary of State of the certificate of incorporation.

ARTICLE VIII

The number of Directors constituting the intitial Board of Directors of the Corporation shall be seven and the names and addresses of the initial Board of Directors shall be the same persons as set forth in Article VI. Three of the initial Board of Directors shall have terms which expire at the first annual meeting and four whose terms expire at the second annual meeting. The number of Directors and their terms of office shall thereafter be fixed by the by-laws of the corporation and may be changed from time to time by amendment of the by-laws.

ARTICLE IX

Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, distribute all assets of the Corporation to the National Washington Abortion Rights Action League, 1101 14th Street, N.W., Washington, D.C. 20005, unless the Board of Directors determines otherwise.

Dated this 6th day of February, 1990.

Incorporator

Incorporator

Incorporator

Incorporator

Incorporator

Incorporator

Incorporator

950043671324751

State of Iowa
Polk County

Subscribed and sworn to before me by the aforenamed persons on this

16th day of February, 1990.

Ramona L. Medina
Notary Public for the State of Iowa

RAMONA L. MEDINA
MY COMMISSION EXPIRES
2-3-92

9503043671532026

MEMORANDUM

To: FEC
From: Shelley Bain, NARAL of Iowa Director
Re: NARAL of Iowa's activity on behalf of Senator Tom Harkin's re-election
Date: November 27, 1990

Debate Watch Parties...
NARAL of Iowa held two parties to watch the televised debate between Tom Tauke and Tom Harkin. Expenses were invitation printing and postage, room rental, equipment rental, staff salaries, fact sheet printing, miscellaneous copying and phone calls.

Voter Identification Project...
NARAL of Iowa conducted a Voter Identification Project. Expenses were purchasing registered voter labels, printing phoning kits, postage to mail the kits, phone calls, miscellaneous copying, telecopier use and staff salaries.

Get-Out-the-Vote Project...
NARAL of Iowa held a press conference to announce the GOTV Project. Expenses were room rental, equipment rental, the costs of producing and shipping a poster, miscellaneous copying and staff salaries.

NARAL of Iowa held three houseparties to kick-off the GOTV project. Expenses were invitation printing and postage and proportional staff salaries.

The GOTV project included calling identified voters, mailing a brochure and mailing a postcard. Expenses were purchasing registered voter labels, contracted phoning, brochure and postcard printing, brochure and postcard postage, phone calls, staff salaries, miscellaneous copying, and telecopier use.

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BYLAWS
OF
NATIONAL ABORTION RIGHTS ACTION LEAGUE OF IOWA

NARAL OF IOWA

ARTICLE I. PURPOSES

The National Abortion Rights Action League of Iowa, NARAL of Iowa, is a corporation dedicated to preserving and extending the right to choose safe, legal abortion and the promotion of reproductive rights in the state of Iowa and to educate citizens to protect freedom and privacy.

ARTICLE II. MEMBERSHIP

Section 1. The membership shall consist of individuals who subscribe to the purposes of NARAL of Iowa as outlined above and who pay annual dues determined in accordance with policies of the board of directors.

Section 2. Those unincorporated organizations (e.g. partnerships), ideological corporations that do not receive funds from business corporations, and charitable organizations, that contribute more than $10.00 per twelve month period shall be accorded Contributor status. Notwithstanding any other provision in these bylaws, in no event shall NARAL of Iowa accept a contribution from any organization, such as a business corporation, that would jeopardize NARAL or NARAL of Iowa's ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in *Austin v. Michigan State Chamber of Commerce*.

ARTICLE III. FISCAL YEAR

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

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ARTICLE IV. ANNUAL MEETING

Section 1. There shall be an annual meeting held in the fall of each year to receive the annual reports of officers and committees and for filling seats on the board of directors. Written notice of the meeting shall be mailed to the last recorded address of each member at least ten (10) days and not more than thirty (30) days before the time appointed for the meeting. All notices of meeting shall set forth the place, date, time, and purpose of the meeting. The date of the annual meeting shall be set by the board of directors at least two months prior to the meeting.

Section 2. The order of business shall be according to Robert's Rules of Order.

ARTICLE V. DUES

Dues shall be determined in accordance with the policies of the board of directors.

ARTICLE VI. BOARD OF DIRECTORS

Section 1. Responsibilities. The board of directors shall establish written policies for NARAL of Iowa which are consistent with the goals of the National Abortion Rights Action League. The property, affairs, activities and concerns of the organization shall be vested in the board of directors.

Section 2. Number. The board of directors shall consist of from seven to nine members. The state coordinator shall not be a member of the board of directors.

Section 3. Term. Each board member shall be elected for a two year term, and no board member shall serve more than three full consecutive terms. Beginning with the first annual meeting, elections shall be held for those members of the board whose terms expire at such meeting.

Section 4. Duties of the Directors. The board of directors may: (1) hold meetings at such times and places as it thinks proper; (2) receive, manage and disburse the funds of the corporation; (3) print and circulate documents and publish articles; (4) carry on correspondence and communicate with other associations interested in reproductive rights; (5) devise and carry into execution such other objectives of the organization and best protect the common interest of the members; (6) employ such persons as necessary to carry out its wishes.

Section 5. Meetings of the Board. In addition to the annual meeting of the board of directors and membership, there shall be at least four (4) other meetings during the year, one meeting to be held in each quarter.

Section 6. Special Meetings. The President may, when he or she deems necessary, or the Secretary shall, at the request in writing of five (5) members of the board, issue a call for a special meeting of the board. Only five (5) days notice shall be required for such special meetings.

Section 7. Absence. Should any member of the board of directors be absent from three (3) consecutive meetings of the board without informing the President or Secretary in writing as to the reason for not attending, or if the reason should not be accepted by the members of the board, said director's membership may be terminated by vote of the board.

Section 8. Quorum. The presence of at least one-half of the board of directors shall constitute a quorum for the transaction of business at any meeting.

Section 9. Vacancies. The board of directors may fill, by a majority vote of remaining directors, though less than a quorum is present for the meeting, any vacancy on an interim basis, for a term to expire at the next annual meeting if notice of the meeting to fill the vacancy has been given in writing to all remaining members of the board of directors at least ten (10) days before the meeting.

ARTICLE VII. OFFICERS

Section 1. Number. The officers of this corporation shall be a President, Vice President, Secretary and Treasurer.

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Section 2. Method of Election. The board of directors shall elect all officers for a term of one (1) year at a meeting held immediately after the annual meeting.

Section 3. Duties of Officers. The duties and powers of the officers of the corporation shall be as follows:

President. The President shall preside at the meetings of the board of directors, and of the executive committee, and shall be a member ex-officio of all committees except the nominating committee. The President shall also, at the annual meeting of the organization and such other times as he or she deems proper, communicate to the organization, to the board of directors, and to the public, such matters and make such suggestions as may tend to promote the welfare and increase the usefulness of the corporation, and shall perform such other duties as are necessarily incident to the office of the President.

Vice President. In case of the absence of the President, the Vice President shall perform the duties of the President.

Secretary. It shall be the duty of the Secretary to give notice of and attend all meetings of the board of directors, and keep a record of the meeting; to conduct all correspondence; to carry into execution all orders, votes and resolutions not otherwise committed; to keep a list of the members of the corporation; to prepare, under the direction of the board of directors, an annual report of the transactions and condition of the organization. In case of absence or disability of the Secretary, the President may appoint a Secretary pro tem.

Treasurer. The Treasurer shall keep an account of all monies received and expended for the use of the corporation and shall make a report at the annual meeting or when called upon by the President. The Treasurer shall be a co-signator on all accounts in the name of the corporation along with such other persons designated by the Board, which may include the state director. All daily records of receipts and disbursements of the corporation shall be maintained under the supervision and direction of the Treasurer or any other person designated by the Board, which may include the state director. The authority to sign checks on the

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behalf of the corporation by any employee may be delegated by the board of directors to such employee. In case of the absence or disability of the Treasurer, the Executive Committee may appoint a Treasurer pro tem.

Section 4. Vacancies. All vacancies in any office shall be filled by the board of directors without due delay at a regular meeting or at a meeting specially called that purpose.

ARTICLE VIII. EMPLOYEES

Section 1. State Director. The board of directors shall employ such persons as are necessary to carry out the daily duties of the corporation. One such person shall be the State Director who shall report directly to the President of the board and any other persons as determined by the board. The State Director shall have the responsibility of the management of the offices of the corporation, shall establish a budget for the corporation, manage the daily activities of the corporation, shall keep the ledgers and books of the corporation and manage all daily correspondence and shall attend all meetings as required by the board of directors.

Section 2. Other Employees. Subject to the approval of the board of directors, the State Director may hire such other persons as are necessary to carry out the activities of the corporation. Such persons shall report to the State Director.

ARTICLE IX. COMMITTEES

Section 1. Executive Committee. There shall be an executive committee consisting of the officers. The executive committee may take any action on behalf of the corporation when the board of directors is not in session, reporting to the board of directors for its ratification of their action at each regular or special meeting called for that purpose. Three (3) members shall constitute a quorum for the transaction of business, and meetings may be called by the President or by two (2) members.

Section 2. Nominating Committee. At the same time that the date of the annual meeting is set, the President shall appoint a nominating committee of three (3)

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members, none of whom shall be a member of the executive committee, whose duty it shall be to nominate candidates for the vacancies on the board of directors to be elected at the next annual election. They shall notify the Secretary in writing, at least thirty (30) days before the date of the annual meeting, of the names of such candidates, and the Secretary, except as herein otherwise provided, shall mail a copy thereof to the last recorded address of each member simultaneously with the notice of the meeting.

Section 3. Other Committees. At the first meeting of the executive committee after the annual meeting of members, or as soon thereafter as practicable, the President may, subject to executive committee approval, appoint the following committees, in addition to whatever committees the board designates, to consist of as many members, including general members of the organization, as seems advisable:

a. Legislative Committee
b. Program Committee
c. Membership Committee
d. Fundraising Committee

The members of such committees shall serve until the appointment of their their successors. The President shall serve ex officio on all committees.

Section 4. Special Committees. The President may, at any time, appoint other committees on any subject for which there are no standing committees, subject to approval of the executive committee.

Section 5. Committee Vacancies. Vacancies on committees shall be filled by appointment of the President.

ARTICLE X. INDEMNIFICATION

A director, officer, employee, or member of the corporation shall not be liable on the corporation's debts nor obligations and a director, officer, member, or other volunteer shall not be personally liable in the capacity, for a claim based upon an act or omission of the person performed in the discharge of the person's duties,

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except for a breach of the duty of loyalty to the corporation, for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

Each director, officer, or employee of this corporation shall be indemnified by this corporation against liabilities, expenses, attorney fees and costs reasonably incurred by them or their estates in connection with or arising out of any action, suit, proceeding or claim in which they are made a party by reason of their being or having been such director, officer, or employee to the extent that they were carrying out authorized activities on behalf of the corporation. The corporation shall not indemnify any person with respect to any matters as to which the Board of Directors determines that the person is liable for wanton or gross negligence or misconduct in the performance of their duties as such director, officer or employee.

ARTICLE XI. AMENDMENTS

These bylaws may be amended, repealed or altered in whole or in part by a majority vote of the members at any annual meeting of the corporation or any special meeting called for that purpose. Proposed amendments to the bylaws shall be in writing, signed by at least five (5) members and shall be submitted to the Board Secretary no less than thirty (30) days before the date set for the annual meeting. The proposed change shall be mailed to the last recorded address of each member at least ten (10) days before the time of the meeting which is to consider the change.

Date adopted 9/8/90 Secretary Jennifer Newell

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Attachment 4

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

RQ-7

JAN -2 1991

James Wagner
National Abortion Rights Action
League, Inc.
1101 14th Street, NW 5th Floor
Washington, DC 20005

Identification Number: C90004185

Reference: 30 Day Post-General Report (10/18/90-11/26/90)

Dear Mr. Wagner:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 11 CFR 109.2(a) for failing to file the above referenced Report of Receipts and Disbursements.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Anthony Raymond on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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Attachment 5

TELECON

COMMITTEE : NARAL, INC.

ANALYST : TONY RAYMOND

DATE : JANUARY 29, 1991

Elizabeth Jones called about NARAL's 30 Day Post-General Election independent expenditure report. She stated that she had been informed that the report had not been filed, but that she had remembered filing a report. I informed Ms. Jones that a Schedule E had been filed with post-general election activity but it had been submitted as a 24-hour notice.

Ms. Jones said that she would check her records and make appropriate changes or submissions immediately.

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RECEIVED
F.E.C.
SECRETARIAT
92 JUN 11 PM 12:05

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3109 and
RAD Referral 91L-7
DATE COMPLAINT AND REFERRAL RECEIVED BY OGC August 13, 1990, February 4, 1991
DATE OF NOTIFICATION TO RESPONDENTS August 17, 1990
December 19, 1990
STAFF MEMBER Michael Marinelli

COMPLAINANT: Jack Hawke, Chairman of the Republican Party of North Carolina

RESPONDENTS: National Abortion Rights Action League, Inc. ("NARAL") and Kate Michelman, as executive director
National Abortion Rights Action League Foundation ("NARAL Foundation") and Kate Michelman, as executive director
National Abortion Rights Action League PAC ("NARAL PAC") and Karla C. Jones, as Treasurer
National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC") and Ruth Ziegler, as Treasurer
National Abortion Rights Action League of Iowa ("NARAL-Iowa") and Shelley Bain, its state director
Harvey Gantt for Senate Campaign Committee ("Gantt Committee") and Bobby T. Martin, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(4)
2 U.S.C. § 431(9)
2 U.S.C. § 431(17)
2 U.S.C. § 433(a)
2 U.S.C. § 434(a)
2 U.S.C. § 434(c)
2 U.S.C. § 441a(a)(2)
2 U.S.C. § 441a(f)
2 U.S.C. § 441b
11 C.F.R. § 109.1(a)
11 C.F.R. § 109.1(b)
11 C.F.R. § 109.2(a)(2)
Advisory Opinion 1979-80

9504360/32173

INTERNAL REPORTS CHECKED: NARAL 1989-1990 Independent expenditure reports
NARAL-Iowa 1989-1990 Independent expenditure reports
NARAL-NC PAC 1990- October Quarterly Report, 1990 30-Day Post General Election Report, 1990 Year End Report
Gantt Committee- 1990 April Quarterly Report, 1990 Pre-Primary Report, 1990 Pre-Run-Off Report, 1990 July Quarterly, 1990 October Quarterly Report, 1990 Pre-General Election Report, 1990 Post-General Election Report, 1990 Year-End Report.
Democratic Senatorial Campaign Committee- 1990 June Monthly Report, 1990 July Monthly Report, 1990 August Monthly Report, 1990 September Monthly Report, 1990 October Monthly Report, 1990 November Monthly Report, 1990 December Monthly Report, 1990 Year End Report
DNC Services Corporation/Democratic National Committee- 1990 June Monthly Report, 1990 July Monthly Report, 1990 August Monthly Report, 1990 September Monthly Report, 1990 October Monthly Report, 1990 November Monthly Report, 1990 December Monthly Report, 1990 Year End Report

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Republican Party of North Carolina filed a Complaint against NARAL, NARAL PAC, NARAL-NC PAC and NARAL Foundation.[1] The Complaint alleged that the Respondents were making expenditures opposing the re-election of Senator Jesse Helms of

1. At the time the Complaint was filed the treasurer of NARAL PAC was Kathryn Young. NARAL PAC later sent the Commission notice that Elizabeth Jones is the new treasurer of the Committee. Ms. Jones subsequently was replaced as treasurer by Karla C. Howard on July 4, 1991.

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North Carolina that were not, in fact, independent, but instead constituted contributions to Harvey Gantt, Senator Helm's opponent in the 1990 North Carolina Senate Race. NARAL PAC, NARAL-NC PAC and NARAL Foundation were informed of the complaint on August 17, 1990 and submitted responses. Attachments 2, 3, and 4. Due to an administrative oversight, NARAL was not informed of the complaint until December 19, 1990. After receiving an extension of time, NARAL responded. Attachment 5. Subsequently, the Reports Analysis Division ("RAD") referred NARAL, NARAL PAC and NARAL-Iowa for possible violations of 2 U.S.C. § 441b arising out of these Respondents' independent expenditure program. Attachment 6.

Pursuant to the Commission's February 11, 1992 review of this matter, this Office also formally informed the Gantt Committee of the complaint. After the granting of several extensions of time, a response was received from the Gantt Committee on April 26, 1992. Attachment 7.

According to documents provided by NARAL, NARAL is a non-profit corporation organized under the laws of the District of Columbia. According to Commission records, NARAL PAC is a separate segregated fund established by NARAL. NARAL-NC PAC is the separate segregated fund of the National Abortion Rights Action League of North Carolina, which, according to information provided by NARAL-NC PAC, is an affiliate of NARAL. NARAL-Iowa, again according to documents provided to the Commission, is a non-profit corporation established under the laws of Iowa.

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II. FACTUAL AND LEGAL ANALYSIS

A. Issues raised by the Complaint and Referral

1. The Complaint

a. Allegations

The complaint asserts that the independence of the expenditures made by NARAL, NARAL PAC, NARAL-NC PAC and NARAL Foundation against Senator Helms was fatally compromised by the personnel links between NARAL-NC PAC and the Gantt campaign. The complaint alleges that NARAL-NC PAC belonged to two organizations, Senate Vote '90 and Coalition for Choice, which were either linked directly to the Gantt campaign or had as members staff from the Gantt campaign. The complaint specifically alleges that two members of Coalition for Choice, Charlotte Brody and Roberta Waddle, were workers for the Gantt campaign. The complaint also alleges that a Mr. David Jones represented NARAL-NC PAC in Senate Vote '90, a committee which endorsed and met with Mr. Gantt. The complaint also maintains that there were direct links between NARAL-NC PAC and the Gantt campaign because three alleged leaders of NARAL-NC PAC, Jane Stein, the Rev. W.W. Finlator and H.M. Michaux, served as senior advisors to the Gantt campaign.

The complaint further maintains that a common vendor situation existed between the Gantt Campaign and the other respondents which also destroyed the independence of the expenditures. The complaint presents evidence that NARAL retained the services of Harrison Hickman of Hickman/Maslin Associates, a polling firm, to do work related to the North

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Carolina Senate race. The complaint notes that Mr. Hickman was doing simultaneous work for the Democratic Senatorial Campaign Committee ("DSCC") and the Democratic National Committee ("DNC"), organizations favoring the election of Mr. Gantt, as well as doing work for two prominent political leaders, Senator Terry Sanford and former governor Jim Hunt, who had endorsed Mr. Gantt. At the same time, the complaint states that the Gantt campaign retained the services of a polling firm, Donilon and Petts, the principal of which, David Petts, was an employee of Harrison Hickman.[2] Citing these relationships the complaint concludes:

> In the factual case presented herein, a presumption must lie against the independence of the NARAL expenditures where NARAL, the DSCC, the DNC and the North Carolina Democratic Party all share a common pollster, whose former associate is pollster for the Gantt campaign and where officials of the NARAL affiliate in North Carolina are also publicly identified as senior officials of the Gantt campaign committee.

Attachment 1 at 11.

The allegations in the complaint, if true, would indicate that the expenditures by NARAL were prohibited contributions and the expenditures by NARAL-NC PAC were contributions made in excess of the limitations established at 2 U.S.C. § 441a(a)(2).[3]

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2. According to the Political Resource Directory National Edition (1991), Hickman/Maslin Research Inc. is a Washington based firm specializing in polling and general political consulting work. Likewise, Donilon & Petts is identified by the same source as a Washington based firm whose area of expertise is political analysis, survey, research and polling.

3. Although the complaint names NARAL and several related entities as involved in making the independent expenditures against the Helms campaign, reports filed with the Commission record only two organizations, NARAL and NARAL-NC PAC, as making

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Respondents also would have violated 2 U.S.C. § 434(b) by failing to report these expenditures as contributions.

b. The Responses

Joint counsel for NARAL, NARAL Foundation, NARAL PAC and NARAL-NC PAC has filed four responses in response to the complaint. This Office first received separate responses from NARAL-NC PAC, NARAL Foundation and NARAL PAC. The last NARAL affiliated response received was a submission by NARAL in which NARAL PAC joined. All NARAL affiliated respondents deny the allegations made in the complaint. In a series of affidavits, they refute the charges of coordination and direct links between NARAL-NC PAC, NARAL, NARAL Foundation, NARAL PAC on the one hand, and the Gantt campaign on the other hand. Respondents also categorically deny that the facts in this case present a common vendor situation. The response filed by counsel for the Gantt Committee also denies the allegations of coordination.

2. The Referral

The referral from RAD brings the separate issue of whether the independent expenditures made by NARAL and NARAL-Iowa violated 2 U.S.C. § 441b. According to information contained in the referral, based on Commission records, NARAL made a total of $456,232.92 in independent expenditures in the 1989-1990 election cycle. The bulk of these expenditures, $315,910 or 69%, were

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(Footnote 3 continued from previous page)
expenditures. According to Commission records, NARAL reported making $315,910 in independent expenditures against Senator Helms. NARAL-NC PAC reported making similar expenditures of $7,487.

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directed to the North Carolina Senate race. The remaining amounts were spent as follows: $104,058.61 or 24% in the 1990 Iowa Senate Race as expenditures either against Congressman Tom Tauke or for Senator Thomas Harkin; $31,979.78 or 7% as expenditures against Congressman Dennis Smith in the 1990 Oregon 2nd Congressional District race; and $4,284.05 or 1% as expenditures against Congressman Craig Taylor James in the 1990 Florida 4th District Congressional race. Information contained in the referral indicates that NARAL-Iowa's expenditure program was more modest. NARAL-Iowa apparently spent $36,224.51 in independent expenditures in support of Senator Harkin.

When questioned about these expenditures by RAD, NARAL and NARAL-Iowa both denied that their expenditure program violated section 441b. In response to various Requests for Additional Information, NARAL and NARAL-Iowa claimed entitlement to the narrow exception to section 441b for certain corporations recognized by the Supreme Court in FEC v Massachusetts Citizens For Life Inc., 479 U.S. 238 (1986)("MCFL"). To substantiate their claims, NARAL and NARAL-Iowa provided various documents (articles of incorporation, by laws, tax documents, etc.) which are included in the referral.

RAD also referred NARAL for its failure to file a 30-Day Post-General Election Report of its expenditures.

B. The Legal Standard

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee as "any committee, club, association, or other group of persons which receives

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contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). Under the Act, an expenditure constitutes "any purchase, payment, distribution, loan, advance deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9).

All federal political committees are required to file statements of organization. Those committees that are not the principal campaign committee or an authorized committee of a candidate, or are not a separate segregated fund, must register no latter than 10 days after crossing the $1,000 threshold. 2 U.S.C. § 433(a). Once registered with the Commission, a political committee must file reports of receipts and disbursements in accordance with the Act. 2 U.S.C. § 434(a). No multicandidate political committee may make contributions to a candidate or his authorized committee which in aggregate exceed $5,000 with respect to any one federal election. Further, no candidate or political committee may knowingly accept contributions or make expenditures in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

A political committee that is not an authorized committee may make independent expenditures on behalf of a candidate which, unlike contributions, are not subject to limitations as to the amount spent. See 2 U.S.C. § 431(17) and 11 C.F.R. § 109.1(a). The Act narrowly defines what may be considered an independent expenditure. Under 2 U.S.C. § 431(17), "independent expenditure"

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means an expenditure by a person expressly advocating the election or defeat of clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

The regulations further explain the kinds of interaction between the candidate and the political committee which would lead to a determination that an expenditure was not independent. Under 11 C.F.R. § 109.1(b)(4)(i), evidence of prior "arrangement, coordination or direction by the candidate or his or her agent" would lead to such a result. Further, it is presumed that an expenditure has been made in cooperation with the candidate or his committee if it is:

> (A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;
>
> (B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

For purposes of Section 109.1, an agent is defined as "any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related

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activities he or she may authorize expenditures." 11 C.F.R. § 109.1(b)(5). Finally, the Commission has concluded that use of a common vendor by both the committee making the independent expenditures and the committee receiving the benefit of the expenditures can, in certain situations, compromise the independence of those expenditures. See Advisory Opinion 1979-80.

An expenditure that fails to qualify as an independent expenditure is an in-kind contribution to the candidate. 11 C.F.R. § 109.1(c). Indeed, the statute is clear that "expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered a contribution to such candidate." 2 U.S.C. § 441a(a)(7)(B)(i).[4]

No national bank, corporation or labor organization may make a contribution or expenditure to a political committee using funds from its treasury. Nor may any political committee accept such contributions. 2 U.S.C. § 441b(a). The term expenditure includes any purchase, payment, distribution, loan, advance,

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4. Further, the financing of the dissemination, distribution or republication in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his authorized committees, or their authorized agents shall be considered a contribution for the purposes of the contribution limitations and reporting responsibilities by the person making the expenditure. 2 U.S.C. § 441a(a)(7)(B)(ii). However, such financial activity is not considered an expenditure by the candidate or his authorized committee "unless made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any authorized agent or committee thereof." 11 C.F.R. § 109.1(d)(1).

deposit, or gift of money or anything of value, made by any person for the purpose of influencing or in connection with any election for Federal office. 2 U.S.C. §§ 431(9), 441b(b)(2).

The Supreme Court has stated that the prohibition against the use of corporate funds for independent expenditures only applies to independent expenditures expressly advocating the defeat of a clearly identified candidate. MCFL, 107 S.Ct. at 623. The Court also recognized a narrow exception to Section 441b to allow certain non-profit corporations to make independent expenditures. Id. at 630. Reaffirmed in Austin v. Michigan State Chamber of Commerce, 58 U.S.L.W. 4372 (1990), the exception requires that the corporation must meet the following three conditions to qualify for the exception:

> 1. The organization must be formed for the express purpose of promoting political ideas, and cannot engage in business activities. If political fundraising events are expressly denominated as requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities.
> 2. The organization must have no shareholders or other persons affiliated so as to have a claim on its assets or earnings.
> 3. The organization must not have been established by a business corporation or a labor union, and must adopt a policy not to accept contributions from such entities.

When reporting independent expenditures, a person or entity other than a political committee must file report or statements at the end of the reporting period (quarterly, pre-election, post-election, semiannually) during which the independent expenditure was made. 11 C.F.R. § 109.2.

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C. Application of the Law to the Facts

1. Independence of the Helms Expenditures

a. Actual coordination between NARAL-NC PAC and Gantt campaign

The affidavits of Kate Michelman, Executive Director of NARAL, and Ruth Ziegler, treasurer of NARAL-NC PAC, deny the existence of any coordination between Respondents and the Gantt campaign.

Ruth Ziegler, the treasurer of NARAL-NC PAC, who affirms she authorized all NARAL-NC PAC's expenditures, states:

> At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by NARAL-NC PAC's independent expenditures. I have scrupulously avoided any possibility of coordination between NARAL-NC PAC and the Gantt campaign. To my knowledge no such coordination, cooperation or consultation has occurred.

Attachment 2 at 24.

Kate Michelman, Executive Director of NARAL also denies the existence of any coordination. She states that she was responsible for authorizing NARAL's independent expenditure program. However, she affirms:

> During the 1989-1990 election cycle, I took all prudent steps and I caused NARAL and its staff to take all prudent steps to avoid any possibility of coordination, cooperation or consultation between NARAL and the Gantt campaign. I was aware at all relevant times of the impediments that such coordination, cooperation or consultation might create for independent expenditures by NARAL in the Gantt/Helms and other races. To the best of my knowledge, no such coordination, cooperation or consultation occurred.

Attachment 5 at 17.

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The affidavits by other NARAL PAC officials similarly deny the allegations raised in the complaint. Kathryn Young, the former treasurer of NARAL PAC responsible for authorizing the PAC's expenditures, asserts her confirmation that NARAL PAC made no independent expenditures in the North Carolina Senate race. NARAL PAC's current manager, Jill Hanauer, adds that during the 1989-1990 election cycle she was aware of NARAL's "necessity of avoiding coordination, cooperation and consultation as to campaign strategy with candidates who would be benefited by independent expenditures made by NARAL." She states that she "took all prudent steps to avoid such coordination, cooperation and consultation" and to her knowledge, "no such coordination cooperation or consultation as to campaign strategy occurred between NARAL and the Gantt campaign. Attachment 5 at 18.

In a second affidavit, Kate Michelman, as executive director of the NARAL Foundation, states that the Foundation did not make any expenditures in the 1989-1990 election cycle.[5]

While it provides no affidavits, the Gantt Committee response also denies any violations of the Act. Counsel for the Gantt Committee states that "[t]he Gantt Committee at no time cooperated or consulted with, authorized a committee or agent to

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5. The complaint implies that certain media efforts funded by the NARAL Foundation and NARAL should be considered as linked to the Senate race in North Carolina despite the fact that these efforts never made any reference to any federal race. See Attachment 1 at 3. The affidavits and responses by NARAL and NARAL Foundation dispute this characterization by pointing out that these efforts predated the Senate campaign and were part of a national campaign related strictly to Supreme Court decisions on abortion. Attachment 3 at 4 and Attachment 5 at 6.

cooperate or consult with, acted in concert with, or suggested or requested the NARAL or its affiliates [to] make an expenditure." Attachment 7 at 2.

The affidavits and responses also address the specific allegations of links between respondents, chiefly NARAL-NC PAC, and the Gantt Campaign. Ruth Ziegler states that, contrary to the complaint, NARAL-NC PAC is not part of Senate Vote '90. Attachment 2 at 24. Ms. Ziegler also states that David Jones, the member of Senate Vote '90 linked by the complaint to NARAL-NC PAC, is not a leader of NARAL-NC PAC as charged by the complaint but is merely a contributor. Attachment 2 at 24.

Concerning the relationship between NARAL-NC PAC and the Coalition for Choice, counsel for NARAL-NC PAC admits that National Abortion Rights Action League-North Carolina ("NARAL-NC"), the parent organization of NARAL-NC PAC, is a member of the Coalition for Choice. However, counsel asserts that this organization did not serve as a link between the NARAL-NC PAC and the Gantt campaign. The NARAL-NC PAC response states:

> The Coalition [for Choice] was organized as a legislative alliance of like-minded groups. It refrains from electoral work and has not made any endorsements in connection with the North Carolina Senate Race. It is not controlled in any sense by NARAL-NC or NARAL-NC PAC, on the one hand, or by the Gantt campaign, on the other.

Attachment 2 at 11.

Ms. Ziegler also asserts that the two individuals from Coalition for Choice named in the complaint as Gantt advisors -- Charlotte Brody and Roberta Waddle -- are not members of

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NARAL-NC PAC. Attachment 2 at 24. Nor, according to Kate Michelman, are they board members of NARAL itself. Attachment 5 at 16. While the NARAL-NC PAC response admits that Mr. Gantt addressed a rally held by Coalition for Choice, counsel for respondent argues that the rally should not be viewed as evidence of coordination:

> At the rally, which was held before Harvey Gantt became the Democratic nominee by virtue of winning the June 5 run-off election, candidates who had been endorsed by member organizations of the Coalition were introduced to the audience. In that connection Mr. Gantt, who had been endorsed by the National Organization for Women (see complainant's exhibit 27) made a speech of approximately two minutes in duration. The event in no sense involved coordination of strategy between NARAL-NC PAC and the Gantt campaign.

Attachment 2 at 12.

The responses to the complaint and accompanying affidavits also dispute the allegations of direct personnel links between respondents and the Gantt campaign. As noted above, the complaint alleged that three individuals -- Jane Stein, W.W. Finlator and H.M. Michaux -- are both leaders of NARAL-NC PAC and senior advisors of the Gantt campaign. In support of this allegation, the complaint presented evidence that Ms. Stein and W.W. Finlator had contributed to NARAL-NC PAC and that H.M. Michaux has received a contribution from the NARAL-NC PAC. Responding for NARAL-NC PAC, counsel for respondents "categorically denies that these individuals are 'leaders' of NARAL-NC or NARAL-NC PAC or have any leadership responsibilities in either organization that would put them in a position to

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direct or coordinate NARAL-NC PAC's activities."[6] Attachment 2 at 3. Ms. Ziegler states in her affidavit that "these individuals, except for H.M. Michaux, from time to time have made contributions to NARAL-NC, NARAL-NC PAC or both, but none of them, including H.M. Michaux, is a 'leader' of either NARAL-NC or NARAL-NC PAC, contrary to the allegations of the complaint." Id. at 24.

The Gantt Committee response contains a similar explanation of the above relationships as they relate to coordination. The response describes the position of Ms. Waddle, Ms. Brody, Rev. Finlator, Jane Stein, and H.M. Michaux, members of the Gantt Exploratory Committee, as "persons who discussed whether Mr. Gantt would run in the 1990 general election." Attachment 7 at 3. The response denies that these individuals occupied any "senior advisory position with the Gantt Campaign." Id. The response argues that as far as authority, these individuals should not be considered agents of the Gantt Committee since they had:

> "no actual oral or written authority, either express or implied, to make or to authorized the making of expenditures on behalf of [Mr. Gantt]," nor were "placed in a position within the campaign organization where it could reasonable appear that in the ordinary course of campaign- related activities he or she may authorize expenditures, as required by 11 C.F.R. 109.1(b)(5)."

Attachment 7 at 3.

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6. Subsequent to the filing of the responses, counsel for respondents sent this Office a letter from Ms. Ziegler indicating that it is Ms. Ziegler's understanding that these individuals had played no role at all in NARAL-NC PAC or NARAL-NC. Attachment 4 at 4.

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In its response, the Gantt Committee claims to have no knowledge whether these individuals did, in fact, communicate with NARAL related entities but "assures the Commission that if any communication was made, it was not as an agent or on behalf of Mr. Gantt or the Gantt Committee." Id.

b. Common Vendor

The responses submitted by NARAL, NARAL PAC and NARAL-NC PAC deny that the retention of Harrison Hickman in any way compromised the independence of the expenditures made against Jesse Helms. In responses submitted by NARAL, NARAL PAC and NARAL-NC PAC, counsel for Respondents insists that no common vendor situation exists in this case. When speaking for NARAL-NC PAC, counsel states that lacking in this case "is any evidence or even allegation that Mr. Hickman served as a common vendor both to the Gantt campaign committee and to NARAL-NC PAC, or any evidence that Mr. Hickman served as an agent or conduit of coordination."[7] Attachment 2 at 9. In the response for NARAL and NARAL PAC, counsel concludes the same is true regarding these Respondents as well. Attachment 5 at 8.

Counsel bases his contention on two affidavits by Mr. Hickman. In both, Mr. Hickman denies involvement in any

7. Counsel for Respondents also argues that Mr. Hickman's services were not used by Respondents in the independent expenditures made against Mr. Helms. Attachment 2 at 7. However, subsequent to the filing of the responses by NARAL-NC PAC, NARAL PAC and NARAL Foundation, NARAL reported using Hickman/Maslin to make $30,628 in expenditures against Mr. Helms. The subsequent use of Hickman/Maslin was noted by counsel for Respondents in the later reply submitted by NARAL and NARAL PAC. Attachment 5 at 7.

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coordination between NARAL and the Gantt campaign. Mr. Hickman affirms:

> At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by independent expenditures made by NARAL-NC PAC. I have never engaged in activities that involved coordination, cooperation or consultation between NARAL-NC PAC [NARAL] and the Gantt campaign.

Attachment 2 at 24 and Attachment 5 at 20.

Mr. Hickman admits to having done work for NARAL-NC PAC and for the DNC, the DSCC and the Democratic Legislative Campaign Committee ("DLCC") during the same time period.[8] However, Mr. Hickman states that this work was unrelated to the North Carolina Senate race and asserts that he did not discuss the North Carolina Senate race with his NARAL-related employees. Mr. Hickman concludes that "I have no reason to believe that any of my work for DLCC, DNC or DSCC resulted in any illegal coordination, cooperation or consultation between NARAL-NC PAC [or NARAL] and the Gantt campaign." Attachment 2 at 28 and Attachment 5 at 22. Similarly, Mr. Hickman states that his consulting work for Senator Terry Sanford and Jim Hunt did not involve "any services related to the Gantt campaign."

In his affidavit, Mr. Hickman also discusses his relationship with David Petts, who, according to the complaint, provided another link to the Gantt campaign. Mr. Hickman admits that David Petts, now partner in his own firm, was a former

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8. Mr. Hickman also admits that his $16,000 fee for a poll done on behalf of the DLCC was, unknown to him, paid by the North Carolina Democratic Party. Attachment 2 at 27.

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employee. However, Mr. Hickman states "he [David Petts] has not worked for us since July 1987, and I have very little contact with Mr. Petts since that date. I have never discussed the Gantt campaign with either Mr. Petts or his partner, Mike Donilon." Attachment 5 at 23.

c. Analysis

In our view, the responses submitted by respondents and the accompanying affidavits do not completely rebut the allegations contained in the complaint. While respondents repeatedly deny coordination, the responses are, for the most part, conclusory and frequently qualified by phrases terms such as "to my knowledge." Further, while several individuals state in their affidavits that they knew of the need for avoiding coordination and assert that all "prudent steps were taken," they do not outline the steps which were in fact taken to avoid coordination. Compare response to the complaint in MUR 2766. Similarly, the responses assert that certain individuals were not in leadership positions, but provide little or no factual support for this legal conclusion.

A second, related weakness of the responses is that they contain affidavits from high-ranking officials of the respective organizations but none from persons with more direct involvement in the activities at issue. Unlike prior cases such as MUR 2766, the responses submitted here by NARAL and NARAL PAC do not include any sworn statements by members of staff who actually produced the work products, and who thus would have the best knowledge regarding the opportunity for coordination. What has

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been included are simply the statements of individuals who gave final approval to the expenditures but who were not necessarily involved in the creative or editing process. Furthermore, the responses deny the alleged links between NARAL, NARAL PAC and NARAL-NC PAC and various named persons -- David Jones, Charlotte Brody, Roberta Waddle, Jane Stein, W.W. Finlator, and H.M. Michaux -- but no affidavits or other statements have been provided from those individuals. Thus, the Commission has only indirect evidence regarding their relationship with the other organizations (Coalition for Choice and Senate Vote '90).[9]

The situation remains equally unclear regarding the existence of a common vendor situation. Mr. Hickman denies passing information on to the Gantt campaign either directly or indirectly through his employees, and denies contact with the vendor Donilon & Petts used by Gantt. The affidavit by Mr. Hickman denies that he "engaged in activities that involved coordination, cooperation or consultation." However, this Office notes, Mr. Hickman does not outline the precautions he or his

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9. The response submitted by the Gantt Campaign illustrates the incompleteness of the responses. The response does not deny the possibility that the individuals named in the complaint could have had information and contacted or passed it to the other respondents committees. The Gantt Committee only concludes that the individuals named in the complaint were not agents of the campaign and had no authority as required by the Act to be viewed as agents. However, the response neither fully explains the role these individuals played in the campaign nor provides any supporting affidavits from the persons identified.

staff took to prevent this from occurring.[10]

Therefore, the Office of the General Counsel recommends that the Commission find reason to believe that the National Abortion Rights Action League, Inc. and Kate Michelman, as Executive Director, violated 2 U.S.C. § 441b and that the National Abortion Rights Action League North Carolina PAC and Ruth Ziegler, as Treasurer, violated 2 U.S.C. §§ 434(b) and 441a(a)(2).[11] Because the possibility exists that NARAL's expenditures were coordinated with the Gantt campaign, this

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10. An examination of the reports filed by the Gantt Committee and its affiliated committees has not revealed any common vendor who was also used by NARAL and NARAL-PAC for their North Carolina expenditures. However, a review of the vendors used by DSCC for its expenditures reveals that, in addition to using Mr. Hickman's firm, the DSCC also used another vendor which NARAL employed for its North Carolina expenditures: Greer, Margolis, Mitchell & Associates, a political advertising firm. According to the DSCC's reports, Greer, Margolis, Mitchell & Associates was used to make $105,000 in expenditures on behalf of Harvey Sloane's Kentucky U.S. Senate Race.

The DSCC also used Donilon & Petts, the firm identified in the complaint as providing services to Gantt directly, specifically for its coordinated party expenditures on behalf of Mr. Gantt. Mr. Hickman states that his work for the DSCC was related to the U.S. Senate races in South Carolina, Oregon, and Indiana. Attachment 2 at 27. Reports filed by the DSCC indicate that from August 1990 to October 1990, the DSCC made $72,000 in disbursements with Hickman Maslin as the vendor. The reports identify only $7,000 of these disbursements with a specific race, the U.S. Senate race in Oregon.

This Office also examined the reports for the DNC Services Corporation/Democratic National Committee from the June 1990 Monthly Report to the 1990 Year End Report. These reports did not indicate a shared vendor with NARAL or NARAL-NC PAC.

11. The available evidence does not indicate that NARAL Foundation or NARAL PAC played a role in the expenditure program. For this reason this Office does not make recommendations concerning the National Abortion Rights Action League Foundation or the National Abortion Rights Action League PAC and Karla C. Howard, as Treasurer, at this time.

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Office further recommends that the Commission find reason to believe that the Harvey Gantt for Senate Campaign Committee and Bobby T. Martin, as treasurer, violated 2 U.S.C. § 441b by accepting the contributions made by NARAL and 2 U.S.C. §§ 441a(f) and 434(b) by accepting the contributions made by NARAL-NC PAC and failing to report them.

2. MCFL and the Expenditures at Issue

NARAL and NARAL Foundation, the two corporate entities named as respondents in the complaint, have not raised the Supreme Court's MCFL decision as a defense. As previously noted, however, the responses by NARAL and NARAL-Iowa to the Reports Analysis Division's inquiries contained claims that those entities qualified for the narrow exception to section 441b for certain corporations recognized by the Court in MCFL.[12] By its

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12. The requirement of express advocacy set forth in the Supreme Court's MCFL decision is not an issue here. At least one of the advertisements financed by NARAL clearly expressly advocated the defeat of senatorial candidate Tom Tauke:

> One of your basic American Freedoms, your Right to Choose, is in danger in Iowa. Tom Tauke, who is running for the U.S. Senate, and gubernatorial candidates Terry Branstad and Tom Miller believe the government should control our reproductive decisions.
>
> * * *
>
> **Who decides in Iowa?** You will, when you vote against Tom Tauke, Terry Branstad and Tom Miller.
>
> Vote to protect your Right to Choose.

See Attachment 6 at 21 (emphasis in original). Indeed, NARAL reported its expenditures for this advertisement to the Commission on FEC Form 5. Attachment 6 at 19. In addition, the Complaint filed against NARAL includes as an attachment the text

own terms, the holding in MCFL applies only to expenditures, not to contributions, made by certain non-profit corporations. But, this Office notes that, if it is concluded that the expenditures at issue here were not coordinated with the Gantt campaign, and thus did not constitute contributions, then it is necessary to examine the arguments raised by NARAL and NARAL Iowa regarding MCFL as it applies to the expenditures by those two entities.

a. Application of the three MCFL functional criteria to expenditures made by NARAL and NARAL-Iowa

In order to establish eligibility for the MCFL exception, a corporation must (1) be organized for the express purpose of promoting the exchange of political ideas and not engage in business activity; (2) have no shareholders or anyone with a claim on its assets and (3) have not been formed by corporations or unions nor have accepted contributions from such entities. Based on the information NARAL and NARAL-Iowa has provided in response to Commission inquires, it is unclear whether these organizations meet these three MCFL criteria. Further information would be necessary to definitively settle the issue.[13]

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(Footnote 12 continued from previous page)
of a proposed radio ad paid for by NARAL attacking Senator Jesse Helms and advocating his defeat. See Attachment 1 at 17.

13. It should be noted that MCFL may not apply based solely upon the size of the respondents. The Supreme Court designed the MCFL exception to assist small organizations which, overburdened by the reporting requirements of the Act, might be forced to limit their corporate speech. MCFL at 255. It not completely settled whether MCFL is meant to apply to entities such as NARAL, an organization which is many times the size of MCFL. For example, MCFL was described by the Supreme Court as having less

Both entities have presented evidence to support their contention that they were established for non-business purposes and presently do not engage in business activities. NARAL's articles of incorporation state that it is organized for the purpose of "recognizing the basic human right of a women to limit her own production" by the "elimination of all laws and practices that would compel any women to bear a child against her will," and that the organization will "initiate and coordinate political, social, and legal action of Individuals and groups" to meet that goal.[14] Attachment 6 at 32.

NARAL-Iowa's articles of incorporation state that NARAL-Iowa is organized:

> for the purpose of promoting reproductive rights in the State of Iowa and is dedicated to preserving and extending the right to choose safe legal abortions, educating citizens to protect freedom and privacy, and other related purposes which promote social welfare as may be undertaken by the Board of Directors.

Id. at 62. Further, NARAL and NARAL-Iowa have produced official correspondence from the Internal Revenue Service stating that

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(Footnote 13 continued from previous page)
than 6,000 contributors/members and as being in the class of organizations that raised its funds through such devices as cake sales. Id. The independent expenditures involved in MCFL totaled less than $10,000. By contrast, according to the Encyclopedia of Associations (1991), NARAL had a membership in 1990 of 250,000 and a budget of four million dollars. Independent expenditures by NARAL totaled $456,232.92 in 1989-90. Less information is available regarding NARAL-Iowa. However, according to reports filed with the Commission, NARAL-Iowa spent $36,224.51 in expenditures supporting Senator Harkin. Thus, application of the MCFL exception may not be appropriate for this reason, alone.

14. The available evidence indicates that the NARAL and NARAL-Iowa were incorporated under the Nonprofit Corporation Acts of their respective states of incorporation.

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both corporations have tax exempt status. Attachment 6 at 54 and 60. However, no information is presently available regarding what, if any, business-like activities NARAL and NARAL-Iowa may engage in.

As for the second requirement, the corporate by-laws and articles of incorporation of NARAL and NARAL-Iowa provide for members but not shareholders. NARAL's articles of incorporation state that, if the NARAL dissolves, its assets are to be given to a non-profit corporation of like purpose. Attachment 6 at 34. "In no event," the articles state, are the assets "to be distributed to members, either for the reimbursement of any sum subscribed, donated or contributed by such members, or for any other purpose." Id. The articles of incorporation of NARAL-Iowa also preclude shareholders and provide that, upon the dissolution of the corporation and payment of liabilities, the assets of NARAL-Iowa would be given to NARAL. Attachment 6 at 64.

Finally, an examination of the current articles of incorporation for both organizations indicates that no union or business corporation was involved in establishing NARAL or NARAL-Iowa, or at least none that is evident. Both organizations state with identical language in their current by-laws that "in no event" will they "accept a contribution from any organizations, such as a business corporation, that would jeopardize NARAL's [or NARAL-Iowa's] ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce." Id. at 24 and 67. These provisions of the organizations' respective

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by-laws were, however, clearly only recently adopted. No information is available regarding what, if any, similar comparable provisions were part of NARAL and of NARAL-Iowa's articles of incorporations and by-laws prior to 1990, or indeed whether either organization accepted any corporate funds in the past.

b. Extent of Campaign Activity

Even if NARAL and NARAL-Iowa satisfy the initial criteria for the MCFL exemption, this does not end the legal analysis. The Supreme Court specified yet another limitation to the MCFL exception which is relevant to this case. The Court stated that the exception should apply to organizations that "only occasionally engage in independent spending on behalf of candidates." MCFL at 262. The Court went on to state that "should MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee." Id. Therefore, even if NARAL and NARAL-Iowa otherwise qualified as an MCFL corporation, the question remains whether their campaign-related activities were extensive enough to make it a major purpose of the organizations, and, thus qualify them as political committees under the Act. See MUR 2844.

As previously noted, NARAL's independent expenditures in 1989-90 totaled $456,232.92. The expenditures by NARAL-Iowa totaled another $36,224.51. While these amounts represent only a portion of the organization's total receipts and disbursements,

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the amounts at issue are clearly more than an occasional activity of the organizations. Indeed, the reported independent expenditures by NARAL would rank it as one of the most active entities in that regard during the 1989-1990 election cycle. Furthermore, NARAL may have been the source of the funds for the expenditures made by NARAL-Iowa and NARAL-NC PAC.[15] According to expenditure reports filed with the Commission, NARAL listed $39,500 in transfers to NARAL-Iowa as part of its expenditure effort supporting Senator Harkin. NARAL-NC PAC's 1990 October Quarterly Report lists a $5,000 transfer in from NARAL.[16]

At least one of the MCFL factors discussed above, the extent of campaign activity, makes it possible to regard NARAL and NARAL-Iowa as political committees, not as corporations which fall within the exception established in MCFL. Since both organizations spent over $1,000 on their independent expenditure programs, NARAL and NARAL-Iowa appear to have violated 2 U.S.C.

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15. An examination of the expenditures and disbursements of the NARAL and related entities reveals a division of labor during the 1990 election cycle. While NARAL-PAC concentrated on making contributions to candidates, NARAL and NARAL-Iowa, since as corporations they could not legally make contributions, concentrated on making independent expenditures. For example, in 1989-90 NARAL-PAC made a total of $384,294 in contributions to 122 federal candidates and no independent expenditures. From 1985 to 1990, NARAL-PAC's pattern of support was in the form of contributions only. In the same cycle, NARAL and NARAL-Iowa together made $492,457.43 in expenditures against or for five federal candidates.

NARAL-NC PAC's activity was somewhat more varied. While making $7,497 in expenditures against Mr. Helms, it also made a $200 contribution to Mr. Gantt.

16. NARAL also reported as part of its expenditures against Senator Helms, the payment of $16,865.34 in salaries to staff of NARAL-NC PAC.

§§ 433 and 434 by failing to register and report as political committees. Therefore, the Office of the General Counsel recommends that the Commission find, as the alternative to a violation of 2 U.S.C. § 441b, that there is reason to believe that the National Abortion Rights Action League, Inc. and Kate Michelman, as executive director, and National Abortion Rights Action League of Iowa and Shelley Bain, its state director, violated 2 U.S.C. §§ 433(a) and 434(a).

As previously noted, the RAD referral indicated that NARAL had failed to file 30 day Post General Election reports of its independent expenditures as required by 2 U.S.C. § 434(c) and 11 C.F.R. § 109.2. According to Commission records, NARAL later filed these reports on February 25, 1991. This Office regards NARAL's violation of the Act to be based on its failure to register and file committee reports pursuant to 2 U.S.C. §§ 433 and 434(a), rather than its failure to file reports as a non-committee entity pursuant to 2 U.S.C. § 434(c) and 11 C.F.R. § 109.2. Thus, this Office makes no recommendation at this time regarding violations of those latter provisions by NARAL. Since it appears that NARAL PAC did not make any independent expenditures, see note 2, supra, this Office makes no recommendation concerning NARAL PAC. If it subsequently appears that NARAL PAC in fact was involved in NARAL's expenditure program or that both entities functioned as one unit, this Office will make the appropriate recommendations.

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III. Statement of Proposed Discovery

If the recommendations made by this Office are approved, questions will be directed to the respondents' to ascertain the independence of the expenditures made in the North Carolina Senate race. This Office will specifically inquire into what steps were taken to ensure the independence of the expenditures and seek to determine, regardless of those steps, whether there were communications between the respondents leading to coordination. This Office will also address questions to the various entities, vendors and individuals named in the complaint as non-respondent witnesses to determine their exact relationships with NARAL, NARAL PAC, NARAL-NC PAC and the Gantt campaign.

While the respondents have provided information regarding their MCFL status, more detailed information should also be requested. In particular, information will be sought regarding whether, prior to the 1990 Austin decision, NARAL and NARAL-Iowa received funding from business groups. The Respondents will also be asked for information regarding possible business activities in which they engage, plus other questions to establish the size and financial condition of these organizations.

IV. RECOMMENDATIONS

1. Open a MUR based on RAD REFERRAL #91L-7
2. Merge the newly opened MUR with the complaint generated MUR 3109.
3. Find reason to believe that National Abortion Rights Action League, Inc. and Kate Michelman, as executive director, violated 2 U.S.C. §§ 433(a), 434(a) and 441b.
4. Find reason to believe that the National Abortion Rights

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Action League North Carolina PAC and Ruth Ziegler, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(a)(2).

5. Find reason to believe that the National Abortion Rights Action League of Iowa and Shelley Bain, its state director, violated 2 U.S.C. §§ 433(a) and 434(a).

5. Find reason to believe that Harvey Gantt for Senate Campaign Committee and Bobby T. Martin, as treasurer, violated 2 U.S.C. §§ 441b, 441a(f) and 434(b).

6. Approve the appropriate letters and the attached Factual and Legal Analysis (4).

6/10/92
Date

Lawrence M. Noble
General Counsel

Attachments
1. Complaint filed by Jack Hawkins
2. Response by NARAL-NC PAC
3. Response by NARAL Foundation
4. Response by NARAL PAC
5. Joint Response by NARAL and NARAL PAC
6. Referral from RAD
7. Response by Gantt Committee
8. Factual Legal Analysis (4)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3109 and
National Abortion Rights Action League, Inc. and Kate Michelman, as executive director, et al.	)	RAD Referral 91L-7 (MUR 3109)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 28, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to the above-captioned matters:

1. Open a MUR based on RAD REFERRAL #91L-7.

2. Merge the newly opened MUR with the complaint generated MUR 3109.

3. Find reason to believe that National Abortion Rights Action League, Inc. and Kate Michelman, as executive director, violated 2 U.S.C. §§ 433(a), 434(a), 434(c) and 441b.

4. Find reason to believe that the National Abortion Rights Action League North Carolina PAC and Ruth Ziegler, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(a)(2)

(continued)

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5. Find reason to believe that the National Abortion Rights Action League of Iowa and Shelley Bain, its state director, violated 2 U.S.C. §§ 433(a) and 434(a).

6. Find reason to believe that Harvey Gantt for Senate Campaign Committee and Bobby T. Martin, as treasurer, violated 2 U.S.C. §§ 441b, 441a(f), and 434(b).

7. Approve the appropriate letters and the Factual and Legal Analyses recommended in the General Counsel's report dated June 10, 1992

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision.

Attest:

7-31-92
Date

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

George Covington, Esquire
Kennedy, Covington, Lobdell & Hickman
3300 NCNB Plaza
Charlotte, North Carolina 28280-8082

RE: MUR 3109
Harvey Gantt for Senate
Campaign Committee and
Bobby T. Martin, as
treasurer

Dear Mr. Covington:

On February 12, 1992, the Federal Election Commission notified your clients, the Harvey Gantt for Senate Campaign Committee (the "Gantt Committee") and Bobby T. Martin, as treasurer, 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 clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on July 28, 1992, found that there is reason to believe the Gantt Committee and Bobby T. Martin, as treasurer, violated 2 U.S.C. §§ 441b, 441a(f) and 434(b), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Gantt Committee. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions and the requested documents within 30 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Gantt Committee, the Commission may find probable cause to believe that violations have occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Anne Weissenborn, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Scott E. Thomas
Vice Chairman

Enclosures
Questions
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Bobby T. Martin, Treasurer
Harvey Gantt for Senate Campaign Committee
700 East Stonewall Street
Suite 655
Charlotte, North Carolina 28202

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. Identify the role played in the Gantt for Senate Committee by the following entities:

   a. Hickman/Maslin Associates,

   b. Donilon and Petts,

   c. Greer, Margolis, Mitchell & Associates,

   d. Senate Vote '90,

   e. Coalition for Choice,

   f. Democratic Senatorial Campaign Committee,

   g. NARAL,

   h. NARAL-NC PAC.

2. You have described the individuals listed below as "persons who discussed whether Mr. Gantt would run in the 1990 general election." With regard to the individuals listed below, state each individual's relationship to the campaign, state the specific title and position each individual held, specify each individual's duties and responsibilities, and list all activities and actions taken by the individual on behalf of the campaign, including all communications made on behalf of the campaign. Finally, provide the dates of campaign involvement, last known addresses and salaries, if any, applicable to each individual:

   a. Charlotte Brody,

   b. Roberta Waddle,

   c. Mr. David Jones,

   d. Ms. Jane Stein,

   e. Rev. W.W. Finlator,

   f. H.M. Michaux.

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DOCUMENT REQUEST

Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, their officers, employees and agents listed in question one and two, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Harvey Gantt for Senate Campaign Committee and Bobby T. Martin, as treasurer

MUR 3109

A. Generation of Matter

The Republican Party of North Carolina filed a Complaint against National Abortion Rights Action League, Inc. ("NARAL"), National Abortion Rights Action League PAC ("NARAL PAC"), National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC") and NARAL Foundation.[1] The Complaint alleged that the Respondents were making expenditures opposing the re-election of Senator Jesse Helms of North Carolina that were not, in fact, independent, but instead constituted contributions to Harvey Gantt, Senator Helm's opponent in the 1990 North Carolina Senate Race. NARAL PAC, NARAL-NC PAC and NARAL Foundation were informed of the complaint on August 17, 1990 and submitted responses. Due to an administrative oversight, NARAL was not informed of the complaint until December 19, 1990. After receiving an extension of time, NARAL responded. This Office also formally informed the Gantt Committee of the complaint and a response was received from the Gantt Committee.

According to documents provided by NARAL, NARAL is a

1. At the time the Complaint was filed the treasurer of NARAL PAC was Kathryn Young. NARAL PAC later sent the Commission notice that Elizabeth Jones is the new treasurer of the Committee. Ms. Jones subsequently was replaced as treasurer by Karla C. Howard on July 4, 1991.

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non-profit corporation organized under the laws of the District of Columbia. According to Commission records, NARAL PAC is a separate segregated fund established by NARAL. NARAL-NC PAC is the separate segregated fund of the Nation Abortion Rights Action League of North Carolina, which, according to information provided by NARAL-NC PAC, is an affiliate of NARAL.

B. Issues raised by the Complaint

1. The Allegations

The complaint asserts that the independence of the expenditures made by NARAL, NARAL PAC, NARAL-NC PAC and NARAL Foundation against Senator Helms was fatally compromised by the personnel links between NARAL-NC PAC and the Gantt campaign. The complaint alleges that NARAL-NC PAC belonged to two organizations, Senate Vote '90 and Coalition for Choice, which were either linked directly to the Gantt campaign or had as members staff from the Gantt campaign. The complaint specifically alleges that two members of Coalition for Choice, Charlotte Brody and Roberta Waddle, were workers for the Gantt campaign. The complaint also alleges that a Mr. David Jones represented NARAL-NC PAC in Senate Vote '90, a committee which endorsed and met with Mr. Gantt. The complaint also maintains that there were direct links between NARAL-NC PAC and the Gantt campaign because three alleged leaders of NARAL-NC PAC, Jane Stein, the Rev. W.W. Finlator and H.M. Michaux, served as senior advisors to the Gantt campaign.

The complaint further maintains that a common vendor situation existed between the Gantt Campaign and the other

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respondents which also destroyed the independence of the expenditures. The complaint presents evidence that NARAL retained the services of Harrison Hickman of Hickman/Maslin Associates, a polling firm, to do work related to the North Carolina Senate race. The complaint notes that Mr. Hickman was doing simultaneous work for the Democratic Senatorial Campaign Committee ("DSCC") and the Democratic National Committee ("DNC"), organizations favoring the election of Mr. Gantt, as well as doing work for two prominent political leaders, Senator Terry Sanford and former governor Jim Hunt, who had endorsed Mr. Gantt. At the same time, the complaint states that the Gantt campaign retained the services of a polling firm, Donilon and Petts, the principal of which, David Petts, was an employee of Harrison Hickman.[2] Citing these relationships the complaint concludes:

> In the factual case presented herein, a presumption must lie against the independence of the NARAL expenditures where NARAL, the DSCC, the DNC and the North Carolina Democratic Party all share a common pollster, whose former associate is pollster for the Gantt campaign and where officials of the NARAL affiliate in North Carolina are also publicly identified as senior officials of the Gantt campaign committee.

The allegations in the complaint, if true, would indicate that the expenditures by NARAL were prohibited contributions and the expenditures by NARAL-NC PAC were contributions made in

2. According to the Political Resource Directory National Edition (1991), Hickman/Maslin Research Inc. is a Washington based firm specializing in polling and general political consulting work. Likewise, Donilon & Petts is identified by the same source as a Washington based firm whose area of expertise is political analysis, survey, research and polling.

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excess of the limitations established at 2 U.S.C. § 441a(a)(2).[3] Respondents also would have violated 2 U.S.C. § 434(b) by failing to report these expenditures as contributions.

2. The Responses

Joint counsel for NARAL, NARAL Foundation, NARAL PAC and NARAL-NC PAC has filed four responses in response to the complaint. This Office first received separate responses from NARAL-NC PAC, NARAL Foundation and NARAL PAC. The last NARAL affiliated response received was a submission by NARAL in which NARAL PAC joined. All NARAL affiliated respondents deny the allegations made in the complaint. In a series of affidavits, they refute the charges of coordination and direct links between NARAL-NC PAC, NARAL, NARAL Foundation, NARAL PAC on the one hand, and the Gantt campaign on the other hand. Respondents also categorically deny that the facts in this case present a common vendor situation. All NARAL affiliated respondents deny the allegations made in the complaint. In a series of affidavits, they refute the charges of coordination and direct links between NARAL-NC PAC, NARAL, NARAL Foundation, NARAL PAC on the one hand, and the Gantt campaign on the other hand. Respondents also categorically deny that the facts in this case present a common vendor situation. The response filed by the counsel for the

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3. Although the complaint names NARAL and several related entities as involved in making the independent expenditures against the Helms campaign, reports filed with the Commission record only two organizations, NARAL and NARAL-NC PAC, as making expenditures. According to Commission records, NARAL reported making $315,910 in independent expenditures against Senator Helms. NARAL-NC PAC reported making similar expenditures of $7,487.

Gantt Committee also denies the allegations of coordination.

C. **The Legal Standard**

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). Under the Act, an expenditure constitutes "any purchase, payment, distribution, loan, advance deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9).

All federal political committees are required to file statements of organization. Those committees that are not the principal campaign committee or an authorized committee of a candidate, or are not a separate segregated fund, must register no latter than 10 days after crossing the $1,000 threshold. 2 U.S.C. § 433(a). Once registered with the Commission, a political committee must file reports of receipts and disbursements in accordance with the Act. 2 U.S.C. § 434(a). No multicandidate political committee may make contributions to a candidate or his authorized committee which in aggregate exceed $5,000 with respect to any one federal election. Further, no candidate or political committee may knowingly accept contributions or make expenditures in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

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A political committee that is not an authorized committee may make independent expenditures on behalf of a candidate which, unlike contributions, are not subject to limitations as to the amount spent. See 2 U.S.C. § 431(17) and 11 C.F.R. § 109.1(a). The Act narrowly defines what may be considered an independent expenditure. Under 2 U.S.C. § 431(17), "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

The regulations further explain the kinds of interaction between the candidate and the political committee which would lead to a determination that an expenditure was not independent. Under 11 C.F.R. § 109.1(b)(4)(i), evidence of prior "arrangement, coordination or direction by the candidate or his or her agent" would lead to such a result. Further, it is presumed that an expenditure has been made in cooperation with the candidate or his committee if it is:

> (A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;
>
> (B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or

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reimbursement from the candidate, the candidate's committee or agent.

For purposes of section 109.1, an agent is defined as "any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures." 11 C.F.R. § 109.1(b)(5). Finally, the Commission has concluded that use of a common vendor by both the committee making the independent expenditures and the committee receiving the benefit of the expenditures can, in certain situations, compromise the independence of those expenditures. See Advisory Opinion 1979-80.

An expenditure that fails to qualify as an independent expenditure is an in-kind contribution to the candidate. 11 C.F.R. § 109.1(c). Indeed, the statute is clear that "expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered a contribution to such candidate." 2 U.S.C. § 441a(a)(7)(B)(i).[4]

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4. Further, the financing of the dissemination, distribution or republication in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his authorized committees, or their authorized agents shall be considered a contribution for the purposes of the contribution limitations and reporting responsibilities by the person making the expenditure. 2 U.S.C. § 441a(a)(7)(B)(ii).

No national bank, corporation or labor organization may make a contribution or expenditure to a political committee using funds from its treasury. Nor may any political committee accept such a contribution. 2 U.S.C. § 441b(a). The term expenditure includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing or in connection with any election for Federal office. 2 U.S.C. §§ 431(9), 441b(b)(2).

D. Application of the Law to the Facts

1. Actual coordination between NARAL-NC PAC and Gantt campaign

The affidavits of Kate Michelman, Executive Director of NARAL, and Ruth Ziegler, treasurer of NARAL-NC PAC, deny the existence of any coordination between Respondents and the Gantt campaign.

Ruth Ziegler, the treasurer of NARAL-NC PAC, who affirms she authorized all NARAL-NC PAC's expenditures, states:

> At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by NARAL-NC PAC's independent expenditures. I have scrupulously avoided any possibility of coordination between NARAL-NC PAC and the Gantt campaign. To my knowledge no such coordination, cooperation or consultation has occurred.

Kate Michelman, Executive Director of NARAL also denies the

(Footnote 4 continued from previous page)
However, such financial activity is not considered an expenditure by the candidate or his authorized committee "unless made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any authorized agent or committee thereof." 11 C.F.R. § 109.1(d)(1).

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existence of any coordination. She states that she was responsible for authorizing NARAL's independent expenditure program. However, she affirms:

> During the 1989-1990 election cycle, I took all prudent steps and I caused NARAL and its staff to take all prudent steps to avoid any possibility of coordination, cooperation or consultation between NARAL and the Gantt campaign. I was aware at all relevant times of the impediments that such coordination, cooperation or consultation might create for independent expenditures by NARAL in the Gantt/Helms and other races. To the best of my knowledge, no such coordination, cooperation or consultation occurred.

The affidavits by other NARAL PAC officials similarly deny the allegations raised in the complaint. Kathryn Young, the former treasurer of NARAL PAC responsible for authorizing the PAC's expenditures, asserts her confirmation that NARAL PAC made no independent expenditures in the North Carolina Senate race. NARAL PAC's current manager, Jill Hanauer, adds that during the 1989-1990 election cycle she was aware of NARAL's "necessity of avoiding coordination, cooperation and consultation as to campaign strategy with candidates who would be benefited by independent expenditures made by NARAL." She states that she "took all prudent steps to avoid such coordination, cooperation and consultation" and to her knowledge, "no such coordination cooperation or consultation as to campaign strategy occurred between NARAL and the Gantt campaign.

In a second affidavit, Kate Michelman, as executive director of the NARAL Foundation, states that the Foundation did not make

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any expenditures in the 1989-1990 election cycle.[5]

While it provides no affidavits, the Gantt Committee response also denies any violations of the Act. Counsel for the Gantt Committee states that "[T]he Gantt Committee at no time cooperated or consulted with, authorized a committee or agent to cooperate or consult with, acted in concert with, or suggested or requested the NARAL or its affiliates [to] make an expenditure."

The affidavits and response also address the specific allegations of links between respondents, chiefly NARAL-NC PAC, and the Gantt Campaign. Ruth Ziegler states that, contrary to the complaint, NARAL-NC PAC is not part of Senate Vote '90. Ms. Ziegler also states that David Jones, the member of Senate Vote '90 linked by the complaint to NARAL-NC PAC, is not a leader of NARAL-NC PAC as charged by the complaint but is merely a contributor.

Concerning the relationship between NARAL-NC PAC and the Coalition for Choice, counsel for NARAL-NC PAC admits that National Abortion Rights Action League-North Carolina ("NARAL-NC"), the parent organization of NARAL-NC PAC, is a member of the Coalition for Choice. However, counsel asserts

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5. The complaint implies that certain media efforts funded by the NARAL Foundation and NARAL should be considered as linked to the Senate race in North Carolina despite the fact that these efforts never made any reference to any federal race. The affidavits and responses by NARAL and NARAL Foundation dispute this characterization by pointing out that these efforts predated the Senate campaign and were part of a national campaign related strictly to Supreme Court decisions on abortion.

that this organization did not serve as a link between the NARAL-NC PAC and the Gantt campaign. The NARAL-NC PAC response states:

> The Coalition [for Choice] was organized as a legislative alliance of like-minded groups. It refrains from electoral work and has not made any endorsements in connection with the North Carolina Senate Race. It is not controlled in any sense by NARAL-NC or NARAL-NC PAC, on the one hand, or by the Gantt campaign, on the other.

Ms. Ziegler also asserts that the two individuals from Coalition for Choice named in the complaint as Gantt advisors -- Charlotte Brody and Roberta Waddle -- are not members of NARAL-NC PAC. Nor, according to Kate Michelman, are they board members of NARAL itself. While the NARAL-NC PAC response admits that Mr. Gantt addressed a rally held by Coalition for Choice, counsel for respondent argues that the rally should not be viewed as evidence of coordination:

> At the rally, which was held before Harvey Gantt became the Democratic nominee by virtue of winning the June 5 run-off election, candidates who had been endorsed by member organizations of the Coalition were introduced to the audience. In that connection Mr. Gantt, who had been endorsed by the National Organization for Women (see complainant's exhibit 27) made a speech of approximately two minutes in duration. The event in no sense involved coordination of strategy between NARAL-NC PAC and the Gantt campaign.

The responses to the complaint and accompanying affidavits also dispute the allegations of direct personnel links between respondents and the Gantt campaign. As noted above, the complaint alleged that three individuals -- Jane Stein, W.W. Finlator and H.M. Michaux -- are both leaders of NARAL-NC PAC and

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senior advisors of the Gantt campaign. In support of this allegation, the complaint presented evidence that Ms. Stein and W.W. Finlator had contributed to NARAL-NC PAC and that H.M. Michaux has received a contribution from the NARAL-NC PAC. Responding for NARAL-NC PAC, counsel for respondents "categorically denies that these individuals are 'leaders' of NARAL-NC or NARAL-NC PAC or have any leadership responsibilities in either organization that would put them in a position to direct or coordinate NARAL-NC PAC's activities."[6] Ms. Ziegler states in her affidavit that "these individuals, except for H.M. Michaux, from time to time have made contributions to NARAL-NC, NARAL-NC PAC or both, but none of them, including H.M. Michaux, is a 'leader' of either NARAL-NC or NARAL-NC PAC, contrary to the allegations of the complaint."

The Gantt Committee response contains a similar explanation of the above relationships as they relate to coordination. The response describes the position of Ms. Waddle, Ms. Brody, Rev. Finlator, Jane Stein, and H.M. Michaux, members of the Gantt Exploratory Committee, as "persons who discussed whether Mr. Gantt would run in the 1990 general election." The response denies that these individuals occupied any "senior advisory position with the Gantt Campaign." The response argues that as far as authority, these individuals should not be considered agents of the Gantt Committee since they had:

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6. Subsequent to the filing of the responses, counsel for respondents sent this Office a letter from Ms. Ziegler that it is Ms. Ziegler's understanding that these individuals had played no role at all in NARAL-NC PAC or NARAL-NC.

> "no actual oral or written authority, either express or implied, to make or to authorized the making of expenditures on behalf of [Mr. Gantt]," nor were "placed in a position within the campaign organization where it could reasonable appear that in the ordinary course of campaign- related activities he or she may authorize expenditures, as required by 11 C.F.R. 109.1(b)(5)."

In its response, the Gantt Committee claims to have no knowledge whether these individuals did, in fact, communicate with NARAL related entities but "assures the Commission that if any communication was made, it was not as an agent or on behalf of Mr. Gantt or the Gantt Committee."

2. Common Vendor

The responses submitted by NARAL, NARAL PAC and NARAL-NC PAC deny that the retention of Harrison Hickman in any way compromised the independence of the expenditures made against Jesse Helms. In responses submitted by NARAL, NARAL PAC and NARAL-NC PAC, ccunsel for Respondents insists that no common vendor situation exists in this case. When speaking for NARAL-NC PAC, counsel states that lacking in this case "is any evidence or even allegation that Mr. Hickman served as a common vendor both to the Gantt campaign committee and to NARAL-NC PAC, or any evidence that Mr. Hickman served as an agent or conduit of coordination."[7] In the response for NARAL and NARAL PAC, counsel

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7. Counsel for Respondents also argues that Mr. Hickman's services were not used by Respondents in the independent expenditures made against Mr. Helms. However, subsequent to the filing of the responses by NARAL-NC PAC, NARAL PAC and NARAL Foundation, NARAL reported using Hickman/Maslin to make $30,628 in expenditures against Mr. Helms. The subsequent use of Hickman/Maslin was noted by counsel for Respondents in the later reply submitted by NARAL and NARAL PAC.

concludes the same is true regarding these Respondents as well.

Counsel bases his contention on two affidavits by Mr. Hickman. In both, Mr. Hickman denies involvement in any coordination between NARAL and the Gantt campaign. Mr. Hickman affirms:

> At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by independent expenditures made by NARAL-NC PAC. I have never engaged in activities that involved coordination, cooperation or consultation between NARAL-NC PAC [NARAL] and the Gantt campaign.

Mr. Hickman admits to having done work for NARAL-NC PAC and for the DNC, the DSCC and the Democratic Legislative Campaign Committee ("DLCC") during the same time period.[8] However, Mr. Hickman states that this work was unrelated to the North Carolina Senate race and asserts that he did not discuss the North Carolina Senate race with his NARAL-related employees. Mr. Hickman concludes that "I have no reason to believe that any of my work for DLCC, DNC or DSCC resulted in any illegal coordination. cooperation or consultation between NARAL-NC PAC [or NARAL] and the Gantt campaign." Similarly, Mr. Hickman states that his consulting work for Senator Terry Sanford and Jim Hunt did not involve "any services related to the Gantt campaign."

In his affidavit, Mr. Hickman also discusses his relationship

8. Mr. Hickman also admits that his $16,000 fee for a poll done on behalf of the DLCC was, unknown to him, paid by the North Carolina Democratic Party.

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with David Petts, who, according to the complaint, provided another link to the Gantt campaign. Mr. Hickman admits that David Petts, now partner in his own firm, was a former employee. However, Mr. Hickman states "he [David Petts] has not worked for us since July 1987, and I have very little contact with Mr. Petts since that date. I have never discussed the Gantt campaign with either Mr. Petts or his partner, Mike Donilon."

3. Analysis

In our view, the responses submitted by respondents and the accompanying affidavits do not completely rebut the allegations contained in the complaint. While respondents repeatedly deny coordination, the responses are, for the most part, conclusory and frequently qualified by phrases terms such as "to my knowledge." Further, while several individuals state in their affidavits that they knew of the need for avoiding coordination and assert that all "prudent steps were taken," they do not outline the steps which were in fact taken to avoid coordination. Compare response to the complaint in MUR 2766. Similarly, the responses assert that certain individuals were not in leadership positions, but provide little or no factual support for this legal conclusion.

A second, related weakness of the responses is that they contain affidavits from high-ranking officials of the respective organizations but none from persons with more direct involvement in the activities at issue. Unlike prior cases such as MUR 2766, the responses submitted here by NARAL and NARAL PAC do not include any sworn statements by members of staff who actually

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produced the work products, and who thus would have the best knowledge regarding the opportunity for coordination. What has been included are simply the statements of individuals who gave final approval to the expenditures but who were not necessarily involved in the creative or editing process. Furthermore, the responses deny the alleged links between NARAL, NARAL PAC and NARAL-NC PAC and various named persons -- David Jones, Charlotte Brody, Roberta Waddle, Jane Stein, W.W. Finlator, and H.M. Michaux -- but no affidavits or other statements have been provided from those individuals. Thus, the Commission has only indirect evidence regarding their relationship with the other organizations (Coalition for Choice and Senate Vote '90).[9]

The situation remains equally unclear regarding the existence of a common vendor situation. Mr. Hickman denies passing information on to the Gantt campaign either directly or indirectly through his employees, and denies contact with the vendor Donilon & Petts used by Gantt. The affidavit by Mr. Hickman denies that he "engaged in activities that involved coordination, cooperation or consultation." However, this Office notes, Mr. Hickman does not outline the precautions he or his

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9. The response submitted by the Gantt Campaign illustrates the incompleteness of the responses. The response does not deny the possibility that the individuals named in the complaint could have had information and contacted or passed it to the other respondents committees. The Gantt Committee only concludes that the individuals named in the complaint were not agents of the campaign and had no authority as required by the Act to be viewed as agents. However, the response neither fully explains the role these individuals played in the campaign nor provides any supporting affidavits from the persons identified.

staff took to prevent this from occurring.[10]

Because the possibility exists that NARAL's expenditures were coordinated with the Gantt campaign, there is reason to believe that the Harvey Gantt for Senate Campaign Committee and Bobby T. Martin, as treasurer, violated 2 U.S.C. § 441b by accepting the contributions made by NARAL and 2 U.S.C. §§ 441a(f) and 434(b) by accepting the contributions made by NARAL-NC PAC and failing to report them.

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10. An examination of the reports filed by the Harvey Gantt for Senate Campaign committee and its affiliated committees has not revealed any common vendor who was also used by NARAL and NARAL-PAC for their North Carolina expenditures. However, a review of the vendors used by DSCC for its expenditures reveals that, in addition to using Mr. Hickman's firm, the DSCC also used another vendor which NARAL employed for its North Carolina expenditures: Greer, Margolis, Mitchell & Associates, a political advertising firm. According to the DSCC's reports, Greer, Margolis, Mitchell & Associates was used to make $105,000 in expenditures on behalf of Harvey Sloane's Kentucky U.S. Senate Race.

The DSCC also used Donilon & Petts, the firm identified in the complaint as providing services to Gantt directly, specifically for its coordinated party expenditures on behalf of Mr. Gantt. Mr. Hickman states that his work for the DSCC was related to the U.S. Senate races in South Carolina, Oregon, and Indiana. Attachment 2 at 27. Reports filed by the DSCC indicate that from August 1990 to October 1990, the DSCC made $72,000 in disbursements with Hickman Maslin as the vendor. The reports identify only $7,000 of these disbursements with a specific race, the U.S. Senate race in Oregon.

This Office also examined the reports for the DNC Services Corporation/Democratic National Committee from the June 1990 Monthly Report to the 1990 Year End Report. These reports did not indicate a shared vendor with NARAL or NARAL-NC PAC.

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

Sheila M. Nix, Esquire
Kathleen Wallman, Esquire
Arnold & Porter
1200 New Hampshire Ave, N.W.
Washington, D.C. 20036

RE: MUR 3109
NARAL
NARAL-NC PAC

Dear Ms. Nix and Ms. Wallman:

On August 17, 1990, the Federal Election Commission notified your clients, the National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC"), and Ruth Ziegler, as treasurer, 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 clients at that time. On December 19, 1990, your clients, the National Abortion Rights Action League ("NARAL") and Kate Michelman, as executive director, were also informed of the same complaint in so far as the complaint also alleged violations of the Act by NARAL.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on July 28, 1992, found that there is reason to believe NARAL and Kate Michelman, as executive director, violated 2 U.S.C. §§ 433(a), 434(a), 434(c) and 441b, provisions of the Act. On the same day, the Commission found reason to believe that NARAL-NC PAC and Ruth Ziegler, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(a)(2). The Factual and Legal Analyses, which formed a basis for the Commission's finding, are attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against NARAL and NARAL-NC PAC. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions and the requested documents within 30 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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In the absence of any additional information demonstrating that no further action should be taken against NARAL and NARAL-NC PAC, the Commission may find probable cause to believe that violations have occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Anne Weissenborn, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Scott E. Thomas
Vice Chairman

Enclosures
Questions
Factual & Legal Analyses

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Kate Michelman, Executive Director
National Abortion Rights Action League
1101 14th Street, N.W.
5th Floor
Washington, D.C. 200005

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1988 to 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. For each year from 1988 to 1992, inclusive, list the total numbers of members in NARAL. List the total separately for each year. For the above period, state the following:

   a. NARAL's membership dues and the different categories or classifications of members with the criterion for determining membership in each category. State the numbers of members in each classification; and

   b. all benefits of membership provided by NARAL, including but not limited to publications, programs, advice, competitions, services, associational rights, voting rights, credit cards, car rental discounts, other discounts, insurance policies, and all other goods and services offered for sale, at no charge or at a discount. As to each good or service or right described, detail the extent to which, if at all, it is made available or accessible to non-members.

2. State the total amount of money collected by NARAL in membership dues for each year from 1988 to 1992 inclusive. List the total separately for each year and list the total received from each class of members described in response to interrogatory 1(a).

3. State if during the above period NARAL had any corporate dues paying members or any individual memberships which are paid for by corporations or corporate accounts. For each year from 1988 to 1992:

   a. list the total number of corporate members and corporation-paid memberships, and total amount of dues from such members and memberships; and

   b. identify each corporation and list the nature of business or other activity engaged in by each corporation and the amount of money paid to NARAL by each corporation.

4. State NARAL's sources of revenue which originate from other than membership dues. Describe fully each source and list the amount received by NARAL from each source for the years from 1988 to 1992, inclusive.

5. Describe NARAL's structure, including the function of all divisions, departments, sections, and funds, the role and number of all directors, officers and executives, the total number of employees, and the number of employees within each division, department, section and fund.

6. NARAL's current by-laws state that "in no event" will NARAL "accept a contribution from any organization, such as a business corporation that would jeopardize NARAL's ability to make independent expenditures under the Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce." State the following:

   a. the date that policy was adopted by NARAL;

   b. the prior policy of NARAL toward accepting money from businesses or any type of corporation. State when the prior policy was adopted; how and in what manner it was adopted, and whether it was reduced in writing. Identify all documents in which such policy has reduced to writing. For each year after 1987 state how much money was received from corporate sources; and

   c. for each year from 1988, inclusive identify each corporation from which money was received, including the nature of business or other activity engaged in by each such corporation and the amount received from each such corporation.

7. List each magazine or other periodical published and/or distributed by NARAL. State the following:

   a. for each magazine or other publication, list the total amount of money received from paid advertisements for the years 1988 to 1992; and

   b. state whether the funds collected from paid advertisements for the publications listed in subsection (a) go into NARAL's general treasury. If not identify which account such funds are deposited and how such funds are spent.

8. Identify all documents maintained by NARAL relating to receipts of funds from any source, including but not limited to advertising revenue, contributions, and any other revenue generation activity. Documents already identified in response to a previous interrogatory need not be identified again. Documents within the scope of this interrogatory which have been filed with the Federal Election Commission need not be identified.

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9. List each NARAL conference, meeting, or other event sponsored, cosponsored, subsidized, or otherwise supported by any business or corporation from 1988 to the present. As to each such event, list the business corporations involved and the nature and the dollar amount of the support. In addition, identify all documents which contain information relating to the value, amount or nature of corporate support for activities in which NARAL is or has been involved.

10. State the operating budget of NARAL for each year beginning with 1988 and continuing to 1992. State the operating budget of NARAL for the period from September 8, 1990 to November 6, 1990, the date of the 1990 U.S. Senate election in North Carolina. Identify the amount of the budget devoted to independent expenditures for or against political candidates for each of the above periods. Identify the source of the funds used to make these expenditures. If other than the general treasury funds were used to make these expenditure, identify the source of the funds used and account from which these funds were drawn.

11. Regarding the independent expenditures made by NARAL in the 1990 Senate election in North Carolina:

    a. identify all individuals and entities including, but not limited to, staff of NARAL who were responsible for or assisted in the approval, researching and creation of the independent expenditures; and

    b. describe the specific steps taken to ensure the independence of the expenditures and the avoidance of coordination of these expenditures with the Gantt for Senate Committee or the Democratic Senatorial Campaign Committee.

12. With regard to the individuals listed below, state each individual's relationship to NARAL, state the specific title and position each individual held, specify each individual's duties and responsibilities, and list all activities and actions taken by the individual on behalf of NARAL, including all communications made on behalf of

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NARAL. Finally, provide the dates of involvement with NARAL, last known addresses and salaries, if any, applicable to each individual:

a. Charlotte Brody,

b. Roberta Waddle,

c. Mr. David Jones,

d. Ms. Jane Stein,

e. Rev. W.W. Finlator,

d. H.M. Michaux.

13. List any gift or contribution made to NARAL by any individual listed in question 12, providing the amount and date of such gift.

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DOCUMENT REQUEST

1. Produce all documents identified by respondent in response to the interrogatories, identifying each of them as to the paragraph number of the interrogatory pursuant to which the document is produced.

2. Produce copies of NARAL's completed Internal Revenue Service Form 990 and 990T for the years from 1988 to 1992 inclusive.

3. Provide all documents and materials concerning or reflecting any decision by NARAL to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

4. Provide all documents from 1989 to 1991 including, but not limited to, correspondence and minutes of meetings, relating to contractual or professional relationships or other associations between NARAL and the following entities, their officers, employees and agents:

   a. Hickman/Maslin Associates,

   b. Donilon and Petts,

   c. Harvey Gantt for Senate,

   d. Greer, Margolis, Mitchell & Associates,

   e. Senate Vote '90,

   f. Coalition for Choice,

   g. Democratic Senatorial Campaign Committee,

   h. NARAL Iowa,

   i. NARAL NC PAC.

5. Provide all documents from 1989 to 1991 including, but not limited to, correspondence and minutes of meetings, relating

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to contractual or professional relationships or other associations between NARAL and the following individuals:

a. Charlotte Brody,

b. Roberta Waddle,

c. Mr. David Jones,

d. Ms. Jane Stein,

e. Rev. W.W. Finlator,

f. H.M. Michaux.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: C. Faulkner, Treasurer
National Abortion Rights Action League
North Carolina PAC
P.O. Box 0908
327 W. Main Street
Durham, N.C. 27702

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. Regarding the independent expenditures made by NARAL-NC PAC in the 1990 Senate election in North Carolina:

   a. identify all individuals and entities including, but not limited to, staff of NARAL-NC PAC who were responsible for or assisted in the approval, researching and creation of the independent expenditures; and

   b. describe the specific steps taken to ensure the independence of the expenditures and the avoidance of coordination of these expenditures with the Gantt for Senate Committee or the Democratic Senatorial Campaign Committee.

2. Identify the members of NARAL-NC or NARAL-NC PAC who are associated or have worked with Coalition for Choice.

3. With regard to the individuals listed below, state each individual's relationship to NARAL-NC or NARAL-NC PAC, state the specific title and position each individual held, specify each individual's duties and responsibilities, and list all activities and actions taken by the individual on behalf of NARAL or NARAL-NC PAC, including all communications made on behalf of the campaign. Finally, provide the dates of involvement in NARAL-NC or NARAL-NC PAC, last known addresses and salaries, if any, applicable to each individual:

   a. Charlotte Brody,

   b. Roberta Waddle,

   c. Mr. David Jones,

   d. Ms. Jane Stein,

   e. Rev. W.W. Finlator,

   d. H.M. Michaux.

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DOCUMENT REQUEST

1. Produce all documents identified by respondent in response to the interrogatories, identifying each of them as to the paragraph number of the interrogatory pursuant to which the document is produced.

2. Provide all documents and materials concerning or reflecting any decision by NARAL-NC PAC to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

3 Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, heir officers, employees and agents listed below, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

   a. Hickman/Maslin Associates,

   b. Donilon and Petts,

   c. Harvey Gantt for Senate,

   d. Greer, Margolis, Mitchell & Associates,

   e. Senate Vote '90,

   f. Coalition for Choice,

   g. Democratic Senatorial Campaign Committee,

   h. NARAL,

   i. Charlotte Brody,

   j. Roberta Waddle,

   k. Mr. David Jones,

   l. Ms. Jane Stein,

   m. Rev. W.W. Finlator,

   n. H.M. Michaux.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: National Abortion Rights Action League, Inc. and Kate Michelman, as executive director

MUR: 3109

A. Generation of Matter

The Republican Party of North Carolina filed a Complaint against National Abortion Rights Action League, Inc. ("NARAL"), National Abortion Rights Action League PAC ("NARAL PAC"), National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC") and NARAL Foundation.[1] The Complaint alleged that the Respondents were making expenditures opposing the re-election of Senator Jesse Helms of North Carolina that were not, in fact, independent, but instead constituted contributions to Harvey Gantt, Senator Helm's opponent in the 1990 North Carolina Senate Race. NARAL PAC, NARAL-NC PAC and NARAL Foundation were informed of the complaint on August 17, 1990 and submitted responses. Due to an administrative oversight, NARAL was not informed of the complaint until December 19, 1990. After receiving an extension of time, NARAL responded. Subsequently, the Reports Analysis Division ("RAD") referred NARAL, NARAL PAC and NARAL-Iowa for possible violations of 2 U.S.C. § 441b arising out of these Respondents' independent expenditure program. This Office also formally informed the Gantt Committee of the

1. At the time the Complaint was filed the treasurer of NARAL PAC was Kathryn Young. NARAL PAC later sent the Commission notice that Elizabeth Jones is the new treasurer of the Committee. Ms. Jones subsequently was replaced as treasurer by Karla C. Howard on July 4, 1991.

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complaint and a response was received from the Gantt Committee.

According to documents provided by NARAL, NARAL is a non-profit corporation organized under the laws of the District of Columbia. According to Commission records, NARAL PAC is a separate segregated fund established by NARAL. NARAL-NC PAC is the separate segregated fund of the Nation Abortion Rights Action League of North Carolina, which, according to information provided by NARAL-NC PAC, is an affiliate of NARAL. NARAL-Iowa, again according to documents provided to the Commission, is a non-profit corporation established under the laws of Iowa.

B. Issues raised by the Complaint and Referral

1. The Complaint

a. Allegations

The complaint asserts that the independence of the expenditures made by NARAL, NARAL PAC, NARAL-NC PAC and NARAL Foundation against Senator Helms was fatally compromised by the personnel links between NARAL-NC PAC and the Gantt campaign. The complaint alleges that NARAL-NC PAC belonged to two organizations, Senate Vote '90 and Coalition for Choice, which were either linked directly to the Gantt campaign or had as members staff from the Gantt campaign. The complaint specifically alleges that two members of Coalition for Choice, Charlotte Brody and Roberta Waddle, were workers for the Gantt campaign. The complaint also alleges that a Mr. David Jones represented NARAL-NC PAC in Senate Vote '90, a committee which endorsed and met with Mr. Gantt. The complaint also maintains that there were direct links between NARAL-NC PAC and the Gantt

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campaign because three alleged leaders of NARAL-NC PAC, Jane Stein, the Rev. W.W. Finlator and H.M. Michaux, served as senior advisors to the Gantt campaign.

The complaint further maintains that a common vendor situation existed between the Gantt Campaign and the other respondents which also destroyed the independence of the expenditures. The complaint presents evidence that NARAL retained the services of Harrison Hickman of Hickman/Maslin Associates, a polling firm, to do work related to the North Carolina Senate race. The complaint notes that Mr. Hickman was doing simultaneous work for the Democratic Senatorial Campaign Committee ("DSCC") and the Democratic National Committee ("DNC"), organizations favoring the election of Mr. Gantt, as well as doing work for two prominent political leaders, Senator Terry Sanford and former governor Jim Hunt, who had endorsed Mr. Gantt. At the same time, the complaint states that the Gantt campaign retained the services of a polling firm, Donilon and Petts, the principal of which, David Petts, was an employee of Harrison Hickman.[2] Citing these relationships the complaint concludes:

> In the factual case presented herein, a presumption must lie against the independence of the NARAL expenditures where NARAL, the DSCC, the DNC and the North Carolina Democratic Party all share a common pollster, whose former associate is pollster for the Gantt campaign and where officials of the NARAL affiliate in North Carolina are also

2. According to the Political Resource Directory National Edition (1991), Hickman/Maslin Research Inc. is a Washington based firm specializing in polling and general political consulting work. Likewise, Donilon & Petts is identified by the same source as a Washington based firm whose area of expertise is political analysis, survey, research and polling.

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publicly identified as senior officials of the Gantt campaign committee.

The allegations in the complaint, if true, would indicate that the expenditures by NARAL were prohibited contributions and the expenditures by NARAL-NC PAC were contributions made in excess of the limitations established at 2 U.S.C. § 441a(a)(2).[3] Respondents also would have violated 2 U.S.C. § 434(b) by failing to report these expenditures as contributions.

b. The Responses

Joint counsel for NARAL, NARAL Foundation, NARAL PAC and NARAL-NC PAC has filed four responses in response to the complaint. This Office first received separate responses from NARAL-NC PAC, NARAL Foundation and NARAL PAC. The last NARAL affiliated response received was a submission by NARAL in which NARAL PAC joined. All NARAL affiliated respondents deny the allegations made in the complaint. In a series of affidavits, they refute the charges of coordination and direct links between NARAL-NC PAC, NARAL, NARAL Foundation, NARAL PAC on the one hand, and the Gantt campaign on the other hand. Respondents also categorically deny that the facts in this case present a common vendor situation.

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3. Although the complaint names NARAL and several related entities as involved in making the independent expenditures against the Helms campaign, reports filed with the Commission record only two organizations, NARAL and NARAL-NC PAC, as making expenditures. According to Commission records, NARAL reported making $315,910 in independent expenditures against Senator Helms. NARAL-NC PAC reported making similar expenditures of $7,487.

2. The Referral

The referral from RAD brings the separate issue of whether the independent expenditures made by NARAL and NARAL-Iowa violated 2 U.S.C. § 441b. According to information contained in the referral, based on Commission records, NARAL made a total of $456,232.92 in independent expenditures in the 1989-1990 election cycle. The bulk of these expenditures, $315,910 or 69%, were directed to the North Carolina Senate race. The remaining amounts were spent as follows: $104,058.61 or 24% in the 1990 Iowa Senate Race as expenditures either against Congressman Tom Tauke or for Senator Thomas Harkin; $31,979.78 or 7% as expenditures against Congressman Dennis Smith in the 1990 Oregon 2nd Congressional District race; and $4,284.05 or 1% as expenditures against Congressman Craig Taylor James in the 1990 Florida 4th District Congressional race. Information contained in the referral indicates that NARAL-Iowa's expenditure program was more modest. NARAL-Iowa apparently spent $36,224.51 in independent expenditures in support of Senator Harkin.

When questioned about these expenditures by RAD, NARAL and NARAL-Iowa both denied that their expenditure program violated section 441b. In response to various Requests for Additional Information, NARAL and NARAL-Iowa claimed entitlement to the narrow exception to section 441b for certain corporations recognized by the Supreme Court in FEC v Massachusetts Citizens For Life Inc., 479 U.S. 238 (1986)("MCFL"). To substantiate their claims, NARAL and NARAL-Iowa provided various documents (articles of incorporation, by laws, tax documents, etc.) which

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are included in the referral.

RAD also referred NARAL for its failure to file a 30-Day Post-General Election Report of its expenditures.

C. The Legal Standard

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). Under the Act, an expenditure constitutes "any purchase, payment, distribution, loan, advance deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9).

All federal political committees are required to file statements of organization. Those committees that are not the principal campaign committee or an authorized committee of a candidate, or are not a separate segregated fund, must register no latter than 10 days after crossing the $1,000 threshold. 2 U.S.C. § 433(a). Once registered with the Commission, a political committee must file reports of receipts and disbursements in accordance with the Act. 2 U.S.C. § 434(a). No multicandidate political committee may make contributions to a candidate or his authorized committee which in aggregate exceed $5,000 with respect to any one federal election. Further, no candidate or political committee may knowingly accept contributions or make expenditures in violation of the provisions

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of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

A political committee that is not an authorized committee may make independent expenditures on behalf of a candidate which, unlike contributions, are not subject to limitations as to the amount spent. See 2 U.S.C. § 431(17) and 11 C.F.R. § 109.1(a). The Act narrowly defines what may be considered an independent expenditure. Under 2 U.S.C. § 431(17), "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

The regulations further explain the kinds of interaction between the candidate and the political committee which would lead to a determination that an expenditure was not independent. Under 11 C.F.R. § 109.1(b)(4)(i), evidence of prior "arrangement, coordination or direction by the candidate or his or her agent" would lead to such a result. Further, it is presumed that an expenditure has been made in cooperation with the candidate or his committee if it is:

> (A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;
>
> (B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or

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reimbursement from the candidate, the candidate's committee or agent.

For purposes of section 109.1, an agent is defined as "any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures." 11 C.F.R. § 109.1(b)(5). Finally, the Commission has concluded that use of a common vendor by both the committee making the independent expenditures and the committee receiving the benefit of the expenditures can, in certain situations, compromise the independence of those expenditures. See Advisory Opinion 1979-80.

An expenditure that fails to qualify as an independent expenditure is an in-kind contribution to the candidate. 11 C.F.R. § 109.1(c). Indeed, the statute is clear that "expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered a contribution to such candidate." 2 U.S.C. § 441a(a)(7)(B)(i).[4]

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4. Further, the financing of the dissemination, distribution or republication in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his authorized committees, or their authorized agents shall be considered a contribution for the purposes of the contribution limitations and reporting responsibilities by the person making the expenditure. 2 U.S.C. § 441a(a)(7)(B)(ii).

No national bank, corporation or labor organization may make a contribution or expenditure to a political committee using funds from its treasury. 2 U.S.C. § 441b(a). The term expenditure includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing or in connection with any election for Federal office. 2 U.S.C. §§ 431(9), 441b(b)(2).

The Supreme Court has stated that the prohibition against the use of corporate funds for independent expenditures only applies to independent expenditures expressly advocating the defeat of a clearly identified candidate. MCFL, 107 S.Ct. at 623. The Court also recognized a narrow exception to section 441b to allow certain non-profit corporations to make independent expenditures. Id. at 630. Reaffirmed in Austin v. Michigan State Chamber of Commerce, 58 U.S.L.W. 4372 (1990), the exception requires that the corporation must meet the following three conditions to qualify for the exception:

> 1. The organization must be formed for the express purpose of promoting political ideas, and cannot engage in business activities. If political fundraising events are expressly denominated as requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities.
> 2. The organization must have no shareholders or other persons affiliated so as to have a claim on its assets or earnings.
> 3. The organization must not have been established by a business corporation or a labor union, and must

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(Footnote 4 continued from previous page)
However, such financial activity is not considered an expenditure by the candidate or his authorized committee "unless made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any authorized agent or committee thereof." 11 C.F.R. § 109.1(d)(1).

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adopt a policy not to accept contributions from such entities.

When reporting independent expenditures, a person or entity other than a political committee must file report or statements at the end of the reporting period (quarterly, pre-election, post-election, semiannually) during which the independent expenditure was made. 11 C.F.R. § 109.2.

D. Application of the Law to the Facts

1. Independence of the Helms Expenditures

a. Actual coordination between NARAL-NC PAC and Gantt campaign

The affidavits of Kate Michelman, Executive Director of NARAL, and Ruth Ziegler, treasurer of NARAL-NC PAC, deny the existence of any coordination between Respondents and the Gantt campaign.

Ruth Ziegler, the treasurer of NARAL-NC PAC, who affirms she authorized all NARAL-NC PAC's expenditures, states:

> At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by NARAL-NC PAC's independent expenditures. I have scrupulously avoided any possibility of coordination between NARAL-NC PAC and the Gantt campaign. To my knowledge no such coordination, cooperation or consultation has occurred.

Kate Michelman, Executive Director of NARAL also denies the existence of any coordination. She states that she was responsible for authorizing NARAL's independent expenditure program. However, she affirms:

> During the 1989-1990 election cycle, I took all prudent steps and I caused NARAL and its staff to take all prudent steps to avoid any possibility

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> of coordination, cooperation or consultation between NARAL and the Gantt campaign. I was aware at all relevant times of the impediments that such coordination, cooperation or consultation might create for independent expenditures by NARAL in the Gantt/Helms and other races. To the best of my knowledge, no such coordination, cooperation or consultation occurred.

The affidavits by other NARAL PAC officials similarly deny the allegations raised in the complaint. Kathryn Young, the former treasurer of NARAL PAC responsible for authorizing the PAC's expenditures, asserts her confirmation that NARAL PAC made no independent expenditures in the North Carolina Senate race. NARAL PAC's current manager, Jill Hanauer, adds that during the 1989-1990 election cycle she was aware of NARAL's "necessity of avoiding coordination, cooperation and consultation as to campaign strategy with candidates who would be benefited by independent expenditures made by NARAL." She states that she "took all prudent steps to avoid such coordination, cooperation and consultation" and to her knowledge, "no such coordination cooperation or consultation as to campaign strategy occurred between NARAL and the Gantt campaign.

In a second affidavit, Kate Michelman, as executive director of the NARAL Foundation, states that the Foundation did not make any expenditures in the 1989-1990 election cycle.[5]

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5. The complaint implies that certain media efforts funded by the NARAL Foundation and NARAL should be considered as linked to the Senate race in North Carolina despite the fact that these efforts never made any reference to any federal race. The affidavits and responses by NARAL and NARAL Foundation dispute this characterization by pointing out that these efforts predated the Senate campaign and were part of a national campaign related strictly to Supreme Court decisions on abortion.

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While it provides no affidavits, the Gantt Committee response also denies any violations of the Act. Counsel for the Gantt Committee states that "[T]he Gantt Committee at no time cooperated or consulted with, authorized a committee or agent to cooperate or consult with, acted in concert with, or suggested or requested the NARAL or its affiliates [to] make an expenditure."

The affidavits and response also address the specific allegations of links between respondents, chiefly NARAL-NC PAC, and the Gantt Campaign. Ruth Ziegler states that, contrary to the complaint, NARAL-NC PAC is not part of Senate Vote '90. Ms. Ziegler also states that David Jones, the member of Senate Vote '90 linked by the complaint to NARAL-NC PAC, is not a leader of NARAL-NC PAC as charged by the complaint but is merely a contributor.

Concerning the relationship between NARAL-NC PAC and the Coalition for Choice, counsel for NARAL-NC PAC admits that National Abortion Rights Action League-North Carolina ("NARAL-NC"), the parent organization of NARAL-NC PAC, is a member of the Coalition for Choice. However, counsel asserts that this organization did not serve as a link between the NARAL-NC PAC and the Gantt campaign. The NARAL-NC PAC response states:

> The Coalition [for Choice] was organized as a legislative alliance of like-minded groups. It refrains from electoral work and has not made any endorsements in connection with the North Carolina Senate Race. It is not controlled in any sense by NARAL-NC or NARAL-NC PAC, on the one hand, or by the Gantt campaign, on the other.

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Ms. Ziegler also asserts that the two individuals from Coalition for Choice named in the complaint as Gantt advisors -- Charlotte Brody and Roberta Waddle -- are not members of NARAL-NC PAC. Nor, according to Kate Michelman, are they board members of NARAL itself. While the NARAL-NC PAC response admits that Mr. Gantt addressed a rally held by Coalition for Choice, counsel for respondent argues that the rally should not be viewed as evidence of coordination:

> At the rally, which was held before Harvey Gantt became the Democratic nominee by virtue of winning the June 5 run-off election, candidates who had been endorsed by member organizations of the Coalition were introduced to the audience. In that connection Mr. Gantt, who had been endorsed by the National Organization for Women (see complainant's exhibit 27) made a speech of approximately two minutes in duration. The event in no sense involved coordination of strategy between NARAL-NC PAC and the Gantt campaign.

The responses to the complaint and accompanying affidavits also dispute the allegations of direct personnel links between respondents and the Gantt campaign. As noted above, the complaint alleged that three individuals -- Jane Stein, W.W. Finlator and H.M. Michaux -- are both leaders of NARAL-NC PAC and senior advisors of the Gantt campaign. In support of this allegation, the complaint presented evidence that Ms. Stein and W.W. Finlator had contributed to NARAL-NC PAC and that H.M. Michaux has received a contribution from the NARAL-NC PAC. Responding for NARAL-NC PAC, counsel for respondents "categorically denies that these individuals are 'leaders' of NARAL-NC or NARAL-NC PAC or have any leadership responsibilities

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in either organization that would put them in a position to direct or coordinate NARAL-NC PAC's activities."[6] Ms. Ziegler states in her affidavit that "these individuals, except for H.M. Michaux, from time to time have made contributions to NARAL-NC, NARAL-NC PAC or both, but none of them, including H.M. Michaux, is a 'leader' of either NARAL-NC or NARAL-NC PAC, contrary to the allegations of the complaint."

The Gantt Committee response contains a similar explanation of the above relationships as they relate to coordination. The response describes the position of Ms. Waddle, Ms. Brody, Rev. Finlator, Jane Stein, and H.M. Michaux, members of the Gantt Exploratory Committee, as "persons who discussed whether Mr. Gantt would run in the 1990 general election." The response denies that these individuals occupied any "senior advisory position with the Gantt Campaign." The response argues that as far as authority, these individuals should not be considered agents of the Gantt Committee since they had:

> "no actual oral or written authority, either express or implied, to make or to authorized the making of expenditures on behalf of [Mr. Gantt]," nor were "placed in a position within the campaign organization where it could reasonable appear that in the ordinary course of campaign- related activities he or she may authorize expenditures, as required by 11 C.F.R. 109.1(b)(5)."

In its response, the Gantt Committee claims to have no knowledge whether these individuals did, in fact, communicate with NARAL

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6. Subsequent to the filing of the responses, counsel for respondents sent this Office a letter from Ms. Ziegler that it is Ms. Ziegler's understanding that these individuals had played no role at all in NARAL-NC PAC or NARAL-NC.

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related entities but "assures the Commission that if any communication was made, it was not as an agent or on behalf of Mr. Gantt or the Gantt Committee."

b. Common Vendor

The responses submitted by NARAL, NARAL PAC and NARAL-NC PAC deny that the retention of Harrison Hickman in any way compromised the independence of the expenditures made against Jesse Helms. In responses submitted by NARAL, NARAL PAC and NARAL-NC PAC, counsel for Respondents insists that no common vendor situation exists in this case. When speaking for NARAL-NC PAC, counsel states that lacking in this case "is any evidence or even allegation that Mr. Hickman served as a common vendor both to the Gantt campaign committee and to NARAL-NC PAC, or any evidence that Mr. Hickman served as an agent or conduit of coordination."[7] In the response for NARAL and NARAL PAC, counsel concludes the same is true regarding these Respondents as well.

Counsel bases his contention on two affidavits by Mr. Hickman. In both, Mr. Hickman denies involvement in any coordination between NARAL and the Gantt campaign. Mr. Hickman affirms:

> At all relevant times during the 1989-1990 election cycle, I have been aware of the necessity of avoiding coordination, cooperation and consultation with candidates who would be benefited by

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7. Counsel for Respondents also argues that Mr. Hickman's services were not used by Respondents in the independent expenditures made against Mr. Helms. However, subsequent to the filing of the responses by NARAL-NC PAC, NARAL PAC and NARAL Foundation, NARAL reported using Hickman/Maslin to make $30,628 in expenditures against Mr. Helms. The subsequent use of Hickman/Maslin was noted by counsel for Respondents in the later reply submitted by NARAL and NARAL PAC.

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> independent expenditures made by NARAL-NC PAC. I have never engaged in activities that involved coordination, cooperation or consultation between NARAL-NC PAC [NARAL] and the Gantt campaign.

Mr. Hickman admits to having done work for NARAL-NC PAC and for the DNC, the DSCC and the Democratic Legislative Campaign Committee ("DLCC") during the same time period.[8] However, Mr. Hickman states that this work was unrelated to the North Carolina Senate race and asserts that he did not discuss the North Carolina Senate race with his NARAL-related employees. Mr. Hickman concludes that "I have no reason to believe that any of my work for DLCC, DNC or DSCC resulted in any illegal coordination. cooperation or consultation between NARAL-NC PAC [or NARAL] and the Gantt campaign." Similarly, Mr. Hickman states that his consulting work for Senator Terry Sanford and Jim Hunt did not involve "any services related to the Gantt campaign."

In his affidavit, Mr. Hickman also discusses his relationship with David Petts, who, according to the complaint, provided another link to the Gantt campaign. Mr. Hickman admits that David Petts, now partner in his own firm, was a former employee. However, Mr. Hickman states "he [David Petts] has not worked for us since July 1987, and I have very little contact with Mr. Petts since that date. I have never discussed the Gantt campaign with either Mr. Petts or his partner, Mike Donilon."

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8. Mr. Hickman also admits that his $16,000 fee for a poll done on behalf of the DLCC was, unknown to him, paid by the North Carolina Democratic Party.

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c. Analysis

In our view, the responses submitted by respondents and the accompanying affidavits do not completely rebut the allegations contained in the complaint. While respondents repeatedly deny coordination, the responses are, for the most part, conclusory and frequently qualified by phrases terms such as "to my knowledge." Further, while several individuals state in their affidavits that they knew of the need for avoiding coordination and assert that all "prudent steps were taken," they do not outline the steps which were in fact taken to avoid coordination. Compare response to the complaint in MUR 2766. Similarly, the responses assert that certain individuals were not in leadership positions, but provide little or no factual support for this legal conclusion.

A second, related weakness of the responses is that they contain affidavits from high-ranking officials of the respective organizations but none from persons with more direct involvement in the activities at issue. Unlike prior cases such as MUR 2766, the responses submitted here by NARAL and NARAL PAC do not include any sworn statements by members of staff who actually produced the work products, and who thus would have the best knowledge regarding the opportunity for coordination. What has been included are simply the statements of individuals who gave final approval to the expenditures but who were not necessarily involved in the creative or editing process. Furthermore, the responses deny the alleged links between NARAL, NARAL PAC and NARAL-NC PAC and various named persons -- David Jones, Charlotte

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Brody, Roberta Waddle, Jane Stein, W.W. Finlator, and H.M. Michaux -- but no affidavits or other statements have been provided from those individuals. Thus, the Commission has only indirect evidence regarding their relationship with the other organizations (Coalition for Choice and Senate Vote '90).[9]

The situation remains equally unclear regarding the existence of a common vendor situation. Mr. Hickman denies passing information on to the Gantt campaign either directly or indirectly through his employees, and denies contact with the vendor Donilon & Petts used by Gantt. The affidavit by Mr. Hickman denies that he "engaged in activities that involved coordination, cooperation or consultation." However, this Office notes, Mr. Hickman does not outline the precautions he or his staff took to prevent this from occurring.[10]

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9. The response submitted by the Gantt Campaign illustrates the incompleteness of the responses. The response does not deny the possibility that the individuals named in the complaint could have had information and contacted or passed it to the other respondents committees. The Gantt Committee only concludes that the individuals named in the complaint were not agents of the campaign and had no authority as required by the Act to be viewed as agents. However, the response neither fully explains the role these individuals played in the campaign nor provides any supporting affidavits from the persons identified.

10. An examination of the reports filed by the Harvey Gantt for Senate Campaign committee and its affiliated committees has not revealed any common vendor who was also used by NARAL and NARAL-PAC for their North Carolina expenditures. However, a review of the vendors used by DSCC for its expenditures reveals that, in addition to using Mr. Hickman's firm, the DSCC also used another vendor which NARAL employed for its North Carolina expenditures: Greer, Margolis, Mitchell & Associates, a political advertising firm. According to the DSCC's reports, Greer, Margolis, Mitchell & Associates was used to make $105,000 in expenditures on behalf of Harvey Sloane's Kentucky U.S. Senate Race.

Therefore, there is reason to believe that the National Abortion Rights Action League, Inc. and Kate Michelman, as Executive Director, violated 2 U.S.C. § 441b.

2. MCFL and the Expenditures at Issue

NARAL and NARAL Foundation, the two corporate entities named as respondents in the complaint, have not raised the Supreme Court's MCFL decision as a defense. As previously noted, however, the responses by NARAL and NARAL-Iowa to the Reports Analysis Division's inquiries contained claims that those entities qualified for the narrow exception to section 441b for certain corporations recognized by the Court in MCFL.[11] By its

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(Footnote 10 continued from previous page)
The DSCC also used Donilon & Petts, the firm identified in the complaint as providing services to Gantt directly, specifically for its coordinated party expenditures on behalf of Mr. Gantt. Mr. Hickman states that his work for the DSCC was related to the U.S. Senate races in South Carolina, Oregon, and Indiana. Reports filed by the DSCC indicate that from August 1990 to October 1990, the DSCC made $72,000 in disbursements with Hickman Maslin as the vendor. The reports identify only $7,000 of these disbursements with a specific race, the U.S. Senate race in Oregon.

This Office also examined the reports for the DNC Services Corporation/Democratic National Committee from the June 1990 Monthly Report to the 1990 Year End Report. These reports did not indicate a shared vendor with NARAL or NARAL-NC PAC.

11. The requirement of express advocacy set forth in the Supreme Court's MCFL decision is not an issue here. At least one of the advertisements financed by NARAL clearly expressly advocated the defeat of senatorial candidate Tom Tauke:

> One of your basic American Freedoms, your Right to Choose, is in danger in Iowa. Tom Tauke, who is running for the U.S. Senate, and gubernatorial candidates Terry Branstad and Tom Miller believe the government should control our reproductive decisions.

* * *

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own terms, the holding in MCFL applies only to expenditures, not to contributions, made by certain non-profit corporations. But, this Office notes that, if it is concluded that the expenditures at issue here were not coordinated with the Gantt campaign, and thus did not constitute contributions, then it is necessary to examine the arguments raised by NARAL and NARAL Iowa regarding MCFL as it applies to the expenditures by those two entities.

a. Application of the three MCFL functional criteria to expenditures made by NARAL and NARAL-Iowa

In order to establish eligibility for the MCFL exception, a corporation must (1) be organized for the express purpose of promoting the exchange of political ideas and not engage in business activity; (2) have no shareholders or anyone with a claim on its assets and (3) have not been formed by corporations or unions nor have accepted contributions from such entities. Based on the information NARAL and NARAL-Iowa has provided in response to Commission inquires, it is unclear whether these organizations meet these three MCFL criteria. Further information would be necessary to definitively settle the

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(Footnote 11 continued from previous page)

> **Who decides in Iowa?** You will, when you vote against Tom Tauke, Terry Branstad and Tom Miller.
>
> Vote to protect your Right to Choose.

(emphasis in original). Indeed, NARAL reported its expenditures for this advertisement to the Commission on FEC Form 5. In addition, the Complaint filed against NARAL includes as an attachment the text of a proposed radio ad paid for by NARAL attacking Senator Jesse Helms and advocating his defeat.

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issue.[12]

Both entities have presented evidence to support their contention that they were established for non-business purposes and presently do not engage in business activities. NARAL's articles of incorporation state that it is organized for the purpose of "recognizing the basic human right of a women to limit her own production" by the "elimination of all laws and practices that would compel any women to bear a child against her will," and that the organization will "initiate and coordinate political, social, and legal action of Individuals and groups" to meet that goal.[13]

NARAL-Iowa's articles of incorporation state that NARAL-Iowa is organized:

> for the purpose of promoting reproductive rights in the State of Iowa and is dedicated to preserving

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12. It should be noted that MCFL may not apply based solely upon the size of the respondents. The Supreme Court designed the MCFL exception to assist small organizations which, overburdened by the reporting requirements of the Act, might be forced to limit their corporate speech. MCFL at 255. It not completely settled whether MCFL is meant to apply to entities such as NARAL, an organization which is many times the size of MCFL. For example, MCFL was described by the Supreme Court as having less than 6,000 contributors/members and as being in the class of organizations that raised its funds through such devices as cake sales. Id. The independent expenditures involved in MCFL totaled less than $10,000. By contrast, according to the Encyclopedia of Associations (1991), NARAL had a membership in 1990 of 250,000 and a budget of four million dollars. Independent expenditures by NARAL totaled $456,232.92 in 1989-90. Less information is available regarding NARAL-Iowa. However, according to reports filed with the Commission, NARAL-Iowa spent $36,224.51 in expenditures supporting Senator Harkin. Thus, analysis of the application of the MCFL exception may not be appropriate for this reason, alone.

13. The available evidence indicates that the NARAL and NARAL-Iowa were incorporated under the Nonprofit Corporation Acts of their respective states of incorporation.

> and extending the right to choose safe legal abortions, educating citizens to protect freedom and privacy, and other related purposes which promote social welfare as may be undertaken by the Board of Directors.

Further, NARAL and NARAL-Iowa have produced official correspondence from the Internal Revenue Service stating that both corporations have tax exempt status. However, no information is presently available regarding what, if any, business-like activities NARAL and NARAL-Iowa may engage in.

As for the second requirement, the corporate by-laws and articles of incorporation of NARAL and NARAL-Iowa provide for members but not shareholders. NARAL's articles of incorporation state that, if the NARAL dissolves, its assets are to be given to a non-profit corporation of like purpose. "In no event," the articles state, are the assets "to be distributed to members, either for the reimbursement of any sum subscribed, donated or contributed by such members, or for any other purpose." The articles of incorporation of NARAL-Iowa also preclude shareholders and provide that, upon the dissolution of the corporation and payment of liabilities, the assets of NARAL-Iowa would be given to NARAL.

Finally, an examination of the current articles of incorporation for both organizations indicates that no union or business corporation was involved in establishing NARAL or NARAL-Iowa, or at least none that is evident. Both organizations state with identical language in their current by-laws that "in no event" will they "accept a contribution from any organizations, such as a business corporation, that would

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jeopardize NARAL's [or NARAL-Iowa's] ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce." These provisions of the organizations' respective by-laws were, however, clearly only recently adopted. No information is available regarding what, if any, similar comparable provisions were part of NARAL and of NARAL-Iowa's articles of incorporations and by-laws prior to 1990, or indeed whether either organization accepted any corporate funds in the past.

b. Extent of Campaign Activity

Even if NARAL and NARAL-Iowa satisfy the initial criteria for the MCFL exemption, this does not end the legal analysis. The Supreme Court specified yet another limitation to the MCFL exception which is relevant to this case. The Court stated that the exception should apply to organizations that "only occasionally engage in independent spending on behalf of candidates." MCFL at 262. The Court went on to state that "should MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee." Id. Therefore, even if NARAL and NARAL-Iowa otherwise qualified as an MCFL corporation, the question remains whether their campaign-related activities were extensive enough to make it a major purpose of the organizations, and, thus qualify them as political committees under the Act. See MUR 2844.

As previously noted, NARAL's independent expenditures in

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1989-90 totaled $456,232.92. The expenditures by NARAL-Iowa totaled another $36,224.51. While these amounts represent only a portion of the organization's total receipts and disbursements, the amounts at issue are clearly more than an occasional activity of the organizations. Indeed, the reported independent expenditures by NARAL would rank it as one of the most active entities in that regard during the 1989-1990 election cycle. Furthermore, NARAL may have been the source of the funds for the expenditures made by NARAL-Iowa and NARAL-NC PAC.[14] According to expenditure reports filed with the Commission, NARAL listed $39,500 in transfers to NARAL-Iowa as part of its expenditure effort supporting Senator Harkin. NARAL-NC PAC's 1990 October Quarterly Report lists a $5,000 transfer in from NARAL.[15]

At least one of the MCFL factors discussed above, the extent of campaign activity, makes it possible to regard NARAL and NARAL-Iowa as political committees, not as corporations which

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14. An examination of the expenditures and disbursements of the NARAL and related entities reveals a division of labor during the 1990 election cycle. While NARAL-PAC concentrated on making contributions to candidates, NARAL and NARAL-Iowa, since as corporations they could not legally make contributions, concentrated on making independent expenditures. For example, in 1989-90 NARAL-PAC made a total of $384,294 in contributions to 122 federal candidates and no independent expenditures. From 1985 to 1990, NARAL-PAC's pattern of support was in the form of contributions only. In the same cycle, NARAL and NARAL-Iowa together made $492,457.43 in expenditures against or for five federal candidates.

NARAL-NC PAC's activity was somewhat more varied. While making $7,497 in expenditures against Mr. Helms, it also made a $200 contribution to Mr. Gantt.

15. NARAL also reported as part of its expenditures against Senator Helms, the payment of $16,865.34 in salaries to staff of NARAL-NC PAC.

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fall within the exception established in MCFL. Since both organizations spent over $1,000 on their independent expenditure programs, NARAL and NARAL-Iowa appear to have violated 2 U.S.C. §§ 433 and 434 by failing to register and report as political committees. Therefore, as the alternative to a violation of 2 U.S.C. § 441b, there is reason to believe that the National Abortion Rights Action League, Inc. and Kate Michelman, as executive director, violated 2 U.S.C. §§ 433(a) and 434(a).

As previously noted, the RAD referral indicated that NARAL had failed to file 30 day Post General Election reports of its independent expenditures as required by 2 U.S.C. § 434(c) and 11 C.F.R. § 109.2. According to Commission records, NARAL later filed these reports on February 25, 1991. Should it be determined that NARAL, as it claims, does in fact fall within the exception established in MCFL and its political activity did not rise to a level requiring its treatment as a political committee and, further, that the expenditures at issue were independent; then NARAL was under an obligation to timely file its independent expenditures under section 434(c). Based on this possibility, the Commission finds reason to believe that the National Abortion Rights Action League, Inc. and Kate Michelman, as executive director violated 2 U.S.C. § 434(c).

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

Shelley Bain, Treasurer
NARAL of Iowa
2101 Grand Avenue
West Des Moines, Iowa 50265

RE: MUR 3109
NARAL of Iowa

Dear Ms Bain:

On July 28, 1992, the Federal Election Commission found that there is reason to believe NARAL of Iowa ("NARAL-Iowa") and you, as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against NARAL-Iowa and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions and the requested documents within 30 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against NARAL-Iowa and you, as treasurer, the Commission may find probable cause to believe violations have occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

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 investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Scott E. Thomas
Vice Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

9504367331

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: National Abortion Rights Action League of Iowa and Shelley Bain, its state director

MUR: 3109

A. Generation of Matter

The Reports Analysis Division ("RAD") referred National Abortion Rights Action League, Inc. ("NARAL"), National Abortion Rights Action League PAC ("NARAL PAC"), and Abortion Rights Action League of Iowa ("NARAL-Iowa") for possible violations of 2 U.S.C. § 441b arising out of these Respondents' independent expenditure program.

According to documents provided by NARAL, NARAL is a non-profit corporation organized under the laws of the District of Columbia. According to Commission records, NARAL PAC is a separate segregated fund established by NARAL. NARAL-Iowa, again according to documents provided to the Commission, is a non-profit corporation established under the laws of Iowa.

B. Issues raised by the Referral

The referral from RAD brings the issue of whether the independent expenditures made by NARAL and NARAL-Iowa violated 2 U.S.C. § 441b. According to information contained in the referral, based on Commission records, NARAL made a total of $456,232.92 in independent expenditures in the 1989-1990 election cycle. The bulk of these expenditures, $315,910 or 69%, were directed to the North Carolina Senate race. The remaining amounts were spent as follows: $104,058.61 or 24% in the 1990

9504367331 2

Iowa Senate Race as expenditures either against Congressman Tom Tauke or for Senator Thomas Harkin; $31,979.78 or 7% as expenditures against Congressman Dennis Smith in the 1990 Oregon 2nd Congressional District race; and $4,284.05 or 1% as expenditures against Congressman Craig Taylor James in the 1990 Florida 4th District Congressional race. Information contained in the referral indicates that NARAL-Iowa's expenditure program was more modest. NARAL-Iowa apparently spent $36,224.51 in independent expenditures in support of Senator Harkin.

When questioned about these expenditures by RAD, NARAL and NARAL-Iowa both denied that their expenditure program violated section 441b. In response to various Requests for Additional Information, NARAL and NARAL-Iowa claimed entitlement to the narrow exception to section 441b for certain corporations recognized by the Supreme Court in FEC v Massachusetts Citizens For Life Inc., 479 U.S. 238 (1986)("MCFL"). To substantiate their claims, NARAL and NARAL-Iowa provided various documents (articles of incorporation, by laws, tax documents, etc.) which are included in the referral.

C. **The Legal Standard**

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). Under the Act, an expenditure constitutes "any purchase, payment, distribution,

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loan, advance deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9).

All federal political committees are required to file statements of organization. Those committees that are not the principal campaign committee or an authorized committee of a candidate, or are not a separate segregated fund, must register no latter than 10 days after crossing the $1,000 threshold. 2 U.S.C. § 433(a). Once registered with the Commission, a political committee must file reports of receipts and disbursements in accordance with the Act. 2 U.S.C. § 434(a).

No national bank, corporation or labor organization may make a contribution or expenditure to a political committee using funds from its treasury. 2 U.S.C. § 441b(a). The term expenditure includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing or in connection with any election for Federal office. 2 U.S.C. §§ 431(9), 441b(b)(2).

The Supreme Court has stated that the prohibition against the use of corporate funds for independent expenditures only applies to independent expenditures expressly advocating the defeat of a clearly identified candidate. MCFL, 107 S.Ct. at 623. The Court also recognized a narrow exception to section 441b to allow certain non-profit corporations to make independent expenditures. Id. at 630. Reaffirmed in Austin v. Michigan State Chamber of Commerce,

9504367/3314

58 U.S.L.W. 4372 (1990), the exception requires that the corporation must meet the following three conditions to qualify for the exception:

> 1. The organization must be formed for the express purpose of promoting political ideas, and cannot engage in business activities. If political fundraising events are expressly denominated as requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities.
> 2. The organization must have no shareholders or other persons affiliated so as to have a claim on its assets or earnings.
> 3. The organization must not have been established by a business corporation or a labor union, and must adopt a policy not to accept contributions from such entities.

When reporting independent expenditures, a person or entity other than a political committee must file report or statements at the end of the reporting period (quarterly, pre-election, post-election, semiannually) during which the independent expenditure was made. 11 C.F.R. § 109.2.

D. Application of the Law to the Facts

a. Application of the three MCFL functional criteria to expenditures made by NARAL and NARAL-Iowa[1]

In order to establish eligibility for the MCFL exception, a corporation must (1) be organized for the express

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1. The requirement of express advocacy set forth in the Supreme Court's MCFL decision is not an issue here. At least one of the advertisements financed by NARAL clearly expressly advocated the defeat of senatorial candidate Tom Tauke:

> One of your basic American Freedoms, your Right to Choose, is in danger in Iowa. Tom Tauke, who is running for the U.S. Senate, and gubernatorial candidates Terry Branstad and Tom Miller believe the government should control our reproductive decisions.

9504367331 5

purpose of promoting the exchange of political ideas and not engage in business activity; (2) have no shareholders or anyone with a claim on its assets and (3) have not been formed by corporations or unions nor have accepted contributions from such entities. Based on the information NARAL and NARAL-Iowa has provided in response to Commission inquires, it is unclear whether these organizations meet these three MCFL criteria. Further information would be necessary to definitively settle the issue.[2]

(Footnote 1 continued from previous page)

* * *

> **Who decides in Iowa?** You will, when you vote against Tom Tauke, Terry Branstad and Tom Miller.
>
> Vote to protect your Right to Choose.

(emphasis in original). Indeed, NARAL reported its expenditures for this advertisement to the Commission on FEC Form 5. In addition, the Complaint filed against NARAL includes as an attachment the text of a proposed radio ad paid for by NARAL attacking Senator Jesse Helms and advocating his defeat.

2. It should be noted that MCFL may not apply based solely upon the size of the respondents. The Supreme Court designed the MCFL exception to assist small organizations which, overburdened by the reporting requirements of the Act, might be forced to limit their corporate speech. MCFL at 255. It not completely settled whether MCFL is meant to apply to entities such as NARAL, an organization which is many times the size of MCFL. For example, MCFL was described by the Supreme Court as having less than 6,000 contributors/members and as being in the class of organizations that raised its funds through such devices as cake sales. Id. The independent expenditures involved in MCFL totaled less than $10,000. By contrast, according to the Encyclopedia of Associations (1991), NARAL had a membership in 1990 of 250,000 and a budget of four million dollars. Independent expenditures by NARAL totaled $456,232.92 in 1989-90. Less information is available regarding NARAL-Iowa. However, according to reports filed with the Commission, NARAL-Iowa spent $36,224.51 in expenditures supporting Senator Harkin. Thus, application of the

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Both entities have presented evidence to support their contention that they were established for non-business purposes and presently do not engage in business activities. NARAL's articles of incorporation state that it is organized for the purpose of "recognizing the basic human right of a women to limit her own production" by the "elimination of all laws and practices that would compel any women to bear a child against her will," and that the organization will "initiate and coordinate political, social, and legal action of Individuals and groups" to meet that goal.[3]

NARAL-Iowa's articles of incorporation state that NARAL-Iowa is organized:

> for the purpose of promoting reproductive rights in the State of Iowa and is dedicated to preserving and extending the right to choose safe legal abortions, educating citizens to protect freedom and privacy, and other related purposes which promote social welfare as may be undertaken by the Board of Directors.

Further, NARAL and NARAL-Iowa have produced official correspondence from the Internal Revenue Service stating that both corporations have tax exempt status. However, no information is presently available regarding what, if any, business-like activities NARAL and NARAL-Iowa may engage in.

As for the second requirement, the corporate by-laws and articles of incorporation of NARAL and NARAL-Iowa provide for

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(Footnote 2 continued from previous page)
MCFL exception may not be appropriate for this reason, alone.

3. The available evidence indicates that the NARAL and NARAL-Iowa were incorporated under the Nonprofit Corporation Acts of their respective states of incorporation.

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members but not shareholders. NARAL's articles of incorporation state that, if the NARAL dissolves, its assets are to be given to a non-profit corporation of like purpose. "In no event," the articles state, are the assets "to be distributed to members, either for the reimbursement of any sum subscribed, donated or contributed by such members, or for any other purpose." The articles of incorporation of NARAL-Iowa also preclude shareholders and provide that, upon the dissolution of the corporation and payment of liabilities, the assets of NARAL-Iowa would be given to NARAL.

Finally, an examination of the current articles of incorporation for both organizations indicates that no union or business corporation was involved in establishing NARAL or NARAL-Iowa, or at least none that is evident. Both organizations state with identical language in their current by-laws that "in no event" will they "accept a contribution from any organizations, such as a business corporation, that would jeopardize NARAL's [or NARAL-Iowa's] ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce." These provisions of the organizations' respective by-laws were, however, clearly only recently adopted. No information is available regarding what, if any, similar comparable provisions were part of NARAL and of NARAL-Iowa's articles of incorporations and by-laws prior to 1990, or indeed whether either organization accepted any corporate funds in the past.

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b. Extent of Campaign Activity

Even if NARAL and NARAL-Iowa satisfy the initial criteria for the MCFL exemption, this does not end the legal analysis. The Supreme Court specified yet another limitation to the MCFL exception which is relevant to this case. The Court stated that the exception should apply to organizations that "only occasionally engage in independent spending on behalf of candidates." MCFL at 262. The Court went on to state that "should MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee." Id. Therefore, even if NARAL and NARAL-Iowa otherwise qualified as an MCFL corporation, the question remains whether their campaign-related activities were extensive enough to make it a major purpose of the organizations, and, thus qualify them as political committees under the Act. See MUR 2844.

As previously noted, NARAL's independent expenditures in 1989-90 totaled $456,232.92. The expenditures by NARAL-Iowa totaled another $36,224.51. While these amounts represent only a portion of the organization's total receipts and disbursements, the amounts at issue are clearly more than an occasional activity of the organizations. Indeed, the reported independent expenditures by NARAL would rank it as one of the most active entities in that regard during the 1989-1990 election cycle. Furthermore, NARAL may have been the source of the funds for the

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expenditures made by NARAL-Iowa and NARAL-NC PAC.[4] According to expenditure reports filed with the Commission, NARAL listed $39,500 in transfers to NARAL-Iowa as part of its expenditure effort supporting Senator Harkin. NARAL-NC PAC's 1990 October Quarterly Report lists a $5,000 transfer in from NARAL.[5]

At least one of the MCFL factors discussed above, the extent of campaign activity, makes it possible to regard NARAL and NARAL-Iowa as political committees, not as corporations which fall within the exception established in MCFL. Since both organizations spent over $1,000 on their independent expenditure programs, NARAL and NARAL-Iowa appear to have violated 2 U.S.C.

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4. An examination of the expenditures and disbursements of the NARAL and related entities reveals a division of labor during the 1990 election cycle. While NARAL-PAC concentrated on making contributions to candidates, NARAL and NARAL-Iowa, since as corporations they could not legally make contributions, concentrated on making independent expenditures. For example, in 1989-90 NARAL-PAC made a total of $384,294 in contributions to 122 federal candidates and no independent expenditures. From 1985 to 1990, NARAL-PAC's pattern of support was in the form of contributions only. In the same cycle, NARAL and NARAL-Iowa together made $492,457.43 in expenditures against or for five federal candidates.

NARAL-NC PAC's activity was somewhat more varied. While making $7,497 in expenditures against Mr. Helms, it also made a $200 contribution to Mr. Gantt.

5. NARAL also reported as part of its expenditures against Senator Helms, the payment of $16,865.34 in salaries to staff of NARAL-NC PAC.

§§ 433 and 434 by failing to register and report as political committees.

Therefore, there is reason to believe that the National Abortion Rights Action League of Iowa and Shelley Bain, its state director, violated 2 U.S.C. §§ 433(a) and 434(a).

9504367/33321

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Shelley Bain, Treasurer
NARAL of Iowa
2101 Grand Avenue
West Des Moines, Iowa 50265

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1988 to 1992.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. For each year from 1988 to 1992, inclusive, list the total numbers of members in NARAL Iowa. List the total separately for each year. For the above period state the following:

   a. NARAL Iowa's membership dues and the different categories or classifications of members with the criterion for determining membership in each category. State the numbers of members in each classification; and

   b. all benefits of membership provided by NARAL Iowa, including but not limited to publications, programs, advice, competitions, services, associational rights, voting rights, credit cards, car rental discounts, other discounts, insurance policies, and all other goods and services offered for sale, at no charge or at a discount. As to each good or service or right described, detail the extent to which, if at all, it is made available or accessible to non-members.

2. State the total amount of money collected by NARAL Iowa in membership dues for each year from 1988 to 1992 inclusive. List the total separately for each year and list the total received from each class of members described in response to interrogatory 1(a).

3. State if during the above period NARAL Iowa had any corporate dues paying members or any individual memberships which are paid for by corporations or corporate accounts. For each year from 1988 to 1992:

   a. list the total number of corporate members and corporation-paid memberships, and total amount of dues from such members and memberships; and

   b. identify each corporation and list the nature of business or other activity engaged in by each corporation and the amount of money paid to NARAL Iowa by each corporation.

4. State NARAL Iowa's sources of revenue which originate from other than membership dues. Describe fully each source and list the amount received by NARAL from each source for the years from 1988 to 1992, inclusive.

5. Describe NARAL Iowa's structure, including the function of all divisions, departments, sections, and funds, the role and number of all directors, officers and executive, the

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total number of employees, and the number of employees within each division, department, section and fund.

6. NARAL Iowa's current by-laws state that "in no event" will NARAL Iowa "accept a contribution from any organization, such as a business corporation that would jeopardize NARAL Iowa's ability to make independent expenditures under the Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce." State the following:

   a. the date that policy was adopted by NARAL Iowa;

   b. the prior policy of NARAL Iowa toward accepting money from businesses or any type of corporation. State when the prior policy was adopted; how and in what manner it was adopted, and whether it was reduced in writing. Identify all documents in which such policy has reduced to writing. For each year after 1987 state how much money was received from corporate sources; and

   c. for each year from 1988, inclusive, identify each corporation from which money was received, including the nature of business or other activity engaged in by each such corporation and the amount received from each such corporation.

7. List each magazine or other periodical published and/or distributed by NARAL Iowa. State the following:

   a. for each magazine or other publication, list the total amount of money received from paid advertisements for the years 1988 to 1992; and

   b. state whether the funds collected from paid advertisements for the publications listed in subsection (a) go into NARAL Iowa's general treasury. If not identify which account such funds are deposited and how such funds are spent.

8. Identify all documents maintained by NARAL Iowa relating to receipts of funds from any source, including but not limited to advertising revenue, contributions, and any other revenue generation activity. Documents already identified in response to a previous interrogatory need not be identified again. Documents within the scope of this interrogatory which have been filed with the Federal Election Commission need not be identified.

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9. List each NARAL Iowa conference, meeting, or other event sponsored, cosponsored, subsidized, or otherwise supported by any business or corporation from 1988 to the present. As to each such event, list the business corporations involved and the nature and the dollar amount of the support. In addition, identify all documents which contain information relating to the value, amount or nature of corporate support for activities in which NARAL Iowa is or has been involved.

10. State the operating budget of NARAL Iowa for each year beginning with 1988 and continuing to 1992. State the operating budget of NARAL Iowa for the period from September 8, 1990 to November 6, 1990, the date of the 1990 U.S. Senate election in North Carolina. Identify the amount of the Budget devoted to independent expenditures for or against political candidates for each of the above periods. Identify the source of the funds used to make these expenditures. If other than the general treasury funds were used to make these expenditures. Identify, the source of the funds used and the account from which these funds were drawn.

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DOCUMENT REQUEST

1. Produce all documents identified by respondent in response to Plaintiff's interrogatories, identifying each of them as to the paragraph number of the interrogatory pursuant to which document is produced.

2. Produce copies of NARAL Iowa's completed Internal Revenue Service Form 990 and 990T for the years from 1988 to 1992 inclusive.

3. Provide all documents including, but not limited to, correspondence and minutes of meetings, relating to contractual or professional relationships or other associations between NARAL Iowa and NARAL.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Greer, President
Greer, Margolis, Mitchell & Associates
Suite 301
2626 Pennslyvania Avenue
Washinton, D.C. 20037

RE: MUR 3109

Dear Mr. Greer:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider Greer, Margolis, Mitchell & Associates a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

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If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367333330

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3109
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Frank Greer, President
Greer, Margolis, Mitchell & Associates
Suite 301
2626 Pennsylvania Avenue
Washington, D.C. 20037

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. Identify all officers, directors and principal shareholders of Greer, Margolis, Mitchell & Associates.

2. Identify all persons named in the response to Question 1, and any other persons employed or contracted by Greer, Margolis, Mitchell & Associates, who worked in any way, directly or indirectly, in the conception, drafting, writing, editing, approval, review, production, or supervision of materials produced for the following in 1989-90:

   a. NARAL,

   b. NARAL-NC PAC,

   c. Democratic Senatorial Campaign Committee,

   d. Gantt for Senate Committee,

   e. Hickman/Maslin Associates,

   f. Donilon and Petts.

3. Describe the relationship between Greer, Margolis, Mitchell & Associates and Donilon and Petts or Hickman/Maslin Associates and detail any contact between Greer, Margolis, Mitchell & Associates with either entity regarding the 1990 Senate election in North Carolina.

4. Regarding the work done by Greer, Margolis, Mitchell & Associates in the 1990 North Carolina election:

   a. identify all individuals and entities including, but not limited to, staff of Greer, Margolis, Mitchell & Associates who were responsible for or assisted in the approval, researching and creation of the work product of such services; and

   b. describe the specific steps taken to ensure the independence of the expenditures and the avoidance of coordination of these expenditures with the Gantt for Senate Committee or the Democratic Senatorial Campaign Committee.

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DOCUMENT REQUEST

Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, their officers, employees and agents listed below, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs:

a. Harrison Hickman and Harrison/Maslin Associates,

b. Harvey Gantt for Senate,

c. Donilon and Petts,

d. Democratic Senatorial Campaign Committee,

e. NARAL,

f. NARAL-NC PAC.

9504367/3335

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Lehner, Treasurer
Democratic Senatorial Campaign Committee
430 South Capital Street, SE
Washington, D.C. 200003

RE: MUR 3109

Dear Mr. Lehner:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider the Democratic Senatorial Campaign Committee a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

9504367/3356

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367333371

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Thomas J. Lehner, Treasurer
Democratic Senatorial Campaign Committee
430 South Capital Street, SE
Washington, D.C. 20003

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

9504367333339

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. Regarding expenditures made by the DSCC in the 1990 Senate Race in North Carolina, identify all individuals and entities including, but not limited to, staff of DSCC who were responsible for or assisted in the approval, researching and creation of the independent expenditures.

2. Describe the relationship between the DSCC and the following entities:

   a. Hickman/Maslin Associates,

   b. Donilon and Petts,

   c. Harvey Gantt for Senate,

   d. Greer, Margolis, Mitchell & Associates,

   e. Senate Vote '90,

   f. Coalition for Choice,

   g. NARAL-NC PAC,

   h. NARAL.

3. Detail any contact between the DSCC and the above entities or their agents and employees regarding the 1990 Senate election in North Carolina.

9504367333341

DOCUMENT REQUEST

1. Provide all documents and materials concerning or reflecting any decision by the DSCC to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, their officers, employees and agents listed below, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

   a. Hickman/Maslin Associates,

   b. Donilon and Petts,

   c. Harvey Gantt for Senate,

   d. Greer, Margolis, Mitchell & Associates,

   e. Senate Vote '90,

   f. NARAL,

   g. NARAL-NC PAC.

9504367333342

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Reverend W.W. Finlator
1802 Arlington Street
Raleigh, NC 27608
919 828-7841

RE: MUR 3109

Dear Rev. Finlator:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order. However, please submit the information within 15 days of your receipt of this letter. All answers to questions must be submitted under oath.

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If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367333444

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3109

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Reverend W.W. Finlator
1802 Arlington Street
Raleigh, NC 27608

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

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9504367/3346

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. State your full name, address, phone number and current employer.

2. List your occupation(s) and employers during 1989-1991. For each employer, describe your position(s), and the dates of employment.

3. With regard to each of the following entities, state your relationship, the specific title and position held, specify your duties and responsibilities, and list all activities and actions you undertook on its behalf, including all communications made on its behalf. Finally, provide the dates and salaries, if any, applicable for each position:

   a. Coalition for Choice,

   b. NARAL,

   c. NARAL-NC PAC,

   d. Gantt for Senate Committee,

   e. Senate Vote 90',

   f. Democratic Senatorial Committee.

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DOCUMENT REQUEST

1. Provide all documents and materials in your possession concerning or reflecting any decision by the above entities to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the entities, their officers, employees and agents listed in the question three, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

9504336733349

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

H.M. Michaux, Jr.
1722 Alfred Street
Durham, N.C. 27713

RE: MUR 3109

Dear Mr. Michaux:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

9504367/3360

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367/3351

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3109
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: H.M. Michaux, Jr.
1722 Alfred Street
Durham, N.C. 27713

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

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9504367333

DEFINITIONS

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"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. State your full name, address, phone number and current employer.

2. List your occupation(s) and employers during 1989-1991. For each employer, describe your position(s), and the dates of employment.

3. With regard to each of the following entities, state your relationship, the specific title and position held, specify your duties and responsibilities, and list all activities and actions you undertook on its behalf, including all communications made on its behalf. Finally, provide the dates and salaries, if any, applicable for each position:

   a. Coalition for Choice,

   b. NARAL,

   c. NARAL-NC PAC,

   d. Gantt for Senate Committee,

   e. Senate Vote 90',

   f. Democratic Senatorial Committee.

9504367355

DOCUMENT REQUEST

1. Provide all documents and materials in your possession concerning or reflecting any decision by the above entities to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the entities, their officers, employees and agents listed in the question three, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Jane Stein
222 Vance Steet
Chapel Hill, NC 27516

RE: MUR 3109

Dear Ms. Stein:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

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You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

9504367357

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367358

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Ms. Jane Stein
222 Vance Street
Chapel Hill, NC 27516

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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9504367 3360

DEFINITIONS

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INTERROGATORIES

1. State your full name, address, phone number and current employer.

2. List your occupation(s) and employers during 1989-1991. For each employer, describe your position(s), and the dates of employment.

3. With regard to each of the following entities, state your relationship, the specific title and position held, specify your duties and responsibilities, and list all activities and actions you undertook on its behalf, including all communications made on its behalf. Finally, provide the dates and salaries, if any, applicable for each position:

   a. Coalition for Choice,

   b. NARAL,

   c. NARAL-NC PAC,

   d. Gantt for Senate Committee,

   e. Senate Vote 90',

   f. Democratic Senatorial Committee.

9504367/3362

DOCUMENT REQUEST

1. Provide all documents and materials in your possession concerning or reflecting any decision by the above entities to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the entities, their officers, employees and agents listed in the question three, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

9504367333633

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Jones
3202 Whitefield Rd.
Chapel Hill, NC 27514

RE: MUR 3109

Dear Mr. Jones:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

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You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

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If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367/3365

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mr. David Jones
3202 Whitefield Road
Chapel Hill, NC 27514

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9504367336

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9504367336 7

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9504367338

INTERROGATORIES

1. State your full name, address, phone number and current employer.

2. List your occupation(s) and employers during 1989-1991. For each employer, describe your position(s), and the dates of employment.

3. With regard to each of the following entities, state your relationship, the specific title and position held, specify your duties and responsibilities, and list all activities and actions you undertook on its behalf, including all communications made on its behalf. Finally, provide the dates and salaries, if any, applicable for each position:

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   b. NARAL,

   c. NARAL-NC PAC,

   d. Gantt for Senate Committee,

   e. Senate Vote 90',

   f. Democratic Senatorial Committee.

9504367336 9

DOCUMENT REQUEST

1. Provide all documents and materials in your possession concerning or reflecting any decision by the above entities to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the entities, their officers, employees and agents listed in the question three, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

9504367337O

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Charlotte Brody
1323 Townes Rd.
Charlotte, NC 28209

RE: MUR 3109

Dear Ms. Brody:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

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You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

9504367337

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367337/2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Ms. Charlotte Brody
1323 Townes Road
Charlotte, NC 28209

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

95043673373

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

9504367334

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

9504367337/5

INTERROGATORIES

1. State your full name, address, phone number and current employer.

2. List your occupation(s) and employers during 1989-1991. For each employer, describe your position(s), and the dates of employment.

3. With regard to each of the following entities, state your relationship, the specific title and position held, specify your duties and responsibilities, and list all activities and actions you undertook on its behalf, including all communications made on its behalf. Finally, provide the dates and salaries, if any, applicable for each position:

   a. Coalition for Choice,

   b. NARAL,

   c. NARAL-NC PAC,

   d. Gantt for Senate Committee,

   e. Senate Vote 90',

   f. Democratic Senatorial Committee.

9504367337 6

DOCUMENT REQUEST

1. Provide all documents and materials in your possession concerning or reflecting any decision by the above entities to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the entities, their officers, employees and agents listed in the question three, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

9504367337 7

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harrison Hickman
Hickman-Brown Research, Inc.
1350 Connecticut Ave, N.W.
Washington, D.C. 20036

RE: MUR 3109

Dear Mr. Hickman:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

9504367337 8

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367339

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mr. Harrison Hickman
Hickman-Brown Research, Inc.
1350 Connecticut Avenue, N.W.
Washington, D.C. 20036

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

9504367/33860

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

9504367333361

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

9504367338 2

INTERROGATORIES

1. Identify all officers, directors and principal shareholders of Hickman/Maslin Associates.

2. Identify all persons named in the response to Question 1, and any other persons employed or contracted by you or Hickman/Maslin Associates who worked in any way, directly or indirectly, in the conception, drafting, writing, editing, approval, review, production, or supervision of materials produced for the following in 1989-90:

   a. NARAL,

   b. NARAL-NC PAC,

   c. Democratic Senatorial Campaign Committee.

3. Regarding the independent expenditures made by NARAL in the 1990 Senate election in North Carolina which utilized your services or that of Hickman/Maslin Associates:

   a. identify all individuals and entities including, but not limited to, staff of Hickman/Maslin or NARAL-NC PAC who were responsible for or assisted in the approval, researching and creation of the independent expenditures; and

   b. describe the specific steps taken to ensure the independence of the expenditures and the avoidance of coordination of these expenditures with the Gantt for Senate Committee or the Democratic Senatorial Campaign Committee.

9504367333

DOCUMENT REQUEST

Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, their officers, employees and agents listed below, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs:

a. Donilon and Petts,

b. Harvey Gantt for Senate,

c. Greer, Margolis, Mitchell & Associates,

d. Democratic Senatorial Campaign Committee,

e. NARAL,

f. NARAL-NC PAC.

9504367333064

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 28, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Petts
Petts & Associates
#260
1250 24th street, N.W.
Washington D.C. 20037

RE: MUR 3109

Dear Mr. Petts:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with an investigation the Commission is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only. Please submit the requested documents as well as answers under oath to the attached questions.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this request. However, please submit the information within 15 days of your receipt of this letter.

9504336733385

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne Weissenborn

Anne Weissenborn
Attorney

Enclosures
Questions
Document Request

9504367333386

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3109
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mr. David Petts
Petts & Associates
1250 24th Street, N.W.
#260
Washington D.C. 20037

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

95043673387

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from 1989 to 1991.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

9504367333

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

9504367333089

INTERROGATORIES

1. Identify all officers, directors and principal shareholders of Donilon and Petts.

2. Identify all persons named in the response to Question 1, and any other persons employed or contracted by Donilon and Petts, who worked in any way, directly or indirectly, in the conception, drafting, writing, editing, approval, review, production, or supervision of materials produced for the following in 1989-90:

   a. NARAL,

   b. NARAL-NC PAC,

   c. Democratic Senatorial Campaign Committee,

   d. Gantt for Senate Committee,

   e. Hickman/Maslin Associates,

   f. Greer, Margolis, Mitchell & Associates.

4. Describe the relationship between yourself and Donilon and Petts with Harrison Hickman and Hickman/Maslin Associates and detail any contact between yourself or Donilon and Petts with Harrison Hickman or Hickman/Maslin Associates regarding the 1990 Senate Race in North Carolina.

5. Describe the relationship between yourself and Donilon and Petts with Greer, Margolis, Mitchell & Associates regarding the 1990 Senate election in North Carolina.

6. Regarding the work done by your firm in the 1990 Senate Race in North Carolina which utilized your services: identify all individuals and entities including, but not limited to, staff of Donilon & Petts who were responsible for or assisted in the approval, researching and creation of the work product of such services.

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DOCUMENT REQUEST

Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, their officers, employees and agents listed below, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs:

a. Harrison Hickman and Harrison/Maslin Associates,

b. Harvey Gantt for Senate,

c. Greer, Margolis, Mitchell & Associates,

d. Democratic Senatorial Campaign Committee,

e. NARAL,

f. NARAL-NC PAC.

9504367339 1

GUERRIERI, EDMOND & JAMES
1331 F STREET, N.W.
WASHINGTON, D.C. 20004

(202) 624-7400
FACSIMILE: (202) 624-7420

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Oct 5 11 48 AM '92

JOSEPH GUERRIERI, JR
JOHN A. EDMOND
EDGAR N. JAMES*
ROBERT S. CLAYMAN
JOHN J. SULLIVAN
MARK S. MASLING**
GREGORY A. SZALLAR**
JOSH S. LICHTBLAU**
NORA CARROLL**

*ALSO ADMITTED IN MARYLAND
**NOT ADMITTED IN D.C.

MARTHA WALPOORT
SAMUEL ISSACHAROFF

October 2, 1992

92 OCT -5 PM 3:51
FEDERAL ELECTION COMMISSION

Tonda Mott, Esq.
Anne Weissenborn, Esq.
Federal Election Commission
Room 659
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Ms. Mott and Ms. Weissenborn:

I received your request to Mr. Frank Greer as President of Greer, Margolis, Mitchell & Associates on October 1, 1992. (The correct name of the firm is Greer, Margolis, Mitchell, Grunwald & Associates, Inc.)

As a preliminary matter, the September 28, 1992 letter requests a response within 15 days; however, the Interrogatories and Request for Production of Documents indicates we have 30 days for response. As you probably well know, Mr. Greer is currently immersed in the presidential election campaign. Indeed, Mr. Greer is rarely in Washington, D.C. Your request places a substantial burden on Mr. Greer and his firm at a time when they are least able to respond. For that reason, I respectfully request that you extend the response time until thirty days following the November election.

If our request can be accommodated, I would appreciate your advising me at your earliest convenience.

Sincerely,

Edgar N. James

cc: Mr. Franklin Greer
Ms. Annie Burns

9504367339 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 20, 1992

Edgar N. James, Esquire
Guerrieri, Edmond & James
1331 F Street, NW
Washington, DC 20004

Re: MUR 3109
Greer, Margolis, Mitchell,
Grunwald and Associates, Inc.

Dear Mr. James:

This is in response to your letter dated October 2, 1992, which we received on October 5, 1992, requesting an extension of thirty days following the election on November 3, 1992, or until December 3, 1992, to respond to the Commission's discovery requests in the above-cited matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 3, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

9504367333933

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FEDERAL ELECTION
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MAIL ROOM

ARNOLD & PORTER
1200 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D.C. 20036-6885
(202) 872-6700
CABLE "ARFOPO"
FACSIMILE (202) 872-6720
TELEX 89-2733

NEW YORK, NEW YORK
DENVER, COLORADO
LOS ANGELES, CALIFORNIA
TOKYO, JAPAN

SHEILA M. NIX
DIRECT LINE: (202) 872-6935

Oct 14 9 15 AM '92

October 2, 1992

92 OCT 14 PM 3:58
RECEIVED
FEDERAL ELECTION COMMISSION

VIA FACIMILE AND CERTIFIED MAIL

Ms. Anne Weissenborn
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109
On Behalf of All Named Respondents

Dear Ms. Weissenborn:

As we discussed on the phone yesterday, I am writing on behalf of our clients, the National Abortion Rights Action League, Inc. ("NARAL") and the National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC") to request a 45-day extension to file a response with the General Counsel's Office regarding MUR 3109. This would make our response due on December 14, 1992.

A 30 day deadline would make our response due on October 30, 1992. As a practical matter, it will be impossible for us to meet this deadline. Two years have passed since we responded to the complaint and the RAD inquiry and we and our client last worked with the subject matter of this case. In the meantime, several key people, including some of the respondents, have left the organization. Considerable "gearing up" and "tracking down" will be required, which we cannot complete during the 30 day period provided. Considerable "tracking down" will also be required with respect to several individuals (e.g., Jane Stein, H.M. Michaux, W.W. Finlator) who have never been associated with the NARAL organization. This will be all the more difficult given the passage of time.

Another obstacle is that the Commission's reason to believe notice has arrived in the midst of a presidential election season. Several of the individuals outside the NARAL organization whose input

9504367339 4

we expect will be required in formulating our response are involved in election campaigns (e.g., Messrs. Greer and Hickman). It will be virtually impossible to find them and spend with them the time that will be necessary to be responsive to the Commission's concerns before the election.

Given these circumstances, we request an extension of 45 days to respond. If you have any questions, please call me at 202/872-6935. Thank you for your consideration of this request.

Sincerely,

Sheila M. Nix

9504367339 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 20, 1992

Shiela M. Nix, Esquire
Arnold & Porter
1200 New Hampshire Avenue, NW
Washington, DC 20036-6885

RE: MUR 3109
National Abortion Rights
Action League, Inc.
National Abortion Rights Action
League North Carolina PAC

Dear Ms. Nix:

This is in response to your letter dated October 2, 1992, which we received on October 14, 1992, requesting an extension of 45 days to respond to the Commission's discovery requests in the above-cited matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 14, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

9504367/33996

BECTON, SLIFKIN & FULLER, P.A.
ATTORNEYS AT LAW

(919) 755-1068
4020 WEST CHASE BLVD., SUITE #575
RALEIGH, NC 27607
FAX: (919) 828-7543

FEDERAL ELECTION COMMISSION
MAIL ROOM
OCT 13 1 30 PM '92

ATTORNEYS
JAMES C. FULLER
ANNE R. SLIFKIN
CHARLES L. BECTON
MARIA J. MANGANO
ASA L. BELL
STEVEN B. EPSTEIN

PARALEGALS
HOLLY J. WEST
MARTI S. HOYT
MARTHA A. ROSSO

ADMINISTRATOR
TRACY R. DEHART

9 October 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OCT 13 PM 3:37

Anne Weissenborn
Federal Election Committee
Washington, DC 20463

Re: Finlator Inquiry
(MUR 3109)

Dear Ms. Weissenborn:

I am responding to your letter of 28 September 1992 addressed to W.W. Finlator. Before advising Rev. Finlator about how and whether to participate in this investigation, I would appreciate your courtesy in providing to me in writing the following information:

1. What is the nature of Complaint MUR 3109? Please attach a copy of the complaint, or, alternatively, indicate the identity of the complainant, the date the complaint was filed, the nature of the complaint, and the identity of current or prospective respondents. Surely, as a matter of fairness, Rev. Finlator should be entitled to know the facts of an investigation in which he is invited to participate.

2. In your letter, you advised Rev. Finlator that he was not a respondent, but a witness. Can you give assurances that he will not at any later time become a respondent? What is the reason for involving him as a witness? Why do you believe Rev. Finlator has information that would be germane to your investigation?

3. In the materials you sent to Rev. Finlator, you indicated that the Commission "requests" that he answer interrogatories and produce documents. Does your use of the word request indicate that he has the option not to participate in the investigation? If he elects not to answer the question or provide documents, do you have the authority to use legal process to compel answers, and would you do so in his situation?

4. You request information from Rev. Finlator about his membership and role in several organizations. Rev. Finlator is proud of all the organizations in which he has been a participant

9504367339 7

over the years. However, the state and federal courts have repeatedly held that the First Amendment's freedom to associate includes the right not to provide information about the associations to which one belongs. Why do you need this information from Rev. Finlator? How do you resolve the constitutional implications involving both the freedom of association and right to privacy when governmental bodies intrude into the private associations of American citizens?

I very much appreciate the good work done by you and others at the Federal Election Commission to try to insure the integrity of elections. However, we need to take care that the exercise of one right does not result in the loss of another. Therefore, I would very much appreciate your courtesy and cooperation in providing us the requested information so that I can properly advise Rev. Finlator.

Sincerely,

Jim Fuller

James C. Fuller

9504367339 8

MICHAUX AND MICHAUX, P.A.
ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 2152
DURHAM, NORTH CAROLINA 27702
PHONE: 919/596-8181

ERIC C. MICHAUX
H. M. MICHAUX, JR.

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

OCT 16 11 13 AM '92

October 12, 1992

92001 16 PM 3:13

RECEIVED
FEDERAL ELECTION COMMISSION

Attorney Anne Weissenborn
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: ~~MUR 3105~~ 3109

Dear Attorney Weissenborn:

Enclosed please find my answers to the interrogatories recently received by me concerning the captioned matter.

Should you have need for additional information, please do not hesitate to contact me.

Sincerely,

H. M. Michaux, Jr.

Enclosure

9504367353999

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF)
)
) MUR 3109
)

92 OCT 16 PM 3:15

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

RESPONSE TO INTERROGATORIES

The affiant, H. M. Michaux, Jr., in response to interrogatories submitted to him by the Federal Election Commission, responds to said interrogatories as follows:

Interrogatory 1

Henry McKinley Michaux, Jr.
1722 Alfred Street
Durham, NC 27713
(919)596-6230(H); (919)596-8181(O)

Employed by:

Union Insurance & Realty Company
Michaux and Michaux, PA

Interrogatory 2

Employed by Union Insurance and Realty Company continuously since 1989 and before as a licensed real estate broker and insurance agent and serve as corporate executive vice-president-secretary.

Employed by Michaux and Michaux, PA as an attorney and as the senior partner since 1989 and before.

Interrogatory 3

As to any relationship with the entities mentioned, please be advised as follows;

a) Coalition for Choice - none

9504367340 0

b) NARAL - none

c) NARAL-NC PAC - none

d) Gantt for Senate Committee - Served on the state steering committee and spoke on behalf of the candidate. I was not compensated nor had any other duties or responsibilities.

e) Senate Vote 90' - none

f) Democratic Senatorial Committee - none

As to the request for the production of documents, please be advised that I have no documents, nor have I ever had any, except campaign literature which was discarded after the elections.

This the 12th day of October, 1992.

H. M. Michaux, Jr
Affiant

Sworn to and subscribed before me

this the 12th day of October, 1992.

NOTARY PUBLIC

My commission expires 9/6/95

JENNY T. O'NEAL NOTARY PUBLIC WAKE COUNTY, N.C.

9504367340 1

ARNOLD & PORTER
1200 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D.C. 20036-6885
(202) 872-6700
CABLE: "ARPORO"
FACSIMILE: (202) 872-6720
TELEX: 89-2733

NEW YORK, NEW YORK
DENVER, COLORADO
LOS ANGELES, CALIFORNIA
TOKYO, JAPAN

SHEILA M. NIX
DIRECT LINE: (202) 872-6935

October 15, 1992

VIA FACIMILE

MS. Anne Weissenborn
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109
On Behalf of All Named Respondents

Dear Ms. Weissenborn:

As we discussed on the phone last week, I am writing on behalf of our clients, the National Abortion Rights Action League, Inc. ("NARAL"), the National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC") and the National Abortion Rights Action League Iowa ("NARAL-Iowa") to request that the scope of the document and interrogatory request in MUR 3109 be narrowed.

Our first concern relates to documents and interrogatories that seek information pertaining to years other than 1990 -- the only year for which independent expenditures are at issue. Both the North Carolina complaint and the RAD inquiry concern only the 1990 election. Therefore, we believe that the FEC's request of materials and information from years other than 1990 -- 1988, 1989, 1991 and 1992 -- is overly broad. Furthermore, none of the named organizations have made independent expenditures in years other than 1990.

The respondent organizations experience high turnover from one year to the next, making it difficult to locate those with information on the 1990 election much less the 1988 election. Our current staff people will already have to spend significant amounts of time locating and reviewing the requested documents for 1990, the relevant year, alone. Accordingly, we propose to

9504336734402

provide you, at least initially while you are considering this request, with interrogatory responses and documents, except those discussed below, for FY1990 only. If these documents and responses do not provide you with sufficient information, we could discuss an additional production at that time. We feel certain, however, that all relevant information will be found in the 1990 files.

With respect to information relating to 1990, there are two specific requests that are problematic. First, the FEC's interrogatory number ten to NARAL and NARAL-Iowa requests an operating budget for the period from September 8, 1990 to November 6, 1990. All of NARAL's and NARAL-Iowas's operating budgets are done on a fiscal year basis. We can provide the FY1990 operating budget; however, no separate budget exists for the period you have requested.

Second, NARAL-NC PAC's document request number three, which seeks documents "relating, referring, or, in any way, pertaining to [certain] individuals, entities, heir officers, employees and agents ... including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs," is overly broad and burdensome. For example, numerous conversations between NARAL and NARAL-NC PAC will have taken place during the time period of the document request. Most of these conversations will have nothing whatsoever to do with independent expenditures by either organization. It will be very costly and time consuming to review memos, phone logs, etc. to find the documents needed for request number three, most of which are irrelevant to the FEC's inquiry. We propose to produce documents relating to the named organizations only if the documents relate to the North Carolina independent expenditure campaign.

Please call me if you have any questions. I look forward to meeting with you tomorrow.

Sincerely,

Sheila Nix

Sheila Nix

9504367340 3

NEW YORK, NEW YORK
—
DENVER, COLORADO

ARNOLD & PORTER
1200 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D.C. 20036-6885
(202) 872-6700
[redacted]

LOS ANGELES, CALIFORNIA
—
TOKYO, JAPAN

SHEILA M. NIX
DIRECT LINE: (202) 872-6935

October 22, 1992

VIA FACSIMILE

Ms. Anne Weissenborn
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109
On Behalf NARAL-Iowa

Dear Ms. Weissenborn:

At the time we filed our extension request, the National Abortion Rights Action League-Iowa ("NARAL-Iowa") had not yet submitted to you their designation of counsel form. Since they have now designated Kathy Wallman and myself as counsel, I would like to request a 45-day extension on their behalf for the same reasons provided in our original extension request dated October 2, 1992. This would make the NARAL-Iowa response due on December 14, 1992, along with the responses of NARAL and NARAL-NC PAC.

If you have any questions about this request, please call me at 202/872-6935. Thank you for your assistance in this matter.

Sincerely,

Sheila M. Nix

9504367340 4

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Oct 13 12 25 PM '92

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3109

NAME OF COUNSEL: Sheila Nix + Kathleen Wolman

ADDRESS: Arnold + Porter Law Firm
1200 New Hampshire Ave
Washington DC 20036

TELEPHONE: 202 872-6935

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 OCT 13 PM 3:38

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.

10/7/92
Date

Karin McElwain, executive director
Signature
on behalf of NARAL of Iowa

RESPONDENT'S NAME: Karin McElwain, executive director

ADDRESS: NARAL of Iowa
1001 Office Park Rd #111
West Des Moines, IA 50265

HOME PHONE: 515-283-0579

BUSINESS PHONE: 515-225-0731

9504367340 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1992

Sheila M. Nix, Esquire
Arnold & Porter
1200 New Hampshire Avenue, NW
Washington, DC 20036-6995

RE: MUR 3109
NARAL-Iowa
Shelley Bain, as
treasurer

Dear Ms. Nix:

This is in response to your letter dated October 22, 1992, which we received on October 22, 1992, requesting an extension until December 14, 1992, to respond to the Commission's finding of reason to believe and discovery requests. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 14, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn
Senior Attorney

9504367340 6

MUR 3109

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

October 30, 1992

Anne Weissenborn
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Ms. Weissenborn:

Enclosed are the responses of the Democratic Senatorial Campaign Committee to the Federal Election Commission's Interrogatories and Requests for Production of Documents in the above-referenced Matter Under Review.

If you have any questions or need any additional information, please contact one of the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel to Democratic
Senatorial Campaign Committee

cc: Thomas J. Lehner
Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
92 NOV -2 AM 10:53

9504367340?

TELEX 440277 PERCO UI • FACSIMILE (202) 434-1690
ANCHORAGE • BELLEVUE • LOS ANGELES • PORTLAND • SEATTLE • SPOKANE

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 3109

RESPONSE TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS

Response of Witness Democratic Senatorial Campaign Committee

These responses are based on a review of the files of the Democratic Senatorial Campaign Committee ("DSCC"). The interrogatories and requests for documents as written are overbroad. The DSCC responses to these interrogatories and requests for documents are limited to information relating to the DSCC's relationships with the persons listed in the interrogatories and requests for documents as those relationships related to the 1990 North Carolina Senate race or as those relationships related to the making of independent expenditures.

INTERROGATORY NO. 1

1. Regarding the expenditures made by the DSCC in the 1990 Senate race in North Carolina, identify all individuals and entities including, but not limited to, staff of DSCC who were responsible for or assisted in the approval, researching and creation of independent expenditures.

RESPONSE

1. No individual or entity related to the DSCC, including the staff of the DSCC, was authorized by the DSCC to be responsible for or assist in the approval, researching, and creation of independent expenditures.

INTERROGATORY NO. 2

2. Describe the relationship between the DSCC and the following entities:

a. Hickman/Maslin Associates

b. Donilon and Petts

c. Harvey Gantt for Senate

d. Greer, Margolis, Mitchell & Associates

e. Senate Vote '90

f. Coalition for Choice

9504367340 8

g. NARAL-NC PAC

h. NARAL

RESPONSE

2. The relationship between the DSCC and each of the entities listed in Interrogatory No. 2. is described below.

a. Hickman/Maslin Associates: None.

b. Donilon and Petts: DSCC made two payments to this firm at the request of the Harvey Gantt for Senate Committee under 2 U.S.C. § 441a(d) on behalf of the Democratic Party's nominee for the Senate in North Carolina. The payments were made on 7/31/90 in the amount of $38,000, and on 9/6/90 in the amount of $13,510.

c. Harvey Gantt for Senate: This was the principal campaign committee of the Democratic Party's nominee for the United States Senate in North Carolina. As such, the DSCC had regular contact with the candidate and campaign committee staff on the Senate race and related issues.

d. Greer, Margolis, Mitchell & Associates: None.

e. Senate Vote '90: None.

f. Coalition for Choice: None.

g. NARAL-NC PAC: None.

h. NARAL: None.

INTERROGATORY NO. 3

3. Detail any contact between the DSCC and the above entities or their agents and employees regarding the 1990 Senate election in North Carolina.

RESPONSE

3. See response to Interrogatory No. 2.

DOCUMENT REQUEST NO. 1

1. Provide all documents and materials concerning or reflecting any decision by the DSCC to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

9504367340 9

RESPONSE

1. All documents and materials concerning or reflecting any decision by the DSCC to expend funds which would aid the election or defeat of a candidate in the 1990 U.S. Senate election in North Carolina are attached as Exhibit A.

DOCUMENT REQUEST NO. 2

2. Provide all documents in your possession relating, referring, or, in any way, pertaining to the individuals, entities, their officers, employees and agents listed below, including, but not limited to, correspondence, minutes of meetings, memoranda, notes of conversations and telephone logs.

a. Hickman/Maslin Associates

b. Donilon and Petts

c. Harvey Gantt for Senate

d. Greer, Margolis, Mitchell & Associates

e. Senate Vote '90

f. NARAL

g. NARAL-NC PAC

RESPONSE

2. See response to Document Request No. 1.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 30th day of October, 1992.

Thomas J. Lehner
Treasurer

9504367341 0

Democratic Senatorial Campaign Committee
430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Chairman
John B. Breaux, LA
Co-Chairman
Alan Cranston, CA
Honorary Co-Chairman
Pamela C. Harriman
Ex Officio
George J. Mitchell, ME
David Pryor, AR
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Staff
G. Wayne Smith
Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

June 12, 1990

Mr. Harvey Gantt
Harvey Gantt for U.S. Senate
800 E. Stonewall Street
Suite 655
Charlotte, NC 28202

Dear Harvey:

I am pleased to enclose a contribution from the Democratic Senatorial Campaign Committee in the amount of $17,5000 for your 1990 election committee.

This is the maximum contribution the DSCC is permitted to make to your campaign under our 441a(h) authority. The enclosed contribution must be reported by your committee on its June 30, 1990 FEC report.

I look forward to continuing our work toward a Democratic victory in North Carolina in November 1990.

Sincerely,

John Breaux
Chairman

Encl.

cc: L. Harrington
T. Lehner
M. Watt

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

95043674111

CopyFlies
(No Carbon Paper Required)
Tear Along Perforation

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
OPERATING ACCOUNT
430 S. CAPITOL ST., S.E. PH. 202-224-2447
WASHINGTON, D.C. 20003

SOVRAN BANK DC NATIONAL
MAIN OFFICE
1801 K STREET, NW
WASHINGTON, D.C. 20006

6502

June 12 1990

15-120/540 D01

PAY Seventeen Thousand five hundred and xx/100 ---------- DOLLARS $ 17,500.00

TO THE ORDER OF
Harvey Gantt For US Senate
700 E. Stonewall Street # 655
Charlotte, NC 28202

Noel Gould

Mary Christine Gardner

⑈006502⑈ ⑆054001204⑆ 272111 2⑈

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY NO RECEIPT DESIRED

DELUXE - FORM WVCP-3 V-2

DATE	DESCRIPTION	AMOUNT
6/12/90	ALLOCATION 441a(h)	17,500.00

95043673412

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Harvey Gantt for U.S. Senate
ADDRESS: 700 E. Stonewall Street
Suite 655
Charlotte, NC 28202

DATE: 6-11-90
NEEDED: 6-12-90 ASAP
AMT: $ 17,500.00

Description:

17,500.00 441a(h)

GL Code: 9028-

ALLOCABLE(y/n): Y
Amount $ 17,500.00
Limit Checked(y/n): _____

441 a(d) _____ 441 a(h) X
Candidate: _____
Balance $ 17,500 before
0 after

POLITICAL APPROVAL* JK
ED APPROVAL* MB
OPERATIONS* _____
COMPTROLLER* ✓
SUBMITTED BY _____
LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

95043673413

Gantt

North Carolina

1990

	Date		441 ah	441 ad	Balance	Date Paid	
1		Authority	17500 -	4956024			
2							
3							
4		Expenditures:					
5	6/12	441 ah	17500 -			6/12/90	# 6502
6	6/15	The Web Center		16667		6/15/90	# 6509
7	7/31	Door Hangers		✓ 380000	457493 57	7/3/90	# 15001
8	7/31	National Wholesale		✓ 24700	457246 57	7/3/90	# 6622
9	7/31	OSSC Mailing		✓ 2575	459220 82		
10	8/15	FGI Image wks ✓		1000000	4470220 82	8/15	# 15111
11	8/16	FGI magnets ✓		200000	427022082	8/16	6634
12	8/17	FGI magnets ✓		200000	407022082	8/17	6636
13	8/16	AE Cota ✓		300000	377022082	8/16	6633
14	8/21	AE Cota ✓		26250 00	350772082	8/21	6640
15	8/24	Sawyer Miller ✓		1300000 00	220772082	8/24	wire
16	8/29	Voters Data base ✓		13000 00	219472082		
17	9/6	Coalition Lists Research		25100 00	205960 82	9/6	6664
18	9/12	Sawyer Miller		5000000	155960 82	9/12	wire
19	10/18	Sawyer Miller		5000000	105960 82	10/18	wire
20	10/24	Sawyer Miller		5000000	5596082	10/24	wire
21	10/31	Sawyer Miller		50000 -	596082		
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© WILSON JONES COMPANY G7506 GREEN MADE IN U.S.A.

HARVEY
GANTT
FOR U.S. SENATE

July 6, 1990

DSCC
430 S. Capitol Street, SE
Washington, DC 20003

Dear Members:

I just want you to know how much I appreciate your member's contribution of $17500.00 to my campaign for the United States Senate. It means a great deal to me to know that I have your support at this important time.

Exciting things continue to happen. The campaign is in high gear and with your contribution and those of others, I am going to be able to reach the people of North Carolina and win in November.

I need your continued guidance, advice and hard work to assure victory.

Sincerely,

Harvey Gantt

95043673415

700 East Stonewall Street, Suite 655, Charlotte, N.C. 28202, 704/338-1990

Paid for by Harvey Gantt for Senate Campaign Committee

[redacted]

June 15 90

One Thousand and xx/100 ---------- 1000.00

The Dub Center
51 New Plant Court
Owings Mill, MD 21117

NOT NEGOTIABLE

6/15/90 videe duplication 1,000.00

allocable 441a(d)

Gantt 166.67
Hill 166.67
Lonsdale 166.67
Muens. 166.67
Sloane 166.66
Twileg. 166.66

per Lorna

ALLOCABLE(y/n): ~~Yes~~ Yes

441 a(d) ✓ 441 a(h) _____

Amount $ _____

Candidate: Gantt, Hill, Lonsdale, Muenst, Sloane, Flanigan

Limit Checked(y/n): _____

Balance $ _____

DIVISION APPROVAL* [signature]

ED APPROVAL* [signature]

OPERATIONS* _____

COMPTROLLER* [signature]

SUBMITTED BY [signature]

PLEASE DATE ALL APPROVAL INITIALS

Darlene - yellow allocation forms have been put in respective candidate (state) files. Copy given to Debra.

9504367341 16

VENDOR: The Data Center

ADDRESS: 51 New Plant Court
Owings Mills, MD 21117

DATE: 6/14/90

NEEDED: 6/15/90

AMT: $ 1000.00

PROJECT: Noel Francis Marking

DIVISION: Political

Description:

Voter Duplication

166.67 + 4
166.66 + 2

GL Code: [redacted]

Project Code:

ALLOCABLE (y/n): per Cathy Yes

441 a(d) ✓

441 a(h)

Amount $

Candidate: Smith, Hill, Lonsdale, Mensch, Sloan, Flanigan

Limit Checked (y/n):

Balance $

DIVISION APPROVAL*

ED APPROVAL*

OPERATIONS*

COMPTROLLER*

SUBMITTED BY

PLEASE DATE ALL APPROVAL INITIALS

Darlene - yellow allocation forms have been put in respective candidate (state) files. Copy given to Debra.

9504367341417

DUB Centre INC
51 New Plant Court
Owings Mills, MD 21117
(301) 363-4810
Fed # 52-1358581

Invoice #	Invoice Date
1-MM No	6-15-90 VG/bsw

BILL TO: *DE 3305*

Democratic Senate Campaign Committee
430 S. Capitol Street SE 1st Floor
Washington, D.C. 20003
Accts. Payable

SHIP TO

DELIVER COD TO SAME

ATTN: GEORGE

Shipped VIA	Date of Shipment	Client Purchase Order #	Client Job #	Freight Rel #
DELIVER COD	*6/18/90*			

DESCRIPTION

From 1 - 3/4" MASTER (8:00), please make:

200 - VHS DUBS of same

DEMOCRATIC CAMPAIGN TV SPOTS
DSCC - JUNE 15, 1990
8:00

Service Date	Quantity	Unit	SERVICES	Unit Price	Amount
6-15	200	ea.	VHS Dubs	5.00	1000.00
				Total	1000.00
				Tax	out of state
				Freight	n/c

9504367341 8

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

Chairman
John B. Breaux, LA

Co-Chairman
Alan Cranston, CA

Honorary Co-Chairman
Pamela C. Harriman

Ex Officio
George J. Mitchell, ME
David Pryor, AR

Regional Chairmen
Terry Sanford, NC
Southern Chair
Richard H. Bryan, NV
Western Chair
J. Robert Kerrey, NE
Mid-Western Chair
Joseph I. Lieberman, CT
Eastern Chair

Full Committee
Lloyd Bentsen, TX
Joseph R. Biden, DE
Bill Bradley, NJ
Thomas A. Daschle, SD
Christopher J. Dodd, CT
Al Gore, TN
Bob Graham, FL
J. Bennett Johnston, LA
John Kerry, MA
Frank Lautenberg, NJ
Howard M. Metzenbaum, OH
Barbara A. Mikulski, MD
Sam Nunn, GA
Donald W. Riegle, Jr., MI
Charles S. Robb, VA
John D. Rockefeller IV, WV
Jim Sasser, TN
Timothy E. Wirth, CO

National Finance Council
Steven D. Wilson
Chairman
Lynn Schenk
Vice Chairman
Jonathan Orloff

Staff
G. Wayne Smith
Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jay Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

August 3, 1990

Mr. Harvey Gantt
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Harvey:

I am happy to let you know that the DSCC has provided your campaign a check for $38,000.00 to Donilon and Petts Research, Inc. to pay for focus groups and a statewide poll and a check for $247.00 to National Wholesalers, Inc.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $38,247.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

John

John Breaux

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Western Chair
J Robert Kerrey, NE
Mid-Western Chair
Joseph I Lieberman, CT
Eastern Chair

Full Committee
Lloyd Bentsen, TX
Joseph R Biden, DE
Bill Bradley, NJ
Thomas A Daschle, SD
Christopher J Dodd, CT
Al Gore, TN
Bob Graham FL
J Bennett Johnston, LA
John Kerry, MA
Frank Lautenberg, NJ
Howard M Metzenbaum, OH
Barbara A Mikulski, MD
Sam Nunn GA
Donald W Riegle, Jr, MI
Charles S Robb, VA
John D Rockefeller IV, WV
Jim Sasser TN
Timothy E Wirth, CO

National Finance Council
Steven D Wilson
Chairman
Lynn Schenk
Vice Chairman
Jonathan Orloff

Staff
G Wayne Smith
Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

95043673420

August 3, 1990

T3/

Ms. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently sent a check for $38,000.00 to Donilon and Petts Research, Inc. to pay for focus group and a statewide poll and a check for $247.00 to National Wholesalers, Inc.. A copy of the checks and invoice is included for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $38,247.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

Name: Durion & Pette Research, Inc.

Reference	Inv Date	Inv Amt	Amt Paid	Discount	Adj Amt	Net Amt
[illegible]	07/12/90	38000.00	38000.00	0.00	0.00	38000.00
[illegible]	Check Date = 07/31/90		Check Total =			38000.00

[illegible] SENATORIAL CAMPAIGN COMMITTEE
OPERATING ACCOUNT
[illegible] CAPITOL ST S.E. PH 202-224-[illegible]
WASHINGTON DC 20003

[illegible]
DC1

19001

Thirty-Eight Thousand & No/100 Dollars

DATE 07/31/90

AMOUNT **38,000.00

PAY TO THE ORDER OF

Durion & Pette Research, Inc.
[illegible] N Street, N.W., #500
Washington, DC 20037

NON-NEGOTIABLE

AUTHORIZED SIGNATURE

0504367342

DESCRIPTION: CERTIFIED BY

ALLOCABLE(y/n): yes 441 a(d) X 441 a(h) _____

Amount $ 38000 Candidate: Gantt - NC

Limit Checked(y/n): yes → Balance $ before - 495,493.57

after - 457,493.57

POLITICAL APPROVAL* _____ ED APPROVAL* [illegible]

OPERATIONS* [illegible] COMPTROLLER* [illegible]

SUBMITTED BY _____ LEGAL APPROVAL JC 7/26/90

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Doniloa + Petts Research

ADDRESS: 2550 M St. NW #500
Washington DC 20037

DATE: 7/26/90

NEEDED: _____

AMT: $ 38,000 00

Description: focus groups + poll

GL Code: _____

ALLOCABLE(y/n): yes

441 a(d) X

441 a(h) _____

Amount $ 38000

Candidate: Gantt - NC

Limit Checked(y/n): yes →

Balance $ before - 495,493.57
after - 457,493.57

POLITICAL APPROVAL* _____

ED APPROVAL* [signature]

OPERATIONS* [signature] 7/26

COMPTROLLER* [signature]

SUBMITTED BY _____

LEGAL APPROVAL JC 7/26/90

PLEASE DATE ALL APPROVAL INITIALS

95043673422

INVOICE

July 12, 1990

Melvin Watt
Gantt For Senate
Charlotte, North Carolina

ATTENTION: MELVIN WATT

Focus Groups (2 Groups)	$ 6,000
Statewide Poll	$32,000
TOTAL DUE	**$38,000**

Please mail payment to:

Donilon & Petts Research
2550 M St. N.W.
Suite 500
Washington, D.C. 20037

****PAYMENT DUE ON RECEIPT****

9504367342 3

DONILON & PETTS RESEARCH, INC.

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

Chairman
John B Breaux, LA

Co-Chairman
Alan Cranston, CA

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Pamela C Harriman

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George J Mitchell, ME
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Deputy to the Chairman
Noel Gould
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Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

August 23, 1990

Mr. Harvey Gantt
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Harvey:

I am happy to let you know that the DSCC has provided your campaign with the following checks: $10,000.00 to FGI Imageworks, Inc. dated 8/15/90; $30,000.00 to AB Data Ltd. dated 8/16/90; $20,000.00 to FGI Imageworks, Inc. dated 8/16/90; $20,000.00 to FGI Imageworks, Inc. dated 8/17/90; and $26,250.00 to AB Data dated 8/21/90.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $106,250.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

John

John Breaux

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

95043673424

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Sam Nunn, GA
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Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jay Jacobsen
Special Assistant
to the Chairman
Larry Harrington
Political Director

August 23, 1990

Mr. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently provided your campaign with the following checks: $10,000.00 to FGI Imageworks, Inc. dated 8/15/90; $30,000.00 to AB Data dated 8/16/90; $20,000.00 to FGI Imageworks dated 8/16/90; $20,000.00 to FGI Imageworks dated 8/17/90; and $26,250.00 to AB Date dated 8/21/90. A copy of the check is included for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $106,250.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

95043673425

August 21 9-

Twenty six Thousand two hundred fifty and xx/100 ---------- 26,250.00

AT Data
3050 N.Fort Washington Rd.
Milwaukee, WI 53217

NOT NEGOTIABLE

8/21/90 --la(d) Gantt - NC

Job 9069 26,250.00

4/4 amounts did per phone call
Sam made 4s

950436734226

ALLOCABLE(y/n): Yes 441 a(d) X 441 a(h) _____

Amount $ 26,250.00 Candidate: Gantt NC

Limit Checked(y/n): Yes Balance $ before 377,020.82
after 350,770.82

POLITICAL APPROVAL* JH ED APPROVAL* MB

OPERATIONS* _____ COMPTROLLER* JH

SUBMITTED BY _____ LEGAL APPROVAL 8/17 JC

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: AB Data

DATE: 8/16/90

ADDRESS: 8050 N. Port Washington Rd.
Milwaukee, WI 53217

NEEDED: _____

AMT: $ 26,250.00

Description:

Job 9969 Direct Mail

GL Code: _____

ALLOCABLE(y/n): yes

441 a(d) X

441 a(h) _____

Amount $ 26,250.00

Candidate: Gantt NC

Limit Checked(y/n): yes

Balance $ before 377,020.82
after 350,770.82

POLITICAL APPROVAL* JH

ED APPROVAL* MB

OPERATIONS* _____

COMPTROLLER* [signature]

SUBMITTED BY _____

LEGAL APPROVAL 8/17 JC

PLEASE DATE ALL APPROVAL INITIALS

9504367354227

A·B DATA
INFORMATION MANAGEMENT & MARKETING SERVICES
NORTH PORT WASHINGTON ROAD
MILWAUKEE WI 53217
(414) 352-4434 (800) 558-6909

PRO-FORMA POSTAGE INVOICE

Date: 8/13/90
From: Production
Job #: 9969
Job Name: Jewish
Need By: ASAP

To: Leigh Coulter
Gantt

Approximate Mail Date	Mailing Quantity	Class of Postage	Rate of Postage	Estimated Postage Required**
8/23/90	175,000	Third Profit	.167	26,250

(can we get lower rate?)

Business Reply Mail Replies Expected _____ × $ _____

Postage Funds Currently in Client Trust Account ( )

Total Due $26,250.00

Notes.

Your Postage Check must be received at A B Data Ltd by ASAP

9504367342 8

[redacted]

July 31, 1990

Two Hundred forty seven and xx/100 ---------- 247.00

National Wholesalers, Inc.
400 National Blvd.
Lexington, NC 27292

NOT NEGOTIABLE

9504367342 9

7/31/90 airfare from Wash.DC to NC 247.00

441 ad

ALLOCABLE(y/n): yes **441 a(d)** _____ **441 a(h)** _____

Amount $ _____ **Candidate:** Gantt - NC

Limit Checked(y/n): yes **Balance $** before 457,493.57
after 457,246.57

POLITICAL **APPROVAL*** [signature] **ED APPROVAL*** [signature]

OPERATIONS* _____ **COMPTROLLER*** [signature]

SUBMITTED BY _____ LEGAL APPROVAL call 7/31

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: National Wholesalers Inc. DATE: 7/31/90

ADDRESS: 400 National Blvd. NEEDED: _____

Lexington, NC 27292 AMT: $ 247.00

Description: first class airfare rate for private plane from DC to Charlotte NC

GL Code: _____

ALLOCABLE(y/n): yes 441 a(d) _____ 441 a(h) _____

Amount $ _____ Candidate: Gantt - NC

Limit Checked(y/n): yes Balance $ before 457,493.57

after 457,246.57

POLITICAL APPROVAL* [signature] ED APPROVAL* [signature]

OPERATIONS* _____ COMPTROLLER* [signature]

SUBMITTED BY _____ LEGAL APPROVAL call 7/31

PLEASE DATE ALL APPROVAL INITIALS

9504367343 0

Eddie Smith
National Wholesalers Inc.
400 National Blvd
Lexington, NC 27292
704-246-5904

~~EE~~ 1st class airfare 247.00

~~&~~ from Washington, DC to Charlotte, NC

for Harvey Gantt

4/1/90

9504367343431

August 16

Twenty thousand and 00/100********** 20,000.00

FGI Imageworks, Inc.
700 Eastowne Drive
Chapel Hill, NC 27514

NOT NEGOTIABLE

03/16/90 Gaff Marketing 00089 $20,000.00
441a(3)-NC

950436733432

ALLOCABLE(y/n): yes 441 a(d) X 441 a(h) _____

Amount $ 20,000.00 Candidate: Gaff-NC

Limit Checked(y/n): yes Balance $ before 407,020.82
after 427,020.82

POLITICAL APPROVAL* [signature] ED APPROVAL* [signature]

OPERATIONS* [signature] 8/16 COMPTROLLER* [signature]

SUBMITTED BY _____ LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: FGI Investments Inc. DATE: 8/14/90

ADDRESS: 700 Eastowne Drive NEEDED: 8/20/90

Chapel Hill, NC 27514 AMT: $ 20,000.00

Description:

80690

Telemarketing Consulting

GL Code: _____

ALLOCABLE(y/n): yes 441 a(d) X 441 a(h) _____

Amount $ 20,000.00 Candidate: Graff-NC

Limit Checked(y/n): yes Balance $ before 427,020.82

after 427,020.82

POLITICAL APPROVAL* [signature] ED APPROVAL* [signature]

OPERATIONS* [signature] 8/16 COMPTROLLER* [signature]

SUBMITTED BY _____ LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

95043673343 3

FGI Imageworks, Inc.
700 Eastowne Drive
Chapel Hill, NC 27514
(919) 493-1670

700 Eastowne Drive PO Box 13
Chapel Hill NC 27514 919 493 16

INVOICE

Gantt for Senate
700 East Stonewall Street
Suite 500
Charlotte, NC 27202

INVOICE NO. 080690
DATE: 08/06/90

Job 627.1005
Telemarketing Consulting

AMOUNT DUE -- net 30 days $20,000.00

1/20

9504367334

WASHINGTON D.C. 20003

August 17 19

Twenty Thousand and nx/100 ---------- 20,000.00

FGI Imageworks, Inc.
700 Eastowne Drive
Chapel Hill, NC 27514

NOT NEGOTIABLE

9504367343 5

8/17/90 Invoice # 081390
Telemarketing
441a(d) Gantt - NC 20,000.00

ALLOCABLE(y/n): yes **441 a(d)** X **441 a(h)** _____

Amount $ 20,000.00 **Candidate:** Gantt - NC

Limit Checked(y/n): yes **Balance $** 427,020.82
A 407,020.82

POLITICAL **APPROVAL*** _____ **ED APPROVAL*** _____

OPERATIONS* _____ **COMPTROLLER*** _____

SUBMITTED BY _____ LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: FGI Image Works Inc. DATE: 8/14/90

ADDRESS: 700 Eastowne Drive NEEDED: 9/2/90

Chapel Hill, NC 27514 AMT: $ 20,000.00

Description:

Telemarketing Consulting # 81390

GL Code: _____

ALLOCABLE(y/n): yes 441 a(d) X 441 a(h) _____

Amount $ 20,000.00 Candidate: Gantt - NC

Limit Checked(y/n): yes Balance $ 427,020.82

A 407,020.82

POLITICAL APPROVAL* _____ ED APPROVAL* _____

OPERATIONS* _____ COMPTROLLER* _____

SUBMITTED BY _____ LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

9504367334336

FGI

700 Eastowne Drive P.O. Box 3767
Chapel Hill, NC 27514 919 493-1670

FGI Imageworks, Inc.
700 Eastowne Drive
Chapel Hill, NC 27514
(919) 493-1670

INVOICE

Gantt for Senate
700 East Stonewall Street
Suite 500
Charlotte, NC 27202

INVOICE NO. 081390
DATE: 08/13/90

.....

Job G27-1005
Telemarketing Consulting

AMOUNT DUE -- net 30 days $20,000.00

9504367334337

GANTT
FOR U.S. SENATE

August 10, 1990

Ms. Marsha Hale
DSCC
430 S. Capital Street S.E.
Washington, DC 20003

Dear Marsha:

I am enclosing copies of the following:

1. A.B. Data Contract

2. TGI Agreement

3. Invoice form PGI for the $10,000 telemarketing expenses. This is now due because the first $10,000 has been collected.

4. Invoice from PGI for $20,000 for the first weeks calling charges. This invoice is now due.

5. Invoice form PGI for $20,000 for the second week's calling charges. This invoice will be due August 13, 1990.

Please pay the enclosed invoices as soon as possible and give A.B. Data as much assurance as you can to get them on board.

Please call me, if you have questions.

By the way, the first weeks telemarketing calls yielded pledges in excess of $60,000.

Sincerely,

Mel

Melvin Watt

MW/rlm

Enclosures

700 East Stonewall Street, Suite 655, Charlotte, N.C. 28202, 704/338-1990

9504367343438

[redacted]

August 16, 20

Thirty thousand and 00/100********** 30,000.00

AE Data Ltd.
8050 North Port Washington Road
Milwaukee, WI 53217

NOT NEGOTIABLE

08/15/90 Job 9771 - Direct Mail 30,000.00

441a(d) NC

95043673439

ALLOCABLE(y/n): ye

441 a(d) X 441 a(h) No

Amount $ 30,000

Candidate: Gantt - NC

Limit Checked(y/n): ye

Balance $ before 407,020.82

after 377,020.82

POLITICAL APPROVAL* JM

ED APPROVAL* DD

OPERATIONS* [signature]

COMPTROLLER* JK

SUBMITTED BY _____

LEGAL APPROVAL JC [redacted] 8/17/90

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: AB Data

ADDRESS: 8050 N. Port Wash. Road
Milwaukee WI 53217

DATE: 8/16/90

NEEDED: 8/17/90

AMT: $ 30,000.00

Description:

Job 9971 Direct Mail

GL Code: _____

ALLOCABLE(y/n): ya

441 a(d) X 441 a(h) NA

Amount $ 30,000

Candidate: Gantt - NC

Limit Checked(y/n): ya

Balance $ before 407,020.82
after 377,020.82

POLITICAL APPROVAL* JM

ED APPROVAL* AD

OPERATIONS* [illegible]

COMPTROLLER* JK

SUBMITTED BY _____

LEGAL APPROVAL JC [redacted] 8/17/90

PLEASE DATE ALL APPROVAL INITIALS

9504367/34440

A·B DATA
INFORMATION MANAGEMENT & MARKETING SERVICES
8050 NORTH PORT WASHINGTON ROAD
MILWAUKEE WI 53217
(414) 352 4404 (800) 558 6204

PRO-FORMA POSTAGE INVOICE

Date: 8-2-90

To: Leigh Coulter

Cantt

From: Production

Job # 9971

Job Name: Progressive

Need By: ASAP

Approximate Mail Date	Mailing Quantity	Class of Postage	Rate of Postage	Estimated Postage Required**
8-20-90	200,000	Third Profit	.15	30,000

Business Reply Mail Replies Expected _____ x $_____

Postage Funds Currently in Client Trust Account ( )

Total Due $30,000.00

Notes

Your Postage Check must be received at A B Data, Ltd by ASAP

Postage funds must be on hand by this date in order to maintain the projected mail date the week of 8-20-90

9504336734 4

Democratic Senatorial Campaign Committee
430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jay Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

BY FAX
331-8512

Ms. Monica Jackson
Sovran Bank NA
1801 K Street NW
Washington, DC 20006

August 24, 1990

Dear Monica:

In order for the DSCC to make a candidate contribution, please execute the following wire transfer:

FROM ACCOUNT #	TO ACCOUNT	AMOUNT
DSCC 272 111 2	Chemical Bank 1251 Ave.of the Americas New York, NY for Sawyer Miller Grp. ABA# 021 000 128 Acct # 007 060 025	$ 130,000.00

Thank you for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Thomas J. Lehner
Comptroller

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Sawyer Miller Group

ADDRESS: 14 East 60th st.
New York NY 10022

DATE: 8/24/90

NEEDED: _____

AMT: $ 130,000.00

Description: Invoice 3-2658

GL Code: _____

ALLOCABLE(y/n): yes

441 a(d) X

441 a(h) _____

Amount $ 130,000

Candidate: Gantt

Limit Checked(y/n): yes

Balance $ before 350,770.82
after 220,770.82

POLITICAL APPROVAL* _____

ED APPROVAL* [signature]

OPERATIONS* _____

COMPTROLLER* [signature]

SUBMITTED BY _____

LEGAL APPROVAL JC 8/24

PLEASE DATE ALL APPROVAL INITIALS

See next page for wire instructions

95043567334443

MILLER GROUP

AUGUST 23, 1990 INVOICE: 3-2658

DEMOCRATIC SENATORIAL
CAMPAIGN COMMITTEE
430 S. CAPITOL STREET, S.E.
WASHINGTON, DC 20003

ATTENTION: MR.LARRY HARRINGTON

(HARVEY GANTT FOR SENATE)

FOR: THIRD WEEK OF NORTH CAROLINA TV BUY	$130,000.00
TOTAL AMOUNT DUE NOW:	$130,000.00

PLEASE WIRE FUNDS TO:
CHEMICAL BANK 1251 AVENUE OF THE AMERICAS NEW YORK, NY
ABA # 021000128 A/C # 007-060025 ATTN: JENNY JACKAKI

14 East 60th Street
New York, NY 10022
212 • 755 • 1700
Telex
424488 DHSCOMM

9504367344 4

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Timothy E Wirth, CO

National Finance Council
Steven D Wilson
Chairman
Lynn Schenk
Vice Chairman
Jonathan Orloff

Staff
G Wayne Smith
Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jay Jacobsen
Special Assistant to the Chairman
Larry Harrington
Political Director

August 29, 1990

Mr. Robert Martin
Treasurer
Harvey Gantt for U.S. Senate
700 East Stonewall Street, Suite 655
Charlotte, NC 28202

Dear Mr. Martin:

The Democratic Senatorial Campaign Committee's Research Division has recently shipped a copy of our Floor Votes Data Base to the Harvey Gantt for U.S. Senate campaign. This data base, which will ultimately include information on House and Senate votes from 1981 to 1990, will enhance the effectiveness of your research department.

We are supplying this data base to your campaign for your exclusive use through November 1990 under terms of a licensing agreement between the DSCC and a data supply house that restricts the usage of this information to the DSCC and the political candidates which the DSCC is assisting. This agreement provides that under no circumstances shall the data, software, trade secrets, or other property in this data base be made available to anyone other than the DSCC and its candidates. Please take the necessary precautions to guarantee that these conditions are met, and that no unauthorized use or copies of the data base are made. Under our licensing agreement, the DSCC reserves the right to recall the data base after the 1990 general election.

The data base offers candidates the opportunity to examine major issues and contrasting party positions from 1981 to 1989, and will be updated for 1990. As a result, the DSCC will be reporting the donation of this material as a "coordinated" general election-related expenditure under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure: your campaign does not have any corresponding reporting obligation.

Paid for and authorized by the Democratic Senatorial Campaign Committee • Gift Purchases are not tax deductible

For reporting purposes, the expenditures for this data base will be valued at $1,300. This reportable $1,300 expenditure includes additional programs for manipulating the data base and floppy disks with the 1990 votes as the DSCC produces them.

We have asked that all the participating research departments let us have any suggestions about how we can improve the performance of these materials. Please let our Research Director, Mark Gorman, know what you need to take full advantage of this program.

Sincerely,

Noel Gould
Executive Director

cc: Mark Gorman
Larry Harrington
Tom Lehner
Lori Ann Harris

9504367344446

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Terry Sanford, NC
Southern Chair
Richard H. Bryan, NV
Western Chair
J. Robert Kerrey, NE
Mid Western Chair
Joseph I. Lieberman, CT
Eastern Chair

Full Committee
Lloyd Bentsen, TX
Joseph R. Biden, DE
Bill Bradley, NJ
Thomas A. Daschle, SD
Christopher J. Dodd, CT
Al Gore, TN
Bob Graham, FL
J. Bennett Johnston, LA
John Kerry, MA
Frank Lautenberg, NJ
Howard M. Metzenbaum, OH
Barbara A. Mikulski, MD
Sam Nunn, GA
Donald W. Riegle, Jr., MI
Charles S. Robb, VA
John D. Rockefeller IV, WV
Jim Sasser, TN
Timothy E. Wirth, CO

National Finance Council
Steven D. Wilson
Chairman
Lynn Schenk
Vice Chairman
Jonathan Orlott

Staff
G. Wayne Smith
Deputy to the Chairman
Noel Gould
Executive Director
Kris Sweda
Deputy Executive Director
Jay Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

October 8, 1990

Ms. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently provided your campaign with a check for $13,510.00 to Donilon & Petts Research and a wire transfer of $130,000.00 to the Sawyer Miller Group. A copy of the checks and invoices are enclosed for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $143,510.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

95043673447

[redacted]
OPERATING ACCOUNT
[redacted] S. CAPITOL ST., S.E. PH. [redacted]
WASHINGTON, D.C. 20003

[redacted]

September 6 90

Thirteen Thousand Five Hundred ten and xx/100 ---------- 13,510.00

Donilon & Petts Research, Inc.
2550 M Street NW
Washington, DC 20037

NOT NEGOTIABLE

9/6/90 441a(d) Allocation Gantt-NC 13,510.00

950433673448

ALLOCABLE(y/n): Yes **441 a(d)** Y **441 a(h)** _____

Amount $ 13510.00 **Candidate:** Gantt (NC)

Limit Checked(y/n): Yes **Balance $** Before 220770.82 after 207 260.82

POLITICAL **APPROVAL*** [signature] **ED APPROVAL*** [signature]

OPERATIONS* _____ **COMPTROLLER*** [signature]

SUBMITTED BY _____ LEGAL APPROVAL 8/28/90 JC

PLEASE DATE ALL APPROVAL INITIALS

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Davidson & Porter Research Inc. DATE: 8/30/90

ADDRESS: 2550 M St. N.W. NEEDED: _____
Suite 500
Washington DC. 20037 AMT: $ 13510.00

Description:

Focus Groups

GL Code: _____

ALLOCABLE(y/n): Yes 441 a(d) ✓ 441 a(h) _____

Amount $ 13510.00 Candidate: Gantt (NC)

Limit Checked(y/n): Yes Balance $ Before 220770.82 after 207 260.82

POLITICAL APPROVAL* [signature] ED APPROVAL* [signature]

OPERATIONS* _____ COMPTROLLER* [signature]

SUBMITTED BY _____ LEGAL APPROVAL 8/28/90 JC

PLEASE DATE ALL APPROVAL INITIALS

95043673449

GANTT
FOR U.S. SENATE

August 24, 1990

Ms. Marsha Hale
DSCC
430 S. Capital Street SE
Washington, DC 20003

Dear Marsha:

Please pay the attached invoice from funds previously allocated and approved for focus groups as part of our originial 44la(d) request. These focus groups have been completed to our satisfaction.

Please contact me, if you need additional information.

Sincerely,

Mel. Watt

Melvin Watt
Campaign Manager

MW/rlm

9504367345O

I N V O I C E

August 23, 1990

Melvin Watt
Gantt For Senate
Charlotte, North Carolina

ATTENTION: MELVIN WATT

Focus Groups (Greensboro & Greenville)	$12,000
Airfare	
DC to Charlotte (July 12)	$ 398
DC to Greensboro (July 27)	$ 286
DC to Greenville (July 30)	$ 428
DC to Charlotte (August 20)	$ 398
TOTAL DUE	$13,510

Please mail payment to:

Donilon & Petts Research
2550 M St. N.W.
Suite 500
Washington, D.C. 20037

****PAYMENT DUE ON RECEIPT****

9504367345 1

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jay Jacobson
Special Assistant to the Chairman
Larry Harrington
Political Director

October 15, 1990

The Honorable Harvey Gantt
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Harvey:

I am happy to let you know that the DSCC has recently provided your campaign with check for $50,000.00 to the Sawyer Miller Group..

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

John Breaux

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

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Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

95043673453

October 15, 1990

Ms. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently provided your campaign with a transfer in the amount of $50,000.00 to the Sawyer Miller Group. A copy of the transfer and invoice is included for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

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Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

BY FAX
955-8954

Ms. Christine Reighard
Sovran Bank NA
1801 K Street, NW
Washington, DC 20006

October 12, 1990

Dear Christine:

In order for the DSCC to make a candidate contribution, please execute the following wire transfer:

FROM ACCOUNT #	TO ACCOUNT	AMOUNT
DSCC 710 892 3	Chemical Bank 1251 Ave. of the Americas New York, NY for Sawyer Miller Grp. ABA# 021 000 128 Acct #007 060 025	$50,000.00

Thank you for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Darlene Setter

Darlene Setter
Assistant Comptroller

9504367334554

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Sawyer Miller Group

ADDRESS: 14 East 60th St.
New York NY 10022
[redacted] 212-755-1700
wendy gelsley

DATE: 10/11/90

NEEDED: _____

AMT: $ 50,000.00

Description: Media purchase
441 Ad

23-47-1-1

60290028

Consultant 10200000

GL Code: Wire 10

ALLOCABLE(y/n): yes

Amount $ 50,000.00

Limit Checked(y/n): yes

441 a(d) X 441 a(h) _____

Candidate: Gantt-NC

Balance $ blue - 205,960.82
after - 155,960.82

POLITICAL APPROVAL* [signature]

ED APPROVAL* [signature]

OPERATIONS* _____

COMPTROLLER* [signature]

SUBMITTED BY _____

LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

0504367345 5

SAWYER
MILLER
GROUP

DATE: OCTOBER 11, 1990 INVOICE#: 3-3782

MR. LARRY HARRINGTON
DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
430 SOUTH CAPITOL STREET, SE
WASHINGTON, DC 20002

INVOICE FOR ONE WEEK OF TELEVISION TIME IN CHARLOTTE, NC MARKET

TOTAL AMOUNT DUE: $50,000.00

14 East 60th Street
New York, NY 10022
212 • 755 • 1700
Facsimile
212 • 755 • 0673
212 • 371 • 0487

9504336734456

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430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Jay Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

October 22, 1990

The Honorable Harvey Gantt
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Harvey:

I am happy to let you know that the DSCC has recently provided your campaign with a check for $50,000.00 to Sawyer Miller Group.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

John Breaux

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

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430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Kris Swedin
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Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

October 22, 1990

Ms. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently provided your campaign with a check for $50,000.00 to Sawyer Miller Group. A copy of the check and invoice is included for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

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Deputy to the Chairman
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Executive Director
Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

BY FAX
955-8954

Ms. Christine Reighard
Sovran Bank NA
1801 K Street NW
Washington, DC 20006

October 18, 1990

Dear Christine:

In order for the DSCC to make a candidate contribution, please execute the following wire transfer:

FROM ACCOUNT #	TO ACCOUNT	AMOUNT
DSCC 710 892 3	Chemical Bank New York, NY ABA# 021 000 128 Acct # 007 060 025 for Sawyer Miller Group Ref: Harvey Gantt	$ 50,000.00

Thank you, Christine, for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Thomas J. Lehner
Comptroller

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Sawyer Miller Group

ADDRESS: 14 East 60th St.
NY NY 10022

DATE: 10/18/90

NEEDED: _____

AMT: $ 50,000.00

Description:

Wire:
Chemical Bank
1251 Ave of Americas
NY NY
Sawyer Miller Grp.
ABA 021 000 128
Ref. 007 060 025

GL Code: _____

ALLOCABLE(y/n): _____

441 a(d) X

441 a(h) _____

Amount $ 50,000

Candidate: Gantt - NC

Limit Checked(y/n): yes

Balance $ before: 155,960.82
after: 105,960.82

POLITICAL APPROVAL* per LH 10/17

ED APPROVAL* [signature]

OPERATIONS* _____

COMPTROLLER* [signature]

SUBMITTED BY _____

LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

9504367346O

SAWYER
MILLER
GROUP

OCTOBER 18, 1990

INVOICE#: 3-2773

MR. LARRY HARRINGTON
DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
430 SOUTH CAPITOL STREET, SE
WASHINGTON, DC 20002

INVOICE FOR ONE WEEK OF TELEVISION TIME IN CHARLOTTE, NC MARKET

TOTAL AMOUNT DUE: $50,000.00

14 East 60th Street
New York, NY 10022
212 • 755 • 1700
Facsimile
212 • 755 • 0673
212 • 371 • 0487

9504336734461

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Deputy to the Chairman
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Executive Director
Kris Swedin
Deputy Executive Director
Jon Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

October 29, 1990

The Honorable Harvey Gantt
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Harvey:

I am happy to let you know that the DSCC has recently provided your campaign with a transfer in the amount of $50,000.00 to the Sawyer Miller Group.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

John Breaux

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax deductible

95043673462

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Larry Harrington
Political Director

October 29, 1990

Ms. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently provided your campaign with a transfer in the amount of $50,000.00 to Sawyer Miller Group. A copy of the transfer and invoice is included for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

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Executive Director
Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

BY FAX
955-8958

Ms. Christine Reighard
Sovran Bank NA
1801 K Street NW
Washington, DC 20006

October 24, 1990

Dear Christine:

In order for the DSCC to make a candidate contribution, please execute the following wire transfer:

FROM ACCOUNT #	TO ACCOUNT	AMOUNT
DSCC 710 892 3	Chemical Bank New York, NY ABA# 021 000 128 Acct # 007 060 025 for Sawyer Miller Group Ref: Harvey Gantt	$ 50,000.00

Thank you, Christine, for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Thomas J. Lehner

Thomas J. Lehner
Comptroller

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950436734641

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Sawyer Miller Group
ADDRESS: 14 East 60th Street
New York NY 10022

DATE: 10/24/90
NEEDED: _____
AMT: $ 50,000.00

Description:

Media purchase

wire to Chemical Bank
1251 Ave of Americas
NY NY
ABA 021 000 128
Acct 007 060 025
V-01030

GL Code: _____

ALLOCABLE(y/n): yes
Amount $ 50,000.00
Limit Checked(y/n): yes

441 a(d) X
Candidate: Gantt
Balance $ before - 105,960.82
after - 55,960.82

441 a(h) _____

POLITICAL APPROVAL* JH
ED APPROVAL* [illegible]
OPERATIONS* _____
COMPTROLLER* [illegible]
SUBMITTED BY _____
LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

95043673465

SAWYER
MILLER
GROUP

OCTOBER 24, 1990 INVOICE#: 3-2778

MR. LARRY HARRINGTON
DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
430 SOUTH CAPITOL STREET, SE
WASHINGTON, DC 20002

INVOICE FOR ONE WEEK OF TELEVISION TIME IN CHARLOTTE, NC MARKET

TOTAL AMOUNT DUE: $50,000.00

9504367341466

14 East 60th Street
New York, NY 10022
212 • 755 • 1700
Facsimile
212 • 755 • 0673
212 • 371 • 0487

Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington D.C. 20003 • (202) 224-2447

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Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

November 5, 1990

The Honorable Harvey Gantt
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Harvey:

I am happy to let you know that the DSCC has recently provided your campaign with a check for $50,000.00 to Sawyer Miller Group.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

John

John Breaux

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Democratic Senatorial Campaign Committee

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Deputy to the Chairman
Noel Gould
Executive Director
Kris Swedin
Deputy Executive Director
Joy Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

9504367346 8

November 5, 1990

Ms. Susan Green
Harvey Gantt for U.S. Senate
700 E. Stonewall Street
Suite 500
Charlotte, NC 28202

Dear Susan:

I am happy to let you know that the DSCC has recently provided your campaign with a check for $50,000.00 to Sawyer Miller Group. A copy of the check and invoice is provided for your information.

The DSCC will report this donation as a "coordinated" general election-related expenditure of $50,000.00 under section 441a(d) of the Federal Election Campaign Act. Only the DSCC is required to report this kind of expenditure. Your campaign does not have any corresponding reporting obligation.

Please let me know if the DSCC can be of additional service.

Sincerely,

Noel Gould
Executive Director

Encl.

cc: L. Harrington
T. Lehner
M. Watt

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Democratic Senatorial Campaign Committee

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Sam Nunn, GA
Donald W Riegle, Jr, MI
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John D Rockefeller IV WV
Jim Sasser, TN
Timothy E Wirth, CO

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Executive Director
Kris Swedin
Deputy Executive Director
Jov Jacobson
Special Assistant
to the Chairman
Larry Harrington
Political Director

BY FAX
955-8958

Ms. Christine Reighard
Sovran Bank NA
1801 K Street NW
Washington, DC 20006

October 31, 1990

Dear Christine:

In order for the DSCC to make a candidate contribution, please execute the following wire transfer:

FROM ACCOUNT #	TO ACCOUNT	AMOUNT
DSCC 710 892 3	Chemical Bank New York, NY ABA# 021 000 128 Acct # 007 060 025 for Sawyer Miller Group Ref: Harvey Gantt	$ 50,000.00

Thank you, Christine, for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Thomas J. Lehner
Comptroller

Paid for and authorized by the Democratic Senatorial Campaign Committee • Contributions are not tax-deductible

95043673469

1990 DSCC ALLOCATION
CHECK REQUEST FORM

VENDOR: Sawyer Miller Group

ADDRESS: 14 East 60th St.
New York NY 10022

DATE: 10/3/90

NEEDED: _____

AMT: $ 50,000.00

Description:

media buy
wire
Chem. bank
ABA 021-000-128 / 007 060 025 Acct.

V-01115

GL Code: _____

ALLOCABLE(y/n): Yes

441 a(d) X 441 a(h) _____

Amount $ 50,000.

Candidate: Gantt - NC

Limit Checked(y/n): Yes

Balance $ before - 55,960.82
after - 5,960.82

POLITICAL APPROVAL* JM

ED APPROVAL* NC

OPERATIONS* _____

COMPTROLLER* JM

SUBMITTED BY _____

LEGAL APPROVAL _____

PLEASE DATE ALL APPROVAL INITIALS

95043067340

SAWYER
MILLER
GROUP

OCTOBER 29, 1990 INVOICE#: 3-2795

MR. LARRY HARRINGTON
DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
430 SOUTH CAPITOL STREET, SE
WASHINGTON, DC 20002

INVOICE FOR ONE WEEK OF TELEVISION TIME IN CHARLOTTE, NC MARKET

TOTAL AMOUNT DUE: $50,000.00

14 East 60th Street
New York, NY 10022
212 • 755 • 1700
Facsimile
212 • 755 • 0673
212 • 371 • 0487

In phone conversation they are misquoted as

9504367347 1

OGC 7335

PUBLIC OPINION RESEARCH

92 NOV -5 PM 3:03

October 21, 1992

Ms. Anne Weisenborn:
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3109

In conjunction with the National Abortion Rights Action League, Inc. ("NARAL") and the National Abottion Rights Action League North Carolina PAC ("NARAL-NC PAC") I am requesting a 45-day extension to file a response with the General Counsel's Office regarding **MUR 3109**. This would make our response due on December 14, 1992.

A 30 day deadline would make our response due on October 30, 1992. As a practical matter it will be impossible for us to meet this deadline. I clearly intend to comply fully with the request. However, there are several obstacles to prohibit a timely filing on October 30, 1992.

This request falls during a presidential election in which we are substantially involved. It will be virtually impossible to commit the time necessary to provide the proper information. In addition, we will have to access our storage facilities located outside the office and contact several former employees which again will require more time than is possible presently.

Given these circumstances, we request an extension of 45 days to respond. If you have any questions, please call me at 202/659-4000. Thank you for your consideration of this request.

Sincerely,

Harrison Hickman

Harrison Hickman

1350 CONNECTICUT AVENUE NW SUITE 206 WASHINGTON DC 20036 (202) 659-4000 FAX (202) 659-1832

9504367347172

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 12, 1992

Harrison Hickman
Hickman-Brown Research, Inc.
1350 Connecticut Avenue, NW
Suite 216
Washington, DC 20036

RE: MUR 3109

Dear Mr. Hickman:

This is in response to your letter dated October 21, 1992, which we received on November 5, 1992, requesting an extension of thirty days to respond to the Federal Election Commission's interrogatories and request for production of documents in the above-cited matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 14, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

9504367341 / 3

Planned Parenthood
of the Southern Piedmont and Carolina Mountains

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MAIL COPY ROOM
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Harvey L. Harris, M.D.
Medical Directors

Charlotte Brody, R.N.
President

November 4, 1992

Ms. Anne Weissenborn, Attorney
Federal Elections Commission
Washington, DC 20463

MUR 3109

Dear Ms. Weissenborn:

Enclosed please find my responses to your letter dated September 28, 1992 and received October 5, 1992.

I remember the Helms Campaign's press statements that accompanied the complaint to the FEC. Senator Helm's spokesperson did not seem to understand that Planned Parenthood and NARAL are two entirely separate and distinct organizations.

Please let me know if I can provide any additional information or answer any questions.

Sincerely,

Charlotte Brody, R.N.

92 NOV -9 PM 3:32

9504367347 4

Central Office/Clinic • 1341 E. Morehead St. • Charlotte, NC 28204 • (704) 377-0841 FAX (704) 377-3511
East Clinic • Suite 221 • 5237 Albemarle Road • Charlotte, NC 28212 • (704) 536-7233
Asheville Center • 131 McDowell St. • Asheville, NC 28801 • (704) 252-7928
Gaston County Center • Suite I • 224 S. New Hope Rd. • Gastonia, NC 28054 • (704) 866-4119

Interrogatories

1. My name is Charlotte Ethel Brody. My address is 1323 Townes Road, Charlotte, North Carolina 28209. My home telephone number is [redacted] My current employer is Planned Parenthood of the Southern Piedmont and Carolina Mountains (formerly Planned Parenthood of Greater Charlotte).

2. Until January, 1990, I was employed by this Planned Parenthood affiliate as the Associate Director. On January 29, 1990 I assumed my current position as the President and Chief Executive Officer of this family planning agency.

3. a. Coalition for Choice. Planned Parenthood of the Southern Piedmont and Carolina Mountains (PPSPACM) is a founding member of this collection of 50 plus organizations committed to preserving reproductive choice. I served on the Board of this Coalition from 1981 until 1986. By 1989, my role in the Coalition was limited to assisting in local implementation of Coalition activities --observing the anniversary of Roe v. Wade, advocating for the continuation of state funding for abortion, opposing mandatory parental or judicial involvement in a minor's decision to obtain an abortion, organizing volunteers to attend rallies in Raleigh and Washington. The Coalition for Choice does not engage in electoral activities.

b. NARAL. My relationship to NARAL is defined by our common position as member organizations of the Coalition for Choice. When the Coalition has undertaken an effort to pass or stop legislation or to organize a pro-choice event, both NARAL and PPSPACM have harnessed the efforts of their supporters to complete the task. Elecotral activities have never been undertaken as a Coalition effort. I have never had any official or informal, paid or unpaid title, position, duty or responsibility for NARAL.

c. NARAL-NC PAC. I have never had any official or informal title, position, duty or responsibility for NARAL NC PAC. As an individual, I agreed to sign a fundraising appeal for NARAL-NC PAC to prospective donors in the Charlotte area. I do not recall the date of that appeal but I believe it was before the time period in question.

d. Gantt for Senate Committee. I served as an unpaid volunteer for the Gantt for Senate Committee in

9504367347 5

1989 and 1990. At various times I raised money by writing letters and making personal solicitations, organized and attended meetings, stuffed envelopes, made phone calls, canvassed door to door and drove people to the polls.

e. Senate Vote '90. I have not had and do not have any relationship to Senate Vote '90.

f. Democratic Senatorial Committee. I believe the correct name for this organization is the Democratic Senate Campaign Committee (DSCC). Along with Mr. and Mrs. Gantt and other Gantt Campaign volunteers, I attended a weekend workshop for possible Senate Candidates put on by the DSCC in late 1989. That was my single act of relationship to the DSCC. I attended the workshop on my own personal time and was not paid for my time by the DSCC or the Gantt Campaign.

9504367347 6

Document Request

I have neither documents nor materials in my possession concerning or reflecting any decision by the above entities to expend funds which would aid in the defeat of a candidate in the 1990 U.S. Senate election in North Carolina.

There are no documents in my possession related to or referring or pertaining to the entities, their officers, employees or agents listed in question three except for Coalition for Choice newsletters and a photograph of Harvey Gantt at a pro-choice rally. I do not keep a telephone log, I throw away notes as soon as I complete the task and I did not attend Coalition for Choice meetings in 1989 and 1990.

I swear that the above information is true and correct by my signature on this response dated November -, 1992.

Charlotte Ethel Brody, R.N.

11/5/92
date

Sworn to and subscribed before me this 5th day of November 1992.

Notary Public

My commission expires 6-19-93

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 1992

Sheila M. Nix, Esquire
Arnold & Porter
1200 New Hampshire Avenue, NW
Washington, DC 20036-6995

RE: MUR 3109
National Abortion Rights Action League, Inc. ("NARAL")
National Abortion Rights Action League North Carolina PAC ("NARAL-NC PAC")
National Abortion Rights Action League Iowa ("NARAL-IOWA")

Dear Ms. Nix:

Your letter of October 15, 1992, concerning the scope of the Commission's document and interrogatory requests in the above-cited matter has been received. In this letter, and also at our meeting on October 16, 1992, you have expressed your clients' position that the requests covering years other than 1990 are overly broad because the complaint and RAD referral involved in this matter address only the 1990 elections, and because your clients made independent expenditures only in that year. You have thus proposed limiting your initial responses to FY 1990.

Assuming that for your clients FY 1990 is the same as calendar year 1990, this Office is willing to accede to your proposed limited responses, at least until after we have had an opportunity to examine the materials which you will be producing on or before December 14, 1992. We will, however, pursue the additional information requested if it becomes necessary.

You have noted that all of NARAL's and NARAL-Iowa's operating budgets are prepared on a fiscal year basis rather than for shorter, more specific periods such as September 8, 1990, through November 6, 1990. Depending upon the relationship of their fiscal years to calendar years, we would ask that the budgets covering the organizations' activities during that particular period of time be produced.

Finally, you have stated that, with regard to document request number three addressed to NARAL-NC PAC, there were numerous conversations between NARAL and NARAL-NC PAC during the time period covered by the request, many of which conversations were on topics unrelated to independent expenditures. Therefore, you propose to

9504367341 7

produce documents related to such conversations only if they concern the independent expenditure campaign in North Carolina. Again, this Office agrees to this narrowing of the document request for the time being, at least until the documents produced can be examined. We will, however, pursue additional information if needed.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

95043673478

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Nov 23 9 24 AM '92

NARAL

November 19, 1992

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Lauren Jennings
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Melonease Shaw
Treasurer
Del. Kenneth Montague, Jr.
Assistant Treasurer
Robin Chandler Duke
President Emeritus

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Gloria J. Coles
Dayna F. Deck
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Bobbie Fuer
Linda S. Greene
Edward Howard
Allynnore Jen
Luz Alvarez Martinez
Sharon Powell
Robert Prince, M.D.
Pat Ford Roegner, R.N., M.S.W.
Barbara Silby
Rev. Dr. Paul Smith
Claudia T. Welcker
Janet Wentz
Stanley Yake, Ph.D.

President
Kate Michelman

Ms. Anne Weissenborn
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

92 NOV 23 PM 3:17

Re: MUR 3109
<u>On behalf of All Named Respondents</u>

Dear Ms. Weissenborn:

I am writing to inform you that the National Abortion Rights Action League, the National Abortion Rights Action League of North Carolina-PAC and the National Abortion Rights Action League of Iowa wish to amend our designations of counsel to include Julie Schrager of Arnold & Porter.

Each of the above organizations had previously filed statements designating Kathleen Wallman and Sheila Nix of Arnold & Porter as our counsel. Ms. Nix has now informed us that she will no longer be able to represent us, as she is leaving Arnold & Porter. I have conferred with the executives at each of the three organizations, and we have all agreed to designate Julie Schrager to join Ms. Wallman as our designated counsel.

Please let me know if you have any questions.

Sincerely,

Lois Eisner Murphy
Staff Attorney

cc.: Julie Schrager

9044367349

National Abortion Rights Action League
1101 14th Street, N.W., 5th Floor
Washington, D.C. 20005
202-408-4600

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92 DEC -8 PM 12:49

OGC 7819

ARNOLD & PORTER
1200 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D.C. 20036
(202) 872-6700
CABLE "ARFOPO"
TELECOPIER (202) 872-6720
TELEX 89-2733

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

JULIE S. SCHRAGER
DIRECT LINE (202) 785-[illegible]

December 4, 1992

VIA FACSIMILE AND CERTIFIED MAIL

Anne Weissenborn, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Anne:

I am writing to request a revision to part of the schedule we had previously agreed upon for submitting responses, answers to interrogatories and documents in MUR 3109.

As you will recall, we represent three respondent organizations in MUR 3109, the National Abortion Rights Action League ("NARAL"), the National Abortion Rights Action League of North Carolina Federal PAC ("NARAL-NC-Federal PAC"), and the National Abortion Rights Action League of Iowa ("NARAL-Iowa"). We plan to produce documents, answers to interrogatories, and to file a response on behalf of NARAL-Iowa by December 14, as previously agreed. However, as we discussed on the telephone, we are requesting an additional thirty days to produce documents, to answer interrogatories and to file responses on behalf of NARAL and NARAL-NC-Federal PAC. This would make our responses on behalf of these organizations due on January 13, 1993.

I realize that you require specific good cause to justify requests such as this. By way of background, because two years have passed since our original response was filed, our work in responding at this stage has been exceedingly difficult. It has required substantial efforts to identify and track down the numerous individuals and organizations mentioned in the complaint. We have been diligent in those efforts. We have travelled to North Carolina and to Iowa to review documents and to contact potential affiants. However, the difficulty of this endeavor, combined with an

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upcoming office move by NARAL, and a death in the family of the NARAL staff attorney who is responsible for this matter internally, has made it impossible for us to complete our document production or to file responses on behalf of all three organizations by December 14.

In addition, as you know, Sheila Nix has recently left Arnold & Porter and I have only more recently become involved in this matter. All of these factors together make it impossible for us to prepare responses on behalf of all three respondents by December 14.

We considered whether it might be possible to file materials and documents on behalf of NARAL-NC-Federal PAC on December 14, but concluded that our responses on behalf of NARAL and NARAL-NC-Federal PAC are so closely related that it would be impossible to present a complete response if we were to file on behalf of one organization before the other. As a result, we plan to file these responses simultaneously at the earliest possible date.

Given these circumstances, we request that you grant us an additional thirty days to respond on behalf of NARAL and NARAL-NC-Federal PAC. If you have any questions, please call me at 202-785-7677. Thank you for your consideration of this matter.

Sincerely,

Julie Schrager

Julie Schrager

9504367348 1

GUERRIERI, EDMOND & JAMES
1331 F STREET, N.W.
WASHINGTON, D.C. 20004

(202) 624-7400
FACSIMILE: (202) 624-7420

JOSEPH GUERRIERI, JR.
JOHN A. EDMOND
EDGAR N. JAMES*
ROBERT S. CLAYMAN
JOHN J. SULLIVAN
MARK S. MASLING**
GREGORY A. SZALLAR**
JOSH S. LICHTBLAU**
NORA CARROLL**

*ALSO ADMITTED IN MARYLAND
**NOT ADMITTED IN D.C

OF COUNSEL
MARTHA WALFOORT
SAMUEL ISBACHAROFF

OGC7788

92 DEC -3 PM 2:45

By Hand Delivery

December 3, 1992

Anne A. Weissenborn, Esq.
Office of General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Ms. Weissenborn:

I have enclosed a response by Greer, Margolis, Mitchell, Grunewald & Associates, Inc. ("GMMG&A"), to the Federal Election Commission's interrogatories and request for the production of documents. I have also enclosed the documents responsive to the request with a request for confidential treatment as to one document. I am withholding one document dated 6/27/90 entitled "Draft: NARAL Plan For North Carolina" pending a final determination by GMMG&A's client, NARAL, on the extent to which it is exempt from disclosure as an attorney-client privileged or otherwise confidential document.

If you have any questions, please feel free to call me.

Sincerely,

Edgar N. James

ENJ/bw

Enc.

9504367348 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3109

GREER, MARGOLIS, MITCHELL, GRUNWALD & ASSOCIATES, INC.'S RESPONSE TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

92 DEC -3 PM 4:26

Greer, Margolis, Mitchell, Grunwald & Associates, Inc. ("GMMG&A"), responds to the Interrogatories and Request for Production of Documents of the Federal Election Commission as follows:

QUESTION:

1. Identify all officers, directors and principal shareholders of Greer, Margolis, Mitchell & Associates.[1]

RESPONSE:

Franklin Greer, President of GMMG&A, is both a director and shareholder of GMMG&A.

David Mitchell, Secretary of GMMG&A, is both a director and shareholder of GMMG&A.

James Margolis, Treasurer of GMMG&A, is both a director and shareholder of GMMG&A.

QUESTION:

2. Identify all persons named in the response to Question 1, and any other persons employed or contracted by Greer, Margolis, Mitchell & Associates, who worked in any way, directly or indirectly, in conception, drafting, writing, editing, approval,

---

1/ Greer, Margolis , Mitchell & Associates, Inc., changed its name in June 1991 to Greer, Margolis, Mitchell, Grunwald & Associates, Inc.

9504367348 3

review, production, or supervision of materials produced for the following in 1989-90:

a. NARAL,

b. NARAL-NC PAC,

c. Democratic Senatorial Campaign Committee,

d. Gantt for Senate Committee,

e. Hickman/Maslin Associates,

f. Donilon and Petts.

RESPONSE:

GMMG&A objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiver of and subject to the foregoing objection, GMMG&A responds as follows:

GMMG&A only performed work on behalf of NARAL. GMMG&A performed no work on behalf of the entities referenced in Question 2, subparts b through f. The principal persons who performed work for NARAL were: (1) Franklin Greer, President of GMMG&A; (2) Kim Haddow, Senior Associate and NARAL Account Executive; and (3) Leslie Edelstein, Media Buyer. With the exception of Leslie Edelstein, these individuals are employees of GMMG&A.

QUESTION:

3. Describe the relationship between Greer, Margolis, Mitchell & Associates and Donilon and Petts or Hickman/Maslin Associates and detail any contact between Greer, Margolis, Mitchell & Associates with either entity regarding the 1990 Senate election in North Carolina.

9504367384

RESPONSE:

GMMG&A objects to this interrogatory based upon the use of the word "contact", the meaning of which is vague and unclear. Without wavier of and subject to the foregoing objection, GMMG&A responds as follows:

Except for the work GMMG&A performed on behalf of NARAL, GMMG&A did not participate in the 1990 Senate election in North Carolina. GMMG&A had no discussions or meetings with anyone from Donilon and Petts.

GMMG&A did have discussions and meetings with Harrison Hickman, a consultant and pollster for NARAL. The individuals from GMMG&A that would have had discussions or attended meetings with Harrison Hickman include Franklin Greer and Kim Haddow. Both Franklin Greer and Kim Haddow attended regular NARAL strategy team meetings. In addition, Harrison Hickman participated in the script approval process for NARAL ads.

QUESTION:

4. Regarding the work done by Greer, Margolis, Mitchell & Associates in the 1990 North Carolina election:

a. identify all individuals and entities including, but not limited to, staff of Greer, Margolis, Mitchell & Associates who were responsible for or assisted in the approval, researching and creation of the work product of such services; and

b. describe the specific steps taken to ensure the independence of the expenditures and the avoidance of coordination

9504367348 5

of these expenditures with the Gantt for Senate Committee or the Democratic Senatorial Campaign Committee.

RESPONSE:

GMMG&A objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiver of and subject to the foregoing objection, GMMG&A responds as follows:

Except for the work GMMG&A performed on behalf of NARAL, GMMG&A did not participate in the 1990 Senate election in North Carolina. With respect to subpart a above, see GMMG&A's Response to Question 2. With respect to subpart b above, there were no discussions or meetings between GMMG&A and the Gantt for Senate Committee or the Democratic Senatorial Campaign Committee regarding the 1990 Senate election in North Carolina.

REQUEST FOR PRODUCTION OF DOCUMENTS

GMMG&A is providing all documents responsive to your document production request that relate to the work performed by GMMG&A on behalf of NARAL during the 1990 Senate campaign between Jessie Helms and Harvey Gantt.

Respectfully submitted,

Date: 12/3/92

Edgar N. James
Gregory A. Szallar
Guerrieri, Edmond & James, P.C.
1331 F Street, N.W.
Suite 400
Washington, D.C. 20004
(202) 624-7400

95043673486

DECLARATION PURSUANT TO 28 U.S.C. § 1746

I hereby declare, under penalty of perjury, that the foregoing response to Interrogatories and Request for Production of Documents is true and correct.

Date: 12/3/92

Kim Haddow

Kim Haddow

9504367334887

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F.E.C.
SECRETARIAT
92 DEC 11 PM 2:11

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1992

MEMORANDUM

SENSITIVE

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 3109
Request for Extension of Time

Be letter dated December 4, 1992, counsel for the National Abortion Rights Action League ("NARAL"), the National Abortion Rights Action League of North Carolina Federal PAC ("NARAL-NC-Federal PAC") and the National Abortion Rights Action League of Iowa ("NARAL-Iowa") has requested an additional extension of thirty days to respond to the Commission's reason to believe determinations and discovery requests regarding the first and second of the client committees cited. (Attachment 1). The letter requesting this extension explains that more time is needed due to personnel changes and the complexities involved in locating and contacting certain individuals and organizations. Counsel states that a response on behalf of NARAL-Iowa will be filed by the present deadline of December 14, 1992.

This Office has already granted an extension of 45 days, and thus the additional extension of 30 days would make the responses and discovery requests due on January 13, 1993.

Given the circumstances outlined in counsel's letter, this Office recommends that the Commission grant the requested extension. The letter to be sent to counsel informing her of such a determination would state that no further extensions will be granted.

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RECOMMENDATIONS

1. Grant an extension of 30 days to the National Abortion Rights Action League and to the National Abortion Rights Action League of North Carolina Federal PAC to file responses.

2. Approve the appropriate letter.

Attachment
Request for Extension of Time

Staff Assigned: Anne Weissenborn

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Abortion Rights Action League ("NARAL");	)	MUR 3109
National Abortion Rights Action League of North Carolina Federal PAC ("NARAL-NC-Federal PAC");	)	
National Abortion Rights Action League of Iowa ("NARAL-Iowa");	)	
-- Request for Extension of Time.	)	

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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 17, 1992, the Commission decided by a vote of 5-0 to take the following actions in MUR 3109:

1. Grant an extension of 30 days to the National Abortion Rights Action League and to the National Abortion Rights Action League of North Carolina Federal PAC to file responses.

(Continued)

2. Approve the appropriate letter, as recommended in the General Counsel's Memorandum dated December 11, 1992.

Commissioners Aikens, Elliott, McDonald, Potter, and Thomas voted affirmatively for the decision; Commissioner McGarry did not cast a vote.

Attest:

12-18-92
Date

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Fri., Dec. 11, 1992 2:11 p.m.
Circulated to the Commission: Mon., Dec. 14, 1992 11:00 a.m.
Deadline for vote: Thurs., Dec. 17, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1992

Julie S. Schrager, Esquire
Arnold & Porter
1200 New Hampshire Avenue, NW
Washington, DC 20036

RE: MUR 3109
National Abortion Rights
Action League
National Abortion Rights
Action League of North
Carolina Federal PAC

Dear Ms. Schrager:

This is in response to your letter dated December 4, 1992, which we received on December 4, 1992, requesting an extension of thirty days to respond to the Commission's reason to believe determinations and discovery requests as regards the above-cited clients. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your responses are due by the close of business on January 13, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

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December 14, 1992

BY HAND

Mr. Lawrence Noble
General Counsel
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109

Dear Mr. Noble:

Pursuant to a letter dated September 28, 1992, from Vice Chairman Thomas we are writing to demonstrate that no action should be taken against the National Abortion Rights Action League, Inc. of Iowa ("NARAL of Iowa") in connection with the matter referred to you by the Reports Analysis Division. This response is being filed simultaneously with responses to your interrogatories and requests for document production of September 28, 1992.

I. The Charges Advanced in the Referral are False.

The referral from the Reports Analysis Division alleges that the independent expenditures made by NARAL of Iowa violated 2 U.S.C. § 441b, the statutory prohibition on corporate expenditures in connection with federal elections. The referral additionally alleges that NARAL of Iowa appears to have violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. NARAL of Iowa categorically denies these charges. Based on the United States Supreme Court's decisions in Federal Election Commission v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) (hereinafter MCFL), and Austin v. Michigan State Chamber of Commerce, 494 U.S. 652 (1990) (hereinafter Austin), NARAL of Iowa is constitutionally entitled to make independent expenditures from its general treasury funds. Moreover, under these same decisions NARAL of

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Iowa's independent expenditure activities in 1990 did not require it to register as a political committee.

In MCFL, the Supreme Court reiterated that "[i]ndependent expenditures constitute expression 'at the core of our electoral process and of the First Amendment freedoms,'" MCFL, 479 U.S. at 251 (quoting Buckley v. Valeo, 424 U.S. 1, 39 (1976) (per curiam)), and "'produce speech at the core of the First Amendment.'" Id. (quoting FEC v. National Conservative Political Action Committee, 470 U.S. 480, 493 (1985)). Because of the paramount importance of First Amendment freedoms, the Court found no compelling state interest to justify the burdens placed on the political speech of certain nonprofit corporations by § 441b and held that such organizations were constitutionally entitled to expend general treasury funds on independent expenditures. MCFL, 479 U.S. at 263-65.

The MCFL court cited "three features [of such a corporation] essential to [its] holding:" first, the corporation was "formed for the express purpose of promoting political ideas, and cannot engage in business activities;" second, the corporation "has no shareholders or other persons affiliated so as to have a claim on its assets or earnings;" and, third, the corporation "was not established by a business corporation or a labor union, and it is its policy not to accept contributions from such entities."[1] MCFL, 479

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[1] In a footnote, the Commission's Factual and Legal Analysis questions whether MCFL may not apply to NARAL or NARAL of Iowa based on their size and the amount of their independent expenditures. See Analysis at 5 n.2. We respectfully submit that the Analysis misconstrues MCFL on this point. Although it easily could have, the Court did not include size as one of the three criteria that eligible corporations must meet. Nor did the court indicate that its holding was somehow limited to "small" amounts of independent expenditures. Regardless of this erroneous interpretation, however, NARAL of Iowa is certainly not "too big" to be entitled to make independent expenditures pursuant to the MCFL exception; NARAL of Iowa had approximately 215 members during 1990, see Response to Interrogatory 1, only four percent of the number of dues-paying members and only four-tenths

[Footnote continued on next page]

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U.S. at 264.

As NARAL of Iowa clearly stated in response to the Commission's prior request, which response included supporting documentation, NARAL of Iowa meets these three criteria. First, the organization was clearly formed for the purpose of promoting political ideas, specifically to promote reproductive rights in the State of Iowa. See NARAL of Iowa Articles of Incorporation (Exhibit 2). Any "business-like activities" in which NARAL of Iowa may have engaged are so closely related to its political goals and are clearly identified as fundraisers for purposes of promoting its political mission; therefore they cannot be considered business activities that would disqualify the organization from the MCFL exception. See MCFL, 479 U.S. at 264. Second, NARAL of Iowa does not have any shareholders or other persons affiliated so as to have a claim on its assets or earnings. Third, NARAL of Iowa was not established by a business corporation or labor union and has a long-standing policy against accepting contributions from business corporations or labor unions.

The General Counsel's office also questions in its Factual and Legal Analysis whether the extent of NARAL of Iowa's campaign activity during 1990 somehow transforms the organization into a political committee. As its financial statements produced herewith show, NARAL of Iowa is not an entity whose "major purpose" is electoral activity. To the contrary, as other financial statements of the organization[2] demonstrate by comparison, 1990 was a unique year in its history; never before or since has NARAL of Iowa expended substantial funds on campaign activity. Moreover, even during 1990, NARAL of Iowa did not expend the majority of its funds

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[Footnote continued from previous page]
of one percent of the total number of members claimed by the Massachusetts Citizens for Life organization. See MCFL, 479 U.S. at 244 (noting that MCFL had 5,986 contributors); Affidavit of Philip D. Moran, Director of MCFL ¶ 6 (July 9, 1982) (Exhibit 1) (stating that MCFL claimed 57,000 members).

[2] These were not called for in this document production.

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on independent expenditures. See Response to Interrogatory No. 10.

II. NARAL of Iowa Meets the Three Criteria of MCFL.

NARAL of Iowa maintains that it meets the MCFL standard and categorically and unequivocally denies the charges set out in the referral. As elaborated below, from its inception NARAL of Iowa has scrupulously endeavored to avoid any activity that would jeopardize its ability to make independent expenditures from its general treasury funds.

A. Political Purpose

First, as its Articles of Incorporation state, NARAL of Iowa was established for the purpose of "promoting reproductive rights in the State of Iowa . . . ." See NARAL of Iowa Articles of Incorporation (Exhibit 2). It is "dedicated to preserving and extending the right to choose safe legal abortion, [and] educating citizens to protect freedom and privacy . . . ." Id. Further, NARAL of Iowa has been designated a 501(c)(4) corporation by the Internal Revenue Service. See Letter to NARAL of Iowa from the Internal Revenue Service (May 16, 1990) (Exhibit 3). Such a designation is significant because 501(c)(4) status is not available to business corporations. Rather, it is only available to organizations, like NARAL of Iowa, that are formed to develop and pursue programs to promote "social welfare" through administrative, legislative and electoral channels. See Rev. Rul. 81-95, IRB 1981-12, 26 C.F.R. § 1.501(c)(4)-1(a)(2)(ii) and 26 C.F.R. § 1.501(c)(3)-1(c)(3)(ii).

Further, NARAL of Iowa does not engage in any "business" activities that would prohibit the organization from making independent expenditures. The MCFL Court noted that, "[i]f political fund-raising events are expressly denominated as requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities." MCFL, 479 U.S. at 264. The Austin court elaborated on this standard by noting that non-political activities will not disqualify an organization from MCFL status if these activities are

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"expressly tied to political goals." Austin, 494 U.S. at 662.

As the accompanying responses to interrogatories and documents indicate, in 1990 NARAL of Iowa engaged in no fundraising activities that were unrelated to its political goals. For example, during 1990 NARAL of Iowa sold T-shirts emblazoned with the message: "Who Decides? You or Them?". Clearly, only an individual who supports NARAL of Iowa's political objectives would purchase such a T-shirt; there is no possibility that a purchaser would not know that his or her payment would be used for the purpose of protecting a woman's right to choose. The Supreme Court recognized that fund-raising efforts of this sort would not disqualify an organization from MCFL status: MCFL itself held bake and furniture sales and sold "Choose Life" T-Shirts and a "Pro-Life Cookbook" to raise funds for its activities. See MCFL, 479 U.S. at 242; Excerpts from District Court Record in MCFL (Exhibit 4).

NARAL of Iowa has also held fund-raising events from time to time. In 1990, as the attached documents indicate, these events included a "Pool-Side Party" on July 1 and a "Chocolate for Choice" auction on November 16. Given the clearly indicated sponsorship of NARAL of Iowa, all of the donations and contributions received by NARAL of Iowa in connection with these events were clearly made with the knowledge that they would be spent on political activity. See Response to Interrogatory Number 4. None of these fundraising activities disqualifies NARAL of Iowa from making independent expenditures from general treasury funds.

B. Lack of Shareholders

NARAL of Iowa also satisfies the second part of the MCFL standard. The organization has no shareholders, see Articles of Incorporation and Bylaws (Exhibit 2), and persons associated with the organization have no economic disincentive for disassociating from it if they come to disagree with the organization's political goals. Unlike the circumstances in Austin, where the Michigan Chamber of Commerce provided its members with a wide range of benefits "'from group insurance to educational seminars, and . . . litigation activities on behalf of the business community,'" Austin, 494 U.S. at 651 (quoting

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deposition of Chamber's president), according to its records, NARAL of Iowa conducts no activities unrelated to its political objectives, nor does it provide members with collateral benefits that would cause individuals to have any incentive to cancel their membership if they disagreed with the organization's political goals. See Response to Interrogatory Number 2(b). According to its records, NARAL of Iowa does not offer its members special credit card or life insurance rates, or any additional financial benefits that would give individuals any incentive to remain affiliated with the organization if they came to disagree with its political goals or strategy. Furthermore, NARAL of Iowa has "no shareholders or other persons affiliated so as to have a claim on its assets or earnings," MCFL, 479 U.S. at 264, as shown by its Articles of Incorporation and Bylaws (Exhibit 2).

C. Lack of Corporate Support

Finally, NARAL of Iowa meets the third MCFL requirement: it was not formed by a business corporation or labor union and has (and had throughout 1990) a policy of not accepting contributions from business corporations or labor unions. See Articles of Incorporation and Bylaws (Exhibit 2). From the time that NARAL of Iowa was founded in late 1989, even before the adoption of its first bylaws in February 1990 (and, of course, long before its first reported independent expenditure in the Harkin/Tauke race was made in August 1990), it has never been contemplated that business corporations could make contributions to NARAL of Iowa. As demonstrated by the attached affidavit (Exhibit 5) from Shelley Bain, NARAL of Iowa's executive director from February 1990 through the end of that year, whenever there was any question about whether a check was written on a corporate account, she or her staff investigated and returned those checks that were not from individuals.

NARAL of Iowa is therefore quite different from those organizations whose lack of a policy prohibiting corporate contributions has disqualified them from the MCFL exemption. See FEC v. NRA Political Victory Fund, 778 F. Supp. 62, 64 (D.D.C. 1991) ("Nowhere do defendants state a policy equivalent to that of MCFL. Hence the defendants do not fit in the group of organizations affected by the MCFL holding . . . ");

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Faucher v. FEC, 743 F. Supp. 64, 69 (D. Me. 1990), aff'd, 928 F.2d 468 (1st Cir. 1991); FEC Advisory Opinion 1987-7, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5889, at 11,357 (Apr. 6, 1987).

Despite exercising diligent care, it may be that NARAL of Iowa accepted a few de minimis, in-kind contributions from local bakeries, stationery stores, pie shops, and small restaurants in November 1990.[3] These donations were received in connection with the "Chocolate for Choice" event discussed above.[4] Their total market value was approximately $250.00.[5] Although the most valuable donation from an individual corporation was $100.00 worth of chocolate from the Des Moines Chapter of the National Organization for Women, almost all of the donations were worth less than $10.00. See Affidavit of Shelley Bain ¶ 6 (Exhibit 5). Furthermore, it is not even clear whether some of these did, in fact, come from business corporations. See Response to Interrogatory 6(c).

NARAL of Iowa therefore may have received, of its total 1990 income of approximately $92,000.00, about

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[3] It is not clear from MCFL whether accepting in-kind contributions from business corporations, especially if they are de minimis, has any bearing on a corporation's MCFL status. In fact, the record in MCFL indicates that the Massachusetts Citizens for Life organization may very well have accepted at least de minimis amounts of in-kind contributions from business corporations. See Excerpts from the Record in MCFL (Exhibit 5). Nevertheless, in an effort to be as forthcoming as possible, we set out the circumstances related to such in-kind contributions herein.

[4] In response to your document requests, we submit herewith documents numbered I0091 to I0147 relating to the Chocolate for Choice event.

[5] The donated items, were of course, sold for much more than their market value at the Chocolate for Choice auction, but the disproportionate amounts paid by bidders at the auction were clearly considered by them to be primarily contributions to NARAL of Iowa rather than business transactions.

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$250.00 from business corporations.[6] If all of these contributions did in fact come from business corporations, this would amount to two-tenths of one percent (0.2%) of its total income. Because these contributions were so small and constitute such a minuscule percentage of NARAL of Iowa's revenues during 1990, they should not disqualify NARAL of Iowa from its ability to make independent expenditures from general treasury funds. In fact, the few courts that have considered such de minimis contributions have considered them not to threaten the MCFL status of organizations that would otherwise meet the MCFL criteria. For example, in Faucher v. FEC, 743 F. Supp. 64 (D. Me. 1990), aff'd, 928 F.2d 468 (1st Cir. 1991), the court considered the MCFL status of an organization that had received, in each of the preceding five years, from 0.2% to 1.1% of its income from corporate contributions, but concluded that the organization was not entitled to the MCFL exception because it did not have a policy against accepting such contributions. Id. at 69-70. The court found it dispositive not that the organization did accept such contributions, but that it had no policy:

> Here, although the amounts received by MRLC from corporations have been comparatively modest, they are obviously not subject to any control. Without an explicit policy against contributions from corporations, the risk remains that an organization like MRLC could "serv[e] as [a conduit] for the type of direct spending that creates a threat to the political marketplace." FEC v. Massachusetts Citizens for Life, 479 U.S. at 264, 107 S. Ct. at 631. It is this potential for influence that supports the restriction on corporate funding. Id. at 263, 107 S. Ct. at 630-31.

Id.

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[6] This amount does not include the $70,225 that NARAL of Iowa received from NARAL, because NARAL, like NARAL of Iowa, is not a business corporation and maintains that it is qualified for the MCFL exemption, as shall be developed in a separate filing with the Commission in this matter on behalf of NARAL in January, 1993.

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Furthermore, even the MCFL court implicitly recognized that such minimal contributions from local businesses should not deprive an otherwise qualifying organization of its constitutional right to make independent expenditures from general treasury funds. The record in MCFL notes that the organization raised some funds from business corporations by participating in the "Donation Days" promotion of local A & P grocery stores. See Excerpts from Record in MCFL (Exhibit 5). On selected days, MCFL would receive five percent of the receipts of individual members' grocery bills from the local supermarket. Like the Chocolate for Choice donations to NARAL of Iowa, these came from local businesses supporting local nonprofit organizations on an apparently neutral basis as a gesture of community goodwill. The Supreme Court did not find such contributions, even in the form of direct cash payments rather than the indirect, in-kind donations to the Chocolate for Choice event that may have been made by business corporations, sufficiently troubling to mention because they simply do not "raise[] the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace." MCFL, 479 U.S. at 257.

In all events, the Chocolate for Choice contributions were not used for making independent expenditures in Iowa. See Affidavit of Shelley Bain ¶ 7 (Exhibit 5).

III. NARAL of Iowa Did Not Engage in Enough Campaign Activity to be Classified as a Political Committee.

The Supreme Court in MCFL noted that "should MCFL's independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee." MCFL, 479 U.S. at 262 (citation omitted).

It is difficult to ascertain the method by which "the organization's major purpose," id., should be

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determined.[7] The MCFL Court gave little guidance on this issue, and, to the best of our knowledge, the Commission has not provided much more.[8] Because of this lack of guidance, we respectfully suggest that, in this case, the Commission define the phrase "major purpose" according to its ordinary dictionary meaning: if a majority, or more than fifty percent of NARAL of Iowa's budget over a certain period of years was spent on independent expenditures, then the organization might be considered a political committee.

NARAL of Iowa's financial records, viewed over any reasonable period of years, indicate that NARAL of Iowa did not engage in enough campaign spending to allow the Commission to categorize NARAL of Iowa as a political committee. During the past three years, for example, NARAL of Iowa's financial records show that its operating expenditures have been approximately $140,000; only approximately 23 percent of this amount (all in 1990) was directed to electoral activities. Moreover, all of the independent expenditures made by NARAL of Iowa were in connection with the 1990 Harkin/Tauke Senate race, and it has not engaged in any other significant electoral activity since 1990. The

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[7] Although the Commission's Legal and Factual Analysis uses the term "a major purpose of the organization[]," id. at 8 (emphasis added), the MCFL court used the term noted, which indicates its concern with the one major purpose of the organization. We respectfully submit that, if the Supreme Court had meant "one of the organization's major purposes," it could have used that broader term.

[8] In FEC Advisory Opinion 1988-22, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5932 (Aug. 18, 1988), the Commission stated that the MCFL rule is available only to those organizations that no more than "occasionally" make independent expenditures. We believe, however, that this opinion is contrary to the words and holding of the MCFL decision, which intended to give qualifying organizations the liberty to operate without the restrictions imposed on political committees. Restricting MCFL to organizations that exercise their constitutional rights only "occasionally" would defy this holding.

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organization therefore cannot be deemed to be a "political committee" under the Act.

Moreover, apart from financial issues, the diverse nature of NARAL of Iowa's activities further demonstrates that it is not a political committee. It is important to note that the MCFL Court did not resolve the "major purpose" issue merely by reviewing MCFL's budget; it also looked at MCFL's purpose and other activities. Like MCFL, NARAL of Iowa engages in "diverse educational and legislative activities designed to further its agenda." MCFL, 479 U.S. at 242. These activities include state legislative lobbying, public education, publication of newsletters, membership development, grassroots organizing, campus outreach, volunteer recruitment, and organizing public speaking and letters to the editor.

IV. CONCLUSION

In the six years since the Supreme Court's MCFL decision, the Commission has not promulgated regulations to implement the MCFL holding and has left considerable uncertainty as to how it would specifically interpret and apply MCFL in its daily practice. Absent such regulations, organizations such as NARAL of Iowa have had, as a practical matter, no other source of guidance except the words of the Supreme Court itself.[9] Such organizations have had to do the best they could to adhere to the three criteria promulgated by the Court, in order to continue to exercise their First Amendment freedoms, and they should be safe from enforcement proceedings if they did so in good faith, as NARAL of Iowa maintains it did.

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[9] Of course, the Commission has made available a method by which a party may request an advisory opinion with regard to contemplated activities. See 11 C.F.R. § 112 (1992). But as the MCFL Court recognized, administrative processes such as these place a heavy burden on nonprofit organizations such as MCFL and NARAL of Iowa, who ought to be able -- particularly in exercising their First Amendment rights -- to rely in good faith on the law as set out affirmatively by administrative agencies and the highest court in the land.

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The questions raised by the Referral are clearly answered by this response and its accompanying affidavits, documents and answers to your interrogatories. NARAL of Iowa was constitutionally entitled to make the independent expenditures at issue here. As a result, this matter should be closed.

Should you require any additional information to aid your consideration of this matter, please do not hesitate to contact us.

Very truly yours,

Julie Schrager

Kathleen M.H. Wallman
Julie S. Schrager

5 Attachments:

Exhibit 1: Affidavit of Philip D. Moran, Director of Massachusetts Citizens for Life (July 9, 1982)

Exhibit 2: Articles of Incorporation and Bylaws of NARAL of Iowa

Exhibit 3: Letter from IRS to NARAL of Iowa Concerning 501(c)(4) Tax Status

Exhibit 4: Excerpts from the District Court's Record in FEC v. Massachusetts Citizens for Life, 589 F. Supp. 646 (D. Mass. 1984), aff'd, 769 F.2d 13 (1st Cir. 1985), aff'd, 479 U.S. 238 (1986).

Exhibit 5: Affidavit of Shelley Bain

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UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF MASSACHUSETTS

Commission Moran Ex A 6/19/82 AM

FEDERAL ELECTION COMMISSION, Plaintiff v. MASSACHUSETTS CITIZENS FOR LIFE, INC., Defendant	Misc. Action No. 82-0609-G

AFFIDAVIT OF PHILIP D. MORAN

I, Philip D. Moran, hereby depose and state:

1. My name is Philip D. Moran. I have been a member of Massachusetts Citizens for Life, Inc. ("MCFL") since its incorporation. I was one of the incorporators of MCFL. I am, and since 1979 have been, a member of the Executive Committee of MCFL. Also, I am, and since 1973 have been, a director of MCFL. I have personal knowledge of the matters stated herein.

Incorporation and Statement of Purpose

2. MCFL grew out of an Ad Hoc Committee organized in September, 1972 to fight a permissive abortion referendum in 21 Massachusetts cities and towns.

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3. In January, 1973 MCFL was incorporated as a nonprofit, grass roots, nonsectarian, nonpartisan, non-stock corporation under Mass. Gen. Laws c.180. As stated in its Articles of Organization, a copy of which is attached hereto as Exhibit A, MCFL's corporate purpose was

> To foster respect for human life and to defend the right to life of all human beings, born and unborn, through educational, political and other forms of activities and in addition to engage in any other lawful act or activity for which corporations may be organized ....

MCFL also adopted a somewhat longer version of this language as its "Statement of Purpose;" that Statement reads

> In recognition of the fact that each human life is a continuum from conception to natural death, the objective of this organization is to foster respect for human life and to defend the right to life of all human beings, born and unborn, through educational, political, and other forms of activity.

4. From time to time throughout this affidavit specific dates or years will be referred to. At other times, I will use the present tense. The present tense should be understood as referring to September, 1978, and earlier; use of this tense is merely for convenience or reference.

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Membership and Fund Raising

5. From its incorporation, through 1978, MCFL recognized as a member any person who had signified his or her agreement with MCFL's Statement of Purpose.

6. MCFL's records kept in the ordinary course of its operations indicate that by 1978 MCFL claimed approximately 57,000 members.

7. MCFL's records kept in the ordinary course of its operations further indicate that in 1978 some 5,986 of these members were contributing or dues-paying members.

8. During the period 1973-1978, MCFL also raised funds through such activities as garage sales, cake sales, bike-a-thons, fashion shows, brunches, picnics, yard sales, dinners, dances, raffles, auctions, furniture sales, wine-testing parties, MCFL night at the Boston Pops, MCFL night at the Red Sox, flower sales, and cookbook sales.

9. All of the funds raised by MCFL during the period 1973-1978, whether from dues or through contributions or other activities, came from individuals; none came from corporations.

10. No portion of the contributions, dues, or funds raised by MCFL during the period 1973-1978 is earmarked for specific political activities or for

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particular candidates. They were used to cover administrative costs, the printing and distribution of educational materials and the MCFL newsletter.

MCFL Activities: Educational

11. Since its inception in 1972, MCFL has engaged in a wide range of activities designed to foster the respect for human life and to defend the right to life of all human beings, born and unborn. During the period 1973-1978, these activities focused on the following subjects, among others: abortion, euthanasia and living will legislation, pregnancy disability legislation, armed services regulations limiting the number of dependents of armed services personnel, experimentation on fetuses, the equal rights amendment, and in vitro fertilization.

12. Many of MCFL's activities are educational. For example, during the period 1973-1978, it participated in and provided speakers for discussion groups, forums, debates, lectures, educational booths, colleges, youth organizations, fairs, banquets, community forums, expositions, hearings, churches, synagogues; it also participated in radio and TV broadcasts, all on pro-life issues. In 1978 alone, for example, it made 149 such presentations.

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13. Similarly, during the period 1973-1978, MCFL organized numerous gatherings of pro-life supporters to bear witness to their pro-life position. In 1974, it organized an ecumenical prayer service for the unborn in front of the State House attended by 2,200 persons; it hosted the first New England pro-life conference held at Framingham and attended by 350 persons from six states. Each year during this period, on or about January 22, the anniversary of the Supreme Court's decision in Roe v. Wade, it sponsored a March for Life which proceeded from Faneuil Hall to the State House. During this same period it also organized numerous Walks for Life and Festivals for Life.

14. In addition to providing speakers, publishing advertisements and organizing gatherings, MCFL also promoted the flow of information on pro-life issues by distributing pro-life literature. In 1978, it distributed many pieces of literature on pro-life issues. It also has distributed the MCFL Newsletter since 1973. Further, in April, 1976, it initiated a 24-hour telephone recording which provides up-to-date information on pro-life issues and MCFL activities.

MCFL Activities: Legal

15. During this same period, MCFL also sponsored a variety of legal activities. Somewhere between 1974 and

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1978, it contributed funds towards the defense of the constitutionality of the clause requiring parental consent in the Massachusetts abortion statute..

MCFL Activities: Political and Legislative

16. MCFL has also engaged in a variety of political and legislative activities during 1973-1978. It drafted and submitted various legislation on pro-life issues. In 1974, for example, it drafted and submitted two bills which became law in Massachusetts: one prohibited harmful experimentation on live fetuses (H. 6019); the other was designed to protect unborn children and maternal health (H. 5933). It also sponsored testimony against a bill promoting euthanasia and filed a memorialization petition seeking a formal expression from the Massachusetts Senate to Congress with respect to federal legislation amending the Bill of Rights to establish the rights of the unborn.

17. Similarly, during the period 1973-1978, editions of the MCFL newsletter consistently urged members to register, to vote, and to write to elected representatives on the subject of upcoming votes, hearings and elections. Central to its political activities was the effort to educate its members through newsletters reporting on a candidate's voting record or his responses to questions on pro-life issues.

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18. During the period 1973-1978 MCFL also engaged in marches and picketing to secure pro-life platforms at political gatherings and in lobbying of elected representatives on pro-life issues.

MCFL Newsletter: History

19. During the period 1973-1978, the primary avenue of communication among MCFL and its members was the MCFL Newsletter. It dated back to the very inception of MCFL; the first edition was published in January, 1973, the month when MCFL was incorporated. Thereafter, through 1978, the MCFL Newsletter was distributed relatively regularly (1973: 3 times; 1974: 5 times; 1975: 8 times; 1976: 8 times; 1977: 5 times; 1978: 4 times), the lapses were usually attributable to insufficient funds. Copies of all MCFL newsletters printed during the period 1973-1978 are attached hereto as Exhibit B.

20. During the period 1973-1978 contributing members automatically received the MCFL Newsletter by mail. In addition, at various times the MCFL Newsletter was mailed or distributed to all MCFL members.

21. During the period 1973-1978 MCFL paid all expenses for the preparation, printing and distribution of the MCFL Newsletter. These costs were met through

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the contributions, dues and fund raising activities described above in paragraphs 7-8.

22. During 1973-1978 the MCFL Newsletter was prepared entirely by MCFL members, some of whom were paid staff persons.

23. During the period 1973-1978 the MCFL Newsletter typically contained information on both past and upcoming MCFL activities and appeals for volunteers and contributions. It also included material on political, administrative, judicial and legislative developments, such as the results of hearings on bills and constitutional amendments before legislative committees, the status of particular legislation, the outcome of referenda, developments in court cases, and the results of hearings before administrative agencies. These reports were usually coupled with appeals urging MCFL members to write or call the decisionmakers and voice their support of the pro-life position. The MCFL Newsletter often also contained reports on the media, as well as excerpts from articles in local and national newspapers and profiles or opinions of individuals active in the pro-life cause.

MCFL Activities: Purpose in Organizing

24. Almost all of the activities described in paragraphs 12 to 23 above were, during the period

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1973-1978, accomplished by MCFL members, most of whom were volunteers. In 1978, MCFL had only two paid staff persons. (Both of them were MCFL members.)

25. Many of the MCFL volunteers and members are individuals who were not previously involved in political or legislative affairs.

26. From the start MCFL sought to increase the number of members and the numbers of chapters for the purpose of being heard in the political arena. In the first year after MCFL's incorporation, in its September, 1973 MCFL Newsletter, a copy of which is attached as Exhibit C, MCFL noted:

> Our goal is to form MCFL chapters in every city and town in Massachusetts and to gain as many members as we can. * * * Our purpose in seeking these goals is to build up the strength necessary to move for appropriate action our congressmen in whose hands are contained our chances of fulfilling our ultimate goal -- a mandatory constitutional amendment [securing the right to life].

MCFL Newsletter at 3 (Vol. 1, No. 3, September, 1973).

27. MCFL also early recognized the importance of communication to fulfill these organizational goals. In the October, 1974 MCFL Newsletter, a copy of which is attached as Exhibit D, it noted

> It is true that in order to obtain our goal of a mandatory constitutional human life amendment ..., it is most necessary to build a strong political base .... [T]his end cannot be achieved unless we can raise the money that

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> is vitally needed to support our organization .... Among the many financial needs MCFL has is money for communication purposes. The cost of telephone and newsletters ... make up some of our biggest bills. Without frequent communication no organization can operate effectively, and without money there can be no adequate state-wide communication * * * In numbers there is strength ....

MCFL Newsletter at 1-2 (Vol. 2, No. 4, October, 1974) (emphasis added). Also, in the minutes of the May 4, 1973 meeting of the executive board of the Board of Directors and the chapter training session, attached hereto as Exhibit E, it says

> Again, it was pointed out that an efficient communications network is absolutely essential to the organization -- both on the local and state levels. The function of the main office lies in correlating and disbursing important information but it cannot be stressed too clearly that MCFL is not the Office in Newton but, rather it is the individuals within the framework of the organization.

Minutes of Board of Directors/Chapter Chairman Training Meeting, May 4, 1973 at 1 (emphasis added).

Administrative Proceedings

28. In July, 1979, MCFL received notice from the Federal Election Commission ("FEC") that it had determined there was reason to believe that MCFL had violated 2 U.S.C. §441b. A copy of that notice is attached hereto as Exhibit F.

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29. In August, 1980, MCFL received a copy of the FEC's "Probable Cause Brief." A copy of that brief is attached hereto as Exhibit G.

Signed and sealed under the pains and penalties of perjury this 9th day of July, 1982.

Philip D. Moran

Then appeared before me the above-named Philip D. Moran, known to me, and, having been by me duly sworn, stated that he had read and executed the foregoing affidavit and that the contents thereof were true to the best of his knowledge.

Lesley-Elizabeth Turner
Notary Public

My Commission Expires:
2 April 1987

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ARTICLES OF INCORPORATION

NATIONAL ABORTION RIGHTS ACTION LEAGUE OF IOWA
NARAL OF IOWA

ARTICLE I

The name and title of the Corporation shall be "National Abortion Rights Action League of Iowa," NARAL of Iowa, and the Corporation is incorporated under the Iowa Nonprofit Corporation Act, 1989 Iowa Code Chapter 504A.

ARTICLE II

The Corporation shall have perpetual existence.

ARTICLE III

The Corporation is organized for the purpose of promoting reproductive rights in the State of Iowa, and is dedicated to preserving and extending the right to choose safe legal abortion, educating citizens to protect freedom and privacy, and such other related purposes which promote social welfare as may be undertaken by the Board of Directors.

ARTICLE IV

Upon the written request of at least five percent of the general membership, the Board of Directors shall adopt a resolution setting forth any proposed amendments to the Articles of Incorporation by such members and shall direct that the resolution be submitted to the general membership at a special meeting to be held not less than ninety days after the filing of the request of the members with the secretary of the organization. Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting not less than 10 days nor more than 50 days before the meeting. The proposed amendments shall be adopted upon receiving at least two thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

In addition, the Board of Directors may adopt a resolution setting forth proposed amendments to the Articles of Incorporation to be submitted to the general membership at a special meeting with notice as set forth above or at the annual meeting of the membership.

Nothing precludes the corporation from amending its Articles of Incorporation by the written consent of all members entitled to vote in lieu of holding a special meeting or presenting proposed amendments at the annual meeting.

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All such amendments shall be executed by the corporation's president and its secretary, acknowledged by one of these officers, and shall set forth the name of the corporation, the effective date of the incorporation, the original name of the corporation if different, the amendment so adopted, the date of the meeting of the members wherein the amendment was adopted, that a quorum was present and that the amendment was adopted by at least two thirds of all members present or represented by proxy or by written agreement of all members entitled to vote.

ARTICLE V

The initial registered office of the Corporation shall be 1201 Grand Avenue, West Des Moines, Polk County, Iowa, 50265, and its initial registered agent at such address is Judy Bierkamp.

ARTICLE VI

The incorporators and Directors of the corporation are:

Michele Maguire Beck
Rural Route 1
Kellerton, Iowa 50133

Kathy Eaton
4108 Colt Drive
West Des Moines, Iowa 50265

Marcia Flory
1205 150th Avenue
Indianola, Iowa 50125

Sarah Garst
1063 21st Street
West Des Moines, Iowa 50265

Katherine Judge
2414 Kingman, #1
Des Moines, Iowa 50311

Ellen Keine
656 38th Street
Des Moines, Iowa 50312

Mary Louise Lyons, M.D.
Route 1
West Des Moines, Iowa 50265

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ARTICLE VII

The Corporation shall come into existence upon the date of the issuance by the Secretary of State of the certificate of incorporation.

ARTICLE VIII

The number of Directors constituting the intitial Board of Directors of the Corporation shall be seven and the names and addresses of the initial Board of Directors shall be the same persons as set forth in Article VI. Three of the initial Board of Directors shall have terms which expire at the first annual meeting and four whose terms expire at the second annual meeting. The number of Directors and their terms of office shall thereafter be fixed by the by-laws of the corporation and may be changed from time to time by amendment of the by-laws.

ARTICLE IX

Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, distribute all assets of the Corporation to the National Washington Abortion Rights Action League, 1101 14th Street, N.W., Washington, D.C. 20005, unless the Board of Directors determines otherwise.

Dated this 6th day of February, 1990.

Marcia Ann Flory
Incorporator

Sarah Gant
Incorporator

Ellen Kinne
Incorporator

Mary Louise Lyons
Incorporator

Katherine Judge
Incorporator

Kathy Eaton
Incorporator

Michele Maguire Beck
Incorporator

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State of Iowa
Polk County

Subscribed and sworn to before me by the aforenamed persons on this

28th day of February, 1990.

Ramona L. Medina
Notary Public for the State of Iowa

RAMONA L. MEDINA
MY COMMISSION EXPIRES
2-3-92

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BY-LAWS
OF
NATIONAL ABORTION RIGHTS OF ACTION LEAGUE OF IOWA
NARAL OF IOWA

ARTICLE I. PURPOSES

The National Abortion Rights Action League of Iowa, NARAL of Iowa, is a corporation dedicated to preserving and extending the right to choose safe, legal abortion and the promotion of reproductive rights in the state of Iowa and to educate citizens to protect freedom and privacy.

ARTICLE II. MEMBERSHIP

The membership shall consist of individuals who subscribe to the purposes of NARAL of Iowa as outlined above and who pay annual dues determined in accordance with policies of the board of directors.

ARTICLE III. FISCAL YEAR

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

ARTICLE IV. ANNUAL MEETING

Section 1. There shall be an annual meeting held in the fall of each year to receive the annual reports of officers and committees and for filling seats on the board of directors. Written notice of the meeting shall be mailed to the last recorded address of each member at least ten (10) days and not more than thirty (30) days before the time appointed for the meeting. All notices of meeting shall set forth the place, date, time, and purpose of the meeting. The date of the annual meeting shall be set by the board of directors at least two months prior to the meeting.

Section 2. The order of business shall be according to Robert's Rules of Order.

ARTICLE V. DUES

Dues shall be determined in accordance with the policies of the board of directors.

ARTICLE VI. BOARD OF DIRECTORS

Section 1. Responsibilities. The board of directors shall establish written policies for NARAL of Iowa which are consistent with the goals of the National Abortion Rights Action League.

The property, affairs, activities and concerns of the organization shall be vested in the board of directors.

Section 2. Number. The board of directors shall consist of from seven to nine members. The state coordinator shall not be a member of the Board of Directors.

Section 3. Term. Each board member shall be elected for a two year term, and no Board member shall serve more than three full consecutive terms. Beginning with the first annual meeting, elections shall be held for those members of the board whose terms expire at such meeting.

Section 4. Duties of the Directors. The board of directors may: (1) hold meetings at such times and places as it thinks proper; (2) receive, manage and disburse the funds of the corporation; (3) print and circulate documents and publish articles; (4) carry on correspondence and communicate with other associations interested in reproductive rights; (5) devise and carry into execution such other objectives of the organization and best protect the common interest of the members; and (6) employ such persons as necessary to carry out its wishes.

Section 5. Meetings of the Board. In addition to the annual meeting of the board of directors and membership, there shall be at least four (4) other meetings during the year, one meeting to be held in each quarter.

Section 6. Special Meetings. The President may, when he or she deems necessary, or the Secretary shall, at the request in writing of five (5) members of the board, issue a call for a special meeting of the board and only five (5) days notice shall be required for such special meetings.

Section 7. Absence. Should any member of the board of directors be absent from three (3) consecutive meetings of the board without informing the President or Secretary in writing as to the reason for not attending, or if the proffered reason should not be accepted by the members of the board, said director's membership may be terminated by vote of the board.

Section 8. Quorum. The presence of at least one-half of the board of directors shall constitute a quorum for the transaction of business at any meeting.

Section 9. Vacancies. The board of directors may fill, by the majority of remaining directors, though less than a quorum is present for the meeting, any vacancy on an interim basis, for a term to expire at the next annual meeting if notice of the meeting to fill the vacancy has been given in writing to all remaining members of the board of directors at least ten (10) days before the meeting.

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ARTICLE VII. OFFICERS

Section 1. Number. The officers of this corporation shall be a President, Vice President, Secretary and Treasurer.

Section 2. Method of Election. The board of directors shall elect all officers for a term of one (1) year at a meeting held immediately after the annual meeting.

Section 3. Duties of Officers. The duties and powers of the officers of the corporation shall be as follows:

President. The President shall preside at the meetings of the board of directors, and of the executive committee, and shall be a member ex-officio of all committees except the nominating committee. The President shall also, at the annual meeting of the organization and such other times as he or she deems proper, communicate to the organization, to the board of directors, and to the public, such matters and make such suggestions as may tend to promote the welfare and increase the usefulness of the corporation, and shall perform such other duties as are necessarily incident to the office of the President.

Vice President. In case of the absence of the President, the Vice President shall perform the duties of the President.

Secretary. It shall be the duty of the Secretary to give notice of and attend all meetings of the board of directors, and keep a record of the meeting; to conduct all correspondence; to carry into execution all orders, votes and resolutions not otherwise committed; to keep a list of the members of the corporation; to prepare, under the direction of the board of directors, an annual report of the transactions and condition of the organization. In case of absence or disability of the Secretary, the President may appoint a Secretary pro tem.

Treasurer. The Treasurer shall keep an account of all monies received and expended for the use of the corporation and shall make a report at the annual meeting or when called upon by the President. The Treasurer shall be a co-signator on all accounts in the name of the corporation along with such other persons designated by the Board, which may include the state coordinator. All daily records of receipts and disbursements of the corporation shall be maintained under the supervision and direction of the Treasurer or any other person designated by the Board, which may include the state coordinators. The authority to sign checks on the behalf of the corporation by any employee may be delegated by the board of directors to such employee. In case of the absence or disability of the Treasurer, the Executive Committee may appoint a Treasurer pro tem.

Section 4. Vacancies. All vacancies in any office shall be filled by the board of directors without due delay at a regular meeting or at a meeting specially called that purpose.

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ARTICLE VIII. EMPLOYEES

Section 1. State Coordinator. The board of directors shall employ such persons as are necessary to carry out the daily duties of the corporation. One such person shall be the State Coordinator who shall report directly to the President of the board and any other persons as determined by the board. The State Coordinator shall have the responsibility of the management of the offices of the corporation, shall establish a budget for the corporation, manage the daily activities of the corporation, shall keep the ledgers and books of the corporation and manage all daily correspondence and shall attend all meetings as required by the board of directors.

Section 2. Other Employees. Subject to the approval of the board of directors, the State Coordinator may hire such other persons as are necessary to carry out the activities of the corporation. Such persons shall report to the State Coordinator.

ARTICLE IX. COMMITTEES

Section 1. Executive Committee. There shall be an executive committee consisting of the officers. The executive committee may take any action on behalf of the corporation when the board of directors is not in session, reporting to the board of directors for its ratification of their action at each regular or special meeting called for that purpose. Three (3) members shall constitute a quorum for the transaction of business, and meetings may be called by the President or by two (2) members.

Section 2. Nominating Committee. At the same time that the date of the annual meeting is set, the President shall appoint a nominating committee of three (3) members, none of whom shall be a member of the executive committee, whose duty it shall be to nominate candidates for the vacancies on the board of directors to be elected at the next annual election. They shall notify the Secretary in writing, at least thirty (30) days before the date of the annual meeting, of the names of such candidates, and the Secretary, except as herein otherwise provided, shall mail a copy thereof to the last recorded address of each member simultaneously with the notice of the meeting.

Section 3. Other Committees. At the first meeting of the executive committee after the annual meeting of members, or as soon thereafter as practicable, the President may, subject to executive committee approval, appoint the following committees, in addition to whatever committees the board designates, to consist of as many members, including general members of the organization, as seems advisable:

a. Legislative Committee.
b. Program Committee.
c. Membership Committee.
d. Fundraising Committee.

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The members of such committees shall serve until the appointment of their successors. The President shall serve ex-officio on all committees.

Section 4. Special Committees. The President may, at any time, appoint other committees on any subject for which there are no standing committees, subject to approval of the executive committee.

Section 5. Committee Vacancies. Vacancies on committees shall be filled by appointment of the President.

ARTICLE X. INDEMNIFICATION

A director, officer, employee, or member of the corporation shall not be liable on the corporation's debts nor obligations and a director, officer, member, or other volunteer shall not be personally liable in that capacity, for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for a breach of the duty of loyalty to the corporation, for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

Each director, officer, or employee of this corporation shall be indeminified by this corporation against liabilities, expenses, attorney fees and costs reasonably incurred by them or their estates in connection with or arising out of any action, suit, proceeding or claim in which they are made a party by reason of their being or having been such director, officer, or employee to the extent that they were carrying out authorized activities on behalf of the corporation. The corporation shall not indemnify any person with respect to any matters as to which the Board of Directors determines that the person is liable for wanton or gross negligence or misconduct in the performance of their duties as such director, officer or employee.

ARTICLE XI. AMENDMENTS

These by-laws may be amended, repealed or altered in whole or in part by a majority vote of the members at any annual meeting of the corporation or any special meeting called for that purpose. Proposed amendments to the by-laws shall be in writing signed by at least 5 members and shall be submitted to the Board Secretary no less than thirty (30) days before the date set for the annual meeting. The proposed change shall be mailed to the last recorded address of each member at least ten (10) days before the time of the meeting which is to consider the change.

Date adopted 2/17/90 Secretary Mary Louise Lyons M.D.

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Proposed Changes to the Bylaws of NARAL of Iowa

September 8, 1990

Proposed changes to Article II. Membership

Change 1...The current single sentence would become Section 1.

Change 2...A new Section (2) would be added as follows:
"Section 2. Those unincorporated organizations (e.g., partnerships), ideological corporations that do not receive funds from business corporations, and charitable organizations, that contribute more than $10.00 per twelve month period shall be accorded Contributor status. Notwithstanding any other provision in these bylaws, in no event shall NARAL of Iowa accept a contribution from any organization, such as a business corporation, that would jeopardize NARAL or NARAL of Iowa's ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce."

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NARAL of Iowa
Annual Meeting

Saturday, September 8, 1990
11:00 am - 12:30 p.m.

NARAL of Iowa Office
1201 Grand Avenue
West Des Moines, IA 50265

Agenda

Annual Review
Nominations Committee Report
Election of the Board of Directors
Election of Officers
Board Orientation

Nominations Committee Report

I. Nominated to complete a partial term ending September 1991: Marcia Flory, Hazel Garcia, Mary Louise Lyons, Greg Stensland

II. Nominated to a 2-year term ending September 1992: Marlene Kavan, Ellen Keine, Lyle Krewson, Mark Lambert, Marcia Nichols

Proposed by-laws change

Add new Section 2 to Article II. The intent of the bylaw is to clarify that NARAL of Iowa does not accept contributions from corporations.

All members of NARAL of Iowa are invited to participate in the Annual Meeting. To confirm your membership please check your membership card or call NARAL of Iowa at 515-225-0731.

August 3, 1990

Mary Louise Lyons, M.D.
Secretary, NARAL of Iowa
P.O. Box 71093
Des Moines, Iowa 50325

Mary Louise,

National NARAL has requested a change to the NARAL of Iowa bylaws regarding contributions from corporations.

According to our bylaws, bylaws changes must be submitted to the Board Secretary no less than 30 days prior to the annual meeting at which the changes will be brought to a vote. The proposed changes must also include the signatures of 5 members.

Proposed changes to Article II. Membership

Change 1...The current single sentence would become Section 1.

Change 2...A new Section (2) would be added as follows:
"Section 2. Those unincorporated organizations (e.g., partnerships), ideological corporations that do not receive funds from business corporations, and charitable organizations, that contribute more than $10.00 per twelve month period shall be accorded Contributor status. Notwithstanding any other provision in these bylaws, in no event shall NARAL of Iowa accept a contribution from any organization, such as a business corporation, that would jeopardize NARAL or NARAL of Iowa's ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in *Austin v. Michigan State Chamber of Commerce.*"

Shelley Bain

Members signatures: Shelley Bain, Jennifer Newell
Ellen Kuiper, Linda Larson, Judith A Beenkamp

cc: Lois Murphy, NARAL Staff Attorney

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BYLAWS
OF
NATIONAL ABORTION RIGHTS ACTION LEAGUE OF IOWA

NARAL OF IOWA

ARTICLE I. PURPOSES

The National Abortion Rights Action League of Iowa, NARAL of Iowa, is a corporation dedicated to preserving and extending the right to choose safe, legal abortion and the promotion of reproductive rights in the state of Iowa and to educate citizens to protect freedom and privacy.

ARTICLE II. MEMBERSHIP

Section 1. The membership shall consist of individuals who subscribe to the purposes of NARAL of Iowa as outlined above and who pay annual dues determined in accordance with policies of the board of directors.

Section 2. Those unincorporated organizations (e.g. partnerships), ideological corporations that do not receive funds from business corporations, and charitable organizations, that contribute more than $10.00 per twelve month period shall be accorded Contributor status. Notwithstanding any other provision in these bylaws, in no event shall NARAL of Iowa accept a contribution from any organization, such as a business corporation, that would jeopardize NARAL or NARAL of Iowa's ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in *Austin v. Michigan State Chamber of Commerce*.

ARTICLE III. FISCAL YEAR

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

ARTICLE IV. ANNUAL MEETING

Section 1. There shall be an annual meeting held in the fall of each year to receive the annual reports of officers and committees and for filling seats on the board of directors. Written notice of the meeting shall be mailed to the last recorded address of each member at least ten (10) days and not more than thirty (30) days before the time appointed for the meeting. All notices of meeting shall set forth the place, date, time, and purpose of the meeting. The date of the annual meeting shall be set by the board of directors at least two months prior to the meeting.

Section 2. The order of business shall be according to Robert's Rules of Order.

ARTICLE V. DUES

Dues shall be determined in accordance with the policies of the board of directors.

ARTICLE VI. BOARD OF DIRECTORS

Section 1. Responsibilities. The board of directors shall establish written policies for NARAL of Iowa which are consistent with the goals of the National Abortion Rights Action League. The property, affairs, activities and concerns of the organization shall be vested in the board of directors.

Section 2. Number. The board of directors shall consist of from seven to nine members. The state coordinator shall not be a member of the board of directors.

Section 3. Term. Each board member shall be elected for a two year term, and no board member shall serve more than three full consecutive terms. Beginning with the first annual meeting, elections shall be held for those members of the board whose terms expire at such meeting.

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Section 4. Duties of the Directors. The board of directors may: (1) hold meetings at such times and places as it thinks proper; (2) receive, manage and disburse the funds of the corporation; (3) print and circulate documents and publish articles; (4) carry on correspondence and communicate with other associations interested in reproductive rights; (5) devise and carry into execution such other objectives of the organization and best protect the common interest of the members; (6) employ such persons as necessary to carry out its wishes.

Section 5. Meetings of the Board. In addition to the annual meeting of the board of directors and membership, there shall be at least four (4) other meetings during the year, one meeting to be held in each quarter.

Section 6. Special Meetings. The President may, when he or she deems necessary, or the Secretary shall, at the request in writing of five (5) members of the board, issue a call for a special meeting of the board. Only five (5) days notice shall be required for such special meetings.

Section 7. Absence. Should any member of the board of directors be absent from three (3) consecutive meetings of the board without informing the President or Secretary in writing as to the reason for not attending, or if the reason should not be accepted by the members of the board, said director's membership may be terminated by vote of the board.

Section 8. Quorum. The presence of at least one-half of the board of directors shall constitute a quorum for the transaction of business at any meeting.

Section 9. Vacancies. The board of directors may fill, by a majority vote of remaining directors, though less than a quorum is present for the meeting, any vacancy on an interim basis, for a term to expire at the next annual meeting if notice of the meeting to fill the vacancy has been given in writing to all remaining members of the board of directors at least ten (10) days before the meeting.

ARTICLE VII. OFFICERS

Section 1. Number. The officers of this corporation shall be a President, Vice President, Secretary and Treasurer.

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Section 2. Method of Election. The board of directors shall elect all officers for a term of one (1) year at a meeting held immediately after the annual meeting.

Section 3. Duties of Officers. The duties and powers of the officers of the corporation shall be as follows:

President. The President shall preside at the meetings of the board of directors, and of the executive committee, and shall be a member ex-officio of all committees except the nominating committee. The President shall also, at the annual meeting of the organization and such other times as he or she deems proper, communicate to the organization, to the board of directors, and to the public, such matters and make such suggestions as may tend to promote the welfare and increase the usefulness of the corporation, and shall perform such other duties as are necessarily incident to the office of the President.

Vice President. In case of the absence of the President, the Vice President shall perform the duties of the President.

Secretary. It shall be the duty of the Secretary to give notice of and attend all meetings of the board of directors, and keep a record of the meeting; to conduct all correspondence; to carry into execution all orders, votes and resolutions not otherwise committed; to keep a list of the members of the corporation; to prepare, under the direction of the board of directors, an annual report of the transactions and condition of the organization. In case of absence or disability of the Secretary, the President may appoint a Secretary pro tem.

Treasurer. The Treasurer shall keep an account of all monies received and expended for the use of the corporation and shall make a report at the annual meeting or when called upon by the President. The Treasurer shall be a co-signator on all accounts in the name of the corporation along with such other persons designated by the Board, which may include the state director. All daily records of receipts and disbursements of the corporation shall be maintained under the supervision and direction of the Treasurer or any other person designated by the Board, which may include the state director. The authority to sign checks on the

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behalf of the corporation by any employee may be delegated by the board of directors to such employee. In case of the absence or disability of the Treasurer, the Executive Committee may appoint a Treasurer pro tem.

Section 4. Vacancies. All vacancies in any office shall be filled by the board of directors without due delay at a regular meeting or at a meeting specially called that purpose.

ARTICLE VIII. EMPLOYEES

Section 1. State Director. The board of directors shall employ such persons as are necessary to carry out the daily duties of the corporation. One such person shall be the State Director who shall report directly to the President of the board and any other persons as determined by the board. The State Director shall have the responsibility of the management of the offices of the corporation, shall establish a budget for the corporation, manage the daily activities of the corporation, shall keep the ledgers and books of the corporation and manage all daily correspondence and shall attend all meetings as required by the board of directors.

Section 2. Other Employees. Subject to the approval of the board of directors, the State Director may hire such other persons as are necessary to carry out the activities of the corporation. Such persons shall report to the State Director.

ARTICLE IX. COMMITTEES

Section 1. Executive Committee. There shall be an executive committee consisting of the officers. The executive committee may take any action on behalf of the corporation when the board of directors is not in session, reporting to the board of directors for its ratification of their action at each regular or special meeting called for that purpose. Three (3) members shall constitute a quorum for the transaction of business, and meetings may be called by the President or by two (2) members.

Section 2. Nominating Committee. At the same time that the date of the annual meeting is set, the President shall appoint a nominating committee of three (3)

members, none of whom shall be a member of the executive committee, whose duty it shall be to nominate candidates for the vacancies on the board of directors to be elected at the next annual election. They shall notify the Secretary in writing, at least thirty (30) days before the date of the annual meeting, of the names of such candidates, and the Secretary, except as herein otherwise provided, shall mail a copy thereof to the last recorded address of each member simultaneously with the notice of the meeting.

Section 3. Other Committees. At the first meeting of the executive committee after the annual meeting of members, or as soon thereafter as practicable, the President may, subject to executive committee approval, appoint the following committees, in addition to whatever committees the board designates, to consist of as many members, including general members of the organization, as seems advisable:

a. Legislative Committee
b. Program Committee
c. Membership Committee
d. Fundraising Committee

The members of such committees shall serve until the appointment of their their successors. The President shall serve ex officio on all committees.

Section 4. Special Committees. The President may, at any time, appoint other committees on any subject for which there are no standing committees, subject to approval of the executive committee.

Section 5. Committee Vacancies. Vacancies on committees shall be filled by appointment of the President.

ARTICLE X. INDEMNIFICATION

A director, officer, employee, or member of the corporation shall not be liable on the corporation's debts nor obligations and a director, officer, member, or other volunteer shall not be personally liable in the capacity, for a claim based upon an act or omission of the person performed in the discharge of the person's duties,

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except for a breach of the duty of loyalty to the corporation, for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

Each director, officer, or employee of this corporation shall be indemnified by this corporation against liabilities, expenses, attorney fees and costs reasonably incurred by them or their estates in connection with or arising out of any action, suit, proceeding or claim in which they are made a party by reason of their being or having been such director, officer, or employee to the extent that they were carrying out authorized activities on behalf of the corporation. The corporation shall not indemnify any person with respect to any matters as to which the Board of Directors determines that the person is liable for wanton or gross negligence or misconduct in the performance of their duties as such director, officer or employee.

ARTICLE XI. AMENDMENTS

These bylaws may be amended, repealed or altered in whole or in part by a majority vote of the members at any annual meeting of the corporation or any special meeting called for that purpose. Proposed amendments to the bylaws shall be in writing, signed by at least five (5) members and shall be submitted to the Board Secretary no less than thirty (30) days before the date set for the annual meeting. The proposed change shall be mailed to the last recorded address of each member at least ten (10) days before the time of the meeting which is to consider the change.

Date adopted 9/8/90 Secretary Jennifer Newell

9504367 0534

Internal Revenue Service
District Director

P O BOX A-3290 DEN 22-2
CHICAGO, IL 60690

Department of the Treasury

Date: MAY 16 1990

NATIONAL ABORTION RIGHTS ACTION
LEAGUE OF IOWA NARAL OF IOWA
1201 GRAND AVENUE
WEST DES MOINES, IA 50265

Employer Identification Number:
42-1246608
Contact Person:
AUGUSTA L. SIMPSON
Contact Telephone Number:
(312) 886-1270

Internal Revenue Code
Section 501(c)(4)
Accounting Period Ending:
December 31
Form 990 Required:
Yes
Addendum Applies:
No

Dear Applicant:

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

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

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

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

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of $10 a day

Letter 947(DO/CG)

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NATIONAL ABORTION RIGHTS ACTION

is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed $5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Donors may not deduct contributions to you because you are not an organization described in section 170(c) of the Code. Under section 6113, any fundraising solicitation you make must include an express statement (in a conspicuous and easily recognizable format) that contributions or gifts to you are not deductible as charitable contributions for Federal income tax purposes. This provision does not apply, however, if your annual gross receipts are normally $100,000 or less, or if your solicitations are made to no more than ten persons during a calendar year. The law provides penalties for failure to comply with this requirement, unless failure is due to reasonable cause.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

R. S. Wintroder, Jr.
District Director

9504336336

"1,000 A MONTH "CLUB" NUMBERS AVAILABLE

There are some lucky numbers still available for the MCFL "1,000 A MONTH CLUB". For just $5 monthly those belonging to this exclusive club, which is limited to 1,000 members, have 12 opportunities of winning cash prizes, totaling $2,000 and ranging from $50 to $1,000, given away the second Friday of every month. To become a member of the CLUB and contribute much-needed funds to the pro-life cause at the same time, simply call or write the MCFL office. All members receive the drawing results in the mail each month.

The "1,000 A MONTH CLUB" winners for August are the following twelve lucky members:

#577 Nesta Beaudoin, Springfield	$1,000	#739 MCFL Duxbury-Marshfield chapter	$50
#527 Raymond Gastonguay, Fitchburg	300	#985 Dorothy Curran, Woburn	50
#219 Mary Sheridan, Clinton	200	#930 Christopher Boomhower, Norwood	50
# 21 David Constantine, New Bedford	100	#484 Thomas Wynne, Norwood	50
#563 Edward DeLuca, East Weymouth	50	#306 Dianne Janak, Liverpool, Texas	50
#724 Mary Brogan, Woburn	50	#990 Grace Reidy, Woburn	50

The next drawing will be held on Friday, September 9 at the MCFL office. Please fill out and return your ticket stub along with your check with your CLUB number on it. If you have already paid for September, the enclosed bottom portion of your CLUB ticket is your receipt.

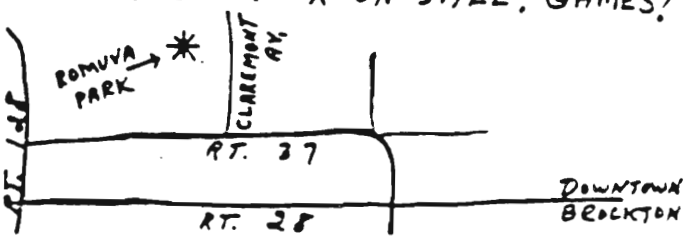
MCFL FAMILY DAY PICNIC

SUNDAY, SEPTEMBER 18

10 A.M. - 6 P.M. RAIN OR SHINE

ROMUVA PARK, BROCKTON

FOOD AND DRINK ON SALE! GAMES!



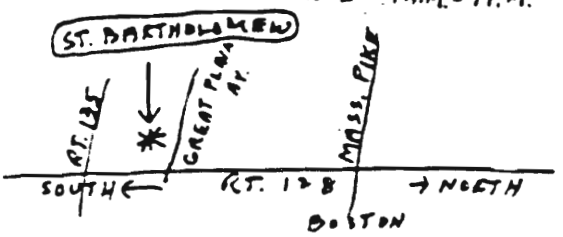
MCFL AUCTION AND (NEW) FURNITURE SALE

AT ST. BARTHOLOMEW, NEEDHAM

OCT. 7 AUCTION AND SALE 7P.M-11P.M.

OCT. 8 AUCTION 7P.M., SALE 7A.M-11P.M.

OCT. 9 FURNITURE SALE 7A.M.-7P.M.



"We have struggled for centuries to emerge from the physical and moral night and the measure of our success will be whether we can once more make the world safe for the smallest and most defenseless of human beings" - the unborn.

The author of this statement Congressman Henry J. Hyde of Illinois is coming to Framingham Saturday, October 22, 1977. Congressman Hyde author of The Hyde Amendment and sponsor of a host of pro-life legislation will address the 4th Annual Dinner of Mass. Citizens for Life.

Date — Saturday, October 22, 1977

Place — Chateau De Ville, Route 9, Framingham, Mass.

Cocktails — 6:30 - 7:30 p.m.

Dinner — 7:30 p.m.

Tickets — $12.50 person

Congressman Hyde will address the topic - *"The Protection of Human Life: Challenge and Accomplishment."*

You can share the privilege of meeting and hearing Congressman Hyde - among old and new friends.

We ask you to join us in our fight for life and hope sincerely to see you at the dinner.

Please express your belief in our work by participating as a patron for $50.00 or as a sponsor for $25.00. If you plan to attend, please let us know. Your tickets will be sent promptly. Reservations should be made by October 10th and checks should be made payable to "Massachusetts Citizens for Life Dinner" - 1 Colonial Center, Newton, Mass. 02158.

Thank you for your support.

9504367/35537

1,000 A MONTH CLUB

Congratulations to the lucky winners of the June 10 drawing. The next drawing will be held, Friday, July 8. Please return your ticket stub and $5 check as soon as possible if you have not paid your CLUB dues for July. Please write your CLUB number on the check.

If you would like to join, or if you know of others who would like to join the 1,000 A MONTH CLUB, which is limited to 1,000 members, please notify the MCFL office.

JUNE 10 WINNERS

#123 James O'Brien, Fall River	$1,000	#939 Andy McGonagle, Plymouth	$50
#201 Michelle Anne Keeler, Arlington	300	#157 Sadie McCarthy, Dorchester	50
#694 Walter Yurkins, Bridgewater	200	#722 Janet Thompson, Duxbury	50
#490 Julia Bieler, Arlington	100	#389 Mary Tudryn, Westfield	50
#975 Marion Nelligan, West Roxbury	50	#582 Edwin Anderson, Wareham	50
# 55 Thomas Bolles, Wellesley	50	#220 Eugenie Mamarcher, Needham	50

STATE LEGISLATION

Living Will bills (H674, H2017, H4305)—defeated in House 6/8/77

Parental Consent bill (H1982)—favorable report from Judiciary; passed 2nd reading in House

Birth Clinics bill (H1981)—referred to the Ways and Means Committee

Informed Consent bill (H1984)—referred to the Ways and Means Committee

Prohibit Forced Sterilization (H5975, formerly H2207)—passed 2nd reading in the House after being recommitted to Health Care Committee following its adverse report

Fetal Death Reporting bill (H5504, formerly H127)—passed in the House

Newborn Testing (H128)—passed House and Senate with amendments

Pregnancy Disability Insurance (S1691, new draft)—referred to Senate Ways and Means Com.

Marianne Rea
State Legislative Coordinator

NATIONAL RIGHT TO LIFE CONVENTION

At the fifth National Right to Life Convention, held June 16-19 in Chicago, the proposed slate of NRLC officers was elected without opposition: Dr. Carolyn Gerster, chairman of the board; Dr. Mildred F. Jefferson, president; Mrs. Mary Hunt, treasurer; and Mrs. Felicia Goeken, secretary.

With the addition of our new delegate to NRLC, Atty. Phil Moran of Salem, Massachusetts now has two directors on the NRLC board, with Dr. Jefferson being a director-at-large.

"CHOOSE LIFE" T-SHIRTS ARE AVAILABLE AT MCFL OFFICE—$2.50 apiece.

PRO-LIFE COOK BOOKS ARE AVAILABLE AT MCFL OFFICE—$4.95 each.

9504367/3578

Medicaid Abortion Cut-Off To Senate

And the fight goes on...

In response to the U.S. Supreme Court decisions of June 20, allowing states to refuse to pay for elective abortions (Maher v. Roe, Beal v. Doe), the Massachusetts House of Representatives, on August 9, after two days of debate, approved by a 156-69 vote legislation introduced by Reps. Charles Doyle of West Roxbury and Raymond Flynn of South Boston, which would prohibit the use of state funds for elective abortions. The bill (H.6420) will reach the Senate after Labor Day where a tough fight is expected in order to achieve the 2/3 vote necessary to override the governor's promised veto.

Both sides have conceded Senate passage of the bill, which will stop the use of one million dollars in state funds for elective abortions each year. The big unresolved question is whether pro-life forces can muster the necessary 2/3 vote in the Senate to override Gov. Dukakis' veto. Pro-abortionists need only 14 votes to sustain the veto. A list of state senators appears below. Please write to your senator today, and urge him or her to support the Doyle/Flynn bill. Ask your friends and neighbors to do the same. Every letter is important.

You will also find below the roll call vote taken on the Doyle/Flynn bill in the House. Please write and thank those representatives who voted pro-life, and ask those who did not vote pro-life to reconsider their position on the override vote.

Send all correspondence to the State House, Boston, Ma. 02133.

Our special thanks goes out to all those pro-life representatives who spoke in favor of the bill during the debate. They include the bill's primary sponsors, Reps. Charles Doyle and Ray Flynn; Rep. Paul White of Dorchester who introduced the amendment requiring state funding of positive alternatives to abortion; and Reps. Mary Fantasia of Somerville, Joe DeNucci of Newton, Bill Mullins of Ludlow, Marie Howe of Somerville, Tom Colo of Athol, and Tom Lopes of New Bedford.

For day-to-day progress on this and other legislation, call the MCFL PRO-LIFE NEWS SERVICE daily at (617) 926-5433.

— Marianne Rea, MCFL Legislative Agent

Rollcall on antiabortion bill

Following are the votes in a rollcall yesterday passing the antiabortion bill in the Medicaid portion of the state's general laws. The vote was a close indicator of House sentiments on the bill, which was approved overseas later by a wider vote.

[illegible]

Frank Mastrocola
D - Everett

[illegible]

Boston Globe

BOSTON BIRTHRIGHT—Training sessions Sept. 21, Sept. 28, and Oct. 5. Call 782-5151.

CHRISTMAS CARDS—If you would like to purchase pro-life Christmas cards at $2.50 per package of 12, please place your order through the MCFL office by October 31..

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These representatives voted "Nay": Ahearn, Almeida, Bolling, Bunte, Businger, Buxbaum, Collins, Diotalevi, Frank, Guzzi, P.F. Harrington, Kendall, M.H. King, R.E. McCarthy, Mofenson, Nickenello, B. Owens, R. Owens, Pines, Rotenberg, Segel, Spence, Volterra, Hatch, Ames, Simons, Babb, Buell, Chadwick, Cole, Cox, Dickson, Elwell, Farnsworth, Gannett, Gray, Healy, Holland, Lane, Lionett, C.W. Long, Masnik, Reynolds, Sprague, Switzler, Towse, Trudeau, T.P. McCarthy.

These representatives voted "Present": Bassett, Brennan, Garczynski, Landry, Mahoney, D.J. Manning, P.C. McCarthy, J.E. Murphy, Pina, Weinberg, Robinson, Cahoon, Danovitch, E.D. Harrington, Harris, Ohlson, and Young.

These representatives did not vote: Bolling, Jr., R. Chmura, C.F. Flaherty, Gallugi, Hogan, McGinn, Navin, Nolen, Sacco, Scibelli, Curtiss, Loring, Nordberg, and Zeiser.

YOUR HELP IS NEEDED

Massachusetts Citizens For Life, Inc., by its articles of incorporation, declares itself to be, and is an educational and political-action association of Massachusetts citizens. The immediate thrust of our work can be stated simply and succinctly. "We will not rest until Constitutional protection of the unborn is specifically reestablished either by judicial review and determination or amendment of the Constitution of the United States. We vow to remove the judicial constriction placed, January 22, 1973, upon the words of life, "created equal and endowed with certain inalienable rights—among these the right to life." We shall do this before July 4, 1976, the 200th anniversary of the Declaration of Independence.

Already spread across the state with headquarters in Newton Corner, Mass., M.C.F.L., Inc. has 22 local chapters organized in two months. Its list of members exceeds 25,000 and is growing rapidly. Within the next four months MCFL will seek to identify where everyone in elective office, at the state and national level, stands on the issue of protection of unborn life. It will dedicate itself to removing from office, by every legal means, anyone who is not for protecting the continuing life of the child, both before and after birth.

We recall to the minds of our fellow citizens the U.N. Declaration which was adopted in 1948 and never reversed. "The child, by reason of physical and mental immaturity, needs special protection, including legal protection, before, as well as after birth.

MANY OF THE RECIPIENTS OF THIS NEWSLETTER HAVE AIREADY MADE A CONTRIBUTION TO EITHER MASSACHUSETTS CITIZENS FOR LIFE, INC. OR ITS PREDECESSOR, THE AD HOC MASSACHUSETTS CITIZENS FOR LIFE COMMITTEE, AND WE ARE MOST GRATEFUL. NEVERTHELESS, WE MUST ASK EVERYONE NOW FOR FINANCIAL HELP IN ORDER TO CARRY ON OUR WORK. LOANS OR DONATIONS TO THE CENTRAL OFFICE OF MUCH NEEDED OFFICE EQUIPMENT, SUCH AS TYPEWRITERS, FILING CASES, FILE DRAWS, COPYING MACHINES, DESKS, ETC. WOULD BE A TREMENDOUS HELP.

In right-to-life groups across the country people are supporting our defense of the unborn—with cake sales, raffles, collections, etc, Enclosed with this newsletter is a prepaid return envelope. If every one of you 25,000 committed people receiving this newsletter mail in a contribution of $1, $5, or $10, then we shall have the instant capital that will dispell the financial anemia that has plagued the pro-life cause nationally and our effort locally. So far, no big foundation or institution has offered any state or local right-to-life group or organization a blank check or a very substantial contribution, and, realistically, it is unlikely that our organization will be different from the others. The defense of the unborn in the last four years in this nation has primarily been a people's movement—right up from the grass roots, and in this lies its unconquerable spirit and strength. Its growth has been sure and strong and surely difficult, too.

THIS IS THE CRITICAL HOUR IN MASSACHUSETTS! WE COUNT ON YOUR SUPPORT AND CONTRIBUTION TODAY! IN A VERY REAL SENSE WE COUNT ON EACH OF YOU. THAT WE ARE CONVINCED CAN BE THE SUCCESS OF THIS EFFORT. THERE IS AN OLD QUOTATION:

"IF NOT US, THEN WHO?"

"IF NOT NOW, THEN WHEN?"

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Some of the other things that you as an individual can do to help make the pro-life movement succeed can be found in the following anonymous letter received recently at the MCFL office.

Dear Defenders of Life:

These are things I never did--

-I never signed a petition.
-I never wore a bracelet.
-I never wore a pin.
-I never sold chances.
-I never wrote a letter to a newspaper.
-I never wrote or called a politician.
-I never called a talk show.
-I never distributed books or other literature.
-I never solicited contributions.
-I never put a bumper sticker on my car.
-I never joined in demonstrations or picketing.
-I never attended large gatherings.
-I never attended public hearings.
-I never did any lobbying.
-I never tried to win friends and associates to a cause.
-I never worked for a political candidate.
-I never joined an organization.
-I never helped form local chapters of any state organization.
-I never had the inclination or courage to bear witness for a principle.
-I never did volunteer work.
-I never made a financial contribution to any organization.
-I never "got involved".

I never did these and a thousand other things until I became involved in the pro-life movement to protect all life, especially life in its most defenseless moments--in gestation, in birth, in illness, in injury, in old age, in death.

Now I do all of these things for the cause of life, and I wish that I could do more.

BOOKS AND OTHER MATERIALS AVAILABLE AT MCFL OFFICE

ABORTION AND SOCIAL JUSTICE, Edited by Thomas W. Hilgers, M.D. and Dennis J. Horan, Esq., J.D. (The most complete look at the abortion issue and the first serious response to the Supreme Court decision.)--$1.95

HANDBOOK ON ABORTION, by Dr. and Mrs. J.C. Wilke--$1.25

THE FIRST NINE MONTHS OF LIFE, by Geraldine Lux Flanagan--$1.00

HANDBOOK ON POPULATION, by Robert L. Sassone--$1.00

A SIGN FOR CAIN, by Fredric Wertham, M.D.--$.95

THE DEATH PEDDLERS-War On The Unborn, by Paul Marx, O.S.B., Ph.D.--$1.00

THE CHILD BEFORE BIRTH, by Joseph R. Stanton, M.D. (color brochure)--1-99 10c each; 100-999 9¢ each; 1000 or more 8¢ each.

SET OF ABORTION SLIDES PLUS CASSETTE--$16.50

CIRCLE OF LIFE BRACELET (To Be Worn Until The Decision Of The Supreme Court Is Reversed) The bracelet is a symbol of protest, action and love for every human life. September 24 to 30 is Circle of Life week.--$3.50

BUMPER STICKERS, POSTERS, and other items at no cost

9504367354 1

Massachusetts Citizens For Life, Inc.

430 CENTRE STREET NEWTON MASS. 02158 (617) 965-5433

"In recognition of the fact that each human life is a continuum from conception to natural death, the objective of this organization is to foster respect for human life and to defend the right to life of all human beings, born and unborn, through educational, political, and other forms of activity."

Volume II NEWSLETTER Number 1

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Vice-Presidents
Mildred F. Jefferson, M.D.
Francis P. O'Connor, Esq.
Jerril Walsh, R.N.

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Brockton

Michael P. Vandal
Westport

Jerril Walsh, R.N.
Weymouth

Joan Willbanks
Pittsfield

Mary Young
Newton

On May 1, 1974 Massachusetts Citizens For Life, Inc. will move into a new office given to us through the generosity of Thomas Flatley. Our new quarters will be located at the Framingham Office Park just behind the Sheraton Tara Hotel, which is situated at the junction of the Massachusetts Turnpike and Route 9, Exit 12 West. The new address is 1661 Worcester Road, Framingham 01701; and the new telephone number, barring a last minute change, will be (617) 872-5433 (USA-LIFE).

Any offers of office furniture, equipment, or supplies will be greatly appreciated. MCFL is most grateful to John Bermingham for his past and present contributions.

HELP

Moving into the new office on a full time basis will be a much needed and most welcome addition - a full time secretary in the person of Mrs. Kathleen Roth, a woman who has more than adequately handled the legislative work on the state level during the past year. Kathleen will remain as chairman of state legislation.

As much as Mrs. Roth, in her new capacity, will contribute to MCFL and the executive director, the need for volunteers will still be great. For the past year we have had a handful of volunteers who came into the office on a regular basis, and they were a tremendous help. But, many more office volunteers are still needed in order to keep up with mailing, filing, and general office duties, which increase as we grow. No special talents are necessary.

At the Framingham office, volunteers may work any weekday between 9 A.M. and 5 P.M. For those in the Newton area we shall continue to have the use of our old office for a while, and volunteers will be welcome Monday, Tuesday, or Wednesday evenings and Saturday or Sunday afternoons.

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NEWSLETTERS

The reason for the long period between general newsletters has been the shortage of money and/or volunteer workers to help us in transposing our files so that in the future we shall be able to have our newsletters mailed out by a mailing firm. This work is nearly done now, and we shall be sending out a general newsletter in May.

This newsletter you are receiving now is being sent to members of MCFL who have made financial contributions. All 1974 dues paying members, from this point on, will be receiving a newsletter once a month, while a general newsletter will be sent three or four times a year to all the pro-life persons whom we have on file, who now number about 60,000.

Those who keep best informed are members of MCFL chapters, for information is given to chapter chairmen on a regular basis, and the chairmen, in turn, pass on the information to chapter members. This may be done with a newsletter of their own or via their telephone chain. So, if you do not have a chapter formed yet in your town, this is another reason for doing so. Remember, all you need to do is set up a chapter formation meeting of at least a dozen persons who accept MCFL's statement of purpose. Then inform the central office of the time and location of the meeting, and we shall provide a speaker for you to help you to organize. Presently, we have 70 chapters, but we have a long way to go before reaching our goal of an MCFL chapter in every Massachusetts city and town. You can help us reach this goal by helping to form a chapter in your town if you do not already have one, or, if your town has a chapter, by helping a neighboring town to form one.

Your best source of national pro-life news is to be found in the National Right To Life News which is a very professional newspaper that is published monthly by the National Right To Life Committee of which MCFL is an affiliate. Our annual assessment to the NRLC is $28,000. Last year MCFL received and spent at the state level $32,764. Our budget for 1974 is $100,000, one-fifth of which has been realized as of this writing. The $28,000 assessment to the NRLC is included in our budget, and some of the things which can help to cut down our assessment are the taking out of memberships in the NRLC, (which will entitle a person to a year's subscription to the newspaper), and the purchasing of ads in the paper.

The forms found at the end of this newsletter may be used and sent to Mrs. Mary Hood, 108 Sexton Ave., Westwood, Mass. 02090. Mary is in charge of NRLC memberships and newspaper subscriptions. When sending your NRLC membership to Mary, do not forget to send along to her also your favorite recipes. Mary is putting together a pro-life cookbook, copies of which she will be selling.

Dear Friend For Li[illegible]

If you see no pro-life news at all when you go through your daily paper, you see the effect of the "Paper Curtain" which screens out reports of your activities. Every day, somewhere in this country, there is an exciting pro-life event whether it is a demonstration of thousands in a major city, the passage of a bill to protect the unborn or the formation of another chapter of Massachusetts Citizens For Life.

We do not have time to beg biased magazines and newspapers for fairness. We are publishing our own monthly newspaper, The National Right To Life News. It is an excellent professional newspaper which you can take pride in presenting to anyone anywhere. Our subscription goal is 20,000 each year until everyone in this state is able to find a copy somewhere.

Every citizen needs to read it. Pro-lifers need it to be informed. The uncommitted and unaware need it in order to be able to make up their minds. The abortionists need to read it to know what we are up to.

Let each MCFL chapter set a goal of at least 100 subscriptions within one week of the time this letter is received if you have not done so already. That will give us a good start toward our goal. Additional subscription forms may be obtained from Subscription Chairman, Mrs. Mary Hood at the MCFL Central Office. Send the filled-in forms with checks to her so that we will know how our subscription drive is doing.

It is our newspaper. Let's get it circulating.

Yours For Life,

Mildred F. Jefferson

Mildred F. Jefferson, M.D.
NRLC Director for Massachusetts

Please Send Your Subscription Immediately!

DETACH AND MAIL TO:

MRS. MARY HOOD
108 Sexton Avenue, Westwood, Mass. 02090

( ) Individual Membership $5
( ) Family Membership $10
( ) Sustaining Membership $25
( ) Patron Membership $50
( ) Sponsor Membership $100

Sustaining, Sponsor and Patron members receive a weekly newsletter called the Greene Sheet which keeps its receivers up to date on national pro-life events.
All members will receive the NATIONAL RIGHT TO LIFE NEWS.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

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E3

MASSACHUSETTS citizens for life NEWSLETTER

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ONE GATEWAY CENTER ROOM 202 P. O. BOX 291 NEWTON, MA 02160 (617) 964-7220

"In recognition of the fact that each human life is a continuum from conception to natural death, the objective of this organization is to foster respect for human life and to defend the right to life of all human beings, born and unborn, through educational, political, and other forms of activity."

VOLUME 4 APRIL, 1976 NUMBER 2

National Right To Life Convention - June 23-27, Boston

Convention '76 advance (discount) registration of $48.00 has been extended until Mother's Day, May 9th. In addition to a registration saving of $16.00, as another incentive to register now, early registrants will be eligible to win a week's free use of a four room house, which sleeps seven, on peaceful, relaxing Cape Cod.

SO REGISTER NOW, AND ASK YOUR RELATIVES AND FRIENDS TO DO THE SAME.

SOME CONVENTION HIGHLIGHTS

- Simulated congressional hearings
- Methods meetings (running a chapter, raising funds, contacting legislators, and keeping track of expenditures)
- Workshop clinics (euthanasia, psychological aspects of abortion, media, complications of abortions, rape, legal issues, and the socio-economics of abortion)
- Prayer breakfast (for early registrants only)
- On-stage show (professional entertainment)
- Gala banquet
- All the states parade (bands, units, floats with representation from 50 states)

SPEAKERS

Dr. Matthew Bulfin (President of Amer. Assoc. of Pro-Life Obstetricians and Gynecologists)
Professor Robert M. Byrn (Fordham Law School)
Rev. Charles Carroll (Episcopal priest and official U. S. observer at the Nuremburg trials of Nazi war criminals)
Mrs. Erma Clardy Creveo (Minneapolis sociologist)
M. Stanton Evans (radio commentator)
Judy Fink (Vice-president of American Citizens Concerned For Life)
Jean Head, R.N. (Media technician)
Dennis J. Horan, Esq. (Chicago pro-life legal scholar)
Dr. Judith Rhea Hughes (Vermont psychiatrist)
Mildred F. Jefferson, M.D. (President of National Right to Life Committee)
Robert Marshall (author of Harvesting and Rape)
Mrs. Ellen McCormack (pro-life presidential candidate)
Heather Morris, M.D. (President of the Canadian physicians for life)
Congressman James Oberstar, D.-Minn. (Principal sponsor of HRLC Human Life Amendment)
Robert J. Rasanno (Author of Handbook on Population)
Mrs. Phyllis Schlafly (columnist and commentator)
Bishop Fulton J. Sheen (Philosopher and theologian, author and speaker)
Mrs. Louise Summerhill (Founder of Birthright)
Dr. and Mrs. John Wilke (Authors of Handbook on Abortion)
Professor Joseph Witherspoon (Texas constitutional lawyer)

Discount Period Extended to May 9

REGISTRATION • NATIONAL RIGHT TO LIFE CONVENTION '76 • JUNE 23, 24, 25, 26, 27, 1976

NAME _____ Phone: Area Code ____ Phone No. _____

STREET _____ Pro-Life Affiliation (if any) _____

CITY _____ STATE _____ ZIP _____

( ) DISCOUNT Registration Postmarked by 9 May 1976 $48

( ) Regular Registration Postmarked after 9 May 1976 $64

( ) Headliner Gala Banquet The Grand Ballroom $25

( ) Headliner Gala Banquet SECONDARY HALLS with CLOSED CIRCUIT T.V. $20

MY TOTAL PAYMENT $ _____

PAYMENT METHOD—PAYMENT or complete Credit Card Data MUST be received for Registration to be recorded and acknowledged. Thank You.

☐ Check or Money order PAYABLE TO: NRL CONVENTION '76, Box 76 Back Bay Annex, Boston, MASS 02117

☐ BankAmericard ☐ MASTERCHARGE Interbank Number ____ ____ The number above your name

My Card number is [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]

My Card Expires: Month _____ Year: _____

_____ Card Holders Signature

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PRO LIFE NEWS SERVICE

Current pro-life news may be obtained daily, any hour day or night, by calling 926-5433 (LIFE). Those who would like to sponsor the pro-life news service for a day may do so by sending $10.00 for that purpose to MCFL.

PRO LIFE LEGAL AID

The Pro-Life Legal Defense Fund stands ready to give legal assistance to pro-life individuals or groups. For further information, call PLLDF clerk, John O'Brien, at 247-0660.

BIRTHRIGHT

If you can provide jobs or low-cost housing, you may help steer some pregnant girls away from abortion. Call Birthright of Boston at 782-5151. Birthright would like also names of pro-life obstetricians and gynecologists.

LISTEN MY CHILDREN.....

Listen my children, and you shall hear
The tale of human life's frontier.....

In the dim dawn when we begin
We'd all fit on top of a pin;

So small are we, so unaware
God alone knows that we are there

Yet programmed in that tiny speck
A wonder-work of genius rests,

And someone in mystic command
Has each feature perfectly planned

For He who guides the sparrow's flight
And dims the sun down every night

Knows that each 'speck' fulfills a need
Which beyond time has been decreed,

To love, as only humans can,
To glorify Him who made man.

Priscilla Laveaga

WANTED

- play pen in good condition
- book cases

Please contact MCFL office if you have either.

UPCOMING EVENTS

May 8 Saturday	12:00 Noon - Mother's Day Fashion Show and Luncheon with mother and children fashions - Harp & Bard Restaurant, Norwood (Call Mary Hood 329-0943)
May 8 Saturday	Clinton Chapter Dinner Dance (Call Eleanor Philbin 365-9547)
May 8 Saturday	7:30 P.M. - Greater Springfield Chapters dinner at Symphony Hall, Springfield $7.50 a person (Call Barbara Hurley 413-736-5240)
June 19 Sat.	8:30 P.M.-MCFL Night at the Pops-$4.00 or $5.00, balcony seats, 400 tickets available (call Mary Hood at 329-0943 or MCFL office 964-7220)
June 23-27	Wednesday-Sunday - National Right To Life Convention

NRLC INSURANCE

Those interested in NRLC life insurance may contact the MCFL office.

TRANS-AMERICA BIKE-A-THON

Two seminarians from St. John's Seminary, Steve Josoma of Brighton and Larry Lots of Fall River, will bicycle 3300 miles this summer from San Diego to Boston to raise money and public attention to the need of a human life amendment.

You may help make the trip well worthwhile by filling in and returning to the MCFL office the pledge form below.

Trans America '76
BIKE - A - THON

I, _____ Pledge the sum of:

( ) 1¢ per mile completed (maximum of 3300 miles)
( ) other, _____ per miles completed (maximum of 3000 miles)
( ) a contribution of _____ for the bike trip

I understand that all proceeds will benefit Mass. Citizens for Life, and all out-of-State pledges will benefit the National Right to Life Committee.

Address _____ City _____ State _____ zip _____ Telephone _____

Signature _____

Thus, as a result of Justice Brennan's restraining order, minor girls in Massachusetts [illegible]nce again have abortions without even the knowledge, let alone the consent of th[illegible] parents.

Ironically, on the same day as Justice Brennan's [illegible]ntradictory decision, there were ads in the newspapers on ear piercing in which it states that if you are 18 or under, you must have your parent's consent.

Any parents worthy of the name, whether for or against abortion per se, should shudder at the thought that their daughter can be subjected to the numerous physical and psychological dangers of abortion at the hands of a butcher - without their even having knowledge of their daughter's condition or the dangers to which she exposes herself.

Parents looking for somewhere to register their complaints might contact the media, the U.S. Supreme Court, the Attorney General's Office, and the Mass. Supreme Judicial Court, which is supposed to deal with the question of parental consent in the near future.

• • • • • • • • • • • • • • • • • •

1,000 - MONTH CLUB WINNERS FOR JULY - 1976 CONGRATULATIONS!

[illegible]76	Gloria & Joanne Thalon, Woburn	$1,000.	#985	Mrs. D. Curran, Woburn	$50.
#265	Rev. T. M. Courtney, Millers Falls	300.	#672,	Brockton Chapter MCFL	$50.
#384	Jackie Simdone, Woburn	200.	#128	Mrs.E. J. Mullarkey Westfield	$50.
[illegible]765	Joseph Gibson, Hull	100.			
[illegible]579	Paul Carey, Needham	50.	#424	Wm LaFay Brighton	$50
605	Nellie Bonnevie, Westfield	50.	#987	Mrs. E. Foley, Woburn	$50
	and Sister Nesta Beaudoin, Springfield				$50.

NEXT DRAWING: Friday, August 13, 1976. If you have not yet paid your August Club dues, please use the enclosed business reply envelope for that purpose. There are many numbers still available, so anyone interested may call or write to the MCFL office for a LUCKY NUMBER.

+$+

[illegible]LDS • SOFTBALL • SHOWBOAT

"Many thanks to Mary Hood of Westwood for running last month a very successful "MCFL NIGHT AT THE POPS" which raised $500 for MCFL.

"$300. was raised through chance-tickets to the July 20 Softball game in which MCFL came through with three runs in the last inning to edge the pro-life legislators, 8-7. The legislators were led by Sen. Allan McKinnon, Rep. William Connell, Rep. Ray Flynn, Rep. Angelo Scaccia, and Rep. Paul White. The prize winners were: Louise Bolles, of Wellesley, (oil painting), Jack Rowe of Salem (Celtics tickets), and Gerry Ryan of Hanson (canned ham).

"On next Tuesday 200 pro-lifers will watch beautiful and talented pro-life actress Ann Blyth star in the musical, SHOWBOAT, at the South shore Music Circus, Cohasset. If you wish to reserve tickets ($8.50 each), call Gertrude Fox at 383-9333 or the MCFL OFFICE.

••

CONVENTION '76

Many thanks to the many who gave their support to the National Right to Life Convention last month. MCFL director, Dr. Mildred F. Jefferson, was re-elected President of the National Right to Life Committee, and Dr. Carolyn Gerster was re-elected Chairman of the Board.

MARCH FOR LIFE

Thanks to all those persons from Massachusetts who made the trip to New York on July 11 to attend the pro-life rally in Central Park and the March around Madison Sq. Garden to protest the Democratic Anti-Life platform plank.

Governor Carter's vice-presidential running mate, Sen. Walter Mondale, has an anti-life voting record. Governor Reagan's choice as vice-president, Sen Richard Schweiker has a pro-life voting record.

AUGUST 17 ..IS THE LAST DAY TO REGISTER TO VOTE!!!!!!

[illegible]OP FOR LIFE

Please mark the date, Tuesday, September 7th, the day after Labor Day, on your calendar. For, on that day, you can help Mass. Citizens For Life raise many thousands of dollars simply by shopping at one of the following stores: Arlington, (324 Mass. Ave.), and(1425 Mass. Ave.), Belmont, Brockton, Buzzards Bay, Chicopee, Cohasset, Danvers, Duxbury, Easthampton, East Longmeadow, Fall River (870 W. Main St.), Framingham, Greenfield, Hyannis, Jamaica Plain, (East) Lynn, Newton, No. Adams, Northampton, Norwood, Pittsfield, Quincy, Roslindale, Salem, South Boston, Springfield, Waltham, Wareham, West Boylston, West Springfield, Westfield, Woburn, Worcester, (88 Stafford St.) and Worcester (700 Southbridge St.)

The A & P stores offer non-profit organizations a chance to make some money by holding DONATION DAYS when 5% of the amount spent on groceries by a person holding a special A & P Donation Day coupon or card can be set aside for the non-profit organization, in our case, MCFL. We shall send further information and instructions to our [illegible] next [illegible] and also in the general election newsletter.

IN THE CITY OF WEST DES MOINES)
) ss:
IOWA)

AFFIDAVIT

SHELLEY BAIN
FORMER EXECUTIVE DIRECTOR
NARAL OF IOWA

Shelley Bain, being duly sworn, deposes and says:

1. I am currently the Senior Programmer/Analyst for the Polk County Department of Information Services, located in Des Moines, Iowa.

2. I was the Executive Director of NARAL of Iowa from April 1990 until March 1991.

3. NARAL of Iowa was incorporated and its bylaws were first adopted in February, 1990. The original bylaws expressly provide that only individuals shall be eligible for membership in NARAL of Iowa. When this provision was adopted, it was intended to allow only individuals to make contributions to NARAL of Iowa. This is how I understood this provision and how the Board of Directors understood this provision.

4. I and my staff scrupulously avoided accepting contributions from business corporations during 1990. When we received a check that appeared to be written on a business account, we called the Iowa Secretary of State's office to find out whether the organization was in fact incorporated. During 1990, I recall that we

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returned approximately six checks because they were written on business accounts.

5. We also carefully avoided accepting in-kind assistance from corporations. Rather than using corporate offices to conduct phone banks, we paid our landlord a portion of our rent to allow us to use telephones in our building.

6. After the November 6, 1990 election, we conducted a fundraising event that may have raised approximately $250 in in-kind contributions from business corporations. The event was titled "Chocolate for Choice" and businesses such as bakeries, small local restaurants and stationery stores were asked to donate cakes, pies or other chocolate items to be auctioned off. Almost all of these donations were valued at under $10. The largest contribution, from the Des Moines chapter of the National Organization of Women, was valued at $100. It is my understanding that most of the local businesses who donated chocolate items routinely make such contributions as a gesture of community goodwill. Apart from this event, none of these businesses has ever made a contribution of any kind to NARAL of Iowa.

7. The funds raised from the "Chocolate for Choice" event were not used to pay for NARAL of Iowa's independent expenditure on behalf of Tom Harkin. To the

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contrary, they were used for the regular, non-electoral activities of NARAL of Iowa.

Shelley Bain

Shelley Bain

Sworn to before me this
____ day of _____, 1992.

_____
Notary Public

My Commission expires: _____

I declare under penalty of perjury that the foregoing is true and correct.

Shelley Bain
12/11/92

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DGC 7940

92 DEC 17 PM 5:26

HICKMAN-BROWN
PUBLIC OPINION RESEARCH

MEMORAN DUM

TO: Anne Weissenborn, Federal Election Commission
FROM: Harrison Hickman, Hickman-Brown Research
RE: **Response to Information Request relating to MUR 3109**
DATE: December 16, 1992

This is my response to the "Interrogatories" attached to your letter of September 28, 1992, relating to MUR 3109. The information, documents, and other materials I am providing were generated under a confidentiality agreement between me and my client (NARAL), and my client has informed me that they are willing for me to provide this information only with the understanding that this information will not be released to any individual not employed by the Federal Election Commission and directly involved in the current matter. Beyond the binding agreement with my client, many of these materials include trade secrets and information from which trade secrets could be learned, so I, too, must insist that none of this be released to anyone not in your employ and not directly involved in the investigation of the current matter. If you cannot receive these materials under this restriction, please contact me directly and immediately so that I can retrieve them.

Response to Interrogatories

1. I have never been associated with an organization named "Hickman/Maslin Associates." The firm which employs me is Hickman-Maslin Research, Inc. The officers, directors, and principal shareholders of Hickman-Maslin Research are as follows:

Harrison Hickman Chairman of the Corporation, Director, President, Shareholder.

Business address: Hickman-Brown Research
1350 Connecticut Ave., N.W.
Suite 206
Washington, D.C. 20036

Phone: 202/659-4000

Home address: 3828 Gramercy Street, N.W.
Washington, D.C. 20016

Phone: [redacted]

Paul Maslin Shareholder. No longer active in Hickman-Maslin Research. I have no knowledge of his current employment status.

Last home address: 2666 Shasta Road
Berkeley, CA 94708

Phone: [redacted]

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Kirk Brown. Treasurer of the Corporation. Partner in the firm.

Business address: Hickman-Brown Research
1350 Connecticut Ave., N.W.
Suite 206
Washington, D.C. 20036

Home address: 5020 Wissioming Road
Bethesda, MD 20816

Phone: [redacted]

2. **Harrison Hickman.** Principal involved in this and other projects relating to both NARAL and its associated organizations, and our clients active in North Carolina politics.

Paul Maslin. To the best of my knowledge, was not involved in any way in this or other projects relating to NARAL or its affiliated organization, or with our North Carolina clients. In the course of his responsibilities for other clients of the firm, he dealt with the DSCC.

Kirk Brown. Was involved in numerous discussions regarding the prospect of an independent expenditure in North Carolina in conjunction with the 1990 Senate campaign and our other activities in the state; in reviewing draft questionnaires and memos relating to our research on this and other projects involving North Carolina clients of the firm. To the best of my knowledge, however, he did not have any direct contact with NARAL or the DSCC relating to this project.

Nicole Yakatan. As a junior analyst at Hickman-Maslin Research, performed clerical and analytical functions relating to our work for NARAL under my supervision. I have no current employment or address information for her. The last address we have for her is as follows:

Last address: Greenberg-Lake
512 2nd St., NE
Washington, DC 20002

Phone [redacted]

Intersearch Corporation. Contracted by Hickman-Maslin Research to provide interviewing services for opinion surveys conducted in North Carolina during this period.

Business address: Mr. Rick Carbone
Intersearch Corporation
132 Welsh Road
Horsham, PA 19044

Phone: 215/657-6400

Communications Center Incorporated. Contracted by Hickman-Maslin Research to provide interviewing services for opinion surveys conducted in North Carolina during this period.

Business address: Mr. Michael Mermelstein
CCI
1350 Connecticut Ave., N.W., Suite 407
Washington, DC 20036

Phone: 202/223-4747

HICKMAN-BROWN
PUBLIC OPINION RESEARCH

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3a. **Harrison Hickman.** Principal involved in this and other projects relating to both NARAL and its associated organizations, and our clients active in North Carolina politics.

Kirk Brown. Was involved in numerous discussions with me regarding the prospect of an independent expenditure in North Carolina in conjunction with the 1990 United States Senate campaign and our other activities in the state; in reviewing draft questionnaires and memos relating to our research on this and other projects involving North Carolina clients of the firm. To the best of my knowledge, however, he did not have any direct contact with NARAL or the Democratic Senatorial Campaign Committee relating to this project.

Kate Michelman.

Business address: NARAL
1101 14th St., NW
5th Floor
Washington, DC 20005

Phone: 202/408-4600

Home address:

Phone:

Paige Gardner.

Home address: xxxx 12th Street, N.E.
Washington, DC 20xxx

Phone: [redacted]

Frank Greer

Business address: Greer, Margolis, Mitchell, & Associates
2626 Pennsylvania Ave., N.W.
Suite 301
Washington, DC 20037

Phone: 202/338-8700

Home address:

Phone:

Kim Haddow

Business address: Greer, Margolis, Mitchell, & Associates
2626 Pennsylvania Ave., N.W.
Suite 301
Washington, DC 20037

Phone: 202 338-8700

Home address:

Phone:

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3b. Our company policy is to maintain absolute confidentiality of information relating to work for our clients in every project. That policy is often an explicit part of our contractual relationship and is presumed and practiced even where it is not explicitly included in a written contract. I made all employees aware of the special sensitivity of our involvement in this project. In conversations I had with Larry Harrington and Marsha Hale of the Democratic Senatorial Campaign Committee concerning other races, I and they went to great lengths to avoid talking about the 1990 North Carolina Senate race in any manner after an independent expenditure campaign emerged as a likely client for our firm. In December 1989 and January 1990, I discussed with representatives of the Gantt campaign the possibility of my firm working for them. After a decision was taken for us not to work with the Gantt campaign, I had no further discussions with them. At no time during the 1989-1990 period did I have any conversations with anyone at Donilon-Petts regarding the Gantt campaign or other issues. In fact, I do not recall having any discussions with anyone at Donilon-Petts about any subject during calendar year1990.

Documents Request

I have only included documents relating to our work for NARAL that relate in any way to the independent expenditure in the 1990 North Carolina Senate race. These are the documents generated in conjunction for my work with NARAL that they have authorized me to release.

In addition to documents relating to the specific entities you outlined, I have also enclosed a copy of my personal appointments calendar for the period in question.

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

NEW YORK, NEW YORK

DENVER, COLORADO

ARNOLD & PORTER
1200 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D.C. 20036-6885
(202) 872-6700
CABLE: "ARFOPO"
FACSIMILE: (202) 872-6720
TELEX: 89-2733

LOS ANGELES, CALIFORNIA

TOKYO, JAPAN

KATHLEEN M. H. WALLMAN
DIRECT LINE: (202) 728-4958

FEB 22 11 58 AM '93

February 19, 1993

MUR 3109

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Anne A. Weissenborn, Esquire
Senior Attorney
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Weissenborn:

Pursuant to our telephone conversation today about your letter dated February 16, 1993, I request an extension of fourteen days in which to respond to your inquiries. Since we received your letter yesterday, the 18th, this extension would make our response due on Friday, March 19.

I am requesting this extension because the two attorneys with whom I have been working on this matter and who were principally involved in the document production and organizing the privilege log are out of town for the next several days (one is planning a wedding; the other is out through the end of next week taking the California bar). We can respond to your inquiries quickly and efficiently upon their return.

Please advise me if you foresee any problem with our request.

Very truly yours,

Kathy Wallman

Kathy Wallman

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 26, 1993

Kathleen M.H. Wallman, Esquire
Arnold & Porter
1200 New Hampshire Avenue, NW
Washington, DC 20036-6885

RE: MUR 3109
National Abortion Rights
Action League

Dear Ms. Wallman:

This is in response to your letter dated February 19, 1993, which we received on February 22, 1993, requesting an extension of fourteen days to respond to the inquiries raised in this Office's letter of February 16, 1993. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on March 19, 1993.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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NARAL

March 9, 1993

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Chair

Jill Buckley
Vice Chair

Lauren Jennings
Secretary

Melanie Shaw
Treasurer

Del. Kenneth Mandigue, Jr.
Assistant Treasurer

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Bobbie Fuller
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Edward Howard
Ahyrnam Jan
Liz Alvarez Martinez
Sharon Powell
Robert Prince, M.D.
Pat Ford-Roegner, R.N., M.S.W.
Barbara Silby
Rev. Dr. Paul Smith
Claudia T. Wenzler
Janet Wertz
Stanley Yoko, Ph.D.

President
Kate Michelman

Ms. Anne Weissenborn
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3109
On behalf of All Named Respondents

Dear Ms. Weissenborn:

I am writing to designate an additional attorney for all named respondents. Please add Trenton Norris to the list of counsel designated to represent us in this matter.

Sincerely,

Dawn Johnsen

Dawn Johnsen
Legal Director

cc: Trenton Norris

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National
Abortion Rights
Action League

1156 15th Street, N.W., #700
Washington, D.C. 20005
202-973-3000

ARNOLD & PORTER
1200 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 872-6700
CABLE "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 89-2733

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
(212) 750-5050

1700 LINCOLN STREET
DENVER, COLORADO 80203
(303) 863-1000

March 19, 1993

BY HAND DELIVERY

Lawrence Noble, Esq.
General Counsel
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109 (Coordination Issues) on Behalf of Respondents National Abortion Rights Actions League, Inc. and National Abortion Rights Action League North Carolina PAC (Federal)

Dear Mr. Noble:

Pursuant to Vice Chairman Thomas's letter dated September 28, 1992, we are writing to demonstrate that no action should be taken against the National Abortion Rights Action League, Inc. (NARAL) or the National Abortion Rights Action League North Carolina PAC (Federal) (NARAL-NC-Federal PAC) in connection with the August 9, 1990 Complaint filed by R. Jack Hawke, Chairman of the North Carolina Republican Party. A response to be filed separately addresses issues raised in the referral from the Reports Analysis Division regarding NARAL's status as an organization entitled to make independent expenditures under FEC v. Massachusetts Citizens for Life, 479 U.S. 238 (1986).

This response and its accompanying documents, responses to interrogatories, and affidavits from numerous individuals who were named in the Complaint or have relevant information demonstrate that NARAL's and NARAL-NC-Federal PAC's independent expenditures in connection with the 1990 North Carolina Senate race were not made "with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of [Harvey Gantt] or any agent or authorized committee of [Mr. Gantt]." 11 C.F.R. § 109.1 (1990); see also 2 U.S.C. § 431(17) (1988). To the contrary, NARAL and NARAL-NC-Federal PAC made a zealous and

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FEDERAL ELECTION COMMISSION
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successful effort to avoid even the appearance of coordination.[1] Further investigation into this matter is unwarranted.

I. Because the Complaint's Charges of Coordination and Reporting Violations Are Based on Nothing More than Speculation, Further Proceedings Are Unjustified and Will Continue to Chill the Exercise of First Amendment Rights.

The North Carolina Complaint alleges that the independent expenditures made by NARAL and NARAL-NC-Federal PAC advocating the defeat of Senator Jesse Helms in the November 1990 general election were not, in fact, independent and therefore violated 2 U.S.C. § 441a(a)(2). The Complaint further alleges that these expenditures have not been, but should have been, reported pursuant to 2 U.S.C. § 434(b). The complaint offers nothing more than speculation to support either charge.

The alleged reporting violation is wholly unfounded.[2] NARAL and NARAL-NC-Federal PAC reported

[1] Throughout this submission, the term "coordination" is used as shorthand for "with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of [Harvey Gantt] or any agent or authorized committee of [Mr. Gantt]." 11 C.F.R. § 109.1 (1990); see also 2 U.S.C. § 431(17) (1988). Thus, whenever "coordination" is denied, it means that all other similar types of behavior, e.g., cooperation and consultation, are also denied.

[2] The Complaint is dated August 9, 1990. NARAL's first independent expenditure in the North Carolina Senate race was made on August 1, 1990 and was timely reported using FEC Form 5 on October 15, 1990. NARAL-NC-Federal PAC's first independent expenditure in the North Carolina Senate race was made on August 8, 1990 and was timely reported using FEC Form 3X on October 11, 1990. The Complainant obviously had no basis for alleging a reporting violation with respect to expenditures that had been made the week or day before and were not yet required to be reported. In light of these facts, among

[Footnote continued on next page]

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each independent expenditure they made in connection with the 1990 North Carolina Senate race, as their filings with the Commission reflect. NARAL and NARAL-NC-Federal PAC did not report these expenditures as contributions because they were not contributions, but proper independent expenditures.

The Complaint contains no allegations of direct coordination between NARAL or NARAL-NC-Federal PAC and the Gantt campaign, and, as this response demonstrates, coordination never occurred. The Complaint does not even identify circumstantial evidence of direct coordination. It does no more than identify a wide variety of individuals and entities, some of whom were involved in the Gantt campaign and others of whom were not, and concoct an attenuated theory of coordination among them. Indeed, the allegations in the Complaint contain numerous inaccuracies and appear to confuse NARAL and NARAL-NC-Federal PAC with other pro-choice organizations, such as Planned Parenthood. Other allegations -- such as the suggestion that NARAL's North Carolina affiliate (NARAL-NC) participated in forming Senate Vote '90 -- are so completely baseless that it has been difficult to know how to frame a response.

The allegations contained in the complaint, even if they were true, do not resemble any case in which the Commission has found coordination. Even where it has found substantial direct evidence of the possibility of or opportunity for coordination, the Commission has not pursued allegations that are even more serious than those advanced in the Complaint against NARAL and NARAL-NC-Federal PAC. See, e.g., Common Cause v. FEC, 655 F. Supp. 619, 624 (D.D.C. 1986) (affirming FEC's finding of no coordination despite "interlocking membership of persons at the policy making levels of the committees and prior alliances with the official committees; indirect communication of strategy by [the]

[Footnote continued from previous page]
others, it appears possible to NARAL and NARAL-NC-Federal PAC that the filing of this Complaint, and its subsequent improper, if not illegal, circulation to the media, see 2 U.S.C. § 437g(a)(12) (1988); 11 C.F.R. § 111.21(a) (1990), was but a tactic intended to chill the exercise of NARAL's and NARAL-NC-Federal PAC's First Amendment rights.

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committees through the media; [and] the use of common vendors" because the FEC's "extensive investigation failed to produce evidence of any direct requests or scheming" (emphasis in original)), rev'd on other grounds, 842 F.2d 436 (D.C. Cir. 1988).

These speculative and baseless allegations have resulted in great cost and inconvenience to NARAL, NARAL-NC-Federal PAC, and the individuals who were involved in making the North Carolina independent expenditures, many of whom are no longer affiliated with NARAL or NARAL-NC-Federal PAC. These allegations should not be pursued further, and we respectfully submit that their continued pursuit has an unwarranted chilling effect on the exercise of the fundamental First Amendment rights of NARAL, NARAL-NC-Federal PAC, and other organizations and individuals that are constitutionally entitled to make independent expenditures.

II. The Complaint's Specific "Factual" Charges Are Inaccurate and Legally Irrelevant.

As demonstrated by the responses below to the specific allegations, the factual and legal foundation on which the complaint rests collapses upon scrutiny.[3]

[3] For the sake of brevity, and because the Factual and Legal Analysis prepared by the Commission's Office of General Counsel does not raise these issues again, we do not re-address here the allegations in the Complaint regarding NARAL's "pro-choice media campaign" and NARAL's "close alignment" with the Democratic National Committee and the North Carolina Democratic Party. We hereby incorporate by reference our earlier letters dated January 25, 1991 (on behalf of NARAL) and November 6, 1990 (on behalf of NARAL-NC-Federal PAC). Additional information regarding these matters is, of course, available on request. We infer from the Factual and Legal Analysis that the General Counsel's Office is no longer interested in pursuing these allegations. If this is not the case, we expect and request that you contact us for additional information before pursuing these allegations.

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A. Harrison Hickman Was Not a "Common Vendor" of Services to NARAL or NARAL-NC-Federal PAC and the Gantt Campaign, and Did Not Effectuate Any Coordination Between Them.

The Complaint alleges essentially that Harrison Hickman, a consultant to NARAL, served as a "common vendor" providing an opportunity for coordination between NARAL or NARAL-NC-Federal PAC and the Gantt campaign, not because of any work he or his firm performed for the Gantt campaign -- there was no such work -- but because of his wholly unrelated work in states other than North Carolina for other Democratic Party committees and public officials. This allegation is without merit.

As Mr. Hickman stated under oath in his initial affidavit and reaffirms in his affidavit accompanying this response, he was retained by NARAL during 1990 but was never retained by and never provided services to Harvey Gantt, any authorized committee for Gantt, or any Democratic Party committee in connection with the Gantt campaign. See Hickman Aff. ¶¶ 2, 7, 10-13, 15. Furthermore, neither Mr. Hickman nor anyone who worked with him in 1990 was ever authorized by the Gantt campaign to raise or expend funds, was ever an officer of an authorized committee for Gantt, or ever received any form of compensation or reimbursement from the Gantt campaign. See id. ¶¶ 7-8.

Indeed, as Mr. Hickman also stated previously, his work for Democratic Party organizations that could have had some contact with the Gantt campaign was on matters wholly unrelated to the North Carolina Senate race. For example, his sole project in North Carolina for the Democratic Legislative Campaign Committee (DLCC) in 1990, which subsequently and without his knowledge, participation, or approval was paid for by the North Carolina Democratic Party, involved a poll concerning North Carolina state legislature races. See Hickman Aff. ¶ 10. His work for the Democratic Senatorial Campaign Committee (DSCC) in the 1990 election cycle involved only the U.S. Senate races in South Carolina, Oregon, and Indiana, and not in North Carolina. See id. ¶ 11. And his only professional relation with the Democratic National Committee (DNC) in the 1990 election cycle involved a speech in California almost a year

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before the 1990 general election and had nothing to do with the North Carolina Senate race. See id. ¶ 12.

In the 1990 election cycle, when NARAL hired consultants to work with the organization on a particular race in which the organization was making independent expenditures, a series of discussions routinely took place. As Ms. Michelman's affidavit demonstrates, before NARAL decided to employ Mr. Hickman's polling firm to conduct polls related to NARAL's contemplated independent expenditures in connection with the North Carolina Senate race, she discussed with Mr. Hickman whether or not he had been employed by Harvey Gantt or anyone affiliated with the Gantt campaign, and she required assurances from him, as she did from all staff and outside consultants, that he had no relationship with the Gantt campaign that would jeopardize the independence of NARAL's or NARAL-NC-Federal PAC's expenditures. See Michelman Aff. ¶ 6. NARAL also required Mr. Hickman and its other political consultants to "sign an agreement to keep strictly confidential NARAL's sensitive political discussions and any materials provided to them in the course of their work for NARAL." Id.; see also Document N04566. This served several purposes, including the purpose of preventing a consultant from divulging to any candidate information about NARAL's plans, projects or needs that might compromise NARAL's independence.

There is no indication that these agreements, including Mr. Hickman's, were ever broken or breached in any way, see Michelman Aff. ¶ 6, and in fact Mr. Hickman and his staff took "extraordinary care to preserve the confidentiality of information [they] received in the course of [their] work for NARAL . . . ." Hickman Aff. ¶ 5; see also id. ¶ 4. There was no transfer or discussion of information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign or of NARAL's or NARAL-NC-Federal PAC's independent expenditures between Mr. Hickman and anyone even remotely affiliated with the Gantt campaign, including the DLCC, the DSCC, the DNC, the North Carolina Democratic Party, former Senator Terry Sanford, and Governor Jim Hunt. See Hickman Aff. ¶¶ 6, 9-15. As Mr. Hickman states under oath: "Throughout the 1990 election cycle, no expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that was made by or through me or my firm was made with the

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cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC." Hickman Aff. ¶ 16.

Mr. Hickman's role in the 1990 North Carolina Senate race did not approach or bear any resemblance to that of common vendors or common strategists found by the Commission to have resulted in coordination. See, e.g., FEC v. National Conservative Political Action Comm., 647 F. Supp. 987, 992 (S.D.N.Y. 1986) (affirming FEC's finding of probable cause in MUR 1424 where "Finkelstein was NCPAC's key strategist . . . . Simultaneously, he served as the chief architect of Bruce Caputo's campaign."); MUR 857 (General Counsel's Report at 8) (recommending finding of probable cause where "at the same time Senator Gravel was directing the production and creation of the Hobbs' advertisements, he was also directing the production and creation of television, radio and newspaper advertisements for the Gravel Committee"). Nor did Mr. Hickman's role approach any role that the Commission has advised might result in a presumption of coordination. See Advisory Opinion 1979-80, 1 Fed Election Camp. Fin. Guide (CCH) ¶ 5469 (Mar. 12, 1990); Advisory Opinion 1982-20, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5665 (Apr. 26, 1982).

Even if the Commission were to break with precedent and its own advice and consider Mr. Hickman a common vendor, the lack of direct or even circumstantial evidence of coordination in this matter compels a finding of no probable cause on this allegation. See Democratic Senatorial Campaign Comm. v. FEC, 745 F. Supp. 742, 746 (D.D.C. 1990) (affirming FEC's finding of no reason to believe where common vendor relationship conceded to exist but where respondents' affidavits denied coordination "broadly and with particularity"); Common Cause v. FEC, 655 F. Supp. 619, 624 (D.D.C. 1986) (affirming FEC's finding of no coordination despite common vendor relationship in light of lack of evidence of "any direct requests or scheming" (emphasis in original)), rev'd on other grounds, 842 F.2d 436 (D.C. Cir. 1988).

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B. David Petts, a Former Hickman Employee, Did Not Provide a Vehicle for Coordination Between NARAL or NARAL-NC-Federal PAC and the Gantt Campaign.

The North Carolina Republican Party asks the Commission to react suspiciously to the fact that the Gantt campaign hired a polling firm, one of whose principals happened to have worked with Mr. Hickman more than three years earlier. The Complaint appears to allege that the activities of this former employee, David Petts, somehow provided an opportunity for coordination or perhaps even created a common vendor situation.

This allegation is groundless on its face and was fully refuted by Mr. Hickman's previous affidavit, the facts of which are confirmed by an affidavit from Mr. Petts that is attached to this response. As his affidavit shows, Mr. Petts worked for Mr. Hickman's firm for less than two years and left this employment in June of 1987, years before Harvey Gantt's North Carolina Senate race began and longer still before NARAL decided to make independent expenditures in this race. See Petts Aff. ¶ 2. After he departed Mr. Hickman's firm, Mr. Petts rarely spoke with Mr. Hickman and never shared or discussed information regarding the Gantt race with him, with any employee of the Hickman-Maslin firm, or with anyone else associated with NARAL or NARAL-NC-Federal PAC before the November 1990 election. See Petts Aff. ¶¶ 3, 5.

Because Messrs. Petts and Hickman had no professional relationship after 1987, much less in 1990, and because there was no transfer or discussion between them of any information relating to the plans, projects, or needs of Harvey Gantt or the Gantt campaign or of NARAL's or NARAL-NC-Federal PAC's independent expenditures, the Commission must dismiss this allegation.

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C. NARAL and NARAL-NC-Federal PAC Were Not in Any Way Connected with Senate Vote '90 and Did Not Use David Jones or Senate Vote '90 as a Means of Coordinating with the Gantt Campaign.

The Complaint alleges that "NARAL's North Carolina affiliate and its leadership, through Mr. David Jones . . . have joined with other left-oriented groups in North Carolina to form 'North Carolina Senate Vote '90 . . . .'" Complaint at 5. This statement is erroneous in three respects. First, Mr. Jones was in no way a "leader" of NARAL-NC. In fact, he has never been a leader, Board member, or paid or unpaid staff member of NARAL, NARAL-NC, or NARAL-NC's Federal or State PAC. See Jones Aff. ¶ 5; Ziegler Aff. ¶ 19. He has contributed money to some of these organizations. See Jones Aff. ¶ 5. Second, Mr. Jones "was not an organizer or founder of Senate Vote '90. [His] role in Senate Vote '90 was limited to a contribution of $1,000." Jones Aff. ¶ 4. Third, NARAL-NC-Federal PAC and its leadership were not in any way involved with the activities of Senate Vote '90. See Ziegler Aff. ¶ 18.

Moreover, Mr. Jones did not provide any information to NARAL or NARAL-NC-Federal PAC regarding the plans, projects, or needs of Harvey Gantt or the Gantt campaign, nor did he have access to any information about NARAL's or NARAL-NC-Federal PAC's plans, projects, or needs for independent expenditures. See Jones Aff. ¶¶ 6-7. In addition, no expenditure of NARAL or NARAL-NC-Federal PAC in connection with an electoral race has ever been made by or through Mr. Jones. See Ziegler Aff. ¶ 19. Therefore, the Commission must also dismiss this baseless allegation.

D. NARAL and NARAL-NC-Federal PAC Did Not Coordinate with the Gantt Campaign Through the Coalition for Choice or Two of its Member Organizations' Representatives Identified in the Complaint, Charlotte Brody and Roberta Waddle.

The Complaint alleges that a state legislative group, the North Carolina Coalition for Choice, served as a means of coordination between the Gantt campaign and NARAL and NARAL-NC-Federal PAC. Specifically, the

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Complaint alleges that NARAL coordinated with the Gantt campaign because Mr. Gantt appeared at a Coalition rally with many pro-choice officials and because Charlotte Brody and Roberta Waddle, leaders of two separate women's organizations that are not related to NARAL, NARAL-NC, or NARAL-NC-Federal PAC, may somehow have been associated with the Gantt campaign.

This allegation also has no factual or legal merit. As NARAL and NARAL-NC-Federal PAC stated in their initial responses and reaffirm here, the Coalition for Choice is a loosely-knit group of organizations that work together not on electoral matters but on state legislative matters. See Brody Aff. ¶¶ 8, 11; Waddle Aff. ¶¶ 8, 11; Ziegler Aff. ¶¶ 14, 17. NARAL-NC is a member organization of the Coalition for Choice, as are the organizations with which Charlotte Brody (Planned Parenthood of Greater Charlotte) and Roberta Waddle (North Carolina National Organization for Women) were associated during 1990. See Brody Aff. ¶ 8; Waddle Aff. ¶ 8; Ziegler Aff. ¶ 14. Mr. Gantt spoke at the Coalition's rally on April 28, 1990 because he had been endorsed by the PAC of the national affiliate of Ms. Waddle's organization, not because the Coalition for Choice or any of its other member organizations supported his candidacy. See Brody Aff. ¶ 9; Waddle Aff. ¶ 9; Ziegler Aff. ¶ 15. Mr. Gantt's primary opponents were also present at the event. Mr. Gantt's remarks lasted for less than five minutes, and in the course of the event he neither imparted nor discussed any private or confidential information concerning his plans, projects, or needs in the Senate race. See Brody Aff. ¶ 10; Waddle Aff. ¶ 10; Ziegler Aff. ¶ 16. In fact, Ms. Ziegler did not even speak with Mr. Gantt. See Ziegler Aff. ¶ 16. Because "[a]fter this event and through the November 1990 general election there was no communication between NARAL [or its affiliates] and the Coalition for Choice regarding any electoral matters, including the North Carolina Senate race," Ziegler Aff. ¶ 17; see also Brody Aff. ¶ 11; Waddle Aff. ¶ 11, there is no basis for the Commission to find that coordination occurred via the Coalition for Choice.

The facts concerning the two individuals mentioned in this connection in the Complaint also provide no foundation for the coordination charge. Ms. Brody did not even attend Coalition for Choice

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meetings in 1990. See Brody Response to Document Request (Nov. 4, 1992). Further, she has "never been a leader, Board member, or paid or unpaid staff member or volunteer of" NARAL or its affiliates. Brody Aff. ¶ 2. Her only connection with NARAL-NC was that she signed a fundraising appeal on October 7, 1988, see Brody Aff. ¶ 3; Document NC0609-NC0610, almost two years before NARAL and NARAL-NC-Federal PAC made independent expenditures in connection with the 1990 North Carolina Senate race, and the appeal was on behalf of NARAL-NC's State PAC, which has never had any involvement in federal races.[4] Other than this, Ms. Brody has never had any duties or responsibilities for, and has never taken any actions or made any communications on behalf of, NARAL or its North Carolina affiliate organizations. See Brody Aff. ¶ 3. In addition, neither NARAL nor NARAL-NC-Federal PAC has ever made an expenditure in connection with an electoral race by or through Ms. Brody. See Ziegler Aff. ¶ 19. Because "[a]ny work [she] did on behalf of Harvey Gantt's candidacy did not in any way involve" NARAL or NARAL-NC-Federal PAC, and because she "never provided anyone affiliated with [these organizations] with any information about the plans, projects, or needs of Harvey Gantt or his campaign," Brody Aff. ¶ 12, Ms. Brody simply did not serve as a means of coordination between the Gantt campaign and NARAL or NARAL-NC-Federal PAC.

Ms. Waddle has had even less involvement with NARAL or its North Carolina affiliate organizations than Ms. Brody -- indeed, virtually none at all. See Waddle Aff. ¶¶ 2-7. Further, she never served as an "agent" of the Gantt campaign, as defined in 11 C.F.R. § 109.1(b)(5) (1990). See Waddle Aff. ¶ 12. And, like Ms. Brody, her work with the Gantt campaign did not involve NARAL or NARAL-NC-Federal PAC or the transfer of information concerning Mr. Gantt's plans, projects, or needs to NARAL or NARAL-NC-Federal PAC. See Waddle Aff. ¶ 13. Neither NARAL nor NARAL-NC-Federal PAC has ever

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[4] Although a $200 contribution to the Gantt for Senate campaign was initially mistakenly drawn from NARAL-NC's State PAC account, this mistake was promptly corrected by seeking and obtaining a refund from the Gantt campaign, and the contribution was ultimately made, as intended, by NARAL-NC's Federal PAC account. See Ziegler Aff. ¶ 21; Documents NC0460 to NC0461.

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made an expenditure in connection with an electoral race by or through Ms. Waddle. See Ziegler Aff. ¶ 19. Ms. Waddle's activity therefore does not provide any basis for suspecting, let alone finding, coordination between the Gantt campaign and NARAL or NARAL-NC-Federal PAC. See Waddle Aff. ¶¶ 2-7, 12-13.

E. NARAL and NARAL-NC-Federal PAC Did Not Coordinate with the Gantt Campaign Through Any of the Other Individuals Named in the Complaint, None of Whom was a Leader in NARAL or NARAL-NC-Federal PAC.

The allegations of the Complaint also include a list of unrelated individuals -- W.W. Finlator, H.M. Michaux, and Jane Stein -- who are alleged in a conclusory manner to have been leaders of both the Gantt campaign and NARAL-NC-Federal PAC. These allegations appear to have no purpose other than to sweep into this matter prominent opponents of Senator Helms and his political agenda.

In fact, none of these individuals has ever been a leader, Board member, or paid or unpaid staff member or volunteer of NARAL or its North Carolina affiliate organizations. See Finlator Aff. ¶ 2; Michaux Aff. ¶ 2; Stein Aff. ¶ 2. None of them was ever privy to any confidential or private information related to NARAL's or NARAL-NC-Federal PAC's plans, projects, or needs concerning their activities in the 1990 North Carolina Senate race. See Finlator Aff. ¶ 5; Michaux Aff. ¶ 5; Stein Aff. ¶ 5. None of them provided any advice to NARAL or NARAL-NC-Federal PAC in connection with this race, see Finlator Aff. ¶ 6; Michaux Aff. ¶ 6; Stein Aff. ¶ 6, and no expenditure made by NARAL or NARAL-NC-Federal PAC in connection with this race was made by or through any of these individuals. See Ziegler Aff. ¶ 19.

The only connections between these individuals and NARAL or its North Carolina affiliated organizations have been quite limited, and never involved any independent expenditures made by NARAL or NARAL-NC-Federal PAC in connection with the 1990 North Carolina Senate race. Ms. Stein was merely a contributor to NARAL, NARAL-NC, and NARAL-NC's State PAC. See Stein Aff. ¶ 7. Rep. Michaux, because of his pro-choice

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voting record, was often endorsed as a candidate by NARAL-NC's State PAC and received contributions from it, as did numerous other pro-choice candidates for the North Carolina state legislature. See Michaux Aff. ¶ 8. And the involvement of Rev. Finlator, aside from being a contributor to NARAL, NARAL-NC, and NARAL-NC's State PAC, was limited to allowing his name to be listed on an invitation to a fundraiser for NARAL-NC's State PAC. See Finlator Aff. ¶ 3; Document NC0628-NC0629.

Moreover, any work of these individuals in the Gantt campaign did not in any way involve NARAL or NARAL-NC-Federal PAC, see Finlator Aff. ¶ 11; Michaux Aff. ¶ 11; Stein Aff. ¶ 10, nor was it of a nature to make them "agents" of the Gantt campaign or the DSCC under the Commission's regulations at 11 C.F.R. § 109.1(b)(5) (1990). See Finlator Aff. ¶ 10; Michaux Aff. ¶ 10; Stein Aff. ¶ 9.

For all of the above reasons, the Commission must find that none of these individuals served as a means of coordination between NARAL or NARAL-NC-Federal PAC and the Gantt campaign. Indeed, the total lack of foundation for sweeping these Helms opponents into this investigation provides striking confirmation that the Complaint here has no legal or factual foundation, but is designed simply to make political mischief and to chill the exercise of fundamental First Amendment rights. The Commission must not allow its processes to continue to be misused in this manner.

III. NARAL and NARAL-NC-Federal PAC Took Diligent, Affirmative Steps to Avoid Coordination with the Gantt Campaign.

This response and its accompanying affidavits, responses to interrogatories, and documents establish that from the time that NARAL and NARAL-NC-Federal PAC decided to make independent expenditures in the North Carolina Senate race through the date of the election, these organizations and their employees took many steps to avoid even the appearance of coordination with the Gantt campaign or the DSCC and to ensure that the NARAL-affiliated organizations and their expenditures remained independent of the Gantt campaign and the DSCC. See Belans Aff. ¶¶ 2-12; Bingaman Aff. ¶¶ 3-13; Cleary Aff. ¶¶ 2-8; Gill Aff. ¶¶ 3-13; Guthrie Aff. ¶¶ 2-11;

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Hanauer Aff. ¶¶ 11-17; Hurley Aff. ¶¶ 3-10; Marrow Aff. ¶¶ 2-9; Michelman Aff. ¶¶ 2-15; Napora Aff. ¶¶ 3-9; Richardson Aff. ¶¶ 2-10; Ucelli Aff. ¶¶ 3-11; Wagoner Aff. ¶¶ 6-15; Ziegler Aff. ¶¶ 3-13, 23.

Before NARAL and NARAL-NC-Federal PAC decided to make independent expenditures in connection with the North Carolina Senate race, NARAL staff and attorneys held several discussions with NARAL-NC board members, NARAL-NC-Federal PAC staff, and others who might potentially be involved about the legal requirements regarding maintaining independence from candidates and their campaigns in any race in which NARAL or NARAL-NC-Federal PAC might make independent expenditures.[5] See Bingaman Aff. ¶¶ 7-8; Gill Aff. ¶¶ 7-8; Ziegler Aff. ¶ 4. These discussions resulted in several board members resigning because they wanted to work with the Gantt campaign during the period in which NARAL and NARAL-NC-Federal PAC might make independent expenditures. See Documents NC0021 to NC0026; Bingaman Aff. ¶ 9; Gill Aff. ¶ 9; Ziegler Aff. ¶ 4.

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[5] Such discussions were held with Betsy Arledge, a consultant retained by NARAL, and Eric Rosenthal and Kevin Layton of the Human Rights Campaign Fund, with which NARAL was considering organizing joint activities in connection with the North Carolina Senate race. For the purpose of assessing how these activities would affect the lawfulness of NARAL's independent expenditures, these individuals provided the NARAL staff attorney who handles campaign finance issues, at her request, with documents related to their contacts with the Gantt campaign. These documents were not distributed outside the NARAL Legal Department. They were used only for the above-stated purpose and contained no information that was used in the independent expenditures later made by NARAL or NARAL-NC-Federal PAC. They have been produced to the Commission from the attorney's files. See Documents N03997-N03998 and N06463-N06469. As a result of these consultations, NARAL decided not to allow Ms. Arledge to work on the North Carolina Senate race (nor did her firm, Foreman and Heidepriem, do such work) and not to work with the Human Rights Campaign Fund in connection with the North Carolina Senate race.

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When potential new employees and volunteers arrived to help in connection with the North Carolina independent expenditures, NARAL and NARAL-NC-Federal PAC staff members interviewed them carefully, asking whether they had had any contact with the Gantt campaign or anyone affiliated with the Gantt campaign that would jeopardize the independence of NARAL's or NARAL-NC-Federal PAC's expenditures and turning them away if this was the case. See Belans Aff. ¶ 3, 7; Bingaman Aff. ¶ 6; Cleary Aff. ¶ 2; Gardner Aff. ¶ 10; Guthrie Aff. ¶¶ 3, 5; Hurley Aff. ¶ 3; Marrow Aff. ¶ 2; Michelman Aff. ¶ 6; Napora Aff. ¶ 3; Richardson Aff. ¶¶ 3, 5, 8; Ucelli Aff. ¶ 6; Wagoner Aff. ¶¶ 8, 10; Ziegler Aff. ¶ 5. One relatively senior NARAL employee hired in this period had had some brief and extremely limited contact with the Gantt campaign in his prior job on Capitol Hill, see Wagoner Aff. ¶¶ 2-5, but he received no information relevant to the independent expenditures in this capacity, see id. ¶ 5, and ultimately made "no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race . . . with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC." Id. ¶ 15.

In addition, once staff and volunteers became affiliated with NARAL-NC and NARAL-NC-Federal PAC, they were regularly reminded that they were not to be involved in any way with the Gantt campaign and were never to discuss NARAL's or NARAL-NC-Federal PAC's work with anyone affiliated with the Gantt campaign. See Bingaman Aff. ¶¶ 2-3; Cleary Aff. ¶ 3; Gill Aff. ¶ 3; Guthrie Aff. ¶¶ 4, 6; Hanauer Aff. ¶ 2; Hurley Aff. ¶ 4; Marrow Aff. ¶ 3; Michelman Aff. ¶¶ 2-9; Napora Aff. ¶ 4; Richardson Aff. ¶¶ 4-5; Wagoner Aff. ¶¶ 6, 8-10; Ziegler Aff. ¶ 6. In fact, several individuals involved with NARAL's and NARAL-NC-Federal PAC's independent expenditures took extraordinary steps in their personal and social lives to avoid even the appearance of coordination with the Gantt campaign. See Belans Aff. ¶ 10; Hanauer Aff. ¶ 13.

In July of 1990, NARAL held a briefing for its entire staff, at which NARAL attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in which NARAL or its

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affiliates might make independent expenditures. See Bingaman Aff. ¶ 5; Gill Aff. ¶ 5; Hanauer Aff. ¶ 12; Michelman Aff. ¶ 4; Ucelli Aff. ¶ 5. Similar briefings were held for the NARAL Board of Directors, see Michelman Aff. ¶ 5, and for new employees in sensitive positions, see Wagoner Aff. ¶ 8. NARAL's Executive Director, Kate Michelman, emphasized that questions concerning any matter that might touch on the concern with coordination should be referred immediately to NARAL's attorneys. See Bingaman Aff. ¶ 5; Gill Aff. ¶ 5; Hanauer Aff. ¶ 12; Michelman Aff. ¶¶ 4-5; Ucelli Aff. ¶ 5; Wagoner Aff. ¶ 8. Accordingly, questions about the policy regarding maintaining independence and specific instances of its application were addressed to the NARAL staff attorney who handles campaign finance issues. See Cleary Aff. ¶ 2; Guthrie Aff. ¶ 5; Hurley Aff. ¶ 3; Marrow Aff. ¶ 2; Napora Aff. ¶ 3.

As a result of these steps, no one who worked with NARAL or NARAL-NC-Federal PAC during the period in which the organizations were making independent expenditures in connection with the North Carolina Senate race and who was associated in any way with the independent expenditures was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt to raise or expend funds, was ever an officer of an authorized committee for Gantt, or ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC. See Belans Aff. ¶ 6-7; Bingaman Aff. ¶¶ 6, 11-12; Cleary Aff. ¶¶ 5-6; Gill Aff. ¶¶ 6, 11-12; Guthrie Aff. ¶¶ 8-9; Hanauer Aff. ¶¶ 3, 15-16; Hurley Aff. ¶¶ 6-7; Marrow Aff. ¶¶ 5-6; Michelman Aff. ¶¶ 11-12; Napora Aff. ¶¶ 6-7; Richardson Aff. ¶¶ 7-8; Ucelli Aff. ¶¶ 8-9; Wagoner Aff. ¶¶ 12-13; Ziegler Aff. ¶¶ 8-9.

In addition, steps were taken to ensure that the political consultants working with NARAL on the independent expenditures were completely independent of the Gantt campaign. These consultants followed strict policies of confidentiality and signed confidentiality agreements with NARAL. See Gardner Aff. ¶¶ 4-5; Haddow Aff. ¶¶ 4-5; Hickman Aff. ¶¶ 4-5; Michelman Aff. ¶ 6; Documents N04566 to N04570. There is no indication that these agreements were ever broken or breached in any way. See Michelman Aff. ¶ 6. None of these consultants transferred or discussed information concerning the plans, projects, or needs of Harvey Gantt

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or the Gantt campaign or of NARAL or NARAL-NC-Federal PAC to or with anyone affiliated with the Gantt campaign. See Gardner Aff. ¶¶ 6, 9; Haddow Aff. ¶¶ 7, 10; Hickman Aff. ¶¶ 6, 9. None of them was an "agent" of the Gantt campaign as defined in 11 C.F.R. § 109.1(b)(5) (1990). See Gardner Aff. ¶¶ 7-8; Haddow Aff. ¶¶ 8-9; Hickman Aff. ¶¶ 7-8. Finally, no expenditure of NARAL or NARAL-NC-Federal PAC in connection with the 1990 North Carolina Senate race that was made by or through any of them was coordinated with the Gantt campaign. See Gardner Aff. ¶ 11; Haddow Aff. ¶ 12; Hickman Aff. ¶ 16.

IV. Incidental Contacts that Occurred between NARAL or NARAL-NC-Federal PAC and the Gantt Campaign Involved No Sharing of Information Relevant to the Independent Expenditures.

In preparing this response, NARAL and NARAL-NC-Federal PAC have conducted an exhaustive search of documents and interviews with participants and staff in an effort to uncover the details of every contact between NARAL or NARAL-NC-Federal PAC and Harvey Gantt or the Gantt campaign that might have occurred despite the extraordinary steps taken to avoid such contacts. These documents and the affidavits accompanying this response reveal that such contacts were extremely limited and did not involve the sharing, discussion, or coordination of campaign strategy or of the independent expenditures or information related thereto. In fact, most of these contacts occurred long before NARAL or NARAL-NC-Federal PAC had even made a decision about whether to make independent expenditures in the North Carolina Senate race, much less begun to formulate the strategy for or content of such expenditures.

As described in some of the affidavits, Belans Aff. ¶ 9, 11; Hurley Aff. ¶ 9; Marrow Aff. ¶ 8; Ziegler Aff. ¶¶ 11, 13, there were occasional instances in which someone affiliated with the Gantt campaign attempted to contact a NARAL or NARAL-NC-Federal PAC employee associated with the independent expenditures. All such contacts were firmly rebuffed and none involved the transfer or discussion of any information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign or of NARAL or NARAL-NC-Federal PAC. See id. In fact, partly in response to these attempts and

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in order to protect the independence of NARAL and NARAL-NC-Federal PAC, efforts were made to inform politically active individuals in North Carolina who might have had some information about Harvey Gantt's plans, projects, or needs of the need to refrain from communicating anything they knew about the Harvey Gantt campaign to NARAL or NARAL-NC-Federal PAC or their employees. See Michelman Aff. ¶ 15; Documents NC0018 and NC0027; N00540 to N00541.

There were also three instances in which someone associated with the Gantt campaign sent a packet of campaign materials to NARAL's PAC Manager (and most likely to managers of many other PACs) apparently in hopes that NARAL-PAC would make a contribution to the Gantt campaign. See Hanauer Aff. ¶¶ 4, 6; Documents N01112 to N01115; N03794 to N03798; N03825; N03902 to N03905. These attempts occurred prior to the point at which NARAL and NARAL-NC-Federal PAC began making independent expenditures in connection with the North Carolina Senate race, and the materials did not contain information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign. See Hanauer Aff. ¶ 14.

There were also a few occasions on which NARAL's Executive Director or PAC Manager or NARAL-NC-Federal PAC's Treasurer came into contact with Harvey Gantt himself, but these similarly involved no transfer or discussion of information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign. See Hanauer Aff. ¶¶ 5, 8; Michelman Aff. ¶ 14; Ziegler Aff. ¶¶ 12, 16, 22. At a March 20, 1990 meeting of an informal coalition of progressive PAC managers known as PRONET, Mr. Gantt spoke; however, NARAL's PAC Manager, Ms. Hanauer, was absent during all but "a few minutes" of his presentation. Hanauer Aff. ¶ 5. "Nothing [she] heard involved confidential or private information related to his plans, projects, or needs, in other words, no information other than the kind one would learn from such sources as news reports." Id. Ms. Ziegler was merely present at two relatively public events at which Mr. Gantt addressed the crowd. See Ziegler Aff. ¶¶ 16, 22. And the remainder of these occasions were even more innocuous. Ms. Michelman had a chance encounter at a fundraising dinner for a separate organization, see Michelman Aff. ¶ 14, and Ms. Hanauer and Ms. Ziegler merely answered Mr. Gantt's phone calls.

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See Hanauer Aff. ¶ 8; Ziegler Aff. ¶ 12. No exchange of relevant information or other improper communication occurred during these brief contacts.

Furthermore, no such transfer or discussion of information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign took place in those few instances when NARAL's PAC Manager initiated contact with the Gantt campaign. See Hanauer Aff. ¶¶ 7, 9. Long before NARAL or NARAL-NC-Federal PAC began to make independent expenditures in the North Carolina Senate race, Ms. Hanauer did request very general information about the views of Mr. Gantt and his primary opponents in order to assist NARAL-PAC in deciding whether or whom to endorse in the race, see Hanauer Aff. ¶ 7, but these questionnaires did not call for information related to the candidates' plans, projects, or needs, and none was apparently supplied. See id.; Documents N00506 to N00518; N00687; N03799; NC0283 to NC0302; NC0591 to NC0606. Further, one or two days before election day, 1990, Ms. Hanauer called an aide to Harvey Gantt just to find out his location after the polls had closed on election night solely "for the purpose of expressing congratulations or condolences once the results of the election were known." Hanauer Aff. ¶ 9; Document N03821.

Finally, the single arm's-length contribution of $200 from NARAL-NC-Federal PAC to the Gantt campaign, see Ziegler Aff. ¶ 21; Documents NC0460 to NC0461, did not involve the transfer or discussion of information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign or of NARAL-NC-Federal PAC,[6] and neither did the sale of lists of NARAL-NC members during the runoff campaign to the Gantt and Easley campaigns, pursuant to the common practice of NARAL-NC-Federal PAC.[7] See Ziegler Aff. ¶ 20.

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[6] The Commission has rightly never found an arm's length monetary contribution to compromise an organization's ability to make independent expenditures.

[7] This sale of a membership list by NARAL-NC-Federal PAC to the Gantt campaign is distinguishable from the transfer considered in Advisory Opinion 1987-15, 1 Fed.

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As this discussion and a review of the affidavits and documents show, there was no transfer or discussion of information concerning the plans, projects, or needs of Harvey Gantt or the Gantt campaign or of NARAL's or NARAL-NC-Federal PAC's independent expenditures between those persons responsible for the independent expenditures and anyone affiliated with Harvey Gantt or the Gantt campaign. See Belans Aff. ¶ 5, 8; Bingaman Aff. ¶¶ 10, 13; Cleary Aff. ¶¶ 4, 7; Gardner Aff. ¶¶ 6, 9; Gill Aff. ¶¶ 10, 13; Guthrie Aff. ¶¶ 7, 10; Haddow Aff. ¶¶ 7, 10; Hanauer Aff. ¶¶ 14, 17; Hickman Aff. ¶¶ 6, 9; Hurley Aff. ¶¶ 5, 8; Marrow Aff. ¶¶ 4, 7; Michelman Aff. ¶¶ 10, 13; Napora Aff. ¶¶ 5, 8; Richardson Aff. ¶¶ 6, 9; Ucelli Aff. ¶¶ 7, 10; Wagoner Aff. ¶¶ 11, 14; Ziegler Aff. ¶¶ 7, 10. Nothing suggests a conclusion that the expenditures of NARAL or NARAL-NC-Federal PAC were made "with the cooperation or

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Election Camp. Fin. Guide (CCH) ¶ 5899 (Aug. 12, 1987), to have compromised an independent committee's expenditures. First, the transfer in Advisory Opinion 1987-15 was proposed to be done while the transferee committee was making independent expenditures, whereas here the transfer took place before any independent expenditures were made and during a runoff election prior to the general election in which expenditures were made. Second, the transfer in Advisory Opinion 1987-15 was proposed to be from the candidate to the independent committee, whereas this transfer was from the independent committee to the candidates' committees. This is significant because only a candidate's list -- not that of an independent committee -- might contain "information about the candidate's plans, projects, or needs," the transfer of which is proscribed by regulation. 11 C.F.R. § 109.1(b)(4)(i)(A) (1990). Finally, the transfer in Advisory Opinion 1987-15 was proposed to be made only to the candidate on whose behalf the independent expenditures would be made, whereas here the transfer was to two candidates who were opponents at the time, only one of whom was eventually, some months later, supported by independent expenditures of NARAL and NARAL-NC-Federal PAC. Such a transfer, pursuant to the routine practice of the organization, see Ziegler Aff. ¶ 20, demonstrates that NARAL-NC was not attempting to single out the Gantt campaign for special assistance.

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with the prior consent of, or in consultation with, or at the request or suggestion of [Harvey Gantt] or any agent or authorized committee of [Mr. Gantt]." 11 C.F.R. § 109.1 (1990). See Belans Aff. ¶ 12; Bingaman Aff. ¶ 14; Cleary Aff. ¶ 8; Gardner Aff. ¶ 11; Gill Aff. ¶ 14; Guthrie Aff. ¶ 11; Haddow Aff. ¶ 12; Hanauer Aff. ¶ 18; Hickman Aff. ¶ 16; Hurley Aff. ¶ 10; Marrow Aff. ¶ 9; Michelman Aff. ¶ 16; Napora Aff. ¶ 9; Richardson Aff. ¶ 10; Ucelli Aff. ¶ 11; Wagoner Aff. ¶ 15; Ziegler Aff. ¶ 23.

Indeed, not only reason but the Commission's precedent compels these conclusions on the facts here. See, e.g., Stark v. FEC, 683 F. Supp. 836 (D.D.C. 1988) (affirming the Commission's dismissal, on a 3-3 vote, of allegations of coordination involving the solicitation of funds by an independent committee for a candidate that were denied under oath by respondents); Advisory Opinion 1987-15, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5899, at 11,388 (Aug. 21, 1987) (Josefiak, Comm'r, concurring) (noting that neither the Commission nor any court has adopted the position that "any contact" between a candidate's committee and an independent committee compromises the independence of the latter's expenditures); MUR 2618 (Gen. Counsel's Brief at 4) (recommending finding of no probable cause because the group making expenditures "had no knowledge of the candidate's plans, projects, or needs," despite their use of the same mailing house); MUR 1624 (First General Counsel's Report at 7) (recommending finding of no reason to believe despite multiple general contacts between the independent committee and the campaign and candidate because there was "no showing . . . that substantive political discussions took place at these meetings, or that campaign contributions were sought, or that future [independent committee] campaign activities and/or expenditure programs were discussed or coordinated with [the candidate] or anyone associated with [the campaign]"); MUR 3069 (General Counsel's Report at 23-24) (recommending no further action in light of denials of coordination, despite "deliberate contacts between the agents of the two committees" and the simultaneous retention of an individual employee by both committees). The few incidental contacts that did occur between such politically active organizations and

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individuals in a single state were understandable and innocent, and certainly do not establish coordination, cooperation, or consultation.[8]

V. This Matter Should be Closed.

The foregoing responds to all of the allegations against NARAL and NARAL-NC-Federal PAC and demonstrates that the General Counsel's Office should close this matter. The Commission should find no probable cause to believe that a violation of § 441a(a)(2) has occurred.

In fact, we respectfully submit that the Commission should not have found reason to believe that violations had occurred in light of the Complaint's speculative allegations and NARAL's and NARAL-NC-Federal PAC's initial responses to them. The Factual and Legal Analysis prepared by the Commission's Office of General Counsel raised certain concerns about the initial responses that, we submit, could have been resolved more economically prior to the Commission's consideration of the reason to believe decision.[9]

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[8] Although, as discussed above, Harvey Gantt and the Gantt campaign on a few occasions sought campaign contributions from NARAL-PAC and NARAL-NC-Federal PAC, these contacts did not impart any information about the plans, projects, or needs of the Gantt campaign that was not otherwise publicly available (i.e., the information that the Gantt campaign was raising money from progressive organizations). Therefore, these contacts do not constitute coordination between the Gantt campaign and NARAL or NARAL-NC-Federal PAC.

[9] First, the General Counsel's Office expressed concern that the affidavits provided contained "qualifying phrases" such as "to the best of my knowledge." Any such phrases were used simply to indicate that the affiant's statement was made on the basis of personal knowledge, as all affidavits must be, and not to narrow the breadth of the statements. NARAL and NARAL-NC-Federal PAC could easily have confirmed the innocuous meaning of the phrase or provided revised affidavits to answer any questions or concerns of the General

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At this juncture, the Commission's inquiry has escalated to the point that NARAL and NARAL-NC-Federal PAC have had to expend countless hours foreclosing every

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Counsel's Office. In fact, on one occasion, we were contacted by the staff attorney who formerly handled this matter and in response to his question confirmed the breadth of one individual's denial and provided a supporting affidavit from that individual.

Second, the Analysis raised a related concern that NARAL submitted affidavits only from "high ranking" individuals within the organization and questioned whether Executive Directors Kate Michelman and Ruth Ziegler had "direct involvement in the activities at issue." As shown by their affidavits accompanying this response, both Ms. Michelman and Ms. Ziegler played hands-on roles in the creation and implementation of NARAL's and NARAL-NC-Federal PAC's independent expenditure strategy. Because both of these organizations are quite small, the executive director of each is intimately involved with virtually all aspects of an independent expenditure. Had we known of the General Counsel's concern in this respect, we easily could have provided further affidavits from the executive directors down to the field organizers, as we have in this response, prior to the Commission's consideration at the reason to believe stage.

Third, the Analysis considered the statements in the affidavits to be "conclusory" because they did not outline the specific steps taken to prevent coordination. It is difficult to know to what lengths one must go to prove a negative. Honorable people stated under oath that no coordination took place; if this was not sufficient, as it apparently was not, NARAL and NARAL-NC-Federal PAC easily could have provided further details, as we now have, prior to the Commission's finding of reason to believe.

Fourth, the Analysis faulted NARAL's and NARAL-NC-Federal PAC's decision not to provide affidavits from six people in North Carolina who were named in the Complaint but who had little or no relationship to NARAL or NARAL-NC-Federal PAC. These individuals are not and

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possible suspicion. More than two years have passed since the events in question, and for over twenty months of that time the Commission was considering the initial responses of NARAL and NARAL-NC-Federal PAC.[10] In this period, numerous individuals have moved away or ceased their affiliation or employment with NARAL and NARAL-NC-Federal PAC, making the preparation of this response substantially more difficult. Furthermore, having proceeded to this stage, the Commission will now have to expend significant staff resources to examine and analyze the responses of NARAL and NARAL-NC-Federal PAC, which include several thousand pages of documents requested as a result of the Commission's reason to believe finding. A flimsy complaint as unjustifiable as that filed here should not be allowed to impose such burdens on the extremely limited resources of organizations such as NARAL, NARAL-NC, and the Commission.

Regardless of these objections to the Commission's initial determination of reason to believe, this response completely and finally lays to rest the

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were not under the control of NARAL or NARAL-NC-Federal PAC; in fact, that was precisely the point of the original responses. NARAL and NARAL-NC-Federal PAC therefore believed at the time that it would not be prudent to seek them out ourselves. Had the General Counsel's Office sought to contact them directly or asked us to do so on its behalf, as we have now done, the Commission could have considered this information prior to its finding of reason to believe.

[10] The initial responses of NARAL-NC-Federal PAC and NARAL were filed on November 6, 1990 and January 25, 1991, respectively. The Commission notified NARAL and NARAL-NC-Federal PAC of its July 28, 1992 determination of reason to believe on September 28, 1992. Further, as noted in the General Counsel's December 19, 1990 letter, the Complaint was not forwarded to NARAL within five days of the Commission's receipt of it, as required by law, 2 U.S.C. § 437g(a)(1) (1988); 11 C.F.R. § 111.5(a) (1990). The Commission's staff delayed sending the Complaint to NARAL for some four months. We respectfully reserve the issue of the Commission's failure to adhere to the law and to its own regulations.

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concerns of the General Counsel's Office with respect to the alleged coordination issues.[11] To the extent that the General Counsel's office has any remaining questions after considering this response and its accompanying affidavits, responses to interrogatories, and documents, we respectfully request that NARAL and NARAL-NC-Federal PAC be granted the opportunity to clear up any misunderstandings or continued suspicions before this matter unnecessarily proceeds any further.

Very truly yours,

Kathleen M.H. Wallman
Julie S. Schrager
Trenton H. Norris†

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[11] As noted above, a response to be filed separately addresses issues raised concerning NARAL's status as an organization entitled to make independent expenditures under FEC v. Massachusetts Citizens for Life, 479 U.S. 238 (1986).

† Admitted only in Maryland and Massachusetts.

Attachments:

A. Affidavit of Linda Belans
B. Affidavit of Bob Bingaman
C. Affidavit of Charlotte Brody
D. Affidavit of Virginia Cleary
E. Affidavit of Rev. W.W. Finlator
F. Affidavit of Page Gardner
G. Affidavit of Mary Gill
H. Affidavit of Polly Guthrie
I. Affidavit of Kim Haddow
J. Affidavit of Jill Hanauer
K. Affidavit of Harrison Hickman
L. Affidavit of Janet Hurley
M. Affidavit of David Jones
N. Affidavit of Holly Marrow
O. Affidavit of Rep. H.M. Michaux
P. Affidavit of Kate Michelman
Q. Affidavit of Chandra Napora
R. Affidavit of David Petts
S. Affidavit of Paige Richardson
T. Affidavit of Jane Stein
U. Affidavit of Loretta Ucelli
V. Affidavit of Roberta Waddle
W. Affidavit of James Wagoner
X. Affidavit of Ruth Ziegler

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IN THE CITY OF CHAPEL HILL)
) ss:
NORTH CAROLINA)

AFFIDAVIT

LINDA BELANS

Linda Belans, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In 1990, I was employed as press secretary for the National Abortion Rights Action League North Carolina PAC (NARAL-NC-Federal PAC) in connection with its independent expenditures in the 1990 North Carolina Senate race. In this position, I was the primary person responsible for planning and implementing NARAL-NC-Federal PAC's media strategy. I drafted press releases, arranged press conferences and other media events, responded to inquiries from the media, and worked with a staff of approximately ten people who assisted me in carrying out these tasks.

2. I and the employees of NARAL-NC-Federal PAC and of the National Abortion Rights Action League, Inc. (NARAL) who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures.

3. Before Ruth Ziegler, who was then the Treasurer of NARAL-NC-Federal PAC, hired me, she took

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care to ascertain that I had had no contact with the Gantt campaign. I had, in fact, had no contact or association with the Gantt campaign whatsoever prior to being hired in the late summer of 1990, and I had none throughout 1990.

4. Those of us working on the independent expenditure campaign, including paid staff and regular volunteers, understood that we were not to be involved in any way with the Gantt campaign and never to discuss NARAL's work with anyone affiliated with the Gantt campaign.

5. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

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6. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

7. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditures to be linked in some way, however slight, with the Gantt campaign. I am unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

8. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with

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the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

9. Although I was occasionally asked to participate in some way with a media event or fundraiser organized by the Gantt campaign, I emphatically refused all such requests and explained that this was because NARAL and NARAL-NC-Federal PAC were making independent expenditures in connection with the 1990 North Carolina Senate race.

10. Furthermore, I took pains to ensure that my personal and family relationships could not be seen as compromising the independence of NARAL's and NARAL-NC-Federal PAC's expenditures, by asking that the people close to me not work with or for the Gantt campaign.

11. I was painfully aware of a number of opportunities during the campaign for NARAL-NC-Federal PAC or NARAL to provide invaluable support to Harvey Gantt's election efforts but that we could not undertake because to do so would have compromised the independence of our expenditures. I and everyone with whom I worked refused every such opportunity, no matter how potentially helpful it might have been to Harvey Gantt's candidacy. For example, on one occasion a prominent

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Republican contacted me about her attending a NARAL-NC-Federal PAC media event, but I barred her from the event because she was affiliated with the Gantt campaign, despite the fact that, as a supporter of abortion rights, she could have been enormously helpful to NARAL-NC-Federal PAC's efforts.

12. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Linda Belans

Executed this 8 day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

BOB BINGAMAN

Bob Bingaman, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am, and was throughout 1990, the National Field Director of the National Abortion Rights Action League (NARAL), headquartered in Washington, D.C. In this capacity, I supervise several regional field managers who provide training and assistance to NARAL affiliates.

2. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to campaign strategy with any candidate who might be benefited by independent expenditures made by NARAL or its affiliates, including its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC). I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

3. Both NARAL and NARAL-NC-Federal PAC took numerous precautions to avoid jeopardizing the independence of NARAL's and NARAL-NC-Federal PAC's

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expenditures in the 1990 North Carolina Senate race. I personally emphasized to the staff of NARAL-NC-Federal PAC and NARAL's North Carolina affiliate (NARAL-NC) that it was extremely important that we ensure that everyone associated with NARAL and NARAL-NC, including members of the staff, personnel and consultants hired specifically to work on the independent expenditures, NARAL-NC Board members, and volunteers, was made aware of the need to avoid contact with Harvey Gantt and the Gantt campaign. I made a commitment that I and the national NARAL staff, including our legal staff, would do everything that we could to assist NARAL-NC and its federal PAC in maintaining independence from the Gantt campaign.

4. At all relevant times during the 1990 election cycle, I was aware of the need to follow all legal advice provided to NARAL concerning independent expenditures and to ensure that all members of the NARAL staff under my supervision complied fully with applicable laws concerning independent expenditures.

5. I attended a briefing for the entire NARAL staff in July 1990, at which NARAL attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in those races in which NARAL might make independent expenditures. Kate Michelman, then NARAL's Executive Director, personally emphasized to the NARAL staff that it was extremely important that all staff comply fully with these

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requirements and confer immediately with one of our attorneys if any question arose.

6. Prior to 1990 and throughout 1990, I had no relationship with Harvey Gantt or the Gantt campaign. I asked all NARAL staff under my supervision whether any of them had any relationship with Harvey Gantt or the Gantt campaign that might jeopardize NARAL's ability to remain independent from that campaign. In each case, they assured me that they had no such relationship. I made clear to those staff who might hire or use the services of additional employees or consultants that every person asked to work on the independent expenditures of NARAL and NARAL-NC-Federal PAC in connection with the North Carolina Senate race must be able to provide assurances that he or she had no relationship with Harvey Gantt or the Gantt campaign.

7. In June of 1990, NARAL and NARAL-NC engaged in discussions concerning the upcoming elections, including the possibility of making independent expenditures against Senator Jesse Helms in the North Carolina Senate race. I spoke to Ruth Ziegler, then Executive Director of NARAL-NC, and to members of the NARAL-NC Board of Directors about the possibility of making independent expenditures in the U.S. Senate race. On one occasion, at least one member of the Board of Directors of NARAL-NC traveled to Washington, D.C. and met with me to discuss the possibility of NARAL and

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NARAL-NC-Federal-PAC making independent expenditures in the North Carolina Senate race. In all of these conversations, both in person and by telephone, I emphasized the importance of seeking and following advice provided by NARAL's attorneys about the legal requirements for making independent expenditures.

8. In July of 1990, I traveled to North Carolina to meet with the staff and Board of NARAL-NC in order to discuss further the possibility that NARAL and NARAL-NC-Federal PAC would make independent expenditures in the North Carolina Senate race. A NARAL Staff Attorney also attended the meeting of the NARAL-NC Staff and Board in order to explain the legal requirements for maintaining independence from candidates and their campaigns in any race in which NARAL and NARAL-NC-Federal PAC might make independent expenditures.

9. Following this July meeting, NARAL and NARAL-NC-Federal PAC jointly decided to make independent expenditures in connection with the 1990 North Carolina Senate race, and several Board members of NARAL-NC resigned their positions in order to work with the Gantt campaign.

10. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans,

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projects, or needs. As noted above, some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race in order to work with the Gantt campaign. I am otherwise unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

11. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

12. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditure campaign to be linked in some way, however slight, with the Gantt

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campaign. As noted above, some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race in order to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

13. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

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14. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Bob Bingaman

Executed this 23 day of February, 1993.

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IN THE CITY OF CHARLOTTE)
) ss:
NORTH CAROLINA)

AFFIDAVIT

CHARLOTTE BRODY

Charlotte Brody, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In January of 1990, I served as the Associate Director of Planned Parenthood of Greater Charlotte. On January 29, 1990, I assumed my current position as President and Chief Executive Officer of this family planning agency, which is now called Planned Parenthood of the Southern Piedmont and Carolina Mountains ("Planned Parenthood").

2. I have never been a leader, Board member, or paid or unpaid staff member or volunteer of the National Abortion Rights Action League (NARAL), of its North Carolina affiliate (NARAL-NC), of its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC), or of its North Carolina affiliate's state political action committee (NARAL-NC-State PAC).

3. I have never had any duties or responsibilities for, and I have never taken any actions or made any communications on behalf of, NARAL, NARAL-NC

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or NARAL-NC-Federal PAC. In October of 1988, I signed a fundraising letter as an individual on behalf of NARAL-NC-State PAC.

4. No expenditure made by NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC in connection with an electoral race has ever been made by or through me.

5. I was not privy to any confidential or private information related to the plans, projects, or needs of NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC concerning their activities in the 1990 North Carolina Senate race. Any information I ever had about their plans, projects, or needs concerning their activities in the 1990 North Carolina Senate race came from publicly available sources such as news accounts.

6. I have never provided NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with political, strategic or any other kind of advice or information relating to the 1990 North Carolina Senate race.

7. I have never contributed to NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC.

8. In my work for Planned Parenthood, I was involved with the organization Coalition for Choice, of which both Planned Parenthood and NARAL-NC, along with several dozen other organizations, are members.

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Coalition for Choice sponsored an event on April 28, 1990 called the Rally in Raleigh: North Carolina Stands Up for Choice. The purpose of the event was to kick off the Coalition's efforts with respect to the upcoming North Carolina legislative session. Several pro-choice state legislators and candidates for state legislative office were present at the event and were introduced or spoke briefly.

9. Prior to the event, the board of Coalition for Choice agreed that the only candidates who would be permitted to address the crowd at this pro-choice rally would be those who had been endorsed by a PAC of a member organization or its national affiliate. Because the National Organization for Women PAC ("NOW PAC") had endorsed Harvey Gantt, he was permitted to, and did, address the crowd at this event. Planned Parenthood did not endorse Harvey Gantt.

10. I recall that Mr. Gantt's remarks lasted less than five minutes. It was publicly noted that he had been endorsed only by NOW PAC and not by Coalition for Choice or any of its other constituent groups. Neither in his public remarks nor in conversations with me at this event or with other organizers of the event did Mr. Gantt reveal any confidential or private information about his plans, projects, or needs in the 1990 Senate race.

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11. After this event and through the November 1990 general election, there was no communication between Planned Parenthood and NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC concerning any electoral matters.

12. Any work I did on behalf of Harvey Gantt's candidacy did not in any way involve NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC, and I never provided anyone affiliated with NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with any information about the plans, projects, or needs of Harvey Gantt or his campaign.

I declare under penalty of perjury that the foregoing is true and correct.

Charlotte Brody

Executed this 5 day of February, 1993.

9504361/3599

IN THE CITY OF ALEXANDRIA)
) ss:
VIRGINIA)

AFFIDAVIT

VIRGINIA CLEARY

Virginia Cleary, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In 1990, I was an employee of the National Abortion Rights Action League's North Carolina affiliate (NARAL-NC) and its federal political action committee (NARAL-NC-Federal PAC). I was a community organizer in Greensboro, North Carolina, focusing primarily on state and local races. I also worked with volunteers in our Greensboro office. I participated in discussions concerning the independent expenditures in connection with the 1990 North Carolina Senate race and the need to ensure our independence from Harvey Gantt and the Gantt campaign.

2. I and the other NARAL-NC and NARAL-NC-Federal PAC employees who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures. Whenever a potential volunteer came to our office, I explained the precautions that must be taken to remain independent of the Gantt campaign. We

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asked every potential volunteer whether he or she had had any contact with the Gantt campaign or any agent of the Gantt campaign. If there was any doubt as to whether the potential volunteer had information or contacts that could jeopardize NARAL's independence, I consulted with the NARAL staff attorney who handles campaign finance issues. We rejected certain potential volunteers on the ground that they might be perceived as having confidential or private information from the Gantt campaign about its plans, projects, or needs.

3. I also discussed with volunteers, once we had accepted them as volunteers, the necessity of avoiding all contact with the Gantt campaign or any agent of the campaign. I explained that this meant that they had to choose between volunteering for the Gantt campaign and volunteering for NARAL/NARAL-NC-Federal PAC.

4. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about

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the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

5. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

6. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement

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from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

7. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

8. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Virginia Cleary

Executed this 9th day of February, 1993.

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IN THE CITY OF RALEIGH)
) ss:
NORTH CAROLINA)

AFFIDAVIT

REV. W.W. FINLATOR
FORMER PASTOR
PULLEN MEMORIAL BAPTIST CHURCH

Rev. W.W. Finlator, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am the former Pastor of the Pullen Memorial Baptist Church, located in Raleigh, North Carolina.

2. I have never been a leader, Board member, or paid or unpaid staff member or volunteer of the National Abortion Rights Action League (NARAL), of its North Carolina affiliate (NARAL-NC), of its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC), or of its North Carolina affiliate's state political action committee (NARAL-NC-State PAC).

3. I have never had any duties or responsibilities for, and I have never taken any actions or made any communications on behalf of, NARAL, NARAL-NC, or NARAL-NC-Federal PAC. In the spring of 1990, I allowed my name to be listed as one of a number of hosts of an event held on June 24, 1990, to benefit NARAL-NC-State PAC. I attended the event but played no other role in its planning or implementation.

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4. No expenditure made by NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC in connection with an electoral race has ever been made by or through me.

5. I was not privy to any confidential or private information related to the plans, projects, or needs of NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC concerning their activities in the 1990 North Carolina Senate race. Any information I ever had about their plans, projects, or needs concerning their activities in the 1990 North Carolina Senate race came from publicly available sources such as news accounts.

6. I have never provided NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with political, strategic or any other kind of advice or information relating to the 1990 North Carolina Senate race.

7. I have contributed to NARAL, to NARAL-NC, and to NARAL-NC-State PAC. I contributed $35.00 to NARAL in May of 1992, $25.00 to NARAL-NC in February of 1989, and $50.00 to NARAL-NC-State PAC in June of 1990. I have never contributed to NARAL-NC-Federal PAC.

8. Prior to Harvey Gantt's formal entry into the North Carolina Senate race, I served on an exploratory committee for him. I was never asked to do anything as

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a member of the committee and did nothing as a member of the committee except to lend it my name.

9. In the spring of 1990, I signed a fundraising appeal for Harvey Gantt's campaign for the Democratic Senate nomination. I do not know to whom this letter was mailed or how many contributions, if any, were received in response to it.

10. I never had any authority, whether actual or apparent, express or implied, to authorize or to make expenditures on behalf of Harvey Gantt or the DSCC, nor was I ever in a position within the Gantt campaign or the DSCC where it would reasonably appear that I might have been authorized to make expenditures on behalf of Harvey Gantt or the DSCC.

11. Any work I did on behalf of Harvey Gantt's candidacy did not in any way involve NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC, and I never provided anyone affiliated with NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with any information about the plans, projects, or needs of Harvey Gantt or his campaign.

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I declare under penalty of perjury that the foregoing is true and correct.

W. W. Finlator
Rev. W.W. Finlator

Executed this 4th day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

PAGE GARDNER

Page Gardner, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am a political consultant and was formerly associated with Podesta Associates, headquartered in Washington, D.C.

2. During the 1990 election cycle I was retained, through Podesta Associates, as a political consultant by the National Abortion Rights Action League, Inc. (NARAL). In that capacity, I performed research and political planning for the independent expenditures made by NARAL and its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC) in connection with the 1990 North Carolina Senate race. All of the research that I performed for NARAL in connection with this race was derived from NARAL's own information and from publicly available sources such as the Congressional Record.

3. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to

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campaign strategy with any candidate who might be benefitted by independent expenditures made by NARAL. I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

4. I have always had a strict policy of confidentiality with respect to the political strategy or proprietary information of clients, including information as to their plans, projects, or needs. I diligently take care never to communicate such information to anyone outside the firm, including other clients, or to use a client's confidential or private information in the course of other work. Everyone who works under my supervision is instructed as to this important policy, and I endeavor on an on-going basis to see that it is not breached.

5. In particular, I instructed Susannah Goodman, Stacey Grundman, and Mary O'Reilly, who assisted me with my work for NARAL in 1990, that any information that we received or gathered related to our consulting work for NARAL must remain strictly confidential. I further specifically instructed them to avoid any consultation, coordination, cooperation, or even contact with anyone affiliated with the Gantt campaign.

6. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or

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with the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to those working with me at Podesta Associates or to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

7. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds for Harvey Gantt; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt or his committee.

8. I know of no one who worked with me in 1990 who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds for Harvey Gantt, who was ever an officer of an authorized committee for Gantt, or who ever

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received any form of compensation or reimbursement from Harvey Gantt or his committee.

9. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else working with me or affiliated with NARAL or NARAL-NC-Federal PAC.

10. When I recommended that NARAL hire certain staff to work on NARAL's independent expenditures in connection with the North Carolina Senate race, I ensured that these people were informed about the need for confidentiality and specifically about the need to refrain from contact, consultation, coordination, or even the appearance of coordination with Harvey Gantt or the Gantt campaign. I inquired whether potential employees had previously had any contact with Harvey Gantt or the Gantt campaign and assured myself that they had not. I then instructed them to continue to avoid all contact with the Gantt campaign or anyone affiliated with the Gantt campaign. In particular, I recall

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advising Paige Richardson, whom I recommended for hire as a field organizer, to avoid even the remotest opportunity to acquire or overhear any information regarding the Gantt campaign's plans, projects, or needs.

11. Throughout the 1990 election cycle, no expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that was made by or through me or my firm was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Page Gardner

Executed this 17 day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

MARY GILL

Mary Gill, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. During 1990, I was the Regional Field Manager for the South of the National Abortion Rights Action League (NARAL), headquartered in Washington, D.C. In this capacity, I provided training and assistance to NARAL affiliates in the Southeastern United States, including to NARAL's North Carolina affiliate (NARAL-NC).

2. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to campaign strategy with any candidate who might be benefited by independent expenditures made by NARAL or its affiliates, including its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC). I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

3. Both NARAL and NARAL-NC-Federal PAC took numerous precautions to avoid jeopardizing the

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independence of NARAL's and NARAL-NC-Federal PAC's expenditures in the 1990 North Carolina Senate race. I personally emphasized to the staff of NARAL-NC-Federal PAC and NARAL-NC that it was extremely important that we ensure that everyone associated with NARAL and NARAL-NC, including members of the staff, personnel and consultants hired specifically to work on the independent expenditures, NARAL-NC Board members, and volunteers, was made aware of the need to avoid contact with Harvey Gantt and the Gantt campaign.

4. At all relevant times during the 1990 election cycle, I was aware of the need to follow all legal advice provided to NARAL concerning independent expenditures and to comply fully with applicable laws.

5. I attended a briefing for the entire NARAL staff in July 1990, at which NARAL attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in those races in which NARAL might make independent expenditures. Kate Michelman, then NARAL's Executive Director, personally emphasized to the NARAL staff that it was extremely important that all staff comply fully with these requirements and confer immediately with one of our attorneys if any question arose.

6. Prior to 1990 and throughout 1990, I had no relationship with Harvey Gantt or the Gantt campaign.

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7. In June of 1990, NARAL and NARAL-NC engaged in discussions concerning the upcoming elections, including the possibility of making independent expenditures against Senator Jesse Helms in the North Carolina Senate race. I spoke to Ruth Ziegler, then Executive Director of NARAL-NC, and to members of the NARAL-NC Board of Directors about the possibility of making independent expenditures in the U.S. Senate race. In each of these conversations, both in person and by telephone, I emphasized the importance of seeking and following advice provided by NARAL's attorneys about the legal requirements for making independent expenditures.

8. In July of 1990, I traveled to North Carolina to meet with the staff and Board of NARAL-NC in order to discuss further the possibility that NARAL and NARAL-NC-Federal PAC would make independent expenditures in the North Carolina Senate race. A NARAL Staff Attorney also attended the meeting of the NARAL-NC Staff and Board in order to explain the legal requirements for maintaining independence from candidates and their campaigns in any race in which NARAL and NARAL-NC-Federal PAC might make independent expenditures.

9. Following this July meeting, NARAL and NARAL-NC-Federal PAC jointly decided to make independent expenditures in connection with the 1990 North Carolina Senate race, and several Board members of NARAL-NC

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resigned their positions because they wanted to work with the Gantt campaign.

10. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs. As noted above, some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

11. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never

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received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

12. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditures to be linked in some way, however slight, with the Gantt campaign. As noted above, some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

13. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of

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NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

14. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Mary Gill

Executed this 17th day of February, 1993.

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IN THE CITY OF CHAPEL HILL)
) ss:
NORTH CAROLINA)

AFFIDAVIT

POLLY GUTHRIE

Polly Guthrie, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In 1990, I was employed by the National Abortion Rights Action League, Inc. (NARAL) as an organizer for the independent expenditures made by NARAL and its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC) in connection with the 1990 North Carolina Senate race. In this position, my responsibilities included organizing volunteers, particularly on local college campuses, and implementing NARAL-NC-Federal PAC's program of house-parties focusing on pro-choice issues.

2. I and the employees of NARAL and NARAL-NC-Federal PAC who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures.

3. I had no contact or association with the Gantt campaign prior to being hired by NARAL on or about Labor Day of 1990, and I had none throughout 1990.

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4. Those of us working on the independent expenditures, including paid staff and regular volunteers, understood that we were not to be involved in any way with the Gantt campaign and never to discuss the work of NARAL or NARAL-NC-Federal PAC with anyone affiliated with the Gantt campaign. I understood that, if I was in doubt about a potential activity, even as small as displaying a bumper sticker from the Gantt campaign on my personal automobile, I was to err on the side of avoiding even the slightest appearance of coordination with the Gantt campaign.

5. In organizing volunteers, we asked potential volunteers whether they had had any contact with the Gantt campaign or any agent of the Gantt campaign. If there was any doubt as to whether the potential volunteer had information or contacts that could jeopardize the independence of NARAL's expenditures, we consulted with the NARAL staff attorney who handles campaign finance issues. We rejected certain potential volunteers on the ground that they might be perceived as having confidential or private information from the Gantt campaign about its plans, projects, or needs.

6. I also discussed with volunteers, once we had accepted them as volunteers, the necessity of avoiding all contact with the Gantt campaign or any agent of the Gantt campaign. I explained that this meant that they

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had to choose between volunteering for the Gantt campaign and volunteering for NARAL/NARAL-NC-Federal PAC.

7. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

8. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

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9. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

10. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

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11. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Polly Guthrie

Polly Guthrie

Executed this 9th day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

KIM HADDOW
Greer, Margolis, Mitchell & Associates, Inc.

Kim Haddow, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am a senior associate of the media consulting firm of Greer, Margolis, Mitchell, & Associates (GMMA), located in Washington D.C.

2. During the 1990 election cycle, I was the account executive for GMMA working directly with the National Abortion Rights Action League, Inc. (NARAL). In that capacity I was primarily responsible for the media projects on which NARAL contracted with GMMA, including the development of advertisements of NARAL and its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC) in connection with the 1990 North Carolina Senate race and the purchase of air times and choice of radio and television stations for the advertisements.

3. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to

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campaign strategy with any candidate who might be benefited by independent expenditures made by NARAL. I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

4. I have always had a strict policy of confidentiality with respect to the political strategy or proprietary information of clients, including information as to their plans, projects, or needs. I diligently take care never to communicate such information to anyone outside the firm, including other clients, or to use a client's confidential or private information in the course of other work. Everyone who works under my supervision is instructed as to this important policy, and I endeavor on an on-going basis to see that it is not breached.

5. In order to assure that confidentiality is maintained, during staff meetings the partners, senior staff, and I routinely and repeatedly remind all staff to keep all client matters confidential. I was particularly cognizant of my obligation to maintain confidentiality with respect to matters communicated to me in connection with my work for NARAL in 1990, because I was aware of the need to preserve the ability of NARAL and NARAL-NC-Federal PAC to make independent expenditures in connection with the North Carolina

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Senate race and because NARAL representatives had repeatedly emphasized the importance of maintaining confidentiality.

6. Throughout the 1990 election cycle, in making recommendations to NARAL concerning placement and airing of its advertisements, I considered NARAL's budget, NARAL's target audience, and my experience in media-buying. In making these recommendations, I neither had nor relied upon information about the plans, projects, or needs of Harvey Gantt or the Gantt campaign.

7. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about Harvey Gantt's plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to those working with me at GMMA or to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

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8. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds for Harvey Gantt; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt or his committee.

9. I know of no one who worked with me in 1990 who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds for Harvey Gantt, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt or his committee.

10. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else working with me or affiliated with NARAL or NARAL-NC-Federal PAC.

11. My firm performed consulting work for the DSCC in the 1990 election cycle. The work we performed

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for the DSCC involved the U.S. Senate races in Kentucky and Montana; we performed no work for the DSCC involving the U.S. Senate race or any other race in North Carolina. I performed no work for the DSCC in 1990, and in connection with my performance of work for NARAL, I never discussed either the DSCC's or NARAL's activities in the North Carolina State race with anyone at the DSCC.

12. Throughout the 1990 election cycle, no expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that was made by or through me or my firm was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Kim S. Haddow

Kim Haddow

Executed this 1 day of March, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

JILL HANAUER

Jill Hanauer, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. From January 12, 1990 through October 1991, I was employed as the manager of the National Abortion Rights Action League Political Action Committee (NARAL-PAC), headquartered in Washington, D.C. In that capacity, I was involved in the decisions made by NARAL-PAC and by the National Abortion Rights Action League, Inc. (NARAL) relating to electoral activities. I made recommendations to NARAL's Executive Director, Kate Michelman, to the NARAL Board of Directors, and to the NARAL Political Action Committee regarding PAC contributions and independent expenditures, and I participated in discussions that led to NARAL's and NARAL-PAC's political decisions.

2. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to campaign strategy with any candidate who might be

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benefited by independent expenditures made by NARAL or its affiliates, including its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC). I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

3. Prior to my employment by NARAL, I had no contact with Harvey Gantt or the Gantt campaign.

4. In February, 1990, I received a facsimile transmission of poll results regarding the North Carolina Senate race that apparently were to be published in a North Carolina newspaper on the following day. This facsimile transmission was addressed to my attention and was apparently sent by Susan Green of the Harvey Gantt for Senate Campaign. I believe and recall that this facsimile transmission from the Gantt campaign was unsolicited by me or any other person at NARAL or NARAL-PAC. Based upon my knowledge of campaign fundraising techniques, I believe that this poll very likely was sent by telecopier to a broad list of PACs, including NARAL-PAC, in an effort to encourage contributions to the Gantt campaign and endorsements of his candidacy. In May 1990, I received a similar unsolicited facsimile transmission from the Sawyer Miller Group, who were consultants to the Gantt campaign, enclosing clips from North Carolina

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newspapers. I also believe that these materials were sent by telecopier to a broad list of PACs.

5. As NARAL-PAC's manager, I participated in a group of progressive political action committees known as "PRONET." In March of 1990, Eric Rosenthal of the Human Rights Campaign Fund and I discussed organizing meetings to enable candidates to make fundraising pitches to PRONET member PACs, and I agreed to arrange for PRONET to borrow NARAL's conference room for several such meetings. I also agreed to sign letters inviting other managers of political action committees to meet these candidates. A meeting between the members of PRONET and Harvey Gantt was arranged for March 20, 1990. I recall that Eric Rosenthal made the arrangements for this meeting; I believe that neither I nor other NARAL or NARAL-PAC staff had any contact with Harvey Gantt or the Gantt campaign to arrange for the date and time of the meeting. I did not attend the entire meeting, but rather heard only a few minutes of Mr. Gantt's presentation. I recall that the only other NARAL staff member who may have been present was a clerical employee who arranged for chairs and refreshments. Based on what I heard, I believe that Mr. Gantt's entire presentation was a fundraising pitch to prospective contributors. Nothing I heard involved confidential or private information related to his plans, projects, or needs, in

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other words, no information other than the kind one would learn from such sources as news reports. A publicly available document containing a summary of the results of a poll was distributed at this meeting and shared by the Gantt campaign with many prospective contributors.

6. In March of 1990, I received a form letter and a packet of materials from Linda Davis, Harvey Gantt's PAC Fundraiser, addressed to "PAC Director." I do not recall the specific contents of this packet, but I believe that it contained general information on Harvey Gantt's positions and his ability to defeat Senator Jesse Helms. I believe and recall that this packet was unsolicited by me or any person at NARAL or NARAL-PAC.

7. In April 1990, I received a copy of a NARAL-PAC information questionnaire submitted to NARAL-PAC by the Harvey Gantt for Senate Campaign Committee. I received a similar questionnaire from the Mike Easley Campaign Committee, and I may have received others from other candidates for Senate in North Carolina. This questionnaire was a form sent by NARAL-PAC to a large number of candidates for federal and state office. The information provided by candidates was used by NARAL-PAC and the PACs of NARAL affiliates to evaluate the candidates' positions on the

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choice issue in order to determine whether to recommend that NARAL-PAC contribute to those candidates and/or endorse them. This questionnaire did not call for the submission of information related to the candidates' plans, projects, or needs, and no such information was supplied in response to it by the Gantt campaign, or, as I recall, by the campaigns of other candidates for Senate from North Carolina.

8. I recall receiving one or two telephone calls from Harvey Gantt during the 1990 election cycle. These occurred in approximately April or May of 1990, before the primary and the run-off among the candidates for the North Carolina Democratic nomination for Senate. Mr. Gantt called to request that NARAL-PAC make a contribution to his campaign and endorse his candidacy. He informed me that one of his primary opponents had made contradictory statements relating to the question of requiring parental consent for an abortion. With the exception of this request for a contribution and an endorsement, he did not discuss or reveal any of his plans, projects or needs. I did not discuss NARAL's or NARAL-NC-Federal PAC's plans or strategy. I responded only by stating that NARAL-PAC had made no decision about how it might become involved in the race for Senate in North Carolina and that it was unlikely to

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endorse any candidate in either the primary or the runoff.

9. I remember talking to a Gantt campaign staff member only once during the 1990 election cycle. I believe that this single telephone conversation took place one or two days before election day, November 4th or 5th, 1990. I called Susan Green, Harvey Gantt's finance aide, to learn where Mr. Gantt would be on election night after the polls closed, and at what address or telephone number he could be reached for the purpose of expressing congratulations or condolences, once the results of the election were known. No information, other than a telephone number, was either provided to me or given by me regarding the North Carolina Senate race in this telephone conversation.

10. I recommended to Kate Michelman that NARAL and NARAL-PAC make no endorsement of any candidate in the Democratic primary or the runoff for the Democratic nomination for Senate in North Carolina in 1990, and no such endorsements were made.

11. Prior to May of 1990, NARAL had not made any specific plans about how it would seek to participate in the North Carolina Senate race. In June of 1990 NARAL staff and the staff of NARAL-NC-Federal PAC began to discuss possible plans for making independent expenditures in the North Carolina Senate race. NARAL

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attorneys participated in these discussions and frequently provided legal advice about maintaining NARAL's independence from candidates and campaigns that might be benefited by independent expenditures.

12. I attended a briefing for the entire NARAL staff in July 1990, at which NARAL attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in those races in which NARAL might make independent expenditures. Kate Michelman, then NARAL's Executive Director, personally emphasized to the NARAL staff that it was extremely important that all staff comply fully with these requirements and confer immediately with one of our attorneys if any question arose.

13. In order to ensure that I was never privy to confidential or private information relating to the Gantt campaign, I informed acquaintances and friends who worked for the Democratic National Committee, the Democratic Senatorial Campaign Committee, and other party committees that I could not and would not be a part of any discussion concerning the 1990 North Carolina Senate race. I took care to avoid any opportunity to receive information about the plans, projects, or needs of the Gantt campaign, even on social occasions. In fact, I specifically recall declining invitations to dinner parties to which I believed that

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people working with the Gantt campaign might also be invited.

14. The instances noted above are the sum total of the contacts that I had with Harvey Gantt or his campaign in 1990. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. Other than those contacts noted above, during the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

15. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from

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Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

16. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

17. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990

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election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

18. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was based on information about Harvey Gantt's plans, projects, or needs provided by Harvey Gantt or anyone affiliated with Harvey Gantt, or was otherwise made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Jill Hanauer

Executed this 11 day of March, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

HARRISON HICKMAN
Hickman Brown

Harrison Hickman, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am a principal of the polling and consulting firm Hickman Brown, headquartered in Washington, D.C. I was formerly a principal of the polling and consulting firm Hickman-Maslin Research, Inc., also headquarted in Washington, D.C.

2. During the 1990 election cycle I was retained as a political consultant and pollster by the National Abortion Rights Action League, Inc. (NARAL). In that capacity, I participated in discussions related to the independent expenditures made by NARAL and its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC) in connection with the 1990 North Carolina Senate race.

3. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to plans, projects, or needs with any candidate who might be benefitted by independent expenditures made by NARAL.

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I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

4. I have always had a strict policy of confidentiality with respect to the confidential, political strategy or proprietary information of clients, including information as to their plans, projects, or needs. I diligently take care never to communicate such information to anyone outside the firm, including other clients, or to use one client's confidential or private information in the course of work for another client. Everyone who works under my supervision is instructed as to this important policy, and I endeavor on an on-going basis to see that it is not breached.

5. I specifically remember instructing my staff to take extraordinary care to preserve the confidentiality of information we received in the course of our work for NARAL in relation to the North Carolina Senate race, because I knew that the abortion issue and any activities that NARAL or its affiliates might undertake in North Carolina would be highly contentious and might become involved in litigation.

6. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt, with the Democratic Senatorial Campaign Committee

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(DSCC), with the Democratic Legislative Campaign Committee (DLCC), or with the Democratic National Committee (DNC), ever provided me with any information about Harvey Gantt's plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC.

7. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC to raise or expend funds for Harvey Gantt; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt or his committee.

8. I know of no one who worked with me in 1990 who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC to raise or expend funds for Harvey Gantt, who was ever

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an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt or his committee.

9. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC with any information, including information about the plans, projects, or needs of NARAL's or NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC by anyone else working with me or affiliated with NARAL or NARAL-NC-Federal PAC.

10. During 1990, I performed only one poll in North Carolina for the DLCC, at the request of a consultant to DLCC, Mr. Gary Pearce. The poll concerned the political climate in North Carolina for candidates for the North Carolina state legislature. I charged the DLCC $16,000 for this work. Apparently, as reflected in the exhibit attached to the August 1990 complaint of Mr. R. Jack Hawke to the Federal Election Commission, this fee was paid for by the North Carolina Democratic Party. I was not aware that my work for the DLCC was to be paid for by the state party and was not aware that it had been paid for by the state party until I saw the report

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of expenditures attached to the complaint. I had no contact with any North Carolina Democratic Party officials in connection with my performance of the poll. Further, I never communicated or discussed information relating to the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC or of Harvey Gantt or the Gantt campaign with anyone at the DLCC or any official or employee of the North Carolina Democratic Party.

11. My firm performed consulting work for the DSCC in the 1990 election cycle. The work we performed for the DSCC involved the U.S. Senate races in South Carolina, Oregon, and Indiana; we performed no work for the DSCC involving the U.S. Senate race or any other race in North Carolina. In connection with my performance of work for the DSCC, I never discussed either the DSCC's or NARAL's or NARAL-NC-Federal PAC's activities in the North Carolina Senate race with anyone at the DSCC. In order to ensure that I was never privy to private or confidential information relating to the plans, projects, or needs of Harvey Gantt or the Gantt campaign, I informed the DSCC officials with whom I was working on other races that I could not and would not be a part of any such discussion.

12. I was not retained on an ongoing basis during the 1990 election cycle by the DNC. I was, however, reimbursed for travel expenses in connection

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with a trip to San Francisco to speak to the DNC's Business Council, a group of DNC donors, on December 3, 1989. To the best of my recollection, the topic of my speech was the current and prospective national political climate. At no time during the 1990 election cycle did I speak to any DNC officials about the plans, projects, or needs of Harvey Gantt or NARAL/NARAL-NC-Federal PAC in the 1990 North Carolina Senate race.

13. None of my work for the DLCC, DSCC, or DNC involved or resulted in any coordination, cooperation, or consultation between NARAL or NARAL-NC-Federal PAC and Harvey Gantt or the Gantt campaign that would have jeopardized the ability of NARAL or NARAL-NC-Federal PAC to make independent expenditures in connection with the 1990 North Carolina Senate race.

14. I did not give to former Governor Jim Hunt or former Senator Terry Sanford or anyone affiliated with them any information relating to the plans, projects, or needs of NARAL or NARAL-NC-Federal PAC in the 1990 North Carolina Senate race, nor did I receive any information from either Mr. Hunt or Mr. Sanford regarding the plans, projects, or needs of Harvey Gantt or the Gantt campaign in the 1990 North Carolina Senate race.

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15. On December 14, 1989, I met with Harvey Gantt and two members of his campaign staff, Mel Watt and Susan Green. Mr. Gantt's campaign was in the initial stages of formation at that time. This was a preliminary meeting to discuss the possibility that I might be retained as a political consultant to the Gantt campaign and to discuss the possible terms of a consulting relationship. I did not at that meeting receive, transmit, or discuss any information regarding the plans, projects, or needs of NARAL or NARAL-NC-Federal PAC or of Harvey Gantt or his campaign in the upcoming North Carolina Senate race, other than the already public information that Harvey Gantt was seeking to enter the race and was assembling a campaign staff and team of consultants. Shortly thereafter, I subsequently provided to Mel Watt a memorandum outlining the costs of my services. My memorandum neither contained nor sought information on the plans, projects, or needs of NARAL or NARAL-NC-Federal PAC. I was later informed that the Gantt campaign had hired someone else to provide polling and consulting services.

16. Throughout the 1990 election cycle, no expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that was made by or through me or my firm was made with the cooperation, or with the prior consent of, or in

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consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC, DLCC, or DNC.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Harrison Hickman
Harrison Hickman

Executed this 26 day of February, 1993.

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IN THE CITY OF DURHAM)
) ss:
NORTH CAROLINA)

AFFIDAVIT

JANET HURLEY
ORGANIZING DIRECTOR
NARAL-NORTH CAROLINA

Janet Hurley, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am currently the Organizing Director of the National Abortion Rights Action League's North Carolina affiliate (NARAL-NC), located in Durham, North Carolina.

2. In 1990, I was an employee of NARAL-NC and its federal political action committee (NARAL-NC-Federal PAC). I was a community organizer in Wake County, North Carolina, focusing primarily on state and local races. I also worked with volunteers in our Durham office. I participated in discussions concerning the independent expenditures that were made in connection with the North Carolina Senate race and the need to ensure our independence from Harvey Gantt and the Gantt campaign.

3. I and the other NARAL-NC and NARAL-NC-Federal PAC employees who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures. Whenever a potential volunteer came

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to our office, I explained the precautions that must be taken to remain independent of the Gantt campaign. We asked every potential volunteer whether he or she had had any contact with the Gantt campaign or anyone affiliated with the Gantt campaign. If there was any doubt as to whether the potential volunteer had information or contacts that could jeopardize NARAL's independence, I consulted with the NARAL staff attorney who handles campaign finance issues. We rejected certain potential volunteers on the ground that they might be perceived as having confidential or private information from the Gantt campaign about its plans, projects, or needs.

4. I also discussed with volunteers, once we had accepted them as volunteers, the necessity of avoiding all contact with the Gantt campaign or anyone affiliated with the Gantt campaign. I explained that this meant that they had to choose between volunteering for the Gantt campaign and volunteering for NARAL/NARAL-NC-Federal PAC.

5. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information

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was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

6. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

7. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by

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Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

8. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

9. On one occasion, I received a telephone call from a person who identified herself as being from Gantt campaign headquarters in Wake County, North Carolina. She asked to talk to me about yard signs and delivering literature. I told her that I could not speak with her because NARAL and NARAL-NC-Federal PAC were making independent expenditures in connection with the North Carolina Senate race. I did not provide her with any information. I never spoke with Harvey Gantt, with staff from the Gantt campaign, or with anyone affiliated

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with the Gantt campaign again until after the 1990 general election.

10. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Janet Hurley

Executed this 2nd day of February, 1993.

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IN THE COUNTY OF DURHAM)
) AFFIDAVIT OF DAVID JONES
NORTH CAROLINA)

David Jones, being first duly sworn, deposes and says:

1. I am a writer and political activist in North Carolina. I am not employed by any organization or individual.

2. I have reviewed the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990.

3. The allegations in that complaint concerning me are untrue.

4. I was not an organizer or founder of Senate Vote '90. My role in Senate Vote '90 was limited to a contribution of $1,000.

5. I have contributed to National Abortion Rights Action League-North Carolina ("NARAL-NC"), and to its North Carolina affiliate state political action committee ("NARAL-NC-State PAC"). I have not contributed to NARAL-NC-Federal PAC. I have never been a leader, Board member, or paid or unpaid staff member in any of these organizations.

6. I never provided NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with non-public strategic information about the 1990 North Carolina Senate race, nor was I generally privy to such information.

7. I never provided the Harvey Gantt campaign with non-public strategic information about the activities of NARAL, NARAL-NC, or NARAL-NC-Federal PAC, or NARAL-NC-State PAC, nor was I generally privy to such information.

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Further, the deponent sayeth not.

This the 10 day of December, 1992.

DAVID C. JONES

Sworn to and subscribed before me this

the 10th day of December, 1992.

Notary Public

My commission expires: 9/26/94

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IN THE CITY OF WINSTON-SALEM)
) ss:
NORTH CAROLINA)

AFFIDAVIT

HOLLY MARROW

Holly Marrow, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In 1990, I was an employee of the National Abortion Rights Action League's North Carolina affiliate (NARAL-NC) and its federal political action committee (NARAL-NC-Federal PAC). I served as Organizing Director, focusing on state races in Durham and Orange counties and on the independent expenditures in connection with the 1990 North Carolina Senate race. I also worked with volunteers in our Durham office. I participated in discussions concerning the independent expenditures and the need to ensure our independence from Harvey Gantt and the Gantt campaign.

2. I and the other NARAL and NARAL-NC-Federal PAC employees who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures. Whenever a potential volunteer came to our office, I explained the precautions that must be taken to remain independent of the Gantt campaign. We

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asked every potential volunteer whether he or she had had any contact with the Gantt campaign or any agent of the Gantt campaign. If there was any doubt as to whether the potential volunteer had information or contacts that could jeopardize NARAL's independence, I consulted with the NARAL staff attorney who handles campaign finance issues. We rejected certain potential volunteers on the ground that they might be perceived as having confidential or private information from the Gantt campaign about its plans, projects, or needs.

3. I also discussed with volunteers, once we had accepted them as volunteers, the necessity of avoiding all contact with the Gantt campaign or any agent of the campaign. I explained that this meant that they had to choose between volunteering for the Gantt campaign and volunteering for NARAL/NARAL-NC-Federal PAC.

4. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about

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the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

5. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

6. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement

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from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

7. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

8. On one occasion, I received a phone call at home in the evening from a person who identified himself as working for the Gantt campaign. He asked me a question about our plans for making independent expenditures. I told him that I could not speak with him and that I was surprised that he had not been told by his superiors in the Gantt campaign not to contact anyone at NARAL-NC. I did not provide him with any other information. In fact, I wondered whether he might actually have been affiliated with the Helms campaign and attempting to entrap me. I never spoke with Harvey Gantt, with staff of the Gantt campaign, or with anyone affiliated with the Gantt campaign again until after the 1990 general election.

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9. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Holly Marrow

Executed this 5th day of February, 1993.

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IN THE COUNTY OF DURHAM)
) ss:
NORTH CAROLINA)

AFFIDAVIT

REPRESENTATIVE H.M. MICHAUX, JR.
State Representative
23rd District, North Carolina

Representative H.M. Michaux, Jr., under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am a member of the North Carolina House of Representatives from the 23rd District comprising Durham County, North Carolina.

2. I have never been a leader, Board member, or paid or unpaid staff member or volunteer of the National Abortion Rights Action League (NARAL), of its North Carolina affiliate (NARAL-NC), of its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC), or of its North Carolina affiliate's state political action committee (NARAL-NC-State PAC).

3. I have never had any duties or responsibilities for, and I have never taken any actions or made any communications on behalf of, NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC State PAC.

4. No expenditure made by NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC in

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connection with an electoral race has ever been made by or through me.

5. I was not privy to any confidential or private information related to the plans, projects, or needs of NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC concerning their activities in the 1990 North Carolina Senate race. Any information I ever had about their plans, projects, or needs concerning their activities in the 1990 North Carolina Senate race came from publicly available sources such as news accounts.

6. I have never provided NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with political, strategic or any other kind of advice or information relating to the 1990 North Carolina Senate race.

7. I have never contributed to NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC.

8. I received contributions to my 1990 reelection campaign for the North Carolina House of Representatives from NARAL-NC-State PAC in the amount of $100.00 in April 1990 for the May primary and $250.00 in October of 1990 for the November general election.

9. Prior to Harvey Gantt's formal entry into the North Carolina Senate race, I served on an exploratory committee for him. My role on that committee was in a

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general advisory capacity dealing with the probability of Mr. Gantt entering the race for the U.S. Senate.

10. I never had any authority, whether actual or apparent, express or implied, to authorize or to make expenditures on behalf of Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC), nor was I ever in a position within the Gantt campaign or the DSCC where it would reasonably appear that I might have been authorized to make expenditures on behalf of Harvey Gantt or the DSCC.

11. Any work I did on behalf of Harvey Gantt's candidacy did not in any way involve NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC, and I never provided anyone affiliated with NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with any information about the plans, projects, or needs of Harvey Gantt or his campaign.

I declare under penalty of perjury that the foregoing is true and correct.

H.M. Michaux, Jr.

Executed this 10th day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

KATE MICHELMAN

Kate Michelman, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am the President of the National Abortion Rights Action League (NARAL), headquartered in Washington, D.C. During 1990, my title was Executive Director. In that capacity, I was involved in the decisions made by NARAL and its political action committee, NARAL-PAC, relating to electoral activity. During 1990 I participated in discussions with NARAL staff, the NARAL Board of Directors, and NARAL-PAC regarding PAC contributions and independent expenditures. During the 1990 election cycle, I personally approved NARAL's independent expenditures, including approving the final drafts of all scripts for advertisements.

2. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to campaign strategy with any candidate who might be benefited by independent expenditures made by NARAL or

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its affiliates, including its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC). I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

3. At all relevant times, in contemplating and implementing independent expenditures, I sought legal advice in order to ensure compliance with federal election law. It has always been my policy and practice to obtain legal advice on a wide range of matters that may affect NARAL and NARAL-PAC in order to ensure that NARAL complies fully with all applicable laws.

4. I organized and participated in a briefing for the entire NARAL staff in July 1990, at which NARAL attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in those races in which NARAL might make independent expenditures. I personally emphasized to the NARAL staff that it was imperative that all staff comply fully with these requirements and confer immediately with me or with one of our attorneys if any question arose.

5. Shortly thereafter, I organized and participated in a similar briefing for the NARAL Board of Directors, at which NARAL attorneys discussed the legal requirements for maintaining NARAL's independence

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from candidates and their campaigns in those races in which NARAL might make independent expenditures.

6. I asked all NARAL staff, NARAL Board members, and each of the political consultants retained by NARAL to work on NARAL's independent expenditures in connection with the 1990 North Carolina Senate race -- including Harrison Hickman, Kim Haddow, and Page Gardner, among others -- whether any of them had any relationship with Harvey Gantt or the Gantt campaign that might jeopardize NARAL's ability to remain independent from that campaign. In each case, they assured me that they had no such relationship. I made clear to those staff and consultants who might hire or use the services of additional employees that every person asked to work on NARAL and NARAL-NC-Federal PAC matters in connection with the North Carolina Senate race must be able to provide assurances that he or she had no relationship with Harvey Gantt or the Gantt for Senate campaign that would compromise the independence of our expenditures. I made clear to every member of the NARAL Board, NARAL staff, and to consultants retained by NARAL that maintaining independence from the campaigns of any candidate in a race in which NARAL was making independent expenditures was an extremely high priority for our organization and that we must all avoid any contact or even opportunity for discussions with anyone affiliated with Harvey Gantt or the Gantt

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campaign that might jeopardize the independence or even appear to jeopardize the independence of our expenditures. I also required NARAL's political consultants to sign an agreement to keep strictly confidential NARAL's sensitive political discussions and any materials provided to them in the course of their work for NARAL, in part to ensure that such information would not be shared with candidates who would benefit from our independent expenditures. I have no reason to believe that those agreements were ever violated.

7. In addition to my general concern to assure that NARAL complies fully with the law in every respect, I was particularly cognizant of the need to take special care to avoid any contact with Harvey Gantt or the Gantt campaign, or even the appearance of impropriety in connection with the North Carolina Senate race, because I was aware of the politically charged nature of the abortion issue in North Carolina and in the Gantt-Helms Senate race in particular. Moreover, I was aware that Mr. Gantt's political opponents were likely to publicly challenge NARAL's electoral activities and could be expected to file a complaint with the Federal Election Commission regardless of whether there was any basis for such a complaint. For these reasons, I took extreme care, and directed my staff to take extreme care at all times, to ensure that there would indeed be no coordination, consultation, or cooperation with Harvey

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Gantt or the Gantt campaign, nor even any facts that could form the basis of any allegation of coordination.

8. Pursuant to the preventive steps we took in order to avoid coordination or the appearance thereof, NARAL staff and consultants were not permitted to obtain any information that might be perceived as compromising our independence not only from the Gantt campaign, but also from any source that might be affiliated with or perceived to be affiliated with the Gantt campaign, such as the Democratic Senatorial Campaign Committee (DSCC).

9. In order to make sure that my instructions about maintaining independence were properly implemented, I personally spoke to the Executive Director of NARAL's North Carolina affiliate (NARAL-NC), Ruth Ziegler, and emphasized the importance of assuring that all staff, board members, volunteers, and activists were aware of the need to avoid all contact with Harvey Gantt or the Gantt campaign. I made a commitment that I and the national NARAL staff, including our legal staff, would do everything that we could to assist NARAL-NC and NARAL-NC-Federal PAC in maintaining independence from Harvey Gantt and the Gantt campaign.

10. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the DSCC ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such

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information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

11. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

12. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditures to be linked in some way, however slight, with the Gantt campaign. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race in order to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or

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NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who might ever have been affiliated with the Gantt campaign in any of the ways that conceivably might affect the independence of our organization's expenditures, i.e. who was authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

13. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL's or NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

14. In June 1990, at a fundraising dinner for the American Israel Public Affairs Committee in Washington, D.C., Harvey Gantt approached me. He began to ask for NARAL-PAC's support in his campaign for Senate. I immediately informed him that I could not

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discuss NARAL's plans with respect to the North Carolina Senate race, and I suggested that he seek support from other political action committees. I said nothing whatsoever about NARAL's plans, projects, or needs nor did I give Mr. Gantt an opportunity to say anything further to me. Following that evening, I never spoke to Mr. Gantt or anyone affiliated with his campaign before the election.

15. During the 1990 election cycle, I was aware that there were occasional instances in which someone affiliated with the Gantt campaign attempted to contact an employee of NARAL or NARAL-NC-Federal-PAC, for example, to invite a member of the staff to attend a fundraiser for Harvey Gantt. In response to these contacts, staff were all instructed to decline any such invitations and state that they could not discuss any aspect of NARAL's or NARAL-NC-Federal PAC's plans regarding the North Carolina Senate race. Based on reports that I heard from my staff indicating that my instructions were being followed, I am confident that any contacts attempted by the Gantt campaign were immediately and firmly rebuffed. Acting with an abundance of caution, in an effort to prevent any further attempts by anyone affiliated with the Gantt campaign to contact the staff, Board members, or consultants of NARAL or NARAL-NC-Federal-PAC, I sent letters on August 9, 1990, after our independent

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expenditure advertisements had begun to run, to Everett Ward of the North Carolina Democratic Party and to Mel Watt of the Harvey Gantt for Senate Committee, asking that they ensure that their respective organizations not contact our staff or consultants.

16. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Kate Michelman

Executed this 11 day of February, 1993.

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IN THE CITY OF PLAINFIELD)
) ss:
VERMONT)

AFFIDAVIT

CHANDRA NAPORA

Chandra Napora, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. From April of 1990 through the November 1990 elections, I was an employee of the North Carolina affiliate of the National Abortion Rights Action League (NARAL-NC). I was the Office Manager in NARAL-NC's Durham, North Carolina office.

2. In this position, I was responsible for arranging mailings, working with printers, updating our database of members, and coordinating the work of office volunteers, among other tasks. I participated in discussions concerning the independent expenditures in connection with the 1990 North Carolina Senate race and the need to ensure our independence from Harvey Gantt and the Gantt campaign.

3. I and the other NARAL-NC and NARAL-NC-Federal PAC employees who worked with me took many precautions to avoid compromising the independence of our expenditures. Whenever a potential volunteer came to

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our office, those staff persons who were working on the independent expenditures explained the precautions that must be taken to remain independent of the Gantt campaign. They asked potential volunteers whether they had had any contact with the Gantt campaign or anyone affiliated with the Gantt campaign. If there was any doubt as to whether a potential volunteer had information or contacts that might jeopardize NARAL's independence, they consulted with the NARAL staff attorney who handles campaign finance issues. They rejected certain potential volunteers on the ground that they might be perceived as having confidential or private information from the Gantt campaign about its plans, projects or needs.

4. They also discussed with volunteers, once they had accepted them as volunteers, the necessity of avoiding all contact with the Gantt campaign or any agent of the campaign. They explained that this meant that they had to choose between volunteering for the Gantt campaign and volunteering for NARAL/NARAL-NC-Federal PAC.

5. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance

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throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

6. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

7. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the

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North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

8. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

9. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

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I declare under penalty of perjury that the foregoing is true and correct.

Chandra Napora

Executed this 8 day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

DAVID PETTS
PETTS & ASSOCIATES
WASHINGTON, D.C.

David Petts, being duly sworn, deposes and says:

1. I am a principal of the polling and consulting firm of Petts & Associates, headquartered at 818 Connecticut Ave., NW, in Washington, D.C.

2. I was an employee of Hickman/Maslin Associates between July 1985 and June 1987.

3. I have had little contact with Harrison Hickman or his firm since the date I left. I have never shared confidential or otherwise strategic information about my clients with Harrison Hickman or his firm.

4. During 1990, I worked as a pollster for the Harvey Gantt campaign, having been hired in or around March 1990.

5. Prior to the November 1990 election, I did not discuss the Harvey Gantt campaign with Harrison Hickman, with any employee of Hickman/Maslin Research, or with anyone else associated with the National Abortion Rights Action League, Inc. ("NARAL") or its North Carolina affiliate.

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I declare under penalty of perjury that the foregoing is true and correct.

David Potts 12/28/92

NAME

Sworn to before me this
____ day of _____, 1992.

_____

Notary Public

My Commission expires: _____

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IN THE CITY OF PORTLAND)
) ss:
OREGON)

AFFIDAVIT

PAIGE RICHARDSON

Paige Richardson, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In 1990, I was employed by the National Abortion Rights Action League, Inc. (NARAL) to direct its independent expenditures in connection with the 1990 North Carolina Senate race. In this position, I was the primary person responsible for planning and implementing the field component of the independent expenditures in North Carolina.

2. I and the employees of NARAL and its North Carolina affiliate federal PAC (NARAL-NC-Federal PAC) who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures.

3. Before Page Gardner, who was then employed out of the Washington, D.C., office of NARAL, hired me, she took care to ascertain that I had had no contact with the Gantt campaign. I had, in fact, had no contact or association with the Gantt campaign whatsoever prior

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to being hired in the late summer of 1990, and I had none throughout 1990.

4. Those of us working on the independent expenditures, including paid staff and regular volunteers, understood that we were not to be involved in any way with the Gantt campaign and never to discuss our work with anyone affiliated with the Gantt campaign, to the point that we were told even to avoid any chance to overhear conversations in public places that might concern private or confidential information about the plans, projects, or needs of the Gantt campaign.

5. This policy was repeatedly made clear at meetings of staff and volunteers. In fact, because we told potential volunteers that they could not work for us and for the Gantt campaign, we lost a large number of potential volunteers.

6. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about

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the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

7. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

8. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditures to be linked in some way, however slight, with the Gantt campaign. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by

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Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

9. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

10. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

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I declare under penalty of perjury that the foregoing is true and correct.

Paige Richardson

Executed this 1st day of February, 1993.

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IN THE CITY OF CHAPEL HILL)
) ss:
NORTH CAROLINA)

AFFIDAVIT

JANE STEIN

Jane Stein, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am an Associate Director of the Cecil G. Sheps Center for Health Services Research at the University of North Carolina at Chapel Hill in Chapel Hill, North Carolina. My home address is 222 Vance Street, Chapel Hill, North Carolina.

2. I have never been a leader, Board member, or paid or unpaid staff member or volunteer of the National Abortion Rights Action League (NARAL), of its North Carolina affiliate (NARAL-NC), of its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC), or of its North Carolina affiliate's state political action committee (NARAL-NC-State PAC).

3. I have never had any duties or responsibilities for, and I have never taken any actions or made any communications on behalf of, NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC.

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4. No expenditure made by NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC in connection with an electoral race has ever been made by or through me.

5. I was not privy to any confidential or private information related to the plans, projects, or needs of NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC concerning their activities in the 1990 North Carolina Senate race. Any information I ever had about their plans, projects, or needs concerning their activities in the 1990 North Carolina Senate race came from publicly available sources such as news accounts.

6. I have never provided NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with political, strategic or any other kind of advice or information relating to the 1990 North Carolina Senate race.

7. From time to time I have made contributions to NARAL, NARAL-NC, AND NARAL-NC-State PAC. During 1990, I contributed $1,000 to NARAL-NC-State PAC in January. I have never contributed to NARAL-NC-Federal PAC.

8. In preparation for the 1990 Democratic Primary for the United States Senate, I served as a member of an exploratory committee for Harvey Gantt.

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When I was asked to be included on this committee, I was told that the committee would have no meetings and that I would have no responsibilities as a member of the committee other than to lend it my name. I was never asked to do anything as a member of the committee and did nothing as a member of the committee except to lend it my name.

9. I never had any authority, whether actual or apparent, express or implied, to authorize or to make expenditures on behalf of Harvey Gantt or the DSCC, nor was I ever in a position within the Gantt campaign or the DSCC where it could reasonable appear that I might have been authorized to make expenditures on behalf of Harvey Gantt or the DSCC.

10. Any work I did on behalf of Harvey Gantt's candidacy did not in any way involve NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC, and I never provided anyone affiliated with NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with any information about the plans, projects, or needs of Harvey Gantt or his campaign.

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I declare under penalty of perjury that the foregoing is true and correct.

Jane Stein

Jane Stein

Executed this 5 day of February, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

LORETTA UCELLI

LORETTA UCELLI, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. During 1990, I was the Communications Director of the National Abortion Rights Action League (NARAL), headquartered in Washington, D.C. In this capacity, I reviewed proposed advertisements and worked with NARAL's media consultants in selecting air times for NARAL/NARAL-NC-Federal PAC's advertisements in connection with the 1990 North Carolina Senate race.

2. At all relevant times during the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to campaign strategy with any candidate who might be benefited by independent expenditures made by NARAL or its affiliates, including its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC). I therefore did not engage in any activity that involved coordination, cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

3. Both NARAL and NARAL-NC-Federal PAC took numerous precautions to avoid jeopardizing the

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independence of NARAL's and NARAL-NC-Federal PAC's expenditures in the 1990 North Carolina Senate race.

4. At all relevant times during the 1990 election cycle, I was aware of the need to follow all legal advice provided to NARAL concerning independent expenditures and to ensure that all members of the NARAL staff under my supervision complied fully with applicable laws concerning independent expenditures.

5. I attended a briefing for the entire NARAL staff in July 1990, at which NARAL attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in those races in which NARAL might make independent expenditures. Kate Michelman, then NARAL's Executive Director, personally emphasized to the NARAL staff that it was extremely important that all staff comply fully with these requirements and confer immediately with one of our attorneys if any question arose.

6. Prior to 1990 and throughout 1990, I had no relationship with Harvey Gantt or the Gantt campaign. I asked all NARAL staff under my supervision whether any of them had any relationship with Harvey Gantt or the Gantt campaign that might jeopardize NARAL's ability to remain independent from that campaign. In each case, they assured me that they had no such relationship. I made clear to those staff who might hire or use the services of additional employees that every person asked

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to work on the independent expenditures of NARAL and NARAL-NC-Federal PAC in connection with the North Carolina Senate race must be able to provide assurances that he or she had no relationship with Harvey Gantt or the Gantt campaign.

7. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

8. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

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9. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditure campaign to be linked in some way, however slight, with the Gantt campaign. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

10. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such

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information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

11. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Loretta Ucelli

Executed this 23 day of February, 1993.

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IN THE CITY OF FAYETTEVILLE)
) ss:
NORTH CAROLINA)

AFFIDAVIT

ROBERTA WADDLE

Roberta Waddle, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. During 1990, I served as State Coordinator of the North Carolina National Organization for Women ("North Carolina NOW").

2. I have never been a leader, Board member, or paid or unpaid staff member or volunteer of the National Abortion Rights Action League (NARAL), of its North Carolina affiliate (NARAL-NC), of its North Carolina affiliate's federal political action committee (NARAL-NC-Federal PAC), or of its North Carolina affiliate's state political action committee (NARAL-NC-State PAC).

3. I have never had any duties or responsibilities for, and I have never taken any actions or made any communications on behalf of, NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC.

4. No expenditure made by NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC in

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connection with an electoral race has ever been made by or through me.

5. I was not privy to any confidential or private information related to the plans, projects, or needs of NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC concerning their activities in the 1990 North Carolina Senate race. Any information I ever had about their plans, projects, or needs concerning their activities in the 1990 North Carolina Senate race came from publicly available sources such as news accounts.

6. I have never provided NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with political, strategic or any other kind of advice or information relating to the 1990 North Carolina Senate race.

7. I have never contributed to NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC.

8. In my work for North Carolina NOW, I was involved with the organization Coalition for Choice, of which both North Carolina NOW and NARAL-NC, along with several dozen other organizations, are members. Coalition for Choice sponsored an event on April 28, 1990 called the Rally in Raleigh: North Carolina Stands Up for Choice. The purpose of the event was to kick off the Coalition's efforts with respect to the upcoming North Carolina legislative session. Several pro-choice

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state legislators and candidates for state legislative office were present at the event and were introduced or spoke briefly.

9. Prior to the event, the board of Coalition for Choice agreed that the only candidates who would be permitted to address the crowd at this pro-choice rally would be those who had been endorsed by a PAC of a member organization or its national affiliate. Because the National Organization for Women PAC ("NOW PAC") had endorsed Harvey Gantt, he was permitted to, and did, address the crowd at this event. North Carolina NOW did not endorse Harvey Gantt.

10. I recall that Mr. Gantt's remarks lasted less than five minutes. It was publicly noted that he had been endorsed only by NOW PAC and not by Coalition for Choice or any of its other constituent groups. Neither in his public remarks nor in conversations with me or with other organizers of the event did Mr. Gantt reveal any confidential or private information about his plans, projects, or needs in the 1990 Senate race.

11. After this event and through the November 1990 general election, there was virtually no communication between North Carolina NOW and NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC.

12. I never had any authority, whether actual or apparent, express or implied, to authorize or to make

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expenditures on behalf of Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC), nor was I ever in a position within the Gantt campaign or the DSCC where it would reasonably appear that I might have been authorized to make expenditures on behalf of Harvey Gantt or the DSCC.

13. Any work I did on behalf of Harvey Gantt's candidacy did not in any way involve NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC, and I never provided anyone affiliated with NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC with any information about the plans, projects, or needs of Harvey Gantt or his campaign.

I declare under penalty of perjury that the foregoing is true and correct.

Roberta Waddle

Roberta Waddle

Executed this 9th day of February 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

JAMES WAGONER

James Wagoner, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am the Legislative and Political Director of the National Abortion Rights Action League (NARAL), headquartered in Washington, D.C. In this capacity, I supervise the manager of NARAL-PAC and am involved in discussions concerning the political strategy of NARAL and NARAL-PAC. I also supervise NARAL's legislative representative and develop and implement NARAL's legislative strategy. I began my employment with NARAL in September 1990 and in this position. The first of NARAL's independent expenditures in North Carolina were made prior to the time that I joined the organization.

2. Prior to my employment by NARAL, I served as Administrative Assistant to U.S. Senator Howard Metzenbaum, who asked me in the summer of 1990 to help facilitate the implementation of an idea he had for the production of limited edition lithographs that would be sold to raise money for Harvey Gantt's campaign. I thereafter took a few limited steps to assist in the

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project in the weeks prior to my departure from Senator Metzenbaum's office. I contacted a direct mailing firm in New York about the project and was told that the firm required a $1,500 down payment to begin work. I relayed this information to the Gantt campaign, and I understand that the Gantt campaign made this payment, but I never saw any invoice or check. I also discussed the mechanics of the project with an arts patron in California who was associated with the company chosen to do the actual lithography. We discussed the timeline for production of the lithographs and the distribution of the art pieces by art galleries. I also participated in a meeting with Senator Metzenbaum and Susan Green, Harvey Gantt's fundraising aide, concerning the viability and merits of the project.

3. After taking the preliminary steps described above I handed off my tasks related to it to my successor in Senator Metzenbaum's office approximately two weeks before I left. I had no further involvement with this project. I did not receive any reimbursement or compensation from Harvey Gantt or the Gantt campaign, I authorized no expenditures on behalf of Harvey Gantt or the Gantt campaign and I had no authority to do so, and I was not authorized, at any time, to raise funds for Harvey Gantt or the Gantt campaign.

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4. The only other contact I had with Harvey Gantt or the Gantt campaign involved a meeting with Harvey Gantt, staff from his campaign, Senator Metzenbaum, and Senator John Breaux while I was serving as Senator Metzenbaum's Administrative Assistant. I was asked in this meeting to discuss, and I did discuss, my experiences in dealing with the Gantt campaign staff, as part of a general discussion about concerns that the Democratic Senatorial Campaign Committee (DSCC) was having difficulty in communicating with and in gaining the cooperation of the Gantt campaign staff. While I was present, there was no discussion on any other topic related to the plans, projects, or needs of Harvey Gantt or the Gantt campaign.

5. I had had no discussions with NARAL concerning the possibility of employment with NARAL prior to Senator Metzenbaum's request that I help facilitate the implementation of this project and the meeting with Gantt campaign representatives, although I recall that such discussions occurred in a period that overlapped the period in which I was assisting on this project. Nevertheless, I do not believe that anyone affiliated with the Gantt campaign was aware of my impending departure until I handed off my tasks related to this project over to my successor in Senator Metzenbaum's office. I believe that whatever

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information I obtained in connection with this project or at the meeting with Gantt campaign representatives, was not provided to me by Harvey Gantt or anyone affiliated with the Gantt campaign with a view toward having an expenditure made by NARAL or any other individual or entity. I certainly did not participate in this project or attend this meeting with a view toward obtaining information that would be useful to NARAL's independent expenditures; nor did I obtain any information that I thought at the time (or that I think in retrospect) would have been helpful to NARAL's independent expenditures. Furthermore, in 1990 I did not discuss or convey any information I obtained in connection with this project or at this meeting to anyone affiliated with NARAL, other than to disclose to NARAL's Executive Director and attorneys the general information contained in this affidavit.

6. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, I was aware of the necessity of avoiding coordination, cooperation, and consultation as to campaign strategy with any candidate who might be benefited by independent expenditures made by NARAL or its affiliates, including its North Carolina affiliate's federal PAC (NARAL-NC-Federal PAC). I therefore did not engage in any activity that involved coordination,

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cooperation, or consultation between NARAL and Harvey Gantt or the Gantt campaign.

7. Both NARAL and NARAL-NC-Federal PAC took numerous precautions to avoid jeopardizing the independence of NARAL's and NARAL-NC-Federal PAC's expenditures in the 1990 North Carolina Senate race.

8. During the week prior to commencing my employment by NARAL, I met with NARAL's attorneys. At this meeting, NARAL's attorneys discussed the legal requirements for maintaining independence from candidates and their campaigns in those races in which NARAL was making independent expenditures. They emphasized to me that it was extremely important that I comply fully with these requirements and confer immediately with one of our attorneys if any question arose.

9. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, I was aware of the need to follow all legal advice provided to NARAL concerning independent expenditures and to ensure that all members of the NARAL staff under my supervision complied fully with applicable laws concerning independent expenditures.

10. I asked all NARAL staff under my supervision whether any of them had any relationship with Harvey Gantt or the Gantt campaign that might jeopardize

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NARAL's ability to remain independent from that campaign. In each case, they assured me that they had no such relationship. I made clear to those staff who might hire or use the services of additional employees or consultants that every person asked to work on the independent expenditures of NARAL AND NARAL-NC-Federal PAC in connection with the North Carolina Senate race must be able to provide assurances that he or she had no relationship with Harvey Gantt or the Gantt campaign.

11. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. Outside the instances noted above, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and from the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, I never discussed any such

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information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

12. As explained above, I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

13. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditure campaign to be linked in some way, however slight, with the Gantt campaign. I understand that some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who

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ever received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

14. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

15. From the time that I began employment with NARAL and throughout the remainder of the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

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I declare under penalty of perjury that the foregoing is true and correct.

James Wagoner

James Wagoner

Executed this 4 day of March, 1993.

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IN THE CITY OF DURHAM)
) ss:
NORTH CAROLINA)

AFFIDAVIT

RUTH ZIEGLER

Ruth Ziegler, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. In 1990, I served as Treasurer of the National Abortion Rights Action League North Carolina PAC (NARAL-NC-Federal PAC) located in Durham, North Carolina. I reviewed and authorized all expenditures made by NARAL-NC-Federal PAC, including those made in connection with the 1990 North Carolina Senate race. I was the person in North Carolina who was primarily responsible for planning and implementing the independent expenditures in connection with the 1990 North Carolina Senate race.

2. In 1990, I also served as Executive Director of the North Carolina affiliate of the National Abortion Rights Action League (NARAL-NC) and as Treasurer of its state PAC (NARAL-NC-State PAC). My salary for the work I did in connection with the North Carolina Senate race was paid by the National Abortion Rights Action League, Inc. (NARAL).

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3. I and the employees of NARAL-NC-Federal PAC and NARAL who worked with me took numerous precautions to avoid jeopardizing the independence of our expenditures.

4. After Harvey Gantt had secured the Democratic nomination for Senate in June of 1990, NARAL staff and NARAL-NC board members and I engaged in discussions concerning the possibility of making independent expenditures in the Senate race. Several meetings were held, and NARAL attorneys provided legal advice on maintaining independence from candidates and their campaigns in any race in which NARAL and NARAL-NC-Federal PAC might make independent expenditures. The NARAL-NC Board decided to participate in this effort in late July of 1990, and in light of that decision several members of the NARAL-NC Board resigned their positions because they wanted to work with the Gantt campaign. It was extraordinarily painful for NARAL-NC to lose the talents, skills, and insights of these board members, but we believed strongly that we could spare no effort to avoid even the appearance of coordination with the Gantt campaign.

5. Before I hired anyone to assist with the independent expenditures, I took care to ascertain that they had had no prior contact with the Gantt campaign that would present even the appearance of coordination.

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I did not pursue any hiring discussions with those potential staff persons who had been identified as affiliated with the Gantt campaign.

6. I made clear to each staff person and to those NARAL-NC and NARAL-NC-Federal PAC volunteers with whom I came in contact that they were not to be involved in any way with Harvey Gantt or the Gantt campaign and were never to discuss NARAL's work with anyone affiliated with the Gantt campaign. At our meetings, we emphasized to volunteers and staff the importance of maintaining our independence from the Gantt campaign.

7. Throughout the 1990 election cycle, neither Harvey Gantt nor anyone affiliated with Harvey Gantt or the Democratic Senatorial Campaign Committee (DSCC) ever provided me with any information about his plans, projects, or needs, and I am unaware of any instance throughout the 1990 election cycle when such information was provided to anyone else affiliated with NARAL or NARAL-NC-Federal PAC by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC. During the 1990 election cycle, any information I ever had about the plans, projects, or needs of Harvey Gantt or the Gantt campaign came from publicly available sources such as news accounts, and I never discussed any such information with Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

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8. I have never been authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds; I have never been an officer of an authorized committee for Gantt; and I have never received any form of compensation or reimbursement from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

9. I endeavored on an ongoing basis to discover any potential for activities of staff and volunteers associated with the independent expenditure campaign to be linked in some way, however slight, with the Gantt campaign. As noted above, some individuals affiliated with NARAL-NC and/or NARAL-NC-Federal PAC left the organizations prior to the point at which NARAL-NC-Federal PAC began making independent expenditures in connection with the 1990 North Carolina Senate race because they wanted to work with the Gantt campaign. I am otherwise unaware of anyone who worked with NARAL or NARAL-NC-Federal PAC and were associated in any way with the independent expenditures made in connection with the North Carolina Senate race who was ever authorized by Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC to raise or expend funds, who was ever an officer of an authorized committee for Gantt, or who ever received any form of compensation or reimbursement

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from Harvey Gantt, his committee, or anyone affiliated with him or the DSCC.

10. Throughout the 1990 election cycle, I never provided Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC with any information, including information about the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC's efforts in connection with the North Carolina Senate race, nor am I aware of any instance throughout the 1990 election cycle when such information was provided to Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC by anyone else affiliated with NARAL or NARAL-NC-Federal PAC.

11. I was occasionally asked to participate in some way with a media event or fundraiser organized by the Gantt campaign. Each and every time, I emphatically refused the request and explained that this was because NARAL and NARAL-NC-Federal PAC were making independent expenditures in connection with the North Carolina Senate race. I never provided any information to those who contacted me in such situations.

12. On three occasions prior to receiving the Democratic nomination for United States Senate in June of 1990, Harvey Gantt personally contacted me to ask for my support or that of NARAL-NC. I refused each of these requests. None of these brief conversations involved the disclosure or exchange of any confidential or

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private information concerning the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC or Harvey Gantt or the Gantt campaign.

13. After Harvey Gantt had won the primary runoff election, I was contacted by Joan Weld of the Gantt campaign, who asked me to join her in starting a network of prominent women who supported Gantt. I explained to her that I could not participate in this project or have any other involvement with the Gantt campaign because NARAL and NARAL-NC-Federal PAC were making independent expenditures in connection with the 1990 North Carolina Senate race.

14. NARAL-NC, along with several dozen other organizations, is a member of the North Carolina Coalition for Choice, a legislative coalition of organizations in North Carolina who are concerned about the choice issue. On April 28, 1990, I served as emcee of an event called the Rally in Raleigh: North Carolina Stands Up for Choice. The purpose of the event was to kick off the Coalition's efforts with respect to the upcoming North Carolina state legislative session. Several pro-choice state legislators and candidates for state legislative office were present at the event and were introduced or spoke briefly.

15. Prior to the event, the board of Coalition for Choice, on which I served, agreed that the only

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candidates who would be permitted to address the crowd at this pro-choice rally would be those who had been endorsed by a PAC of a member organization or its national affiliate. Because the National Organization for Women PAC ("NOW PAC") had endorsed Harvey Gantt, he was permitted to, and did, address the crowd at this event. NARAL, NARAL-NC, and NARAL-NC-Federal PAC had not at that point endorsed Harvey Gantt.

16. Mr. Gantt's remarks lasted less than five minutes. It was publicly noted that he had been endorsed only by NOW PAC and not by Coalition for Choice or any of its other constituent groups. I did not speak with Mr. Gantt at this event, and in his remarks to the audience he did not reveal any confidential or private information about his plans, projects, or needs in the 1990 Senate race.

17. After this event and through the November 1990 general election, there was no communication between NARAL, NARAL-NC, NARAL-NC-Federal PAC or NARAL-NC-State PAC and the Coalition for Choice regarding any electoral matters, including the North Carolina Senate race. This was the usual practice because most Coalition for Choice member organizations have 501(c)(3) tax status and are therefore prohibited from engaging in electoral activities.

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18. Neither NARAL-NC nor NARAL-NC-Federal PAC played any role in the formation or management of the organization Senate Vote '90. I have never been involved with Senate Vote '90 and have no firsthand knowledge of its activities because I refrained from discussing the organization with those involved with it in order to avoid any inadvertent contact with any group that may have been in any way affiliated with Harvey Gantt.

19. None of the six individuals (Jane Stein, W.W. Finlator, David Jones, H.M. Michaux, Charlotte Brody, and Roberta Waddle) who were named in the complaint filed by Mr. R. Jack Hawke, dated August 9, 1990 has ever been a leader, Board member, or paid or unpaid staff member of NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC. No expenditure made by NARAL, NARAL-NC, NARAL-NC-Federal PAC, or NARAL-NC-State PAC in connection with an electoral race has ever been made by or through any of these individuals.

20. NARAL-NC-Federal PAC routinely makes its membership list available to pro-choice candidates. In late May of 1990, the NARAL-NC-Federal PAC Board of Directors agreed to sell its list of members to the campaigns of both Harvey Gantt and Mike Easley, who were at that point competing in a runoff for the Democratic Senate nomination. To the best of my recollection, both

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campaigns eventually did obtain copies of the list of members, but I do not know whether or how the lists were used. I had no contact on this matter with Harvey Gantt, the Gantt campaign, or anyone affiliated with the Gantt campaign.

21. On May 5, 1990, with approval from the NARAL-NC-Federal PAC Board of Directors, I sent a contribution for $200.00 to the Harvey Gantt for Senate campaign for two tickets to a fundraising event. The check was inadvertently written on the NARAL-NC-State PAC account. This mistake was corrected on May 22, 1990 by sending a check for $200.00 from the NARAL-NC-Federal PAC account and receiving back from the Gantt campaign a reimbursement for $200.00 to the NARAL-NC-State PAC account. All of these transactions were conducted at arm's length and involved no transfer of information concerning the plans, projects, or needs of NARAL/NARAL-NC-Federal PAC or Harvey Gantt or the Gantt campaign.

22. The tickets described above were used by me and Suzanne Anderson of the NARAL-NC-Federal PAC Board of Directors to attend a fundraising event for Harvey Gantt in Durham, North Carolina in early May of 1990. At this event, Harvey Gantt addressed the large audience, but he conveyed no private or confidential information about his plans, projects, or needs in the 1990 North Carolina Senate race. Neither Ms. Anderson

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nor I spoke with Harvey Gantt or otherwise obtained any private or confidential information about his plans, projects, or needs at this event. Ms. Anderson left the NARAL-NC-Federal PAC Board of Directors in early June of 1990.

23. Throughout the 1990 election cycle, no decision related to an expenditure by NARAL or NARAL-NC-Federal PAC in connection with the North Carolina Senate race that I made or of which I am aware was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, Harvey Gantt or anyone affiliated with Harvey Gantt or the DSCC.

I declare under penalty of perjury that the foregoing is true and correct.

Ruth Ziegler

Ruth Ziegler

Executed this 17 day of February, 1993.

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July 20, 1993

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BY HAND DELIVERY

Lawrence Noble, Esquire
General Counsel
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3109 (MCFL Issues) on Behalf of Respondent National Abortion Rights Action League, Inc.

Dear Mr. Noble:

Pursuant to a letter dated September 28, 1992, from Vice Chairman Thomas, I am writing to demonstrate that no action should be taken against the National Abortion Rights Action League, Inc. ("NARAL") in connection with the matter referred to you by the Reports Analysis Division and subsequently consolidated with MUR 3109. A separate brief filed on March 19, 1993, addresses issues raised in the Complaint filed by R. Jack Hawke, Chairman of the North Carolina Republican Party, against NARAL and its North Carolina affiliate's federal PAC.

The Referral alleges that the independent expenditures made by NARAL in the 1989-90 election cycle may have violated 2 U.S.C. § 441b, the statutory prohibition on corporate expenditures in connection with any election for federal office. It additionally alleges that NARAL may have violated 2 U.S.C. §§ 433(a) and 434(a) by failing to register and report as a political committee.[1]

[1] The Referral also alleges that NARAL violated 2 U.S.C. § 434(c) by failing to file its independent expenditure reports in a timely fashion. As discussed below, NARAL should not be penalized for this isolated and understandable error.

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Both of these allegations are false. Based upon FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) (hereinafter "MCFL") and Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990) (hereinafter "Austin"), NARAL is constitutionally entitled to make independent expenditures from its general treasury funds. Further, NARAL's independent expenditures in 1990 did not require NARAL to register as a political committee. As a result, additional investigation into this matter is unwarranted.

I. NARAL Is Constitutionally Entitled to Make Independent Expenditures.

From its initial consideration of modern campaign finance laws, the Supreme Court has recognized that independent expenditures constitute "political expression 'at the core of our electoral process and of the First Amendment freedoms.'" Buckley v. Valeo, 424 U.S. 1, 39 (1976) (quoting Williams v. Rhodes, 393 U.S. 23, 32 (1968)). On the basis of the First Amendment, and reaffirming the protections it affords independent expenditures, the Supreme Court in MCFL held that certain types of non-profit corporations that were "formed to disseminate political ideas, not to amass capital," 479 U.S. at 259, have the constitutional right to make independent expenditures from general treasury funds expressly advocating the election or defeat of a federal candidate.

NARAL meets the test articulated by the Court in MCFL and subsequently reaffirmed in Austin. Like the organization considered by the Supreme Court in MCFL, NARAL has "features more akin to a voluntary political association[] than [a] business firm[]," MCFL, 479 U.S. at 263, and is precisely the type of non-profit, ideological organization that the Constitution entitles to make independent expenditures.

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The MCFL court cited "three features [of such a corporation] essential to [its] holding." MCFL, 479 U.S. at 264. As demonstrated below, NARAL meets this test.[2]

A. Political Purpose

First, under MCFL, the corporation must have been "formed for the express purpose of promoting political ideas, and cannot engage in business activities. This ensures that political resources reflect political support." MCFL, 479 U.S. at 264. NARAL is "the political arm of the pro-choice movement," see Document N00002, and always has been "dedicated to the elimination of all laws and practices that would compel any woman to bear a child against her will." See Articles of Incorporation of NARAL dated October 10, 1975 (Exhibit 1). "To that end," NARAL's initial articles of incorporation announced the organization's political purpose: to "initiate and coordinate political, social, and legal action of individuals and groups concerned with providing safe abortions by qualified physicians for all women seeking them regardless of economic status." See id. NARAL's current articles of incorporation clearly state NARAL's political mission: "to operate on a non-profit basis for the promotion of social welfare and education of the public on matters related to abortion." See Articles of

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[2] In a footnote, the Commission's Factual and Legal Analysis asserts that "MCFL may not apply based solely upon the size of the respondents." See Analysis at 21 n.12. Nowhere in the Supreme Court's articulation of the "three features essential to [its] holding" is the size of the organization mentioned. The application by the Commission of an additional criterion neither enumerated by the Supreme Court nor required by any subsequent judicial interpretation of this exception might very well infringe upon protected constitutional rights. At the least, the post hoc creation and application of such a requirement to NARAL's 1990 activities would be grossly unfair in the absence of specific regulations promulgated by the Commission.

Amendment to the Articles of Incorporation of NARAL dated September 20, 1977 (and further Articles of Amendment dated December 17, 1985) (Exhibit 2).

NARAL was designated a 501(c)(4) corporation in 1971 and has remained a tax-exempt organization since that time. See Letters from Internal Revenue Service to NARAL concerning 501(c)(4) Tax Status (October 19, 1971 and July 26, 1978) (Exhibit 5). This status is not available to business corporations. Rather, 501(c)(4) status is available only to organizations, like NARAL, that are formed to develop and pursue programs to promote "social welfare" through political (e.g., administrative, legislative, and electoral) channels. See Rev. Rul. 81-95; IRB 1981-12; 26 C.F.R. § 1.501(c)(4)-1(a)(2)(ii); 26 C.F.R. § 1.501(c)(3)-1(c)(3)(ii).

NARAL, like the organization considered by the Supreme Court in MCFL, "engage[s] in diverse educational and legislative activities designed to further its agenda." MCFL, 479 U.S. at 242. During 1990, as before and since that time, NARAL and its affiliates engaged in a variety of activities that are closely related to its well-defined political mission.

During the period leading up to and including the 1990 election cycle, NARAL pursued an ambitious legislative agenda combined with extensive public education efforts. Through its national office, NARAL lobbied the United States Congress on issues related to abortion rights, including actively supporting enactment of the federal Freedom of Choice Act. NARAL organized and conducted public hearings across the nation designed to educate the public about the costs to American women and their families of a lack of access to safe and legal abortion and to develop a record of support for the Freedom of Choice Act. Additionally, NARAL lobbied the United States Congress, as it does each year, on other federal legislation related to abortion rights, such as the appropriations bills for the District of Columbia and for the Departments of Labor and Health and Human Services. NARAL evaluated the records of judicial nominees, and NARAL's Executive Director testified before the Senate Judiciary Committee in opposition to the confirmation of Justice David Souter to the United

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States Supreme Court. NARAL also worked as part of a coalition with pro-choice organizations throughout the United States to support pro-choice legislation and oppose anti-choice legislation in the state legislatures.

Also during 1990, as in prior and subsequent years, NARAL provided financial and organizational support and training to approximately 40 affiliated organizations throughout the nation and assisted these affiliates in developing legislative strategy, building grassroots constituencies, implementing public education campaigns, and working with coalition partners.

NARAL during 1990 produced quarterly newsletters and other mailings and publications, including newspaper and television advertisements designed to educate the public about issues related to abortion and reproductive rights. NARAL's Executive Director and other staff members frequently addressed community organizations, schools, classes, churches, and other public gatherings in efforts to educate the public about the myriad issues surrounding abortion rights.

In 1990, NARAL conducted extensive research into legal and legislative developments in the area of reproductive rights, produced analyses of judicial decisions and proposed legislation, and gathered and disseminated information about the detrimental public health effects of restrictions on abortion. Working together with the NARAL Foundation, NARAL monitored and analyzed all federal and state legislative proposals affecting reproductive rights introduced during 1989 and 1990 and published in January 1991 a comprehensive state-by-state review of abortion rights. This volume, based upon data collected principally during the latter half of 1990, included written statements from the Governors, Lieutenant Governors, and Attorneys General in each state, an analysis of the state statutes and regulations affecting abortion rights, a description of each state's highest court, and an analysis of the positions of state legislatures on the right to choose, including a review of all abortion-related legislation introduced during 1989 and 1990.

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NARAL and its state-level affiliated organizations in 1990 actively opposed hundreds of bills introduced in state legislatures that would have imposed restrictions on women's ability to exercise reproductive choice. NARAL worked to defeat proposed bans on abortion that were introduced during 1990 in the Idaho, North Dakota, and Utah legislatures and worked rapidly to educate Governors Cecil Andrus of Idaho and George Sinner of North Dakota in successful efforts to persuade them to veto these bills. Legislatures in at least nine other states and the territory of Guam also considered banning virtually all abortions. North Dakota and Mississippi in 1990 enacted mandatory anti-choice counseling requirements and mandatory waiting periods, and legislatures in at least eleven other states considered similar legislation. In each of these states, and in many others that considered restrictions to abortion, NARAL organized grassroots opposition to the proposed restrictions, often preparing and presenting testimony against the legislation, organizing rallies and constituent visits to crucial state legislators, and urging members to contact their state legislators and other officials to express their views. Also in 1990, NARAL organized grassroots support for state legislation to protect a woman's right to choose, such as the legislation that was enacted that year in Connecticut.

Beginning in 1990, NARAL, together with the NARAL Foundation, developed a public education campaign to offer American women "Real Choices." This campaign was designed to build a national consensus that our goal as a society should be to make abortion less necessary, not more dangerous and more difficult. NARAL also continued implementing its public education campaign, begun in 1989, to shift the debate regarding abortion from the question of when life begins to the fundamental question of "Who Decides?" The wide array of activities in which NARAL engaged in 1990 are more fully described in its 1990 annual report. See Document N00001-N00018.

Further, NARAL does not engage in any "business" activities that would disqualify the organization from making independent expenditures. The MCFL Court noted that, "[i]f political fund-raising events are expressly denominated as requests for contributions that will be

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used for political purposes, including direct expenditures, these events cannot be considered business activities." MCFL, 479 U.S. at 264. The Austin Court elaborated on this standard by noting that non-political activities will not disqualify an organization from MCFL status if these activities are "expressly tied to political goals." Austin, 494 U.S. at 662.

As the accompanying responses to interrogatories and documents indicate, in 1990 NARAL engaged in no fundraising activities that were unrelated to its political goals. For example, during 1990 NARAL sold T-shirts emblazoned with the message: "Who Decides? You or Them?" Clearly, only an individual who supports NARAL's political objectives would purchase such a T-shirt; each purchaser would know that his or her payment would be used for the purpose of protecting women's right to choose. The Supreme Court recognized that fundraising efforts of this sort would not remove an organization from the constitutional protections articulated in MCFL: the Massachusetts Citizens for Life organization itself held bake sales and furniture sales and sold "Choose Life" T-Shirts and a "Pro-Life Cookbook" to raise funds for its activities. See MCFL, 479 U.S. at 242; Excerpts from the District Court's Record in MCFL (Exhibit 12).

Furthermore, NARAL publications (such as its newsletters) in 1990 did not include advertising. See Response to Interrogatory 7(a). Indeed, in its Fiscal Year 1991 (April 1, 1990 through March 31, 1991), NARAL received only approximately 0.1% of its revenues from the sale of publications and other educational items regarding abortion rights issues, all of which were directly related to its political and social agenda. See Response to Interrogatory 4.

NARAL also annually receives a fee from a corporation known as Choice Contributors for the transfer of NARAL's membership list. Under the terms of this transfer, NARAL authorizes Choice Contributors to rent and trade NARAL's membership list to or with organizations whose goals do not conflict with those of NARAL. See Response to Interrogatory 6(c); Michelman Aff. ¶ 8 (Exhibit 6). Because this transfer enhances NARAL's ability to acquire new lists of potential

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members from similar-minded organizations, and because Choice Contributors is fully aware that the funds raised by NARAL through this transfer are used to further NARAL's political goals, including independent expenditures, see Michelman Aff. ¶ 8 (Exhibit 6), this transfer is directly related to furthering NARAL's mission and cannot be considered a business activity that renders NARAL unqualified to make independent expenditures.

B. Lack of Shareholders or Others With a Claim on Assets or Earnings

NARAL also satisfies the second criterion of the MCFL standard. Like the corporation in MCFL, NARAL "has no shareholders or other persons affiliated so as to have a claim on its assets or earnings. This ensures that persons connected with the organization will have no economic disincentive for disassociating with it if they disagree with its political activity." MCFL, 479 U.S. at 264.

NARAL's Articles of Incorporation provide that:

> In the event of dissolution or final liquidation of this corporation, all the business, property and assets of the corporation shall go and be distributed to [a] non-profit corporation of like purpose or purposes . . . and in no event shall any of the said assets or property, in the event of dissoluation [sic] or final liquidation, thereof, go or be distributed to members . . . .

Articles of Incorporation of NARAL dated October 10, 1975 (Exhibit 1). In addition, NARAL members have no incentive -- economic or otherwise -- to maintain their affiliation with the organization should they come to disagree with its political goals. Unlike the Michigan Chamber of Commerce considered by the Supreme Court in Austin, NARAL does not offer its members "opportunities to establish contacts with other members of the business community" or educational and outreach programs that are unrelated to and distinct from its political agenda. Austin, 494 U.S. at 652.

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Moreover, NARAL does not offer members benefits such as credit cards, insurance policies, or savings plans, and no training opportunities or business contacts are dependent upon maintaining membership in NARAL. See Response to Interrogatory 1(b). The benefits of membership in NARAL -- newsletters, educational publications, political buttons and bumper stickers, and the right to vote for the NARAL Board of Directors -- are all directly related to NARAL's political and social goals and reflect the positions advocated by NARAL. A person who became a member of NARAL and then found himself or herself in disagreement with NARAL's political positions could easily disaffiliate without losing benefits of any tangible, non-political or economic value.

Even a person who had never joined NARAL, or who had disaffiliated or allowed his or her membership to lapse, could receive or continue to receive many of the benefits of membership by requesting, free of charge, any NARAL publication or political item, without making a contribution to NARAL. See id.[3] The only benefits of NARAL membership that are available exclusively to members are distinctly noneconomic benefits: the right to vote for members of the Board of Directors and members of the Nominating Committee, the right to vote on proposed changes to the Articles of Incorporation, and the right to attend the annual meeting. See id.

C. Not Established by a Corporation or Labor Union and Not Supported by Such Entities

The third MCFL criterion requires that corporations such as NARAL not "serv[e] as conduits for the type of direct spending that creates a threat to the political marketplace." MCFL, 479 U.S. at 264. The Supreme Court recognized that "[d]irect corporate spending on political activity raises the prospect that resources amassed in the economic marketplace may be used

[3] Certain items, such as T-Shirts, are offered for a charge designed to recoup their cost, but this charge is the same for members and non-members alike.

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to provide an unfair advantage in the political marketplace." MCFL, 479 U.S. at 257. The Court described the rationale justifying the prohibition on expenditures by business corporations despite its burden on their First Amendment rights as

> the need to restrict "the influence of political war chests funneled through the corporate form;" to "eliminate the effect of aggregated wealth on federal elections;" to curb the political influence of "those who exercise control over large aggregations of capital;" and to regulate the "substantial aggregations of wealth amassed by the special advantages which go with the corporate form of organization."

MCFL, 479 U.S. at 257 (citations omitted). This rationale did not apply, the Court found, in the case of the Massachusetts Citizens for Life organization, which "was not established by a business corporation or a labor union, and [whose] policy [was] not to accept contributions from such entities." MCFL, 479 U.S. at 264. Therefore, the Court concluded that the independent expenditures of organizations like Massachusetts Citizens for Life cannot constitutionally be restricted.

The Supreme Court reiterated this rationale in Austin, upholding the Michigan law as applied to the Michigan Chamber of Commerce in part because of the risk that "[b]usiness corporations . . . could circumvent the Act's restriction by funneling money through the Chamber's general treasury." Austin, 494 U.S. at 664. Furthermore, lower courts since MCFL have consistently emphasized that it is the risk that an organization may serve as a conduit for corporate spending that supports the requirement of a policy against accepting corporate contributions. See Faucher v. FEC, 743 F. Supp. 64, 69 (D. Me. 1990), aff'd, 928 F.2d 468 (1st Cir. 1991), cert. denied, 112 S. Ct. 79 (1991) (noting that an organization "[w]ithout an explicit policy against contributions from corporations could 'serve as a conduit for the type of direct spending that creates a threat to the political marketplace.' It is this potential for influence that supports the restriction on corporate funding." (quoting

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MCFL, 479 U.S. at 264) (citations omitted)); FEC v. NRA Political Victory Fund, 778 F. Supp. 62, 64 (D.D.C. 1991) ("MCFL permits some nonprofit corporations to make independent expenditures in connection with federal election campaigns where there is no risk that sizeable corporate treasuries will be used to unduly influence elections . . . .").

NARAL was not established by any business corporation or labor organization. It was founded as a voluntary alliance of people committed to the specific goal of removing legal barriers from abortion services. See Articles of Incorporation of NARAL dated October 10, 1975 (Exhibit 1). Although NARAL has, in certain periods prior to its Fiscal Year 1991 (April 1, 1990 through March 31, 1991), accepted some contributions from some corporate sources, NARAL in 1990 and throughout its existence has not "serve[d] as [a] conduit[] for the type of direct spending that creates a threat to the political marketplace," MCFL, 479 U.S. at 264, and has consistently maintained its "independence from the influence of business corporations." Austin, 494 U.S. at 664.[4]

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[4] The fee paid to NARAL by Choice Contributors for rental of NARAL's membership list does not reflect "corporate" influence of NARAL. On the contrary, because NARAL has an investment interest in Choice Contributors, owning 79% of its stock, any potential for influence is by NARAL on Choice Contributors, not vice versa.

The NARAL Foundation, which also makes payments to NARAL for specified lobbying and administrative services, is not a business corporation, but is a non-profit, tax-exempt educational organization. The fees for services paid by the NARAL Foundation to NARAL, therefore, are not available for electoral expenditures and also do not present any opportunity for a business corporation to influence NARAL.

1. Even Before NARAL Formally Adopted a Policy Against Accepting Corporate Contributions, Such Contributions Were De Minimis and Presented No Opportunity for Corporate Influence.

As described below, NARAL in February of 1990 adopted a policy of not accepting corporate contributions, which was written into NARAL's Bylaws at the earliest possible opportunity. Even in the years prior to the implementation of this policy, however, the aggregate number and amounts of corporate contributions to NARAL were de minimis relative to the total number and amount of contributions received by NARAL from other sources. See Michelman Aff. ¶ 3 (Exhibit 6); McGuiness Aff. ¶ 3 (Exhibit 7). Because of the controversial and politically charged nature of abortion, and because NARAL is not a tax-deductible organization, NARAL had never had a significant amount of support from business corporations and had not had an active fundraising program of soliciting contributions from corporations.[5] See Michelman Aff. ¶ 3 (Exhibit 6); McGuiness Aff. ¶ 2 (Exhibit 7). The corporate support NARAL had received in the past had consisted primarily of sporadic checks written on corporate accounts by individual members. Such contributions were typically for small amounts, such as the payment of membership dues, which in 1990 were $25. Moreover, these contributions presented no opportunity for influence by business corporations, in part because prior to adopting the policy in 1990 prohibiting such contributions, NARAL had no system even for noting whether a membership had been paid by a corporate check. The individual member's name and address remained unaltered on NARAL's membership list. See McGuiness Aff. ¶ 5 (Exhibit 7).

[5] The Internal Revenue Service requires 501(c)(4) organizations annually to report sources of revenues of $5,000 or more. NARAL's filing with the IRS covering the period from April 1, 1990 through March 31, 1991 shows that no corporation contributed $5,000 or more to NARAL in this period. See Documents N02767-N02772. During this period, NARAL raised a total of $8,301,586 in membership dues and contributions. See Document N02760.

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These contributions would therefore hardly rise to the level of a "political war chest[]," FEC v. National Conservative Political Action Committee, 470 U.S. 480, 501 (1985), a "large aggregation[] of capital," United States v. Automobile Workers, 352 U.S. 567, 585 (1957), or a "substantial aggregation[] of wealth," FEC v. National Right to Work Committee, 459 U.S. 197, 207 (1982), the prevention of whose influence justified the prohibition on independent expenditures by non-MCFL business corporations. In fact, even in MCFL the Supreme Court had evidence before it that Massachusetts Citizens for Life had received de minimis support from business corporations. The record in MCFL notes that the organization raised some funds from business corporations by participating in the "Donation Days" promotion of local A & P grocery stores, through which MCFL would receive five percent of the receipts of individual members' grocery bills from the local supermarket on selected days. See Excerpts from Record in MCFL (Exhibit 12).

2. Because Each Year NARAL Spends Virtually What It Raises, by the Time of NARAL's Independent Expenditures in the 1990 Campaign, NARAL's Operating Accounts Did Not Even Contain De Minimis Amounts of Corporate Monies.

Neither the Supreme Court nor any lower federal court has ever ruled that an organization's acceptance of corporate funds (particularly de minimis funds) at one point in its history forever precludes it from making independent expenditures under the exception recognized in MCFL. Such a ruling would, in fact, be formalistic and impractical: the Supreme Court could not have intended that any organization that had accepted some corporate contributions prior to its 1986 MCFL ruling would have to dissolve and reincorporate in order to be constitutionally entitled to make independent expenditures in the future.

On the contrary, the Court discussed those characteristics of the MCFL organization that satisfied the Court that the third criterion was met in terms that could be applied practically and reasonably to achieve

the goals of the decision. First, the Court noted that the organization had not been "established by a business corporation or a labor union." MCFL, 479 U.S. at 264. The Court's concern here was that the organization not have attained through large amounts of corporate support its very existence and ability to raise funds in the future. The second characteristic noted by the Court, that "it is its policy not to accept contributions from such entities," was stated in the present tense. The MCFL Court thus did not require that an ideological organization otherwise qualified to make independent expenditures must never have received any corporate money. On the contrary, the underpinnings of the Court's concern with preventing "conduits" for corporate monies lead to the reasonable conclusion that, assuming an organization that otherwise qualifies for MCFL status was not established or built up with funds from business corporations, it can qualify for such status both by adopting a policy of accepting no corporate contributions and by taking steps to ensure that prior corporate contributions do not make their way into the organization's operating accounts from which independent expenditures are made.

NARAL is exactly the type of organization the Court had in mind when it created this reasonable test, and NARAL's actions in 1990 brought it squarely within the MCFL exception. Virtually all of NARAL's revenues received in one fiscal year are budgeted and spent during that fiscal year. See Response to Interrogatory 6(c). For instance, NARAL's balance at the end of its 1989 Fiscal Year (March 31, 1989 through April 1, 1990) was only 6.4 percent of its expenditures in that fiscal year. The figure for Fiscal Year 1990 was a mere one percent. Clearly, NARAL does not endeavor to create or maintain anything resembling the "substantial aggregations of wealth amassed by the special advantages which go with the corporate form of organization." MCFL, 479 U.S. at 257 (citation omitted).

Because the turnover of funds in NARAL's operating accounts is quite rapid, contributions received in one fiscal year are unlikely to be used in the next. As described below, NARAL adopted the practice of prohibiting the deposit of corporate checks in February 1990 in order to ensure that any corporate funds that had

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been accepted during Fiscal Year 1990 (April 1, 1989 through March 31, 1990) would no longer be in NARAL's accounts by the beginning of Fiscal Year 1991 (April 1, 1990 through March 31, 1991), the fiscal year in which NARAL made the vast majority of independent expenditures at issue.[6] As these facts show, NARAL in 1990 in no way "serve[d] as a conduit for the type of direct spending [by business corporations] that creates a threat to the political marketplace." MCFL, 479 U.S. at 264.

3. NARAL Developed Policies and Implemented Extraordinary Measures to Ensure that It Complied with the Evolving Law in 1990.

In the period in which NARAL was contemplating and implementing its independent expenditures for the 1990 election cycle, the interpretation and application of the third MCFL criterion was subject to varied and sometimes conflicting signals from lower court opinions. Despite these changing signals, NARAL at all times took extraordinary and elaborate steps to comply with a good-faith view of the law by ensuring that no corporate contributions would be accepted, that no corporate funds would or could be funneled through NARAL into electoral activities, and that no business corporation would or could influence NARAL. See Michelman Aff. ¶¶ 1-6 (Exhibit 6); McGuiness Aff. ¶¶ 1-12 (Exhibit 7).

In early 1990, when NARAL began contemplating making independent expenditures during the 1990 election cycle, the leading authority applying and interpreting MCFL was the decision of the United States Court of Appeals for the Sixth Circuit in Michigan Chamber of Commerce v. Austin, 856 F.2d 783 (6th Cir. 1988). In this decision, the Sixth Circuit had held that, despite the fact that "approximately seventy-five percent of its eight thousand members are corporations," the Michigan Chamber of Commerce could not constitutionally be prohibited from making independent expenditures in connection with Michigan elections. The Court of Appeals concluded that there was no "danger of the Chamber's corporate members using the Chamber as a conduit for

[6] NARAL made one independent expenditure in the prior fiscal year; it was made on February 2, 1990 and totalled $5,773.06.

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massive undisclosed corporate political spending," because the Act required reporting of the names and addresses of all contributors to an independent expenditure effort. Id. at 789. The decision supported the view that, if the Michigan Chamber of Commerce, with 75% corporate members, could qualify as the type of organization entitled to make independent expenditures, then certainly a non-profit, voluntary association that received only a de minimis amount of contributions from corporations could qualify as the type of corporation recognized in MCFL as entitled to make independent expenditures free from the restrictions of § 441b.[7]

Despite the legal support for the view that continuing to accept the de minimis corporate contributions described above would not itself disqualify an organization from making independent expenditures, NARAL, exercising an abundance of caution, adopted the practice in early 1990 of turning away all contributions written on corporate checking accounts. Michelman Aff. ¶¶ 4-5 (Exhibit 6); McGuiness Aff. ¶¶ 4-6 (Exhibit 7).

In February of 1990, before the beginning of its new fiscal year, NARAL's Manager of Membership Development, Cheryl Gregory, sent a letter to 1st American Bank, the bank that processed and deposited contribution checks to NARAL. Through this letter, Ms. Gregory directed the bank to set aside any check that appeared to have been written on a corporate account. See Document N00699; Gregory Aff. ¶¶ 3-5 (Exhibit 8). NARAL then established a practice of immediately returning any such checks to the contributors with a letter requesting that a check written on a personal account be sent instead. See Gregory Aff. ¶ 5 (Exhibit 8). NARAL also amended its "Lock Box" agreements with 1st American Bank to require that the bank return all "corporate" checks to NARAL. The amended agreements specified: "Do not process any corporate checks. All corporate checks are to be returned as 'exceptions' to

[7] In fact, as noted above (at p. 13), the Supreme Court in MCFL did not view Massachusetts Citizens for Life's receipt of certain de minimis corporate contributions as taking it outside of the constitutional protection afforded its independent expenditures.

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the client. Only personal or individual checks may be accepted for deposit." See Documents N00700-N00739. Again, all checks identified by 1st American Bank as corporate checks and returned to NARAL were immediately returned to the contributors with a cover letter informing them that NARAL could not accept corporate contributions and requesting that a check written on a personal account be sent to NARAL instead. See Gregory Aff. ¶ 5 (Exhibit 8); Thompson Aff. ¶¶ 2-4 (Exhibit 9); Mead Aff. ¶¶ 2-4 (Exhibit 10).

On March 27, 1990, the United States Supreme Court reversed the Sixth Circuit's decision in Michigan Chamber of Commerce v. Austin, 836 F.2d 783 (6th Cir. 1988). In its Austin decision, the Supreme Court distinguished the Michigan Chamber of Commerce, which had an overwhelming majority of business corporations as members, from Massachusetts Citizens for Life, which "was not established by, and had a policy of not accepting contributions from, business corporations." Austin, 494 U.S. at 664. NARAL had at that point already implemented the practice of refusing all corporate contributions. Following the Austin decision, however, the NARAL Board of Directors formally adopted, as a provision of the NARAL Bylaws, a written policy against corporate contributions at their quarterly board meeting on June 24, 1990, less than three months after the Supreme Court's decision and at the earliest possible opportunity.[8] See Bylaws of NARAL dated June 1990

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[8] Although the NARAL Board of Directors met on April 1, 1990, this meeting was only a few days after the Supreme Court's decision in Austin, and there was therefore not sufficient time to give each of the Board members the required thirty days notice of a proposed change to the NARAL Bylaws. See Bylaws of NARAL dated April 1990 (Exhibit 3). NARAL immediately took steps to obtain legal advice and adopt practices to ensure its compliance with the law. NARAL Board Chair Ernesta Ballard notified the members of the Board of Directors of the need to change the bylaws by a memorandum on May 18, 1990, see Document N02367, and the proposed change to the Bylaws was adopted at the next Board meeting, on June 24, 1990. See Document N02481-N02485; Bylaws of NARAL dated June 1990 (Exhibit 4).

(Exhibit 4). The adoption of this formal, written policy in fact occurred five days before the District Court for the District of Maine, in one of the very few judicial discussions of this issue, for the first time stated that an organization's policy against accepting corporate contributions must be an "explicit policy." Faucher, 743 F. Supp. at 69.[9]

The lengths to which NARAL went to ensure that it complied with all legal requirements under the evolving interpretation of the MCFL standard can be seen in the elaborate steps it took regarding a fundraising event known as "Art Pro-Choice." In 1989, when the Sixth Circuit decision in Michigan Chamber of Commerce v. Austin was still the leading authority interpreting MCFL, NARAL and its affiliated organizations had begun to plan this fundraising event. This event involved a fundraising dinner on March 13, 1990, from which the proceeds were to benefit the NARAL Foundation and New York State NARAL. In addition, the event involved the exhibition and sale of works of art donated by prominent contemporary artists and/or art dealers, from which the proceeds were to benefit NARAL and New York State NARAL.

The art that was donated to NARAL came in various forms. Some works of art were donated by individual artists, and others were donated by galleries or agents, many of which were incorporated. In many cases, the artist, gallery, or agent donated to NARAL only a portion of the sale value of the art. Consequently, some of the donations were from individuals and some were from corporations. Similarly, some of the ultimate purchasers were individuals, and some were corporations. In many cases, the check NARAL received once a work was purchased was from the gallery or dealer that handled the transaction, even though the ultimate purchaser of the work of art might have been an individual. Thus, even

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[9] The district court emphasized that the organization in question, the Maine Right to Life Committee, Inc., "has no written policy regarding the acceptance of corporate or business contributions." See Faucher, 743 F. Supp. at 67. It is not clear that this organization had even an unwritten policy of not accepting corporate contributions.

though the original contribution of the value of the art had been donated to NARAL (in many cases by the individual artists), NARAL would receive checks from incorporated galleries and agents for the proceeds generated by the sale of some of the art.

When the Supreme Court decided Austin, NARAL evaluated this project and took the extraordinary step of deciding to transfer funds generated by this project to the NARAL Foundation in order to prevent this project, to which NARAL was contractually committed,[10] from jeopardizing NARAL's ability to qualify as an entity entitled to make independent expenditures. Until the Board of Directors could act on the staff's recommendation of transferring these funds out of NARAL's accounts entirely, NARAL opened a segregated bank account in which the net funds received from corporate galleries and agents in connection with the "Art Pro Choice" event, and the net proceeds from the sale of art donated by a corporate entity, were deposited. See McGuiness Aff. ¶ 11 (Exhibit 7); Michelman Aff. ¶ 6 (Exhibit 6). The staff established a policy under which the funds in this account were never to be spent on any NARAL program or on any administrative or operating expenses of NARAL whatsoever, and were not to be available to NARAL for expenditure on any of its independent expenditures. See id.

In June 1990, the NARAL Board of Directors, on the recommendation of the NARAL staff, voted to make a grant to the NARAL Foundation of the funds raised through the sale of art that had been deposited in this designated account. See Documents N02481-N02485 and N02300. Subsequently, as funds from the sale of art in connection with the Art Pro-Choice event continued be received by

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[10] NARAL had entered into a contract with a fundraising consultant in 1989, had received donations of art from numerous artists, had already sent invitations and received donations, had invited people to purchase the art work, and, by March 13, 1990, a date which preceded the Austin decision by two weeks, had already hosted the dinner and exhibition of art work. See Document N04065-N04066; McGuiness Aff. ¶ 9 (Exhibit 7); Response to Interrogatory 9 and Documents Cited Therein.

NARAL between April 1990 and October 1990, these were deposited in the designated account. The net proceeds in this account ($510,000) were transferred to the NARAL Foundation in August and October 1990. See Response to Interrogatory 6(c); Documents N06479 and N06481; McGuiness Aff. ¶¶ 9-11 (Exhibit 7).

* * *

As demonstrated above, NARAL, which was "formed for the express purpose of promoting political ideas, . . . has no shareholders or other persons affiliated so as to have a claim on its assets or earnings, . . . [and did not] serv[e] as [a] conduit[] for the type of direct spending that creates a threat to the political marketplace," MCFL, 479 U.S. at 264, is constitutionally entitled to make independent expenditures under the Supreme Court's decision in MCFL.

II. NARAL is Not a Political Committee.

The General Counsel's Office, in its Factual and Legal Analysis, questioned whether the extent of NARAL's campaign activity during 1990 somehow transformed NARAL into a political committee, making NARAL "subject to the obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns." MCFL, 479 U.S. at 262. But NARAL is not a "political committee" under the Federal Elections Campaign Act and its regulations as construed by the Supreme Court.

A. In Order to Be Treated, Consistent With the Constitution, as a Political Committee, the Major Purpose of the Organization Must Be the Nomination and Election of Candidates.

The Supreme Court has made clear that the definition of "political committee" must be construed narrowly. The reporting obligations imposed upon "political committees" can only constitutionally be applied to "organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate." Buckley v. Valeo, 424 U.S. 1, 79 (1976). See also id. at 79-80. The constitutional

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concerns raised by applying the reporting obligations of political committees to a non-profit, issue advocacy organization such as NARAL are substantial and can only be overcome by the most compelling showing that NARAL's major purpose was the nomination or election of a candidate. Indeed, both in Buckley and in MCFL, the Court limited the application of the definition of political committee to those organizations for which electoral activity is "the major purpose." Buckley, 424 U.S. at 79 (emphasis added). See also MCFL, 479 U.S. at 262 (using the term "the organization's major purpose").

The General Counsel's Office has erroneously suggested that the reporting obligations and other requirements of the Act could constitutionally be applied to an organization such as NARAL if electoral activity became "a major purpose" of the organization. See Analysis at 23 (emphasis added). This position is unsupported in both MCFL and Buckley and is directly contrary to the constitutionally-grounded holding of Buckley.

B. NARAL's Major Purpose is Not the Nomination or Election of Candidates.

NARAL was founded in 1969 for the purpose of "recognizing the basic human right of a woman to limit her own reproduction"; "the major purpose" of NARAL is to educate legislators and the public as to the necessity of protecting the right of women to choose abortion. NARAL engages in a wide array of educational and advocacy activities. Simply put, "the organization's major purpose" is not "campaign activity." MCFL, 479 U.S. at 262.

Moreover, absent other guidance, of which there is none, the most appropriate understanding of the word "major" in the phrase "the organization's major purpose" is its ordinary dictionary definition. Therefore, if a detailed analysis of NARAL's finances and activities over a period of several years showed that its efforts related to the nomination or election of candidates were "greater in . . . importance" or "greater in number [or] quantity" or even more "notable or conspicuous in effect or scope" than any other NARAL efforts, see Webster's Ninth New

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Collegiate Dictionary 718 (1990), that might provide a basis for labelling NARAL a political committee.

A brief review of NARAL's activities in 1990 as only summarized above (at pp. 3-8), however, shows that its efforts related to the nomination or election of candidates were not the major purpose of NARAL. And a detailed analysis of NARAL's financial records during the fiscal year at issue here (April 1, 1990 through March 31, 1991) shows that NARAL's independent expenditures represented less than five percent of NARAL expenditures.[11] That fiscal year, moreover, is the one in which NARAL has most actively exercised its constitutional right to make independent expenditures.

The Analysis also notes that "the amounts at issue are clearly more than an occasional activity" of NARAL, presumably referring to the Supreme Court's language in MCFL that organizations such as Massachuestt Citizens for Life should not be treated "any differently than other organizations that only occasionally engage in independent spending on behalf of candidates." MCFL, 479 U.S. at 262. NARAL submits, however, that its 1990 expenditures are properly characterized as "occasional" in the ordinary sense of the word: "occurring . . . at irregular or infrequent intervals." See Webster's Ninth New Collegiate Dictionary 816 (1990). Even if these expenditures may have been large in relation to other entities' expenditures in the 1989-90 election cycle, see Analysis at 24, they were infrequent: NARAL engaged in virtually no independent spending on behalf of candidates either before or after 1990.[12]

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[11] According to its IRS Form 990, NARAL's total expenditures during its Fiscal Year 1991 (April 1, 1990 through March 31, 1991) equalled $9,308,682. According to reports filed with the Commission, NARAL's independent expenditures in federal elections during 1990 totalled $456,233.12, representing 4.90% of NARAL's total expenditures for the year.

[12] Notably, since 1990 NARAL has elected not to make any further independent expenditures until receiving further guidance from the Commission regarding the application of the MCFL exception.

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In sum, NARAL's independent spending was not "so extensive that the organization's major purpose may be regarded as political activity," and therefore NARAL should not "be classified as a political committee." MCFL, 479 U.S. at 262 (citing Buckley v. Valeo, 424 U.S. at 79). NARAL therefore has not violated 2 U.S.C. §§ 433(a) and 434(a).

III. NARAL Should Not Be Penalized for Filing Its 30-Day Post-Election Report Late.

The Analysis notes that NARAL filed its 30-Day Post-General Election Report more than 30 days after the November 6, 1990 election. The Analysis states that, if it is determined that NARAL was in fact independent of the Gantt campaign, eligible to make independent expenditures out of general treasury funds, and not required to file as a political committee, NARAL did not file this report in a timely fashion.

NARAL, which is not a political committee, and therefore did not have an obligation to file reports on an ongoing basis, was unaware that it was required to file a post-general election report collectively disclosing the contents of the 24-hour reports that it had previously filed. NARAL mistakenly believed that the reports filed within 24 hours of expenditures made within the last 20 days before an election, pursuant to 11 C.F.R. 109.2(a)(2), fulfilled its entire reporting obligation with respect to those expenditures. Indeed, there was no gap in NARAL's disclosure of the expenditures, and all of the information required to be reported was fully available to the public both prior to the election and after it.

NARAL was not aware, until contacted by the Commission, that the same expenditures must be reported again in a post-general election report, pursuant to § 109.2(b). See Letter from James Wagoner, NARAL Legislative and Political Director to John D. Gibson, Assistant Staff Director, Reports Analysis Division, Federal Election Commission (Feb. 15, 1991) (Exhibit 11). As soon as NARAL discovered this error, NARAL contacted a staff member in the Reports Analysis Division to inquire

about how to file the appropriate report, but the analyst was not immediately able to assist NARAL. Within days after receiving guidance from the analyst, NARAL promptly filed the report. Id.

NARAL and NARAL-PAC are normally diligent and timely filers and rarely miss filing deadlines. Under these circumstances, the Commission should not penalize NARAL for this one isolated and understandable mistake, which has neither occasioned harm to the public nor transgressed the general purpose of the Act's reporting requirements.

IV. Conclusion

The foregoing, in conjunction with the March 19, 1993 brief filed jointly on behalf of NARAL and its North Carolina affiliate's federal PAC, responds to all of the allegations against NARAL and demonstrates that the General Counsel's office should close this matter. The questions raised by the Referral are clearly answered by this response and its accompanying affidavits, documents, and responses to interrogatories.

Please contact me if you have any questions.

Very truly yours,

Lois Eisner Murphy

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Attachments:

Exhibit 1. Articles of Incorporation of NARAL dated October 10, 1975

Exhibit 2. Articles of Amendment to the Articles of Incorporation of NARAL dated September 20, 1977 (and further Articles of Amendment dated December 17, 1985)

Exhibit 3. Bylaws of NARAL dated April 1990

Exhibit 4. Bylaws of NARAL dated June 1990

Exhibit 5. Letters from Internal Revenue Service to NARAL concerning 501(c)(4) Tax Status (October 19, 1971 and July 26, 1978)

Exhibit 6. Affidavit of Kate Michelman

Exhibit 7. Affidavit of Ann McGuiness

Exhibit 8. Affidavit of Cheryl Gregory

Exhibit 9. Affidavit of Kelly Thompson

Exhibit 10. Affidavit of Mary Evelyn Mead

Exhibit 11. Letter from James Wagoner, NARAL Legislative and Political Director to John D. Gibson, Assistant Staff Director, Reports Analysis Division, Federal Election Commission (Feb. 15, 1991)

Exhibit 12. Excerpts from the District Court's Record in FEC v. Massachusetts Citizens for Life, 589 F. Supp. 646 (D. Mass. 1984), aff'd, 769 F.2d 13 (1st Cir. 1985), aff'd, 479 U.S. 238 (1986).

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OFFICE OF RECORDER OF DEEDS, D. C.
Corporation Division
Sixth and D Streets, N. W.
Washington, D. C. 20001

CERTIFICATE

THIS IS TO CERTIFY that all provisions of the District of Columbia Non-profit Corporation Act have been complied with and ACCORDINGLY this Certificate of Incorporation

is hereby issued to the NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.,

as of the date hereinafter mentioned.

Date October 10, 1975

Peras S. Ridlay,
Recorder of Deeds, D.C.

Marguerite C. Stokes
Marguerite C. Stokes
Assistant Superintendent of Corporations

Government of the District of Columbia
Form RDC 56
Oct. 1968

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INDEXING FEE: $12.00

ARTICLES OF INCORPORATION OF THE NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

TO: The Recorder of Deeds, D.C.
Washington, D.C.

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a corporation adopt the following Articles of Incorporation for such corporation pursuant to the District of Columbia Non-Profit Corporation Act:

FIRST: The name of the corporation is the National Abortion Rights Action Leaque, Inc. (hereinafter referred to as "NARAL").

SECOND: The period of its duration shall be perpetual in length.

THIRD: This corporation is organized for the purpose of recognizing the basic human right of a woman to limit her own reproduction. NARAL is dedicated to the elimination of all laws and practices that would compel any woman to bear a child against her will. To that end, it proposes to initiate and coordinate political, social, and legal action of individuals and groups concerned with providing safe abortions by qualified physicians for all women seeking them regardless of economic status.

FOURTH: The corporation is to have individual, group and organizational members. The membership shall also consist of state affiliates. All members are free to carry out programs consistent with NARAL's purpose and program.

FIFTH: The corporation is to be divided into six (6) classes of members. In addition, the Executive Committee shall have the power and authority, in its discretion, to create additional classes of members. The designation of each class of members, the qualifications and rights of the members of each class and conferring, limiting or denying the right to vote are as follows:

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BY: mcs

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A. Classes of Members:

(1) Limited Income

(2) Regular

(3) Family

(4) Organization

(5) Sustaining

(6) Sponsor

B. A person, group or organization shall quali as a member of a specific class of membership upon receipt by the corporation of annual dues as established by the Executive Committee. Membership in a specific class shall depend upon the amount of annual dues paid by such person, group, or organization Under special circumstances, the Executive Committee may waive the membership dues for an organization, group or individual.

C. The rights of the members are as follows:

(1) There shall be an Annual Meeting of Members to be held at such time and place as may be fixed by the Executive Committee. At least sixty (60) days written notice of t Annual Meeting shall be given each member. An agenda shall be provided twenty (20) days in advance of the meeting. Special meetings of the Membership may be called by the Board of Directors or Executive Committee at their discretion.

(2) At the Annual Meeting of Members, the members shall have the right and the duty to elect the Board of Directors and the Nominating Committee. In addition, the members may make recommendations, resulting from their consideration of timely and appropriate policy matters, to the Board of Directors or the Executive Committee.

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*The current amounts necessary to become a member of a class are as follows:

(1) Limited Income - $5.00
(2) Regular - $10.00
(3) Family - $15.00
(4) Organization - $25.00
(5) Sustaining - $25.00 to $100.00
(6) Sponsor - $100.00.

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(3) There shall be one vote per individual, group or oraganizational member. Member organizations or groups shall designate an official representative to attend membership meetings, to vote, and to receive communications. Each organization or group member may designate an alternate to serve in the absence of the official representative. Any member who is in arrears of dues for a period of sixty days will be ineligible to vote and cannot serve on the Board until such arrears are fully paid.

(4) Any member may be suspended or expelled for cause by a majority vote of the Board of Directors provided that notice in writing, stating the grounds of suspension or removal, shall have been delivered to the member or mailed to the member's last known address at least fifteen (15) days before such action is taken. The member shall be given the opportunity to present a defense, to call witnesses, to be represented by counsel, and to such other procedural rights as deemed fair and just.

SIXTH: The manner in which the corporation's directors are to be elected shall be provided in the bylaws.

SEVENTH: In the event of dissolution or final liquidation of this corporation, all the business, property and assets of the corporation shall go and be distributed to such non-profit corporation of like purpose or purposes as set forth in Article Three herein, as the directors of this corporation may select and designate; and in no event shall any of the said assets or property, in the event of dissoluation or final liquidation, thereof, go or be distributed to members, either for the reimbursement of any sum subscribed, donated or contributed by such members, or for any other purpose. Nothing stated in this Article is intended to conflict with §29-1048 or §29-1056 of the District of Columbia Code.

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Provisions for the regulation of other internal affairs of the corporation shall be provided in the bylaws.

EIGHTH: The address, of the corporation's initial registered office is 705 G Street, S.E., Washington, D.C. 20003, and the name of its initial registered agent at such address is Ms. Karen Mulhauser.

NINTH: The number of directors constituting the initia board of directors is eighty-seven (87) and the names and addresses, including street and number of the persons who are to serve as the initial directors until the first annual meeting or until their successors be elected and qualified are:

Sarah Jane Stewart	454 South Goldthwaite Street Montgomery, Ala. 36104
Eileen Hopkins Ames	3474 East California Blvd. Pasadena, Ca. 91107
J. Hugh Anwyl	1321 Via Zumaya Palos Verdes Peninsula, Ca. 902
Cheriel M. Jensen	13737 Quito Road Saratoga, Ca. 95070
Patricia T. Maginnis	16 G Street San Rafael, Ca. 94901
Helen E. Meiklejohn	1525 La Loma Ave. Berkeley, Ca. 94708
Lana Clarke Phelan	3430 Orange Ave. Long Beach, Ca. 90807
Ramona Ripston	633 South Shatto Place Los Angeles, Ca. 90005
Robert L. Webber	Planned Parenthood/World Popula 785 Market, #1017 San Francisco, Ca. 94103
Bonnie Andrikopoulos	11880 West 30th Place Lakewood, Col. 80215
Richard M. Bowers, Esq.	156 Fifth Ave., Room 619 New York, New York 10010
Jessma Blockwick	United Methodist Church 100 Maryland Ave., N.E. Washington, D. C. 20002

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Carol Burris	1345 G Street, S.E. Washington, D. C. 20003
Margot Champagne	1830 R Street, N.W. #83 Washington, D. C. 20009
Dorothy Ferebee, M.D.	2960 13th Street, N.E. Washington,D. C. 20017
Joseph Nellis, Esq.	1819 H Street, N.W. Washington, D. C. 20006
Milan M. Vuitch, M.D.	1712 Eye Street, Suite 304 Washington,D. C. 20006
Marge Watson	7610 Biscayne Boulevard Miami, Fla. 33138
Margie Pitts Hames	15 Peach Tree Street #902 Atlanta, Ga. 30303
Robert A. Hatcher, M.D.	1170 East Club Lane Atlanta, Ga. 30319
Lavonne Painter, M.D.	Fulton County Health Departmen 99 Butler Street, S.E. Atlanta, Ga. 30303
Jane R. Shoup	7243 Olcott Hammond, Indiana 46323
Ralph E. Brown	104 South Michigan Ave. Chicago, Ill. 60603
Helen Smith	6839 North Kilpatrick Lincolnwood, Ill. 60646
George D. Aurand, M.D.	Family Practice Clinic 1127 North Second St. Clinton, Iowa 52732
Barbara Madden	Planned Parenthood of Iowa 851 19th Street Des Moines, Iowa 50314
Biddy Hurlbut	Canaan Farm Tonganoxie, Kansas 66086
Susan Lominska	2000 Louisiana Lawrence, Kansas 60646

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Catherine P. Flynn	P. O. Box 102 Buckfield, Maine 04220
Ilse Darling	Religious Coalition for Abortic Rights 100 Maryland Ave., N.E. Washington, D. C. 20002
Carolyn M. Schneider	116 Church Street Newton, Mass. 02158
Lynda Christian	23 Fredama Road Waban, Mass. 02168
Pamela Lowry	61 Centre Street Brookline, Mass. 02146
N. Lorraine Beebe	24424 Fairmont Drive Dearborn, Mich. 48124
Edgar B. Keemer, M.D.	1111 David Whitney Building Detroit, Mich. 48226
Jack Stack, M.D.	510 Prospect Alma, Mich. 48801
Betty Benjamin	5205 Duncraig Road Minneapolis, Minn. 55436
Robert W. McCoy	549 Turnpike Road Golden Valley, Minn. 55416
Dorothy C. Roudebush	2127 North Ballas Road St. Louis, Missouri 63131
Judith Widdicombe	Reproductive Health Clinic 100 North Euclid Street St. Louis, Missouri 63108
Anita Norman	18 Rayton Road Hanover, N.H. 03755
Lee Gidding	903 West 8th Street Plainfield, N.J. 07063
Robert Livingston, M.D.	17 Kim Hunter Road Englewood Cliffs, N.J. 07632

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Rabbi Israel Margolies, Ph.D.	572 Sunderland Road Teaneck, N.J. 07666
Helen Southard	100 East Pal sades Ave. Englewood, N.J. 07631
Nancy Ellefson	1408 Somervell N.E. Albuquerque, N.M. 87112
William Baird	Parent's Aid Society 107 Main Street Hempstead, N.Y. 11550
Rabbi Balfour Brickner	Union of American Hebrew Congregations 838 Fifth Ave. New York, N.Y. 10021
The Rev. Nicholas Cardell	May Memorial Unitarian Church 3800 East Genesee Street Syracuse, N.Y. 13214
Lucinda Cisler	165 West 91 Street, 4E New York, N.Y. 10024
Betty Friedan	1 Lincoln Plaza, 40-K New York, N.Y. 10023
Hon. Carol Greitzer	59 West 12 Street New York, N.Y. 10011
Richard Hausknecht, M.D.	18 East 82nd Street New York, N.Y. 10028
Lawrence Lader	51 Fifth Ave. New York, N.Y. 10003
Jesse Lyons	The Riverside Church 490 Riverside Drive New York, N.Y. 10027
Beatrice McClintock	860 Fifth Ave. New York, N.Y. 10021
Emily C. Moore	330 East 33 Street New York, N.Y. 10016

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Prof. Cyril C. Means, Jr.	1199 Park Ave. New York, N.Y. 10028
Stewart R. Mott	800 Park Ave. New York, N.Y. 10021
Frances Nathan	14 East 90 Street New York, N.Y. 10028
Anna T. Rand, M.D.	320 West 86 Street New York, N.Y. 10024
Ruth P. Smith	1 West 72nd Street New York, N.Y. 10023
Hon. Percy Sutton	Municipal Building, Room 2050 New York, N.Y. 10007
Helen Webber	United Church of Christ 287 Park Ave. South New York, N.Y. 10010
Sheila Marrotte	123 Hillside Drive Shelby, N.C. 28150
Richard A. Schwartz, M.D.	2280 Demington Drive Cleveland, Ohio 44106
Sarah G. Allison, Ph.D.	Marriage and Family Growth Cen 2813 East 51st Tulsa, Okla. 74105
Rebecca Hamilton	2308 South Portland Oklahoma City, Okla. 73108
Beverly Healy	2748 S.W. Talbot Road Portland, Oregon 97201
Medora S. Bass	216 Glenn Road Ardmore, Penn. 19003
Ellen Bronstein	321 Thorpe Road Jekintown, Penn. 19046
Barbara J. McNeel	7101 Chew Ave. Philadelphia, Penn. 19119
Howard C. Maxwell	90 Glendale Drive huntington Valley, Penn. 19006

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Mary Lou Theunissen	640 Carpenter Lane Philadelphia, Penn. 19119
Dorothy Brown, M.D.	3109 Centennial Boulevard Nashville, Tenn. 37209
Pallas Pidgeon	1478 Peabody Memphis, Tenn. 38104
Anne B. Pierson	Planned Parenthood Suite 1700 Exchange Building 2nd at Madison Memphis, Tenn. 38103
Ruth McLean Bowers	202 Bushnell St. San Antonio, Texas 78212
Barbara Kaliff	207 Terrell Road San Antonio, Texas 78209
Hon. Sarah Weddington	709 West 14th Street Austin, Texas 78701
Virginia B. Whitehill	3629 Dartmouth Ave. Dallas, Texas 75205
L. Lynne Miller	303 Pearl Street #5 Burlington, Vermont 05401
Bette Chambers	416 Candlewood Drive, S.E. Lacey, Washington 98503
Anne Gaylor	726 Miami Pass Madison, Wis. 53711
Ray W. Taylor	633 South Hawley Milwaukee, Wis. 53214
Anne Treseder	2111 University Ave. Madison, Wis. 53705
~~Carol Kruse~~	2123 Sheridan Laramie, Wyoming

TENTH: The name and address of each incorporator is:

Deborah Jacobs	2311 Connecticut Ave., N.W. Washington, D. C. 20008

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Carol Werner — 601 D Street, S.E.
Washington, D. C. 20003

Betsy Bretz — 10733 Kinlock Road
Silver Spring, Md. 20903

Deborah Jacobs

Carol Werner

Betsy L Bretz

Incorporators

Date: Oct. 7, 1975

CITY OF WASHINGTON
DISTRICT OF COLUMBIA

I, William Johnson, a Notary Public, hereby certify that on the 7th day of October, 1975, personally appeared before me Deborah Jacobs, Carol Werner, and Betsy L. Bretz, who signed the foregoing document as incorporators, and that the statements therein contained are true.

William Johnson

Notary Public
William Johnson
Notary Public, Dist. of Columbia
Commission Expires, Sept. 30, 1979

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ARTICLES OF AMENDMENT

to the

ARTICLES OF INCORPORATION

OF

NATIONAL ABORTION RIGHTS ACTION LEAGUE, INC.

To: The Recorder of Deeds, D.C.
Washington, D.C.

Pursuant to the provisions of the District of Columbia Non-profit Corporation Act, the undersigned adopts the following Articles of Amendment to tis Articles of Incorporation:

FIRST: The name of the corporation is: National Abortion Rights Action League, Inc.

SECOND: Articles Fourth and Fifth have been struck and in their place Article Fourth shall read:

"The corporation shall have members who shall have the right and duty to elect those individuals who serve on the Board of Directors and the Nominating Committee who are set forth in the By-laws in accordance with the procedures set forth in the By-laws. Members may vote by proxy. The qualifications of members and their other rights and duties, if any, shall be specified in the corporation's By-laws."

THIRD: Accordingly, Articles Sixth through Ninth shall be renumbered Fifth through Eighth.

FOURTH: The amendment was adopted at a membership meeting held on January 28, 1984, and received the vote of a majority of the members.

National Abortion Rights Action League, Inc.

Date: 12/17/85

By Mary Ellen Gisp
President

Attest:
Its Secretary 12-21-85

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ARTICLES OF AMENDMENT FILING FEE
to the INDEXING FEE 2.00
ARTICLES OF INCORPORATION
of
NATIONAL ABORTION RIGHTS ACTION LEAGUE

To: The Recorder of Deeds, D.C.
Washington, D.C.

Pursuant to the provisions of the District of Columbia Non-profit Corporation Act, the undersigned adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: The name of the corporation is: National Abortion Rights Action League, Inc.

SECOND: The following amendment of the Articles of Incorporation was adopted by the Corporation in the manner prescribed by the District of Columbia Non-profit Corporation Act:

This corporation is organized as a non-profit corporation under the District of Columbia Non-Profit Corporation Act to operate on a non-profit basis for the promotion of social welfare and education of the public on matters related to abortion.

(This Amendment will replace paragraph THIRD of the original Articles of Incorporation)

THIRD: The amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

Date September 16, 1977

NATIONAL ABORTION RIGHTS ACTION LEAGUE
Corporate name

By Margie Pitts Hames
Its President, Margie Pitts Hames

Attest:

Robert W. McCoy
Its Secretary, Robert W. McCoy

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BY

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NARAL BY-LAWS

Revised and Adopted by the
NARAL Board of Directors

December 1, 1979

As Amended April 1980,
April 1981, June 1982,
September 1982, March 1983,
July 1983, May 1984,
April 1985, March 1986
March 1987, March 1988
April 1990

Article 1: NAME

The name of this corporation is NATIONAL ABORTION RIGHTS ACTION LEAGUE, hereinafter called NARAL.

Article II: PURPOSE

NARAL has been organized as a non-profit corporation under the District of Columbia Non-Profit Corporation Act to operate on a non-profit basis for the promotion of social welfare and education of the public on matters related to abortion rights.

Article III: MEMBERSHIP

1. Members of the organization shall be individuals contributing $25 or more to NARAL. Membership shall commence with payment of contributions and shall extend for a maximum of two years if no further payment is received.

2. The Board of Directors may establish classes of memership such as Regular, Supporting, Contributing and Complimentary and may prescribe the qualifications for each class and the benefits to which its members are entitled.

3. The annual membership amounts are payable on the anniversary date of previous membership payment. Members not making another single payment of at least $5.00 within a 24-month period following initial payment date may be suspended from membership in the organization. Any Member who has not made payment within said two-year period will be ineligible to vote by mail or ballot or at any meeting and cannot serve

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on the Board until such arrears are fully paid.

4. There shall be an Annual Meeting of Members to be held at such time and place as may be fixed by the Board of Directors. At least sixty (60) days written notice of the Annual Membership Meeting shall be given each Member. Special meetings of the membership may be called by the Board of Directors at its discretion.

5. It shall be the duty of the membership to elect annually members of the Board of Directors.

6. There shall be one vote per Member.

7. Any Member may be suspended or expelled for cause. Procedures set forth in Roberts Rules of Order Newly Revised for such suspension or expulsion shall be followed.

Article IV: CONTRIBUTORS

1. Those individuals or organizations who contribute more than $10.00 per twelve month period but do not wish to be designated as Members shall be accorded Contributor status. They shall receive newsletters and other NARAL materials but shall not be allowed to vote for Board of Directors and Nominating Committee.

Article V: AFFILIATES OF NARAL

1. NARAL encourages and facilitates the formation of state or regional affiliates of NARAL to promote the purpose of NARAL and to take action on state or local matters in accordance with that purpose. Affiliates shall be organized in conformity with standards formulated by the Board of Directors. The Board shall delegate to a committee the review of affiliate status on an annual basis.

2. The Board of Directors shall recognize affiliates conforming to such standards.

Article VI: OFFICERS

1. The Officers of NARAL shall be a Chair of the Board of Directors, a Vice Chair, a Secretary, a Treasurer, and such other officers as the Board may appoint.

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2. The Officers shall be elected by and from the Board of Directors for a term of one year, shall take office immediately upon election, and shall serve until their successors are elected.

   Except for the Treasurer, no Officer shall hold office for more than three (3) consecutive terms. Any Officer holding one office for three (3) consecutive terms may then be nominated and elected to a different office for a further term or terms of no longer than three (3) consecutive years.

3. The Chair of the Board of Directors or, in her/his absence the Vice Chair, shall preside at meetings of the Board and the Executive Committee, preside at membership meetings, act as liaison between the staff and the Board, and perform such other duties as may be designated by the Board.

4. The Secretary shall be responsible for the records of all meetings of the membership, the Board of Directors, the Executive Committee and all other standing committees. The Secretary shall cause notice of all such meetings to be given, shall notify all Officers and Directors at their election, and shall perform such other duties as may be incident to this office.

5. The Treasurer shall prepare annual and quarterly financial statements and such interim statements and other financial reports as the Board may request, shall serve as Chair of the Finance Committee and shall perform such other duties as may be incident to this office. The Treasurer, together with the Chair of the Board and the Executive Director, shall present an annual budget for the approval of the Board of Directors.

6. Vacancies in offices which occur between Annual Meetings of the Board of Directors shall be filled by the Board of Directors.

7. A departing Chair of the Board will serve as an ex-officio member of the Board for one year when her or his final term as Board Chair and as a member of the Board occur simultaneously.

<u>Article VII: BOARD OF DIRECTORS</u>

1. The governing and policy-making body of NARAL shall be its Board of Directors numbering not less than 28 nor more than 40 as specified from time to time by the

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Board. The duties of the Board shall include, but not be limited to, election of Officers and selection of the Executive Director.

2. No member of the Board of Directors of NARAL may be compensated for services rendered to NARAL.

   Directors and off-Board members may be reimbursed for out-of-pocket expenses incurred in attending Board meetings or otherwise in connection with the performance of their duties.

3. The term of office of Board members shall be three (3) years, and such Members shall be eligible for reelection for not more than a total of two (2) consecutive terms or not more than six (6) consecutive years. If a Board member has been elected to complete an existing term, that member is eligible only for re-election to one consecutive term. The terms shall be staggered so that no more than one-third (1/3) of the Board shall be elected in one year, excluding vacancies which occur prior to the expiration of a term.

4. Vacancies, including those resulting from increases in the number of Directors, shall be filled by the Board, upon recommendations of the Nominating Committee.

5. The Board shall hold regular Meetings at least two (2) times a year. One meeting shall take place in conjunction with the Annual Membership meeting.

   Other meetings of the Board of Directors may be called at the request of the Executive Committee or at least sixteen (16) Directors upon at least ten (10) days notice at a time and place to be fixed by the Executive Committee, but shall be held within thirty (30) days of the call for a meeting.

6. One-half of the members of the Board of Directors shall constitute a quorum at either regular or special meetings. Directors may participate and vote in meetings by telephone, but there shall be no proxy voting.

7. If a Board member is absent from two consecutive regular meetings of the Board, the Board may declare the position vacant.

8. Members of NARAL, as recognized by Members of the Board or NARAL staff, may be present at meetings of the Board of Directors without vote and may be allowed voice by a majority vote of Board members present,

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except that the Board may declare an executive session.

Article VIII: COMMITTEES

1. Executive Committee: The Executive Committee shall be composed of all Officers and chairs of standing committees and may include other Directors designated by the Board. The Executive Committee shall meet as needed. Two-thirds of the Members shall constitute a quorum of the Executive Committee. The Executive Committee shall be responsible to the Board of Directors with full power to act in the operations and management of NARAL between meetings of the Board. Actions of the Executive Committee must be reported to the Board at its next meeting. Any vacancies occurring before the end of the one year term shall be filled by the Board for the remainder of the term.

2. Nominating Committee: The Nominating Committee shall be composed of seven (7) members: a Chair, who shall be a member of the Board of Directors, and six (6) committee Members, at least four (4) of whom shall be members of the Board. Members of the Nominating Committee and its Chair shall be nominated by the Board and elected by the NARAL membership for a term of one year. No Committee member may serve more than three (3) consecutive terms. The duties of the Nominating Committee are to make nominations for the Board member positions and nominations for Officers of the Board. Any vacancies occurring before the end of the one year term shall be filled by the Board for the remainder of the term.

3. Standing and Ad Hoc Committees: The Board of Directors may, from time to time, establish and disestablish standing committees and may also designate ad hoc committees and task forces as needed. Members and Chairs of such committees and task forces shall be appointed by the Executive Committee and approved by the Board. A minority of the members may be non-Board members.

4. Political Action Committee: The Chair and members of the PAC shall be nominated and elected by the Board and may include up to 3 non-Board members. Members shall be elected for 2 years to coordinate with election cycles. Vacancies shall be filled by the Board with a maximum membership of nine.

5. Advisory Council: The Advisory Council shall be composed of individuals who have made significant

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contributions to the abortion rights movement. Members of the Advisory Council shall be available for consultation.

Article IX: NOMINATING, ELECTIONS AND VOTING PROCEDURES

1. The mission of the Nominating Committee is to help NARAL build an influential and effective Board of Directors committed to keeping reproductive choice legal and available to all women, regardless of race, wealth or status. To this end, the Committee shall compile an inventory of potential board memers, men as well as women, with a diversity of background and experience, who, collectively, are representative of, or identified with, all American women, rich and poor; Democrat, Republican and independent; African-American, Asian-American, Native-American, Hispanic, and Caucasian. The Committee shall seek suggestions of candidates from Board members, past as well as present, members of NARAL, Affiliates and other appropriate sources.

2. The Nominating Committee shall prepare for submission to the membership (in the case of Directors) and for the Board of Directors (in the case of Officers), a slate of candidates chosen to maintain or restore a balance among the various constituencies of NARAL and a suitable diversity of background, experience and stature in the areas in which NARAL operates, including politics, public information and fundraising. Prior to sumitting a slate of candidates to the membership, the Nominating Committee shall report the slate to the full Board of Directors.

3. Before presenting any candidates to the membership, the Nominating Committee shall establish to its satisfaction that she/he subscribes to the mission and goals of NARAL and will fulfill Board member obligations.

4. The Nominating Committee shall consider nominations for the Board made by a petition signed by at least 25 voting members of NARAL.

5. The slate prepared by the Nominating Committee shall be set forth on a ballot which shall be sent out with the notice of the annual meeting in an envelope or wrapper with "NOTICE OF MEETING AND BALLOT" printed on the outside.

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6. The membership shall elect the Board of Directors with the exception of those Directors which are elected by the Board of Directors. The election by the membership will be executed by mail ballot which must be received by NARAL at least 20 days before the annual meeting. No cumulative voting is allowed. Mail ballots shall be counted and certified by an independent certified public accounting firm.

7. The Board of Directors shall be responsible for ensuring secret ballots and voting by eligible voters only.

8. Candidates for Officers shall be nominated by the Nominating Committee from members of the newly elected Board of Directors. Officers shall be elected by the incoming Board by secret ballot at its first meeting. Nominations may be accepted from the floor.

Article X: FISCAL YEAR

The fiscal year of the Corporation shall be from April 1 to March 31 of the following year.

Article XI: PARLIAMENTARY AUTHORITY

The rules contained in Roberts Rules of Order Newly Revised shall govern the Corporation in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order which NARAL may adopt.

Article XII: INDEMNIFICATION

Every member of the Board of Directors, officer or employee of NARAL may be indemnified by the corporation against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such Directors, officers or employees in connection with any threatened, pending or completed action, suit or proceeding or any settlement thereof, to which she/he may be made a party or in which she/he may become involved by reason of her/his being or having been Director, officer or employee, provided that she/he continues in that status at the time such expenses are incurred, except if the person is adjudged guilty of willful misfeasance or malfeasance in the performance of her/his duties. Provided, however, that in the event of settlement, the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the corporation. The foregoing right of indemnification shall be in addition to

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and not exclusive of all other rights to which such member of the Board, officer, or employee may be entitled.

Article XIII: AMENDMENTS

These By-Laws may be amended by a majority vote of the Board, provided that the amendment has been submitted in writing to each Director at least thirty (30) days prior to the vote. The vote may be at a meeting of the Board or by mail ballot.

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NARAL BY-LAWS

Revised and Adopted by the
NARAL Board of Directors

December 1, 1979

As Amended April 1980,
April 1981, June 1982,
September 1982, March 1983,
July 1983, May 1984,
April 1985, March 1986
March 1987, March 1988
April 1990, June 1990

Article 1: NAME

The name of this corporation is NATIONAL ABORTION RIGHTS ACTION LEAGUE, hereinafter called NARAL.

Article II: PURPOSE

NARAL has been organized as a non-profit corporation under the District of Columbia Non-Profit Corporation Act to operate on a non-profit basis for the promotion of social welfare and education of the public on matters related to abortion rights.

Article III: MEMBERSHIP

1. Members of the organization shall be individuals contributing $25 or more to NARAL. Membership shall commence with payment of contributions and shall extend for a maximum of two years if no further payment is received.

2. The Board of Directors may establish classes of membership such as Regular, Supporting, Contributing and Complimentary and may prescribe the qualifications for each class and the benefits to which its members are entitled.

3. The annual membership amounts are payable on the anniversary date of previous membership payment. Members not making another single payment of at least $5.00 within a 24-month period following initial payment date may be suspended from membership in the organization. Any Member who has not made payment within said two-year period will be ineligible to vote by mail or ballot or at any meeting and cannot serve on the Board until such arrears are fully paid.

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4. There shall be an Annual Meeting of Members to be held at such time and place as may be fixed by the Board of Directors. At least sixty (60) days written notice of the Annual Membership Meeting shall be given each Member. Special meetings of the membership may be called by the Board of Directors at its discretion.

5. It shall be the duty of the membership to elect annually members of the Board of Directors.

6. There shall be one vote per Member.

7. Any Member may be suspended or expelled for cause. Procedures set forth in Roberts Rules of Order Newly Revised for such suspension or expulsion shall be followed.

Article IV: CONTRIBUTORS

1. Those individuals who contribute more than $10.00 per twelve month period but do not wish to be designated as Members shall be accorded Contributor status. Those unincorporated organizations (e.g., partnerships), ideological corporations that do not receive funds from business corporations, and charitable organizations, that contribute more than $10.00 per twelve month period also shall be accorded Contributor status. Notwithstanding any other provision in these by-laws, in no event shall NARAL accept a contribution from any organizations, such as a business corporation, that would jeopardize NARAL's ability to make independent expenditures under the U.S. Supreme Court's decision of March 27, 1990 in Austin v. Michigan State Chamber of Commerce. Contributors shall receive newsletters and other NARAL materials but shall not be allowed to vote for the Board of Directors or Nominating Committee.

Article V: AFFILIATES OF NARAL

1. NARAL encourages and facilitates the formation of state or regional affiliates of NARAL to promote the purpose of NARAL and to take action on state or local matters in accordance with that purpose. Affiliates shall be organized in conformity with standards formulated by the Board of Directors. The Board shall delegate to a committee the review of affiliate status on an annual basis.

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2. The Board of Directors shall recognize affiliates conforming to such standards.

Article VI: OFFICERS

1. The Officers of NARAL shall be a Chair of the Board of Directors, a Vice Chair, a Secretary, a Treasurer, and such other officers as the Board may appoint.

2. The Officers shall be elected by and from the Board of Directors for a term of one year, shall take office immediately upon election, and shall serve until their successors are elected.

   Except for the Treasurer, no Officer shall hold office for more than three (3) consecutive terms. Any Officer holding one office for three (3) consecutive terms may then be nominated and elected to a different office for a further term or terms of no longer than three (3) consecutive years.

3. The Chair of the Board of Directors or, in her/his absence the Vice Chair, shall preside at meetings of the Board and the Executive Committee, preside at membership meetings, act as liaison between the staff and the Board, and perform such other duties as may be designated by the Board.

4. The Secretary shall be responsible for the records of all meetings of the membership, the Board of Directors, the Executive Committee and all other standing committees. The Secretary shall cause notice of all such meetings to be given, shall notify all Officers and Directors at their election, and shall perform such other duties as may be incident to this office.

5. The Treasurer shall prepare annual and quarterly financial statements and such interim statements and other financial reports as the Board may request, shall serve as Chair of the Finance Committee and shall perform such other duties as may be incident to this office. The Treasurer, together with the Chair of the Board and the Executive Director, shall present an annual budget for the approval of the Board of Directors.

6. Vacancies in offices which occur between Annual Meetings of the Board of Directors shall be filled by the Board of Directors.

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7. A departing Chair of the Board will serve as an ex-officio member of the Board for one year when her or his final term as Board Chair and as a member of the Board occur simultaneously.

Article VII: BOARD OF DIRECTORS

1. The governing and policy-making body of NARAL shall be its Board of Directors numbering not less than 28 nor more than 40 as specified from time to time by the Board. The duties of the Board shall include, but not be limited to, election of Officers and selection of the Executive Director.

2. No member of the Board of Directors of NARAL may be compensated for services rendered to NARAL.

   Directors and off-Board members may be reimbursed for out-of-pocket expenses incurred in attending Board meetings or otherwise in connection with the performance of their duties.

3. The term of office of Board members shall be three (3) years, and such Members shall be eligible for reelection for not more than a total of two (2) consecutive terms or not more than six (6) consecutive years. If a Board member has been elected to complete an existing term, that member is eligible only for re-election to one consecutive term. The terms shall be staggered so that no more than one-third (1/3) of the Board shall be elected in one year, excluding vacancies which occur prior to the expiration of a term.

4. Vacancies, including those resulting from increases in the number of Directors, shall be filled by the Board, upon recommendations of the Nominating Committee.

5. The Board shall hold regular Meetings at least two (2) times a year. One meeting shall take place in conjunction with the Annual Membership meeting.

   Other meetings of the Board of Directors may be called at the request of the Executive Committee or at least sixteen (16) Directors upon at least ten (10) days notice at a time and place to be fixed by the Executive Committee, but shall be held within thirty (30) days of the call for a meeting.

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6. One-half of the members of the Board of Directors shall constitute a quorum at either regular or special meetings. Directors may participate and vote in meetings by telephone, but there shall be no proxy voting.

7. If a Board member is absent from two consecutive regular meetings of the Board, the Board may declare the position vacant.

8. Members of NARAL, as recognized by Members of the Board or NARAL staff, may be present at meetings of the Board of Directors without vote and may be allowed voice by a majority vote of Board members present, except that the Board may declare an executive session.

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Article VIII: COMMITTEES

1. Executive Committee: The Executive Committee shall be composed of all Officers and chairs of standing committees and may include other Directors designated by the Board. The Executive Committee shall meet as needed. Two-thirds of the Members shall constitute a quorum of the Executive Committee. The Executive Committee shall be responsible to the Board of Directors with full power to act in the operations and management of NARAL between meetings of the Board. Actions of the Executive Committee must be reported to the Board at its next meeting. Any vacancies occurring before the end of the one year term shall be filled by the Board for the remainder of the term.

2. Nominating Committee: The Nominating Committee shall be composed of seven (7) members: a Chair, who shall be a member of the Board of Directors, and six (6) committee Members, at least four (4) of whom shall be members of the Board. Members of the Nominating Committee and its Chair shall be nominated by the Board and elected by the NARAL membership for a term of one year. No Committee member may serve more than three (3) consecutive terms. The duties of the Nominating Committee are to make nominations for the Board member positions and nominations for Officers of the Board. Any vacancies occurring before the end of the one year term shall be filled by the Board for the remainder of the term.

3. Standing and Ad Hoc Committees: The Board of Directors may, from time to time, establish and disestablish standing committees and may also designate ad hoc committees and task forces as needed. Members and Chairs of such committees and task forces shall be appointed by the Executive Committee and approved by the Board. A minority of the members may be non-Board members.

4. Political Action Committee: The Chair and members of the PAC shall be nominated and elected by the Board and may include up to 3 non-Board members. Members shall be elected for 2 years to coordinate with election cycles. Vacancies shall be filled by the Board with a maximum membership of nine.

5. Advisory Council: The Advisory Council shall be composed of individuals who have made significant contributions to the abortion rights movement. Members of the Advisory Council shall be available for consultation.

Article IX: NOMINATING, ELECTIONS AND VOTING PROCEDURES

1. The mission of the Nominating Committee is to help NARAL build an influential and effective Board of Directors committed to keeping reproductive choice legal and available to all women, regardless of race, wealth or status. To this end, the Committee shall compile an inventory of potential board members, men as well as women, with a diversity of background and experience, who, collectively, are representative of, or identified with, all American women, rich and poor; Democrat, Republican and independent; African-American, Asian-American, Native-American, Hispanic, and Caucasian. The Committee shall seek suggestions of candidates from Board members, past as well as present, members of NARAL, Affiliates and other appropriate sources.

2. The Nominating Committee shall prepare for submission to the membership (in the case of Directors) and for the Board of Directors (in the case of Officers), a slate of candidates chosen to maintain or restore a balance among the various constituencies of NARAL and a suitable diversity of background, experience and stature in the areas in which NARAL operates, including politics, public information and fundraising. Prior to submitting a slate of candidates to the membership, the Nominating Committee shall report the slate to the full Board of Directors.

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3. Before presenting any candidates to the membership, the Nominating Committee shall establish to its satisfaction that she/he subscribes to the mission and goals of NARAL and will fulfill Board member obligations.

4. The Nominating Committee shall consider nominations for the Board made by a petition signed by at least 25 voting members of NARAL.

5. The slate prepared by the Nominating Committee shall be set forth on a ballot which shall be sent out with the notice of the annual meeting in an envelope or wrapper with "NOTICE OF MEETING AND BALLOT" printed on the outside.

6. The membership shall elect the Board of Directors with the exception of those Directors which are elected by the Board of Directors. The election by the membership will be executed by mail ballot which must be received by NARAL at least 20 days before the annual meeting. No cumulative voting is allowed. Mail ballots shall be counted and certified by an independent certified public accounting firm.

7. The Board of Directors shall be responsible for ensuring secret ballots and voting by eligible voters only.

8. Candidates for Officers shall be nominated by the Nominating Committee from members of the newly elected Board of Directors. Officers shall be elected by the incoming Board by secret ballot at its first meeting. Nominations may be accepted from the floor.

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Article X: FISCAL YEAR

The fiscal year of the Corporation shall be from April 1 to March 31 of the following year.

Article XI: PARLIAMENTARY AUTHORITY

The rules contained in Roberts Rules of Order Newly Revised shall govern the Corporation in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order which NARAL may adopt.

Article XII: INDEMNIFICATION

Every member of the Board of Directors, officer or employee of NARAL may be indemnified by the corporation against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such Directors, officers or employees in connection with any threatened, pending or completed action, suit or proceeding or any settlement thereof, to which she/he may be made a party or in which she/he may become involved by reason of her/his being or having been Director, officer or employee, provided that she/he continues in that status at the time such expenses are incurred, except if the person is adjudged guilty of willful misfeasance or malfeasance in the performance of her/his duties. Provided, however, that in the event of settlement, the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the corporation. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such member of the Board, officer, or employee may be entitled.

Article XIII: AMENDMENTS

These By-Laws may be amended by a majority vote of the Board, provided that the amendment has been submitted in writing to each Director at least thirty (30) days prior to the vote. The vote may be at a meeting of the Board or by mail ballot.

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Address any reply to: P.O. Box 2508, New York, N. Y. 10008

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US Treasury Department

District Director
Internal Revenue Service

Date:	In reply refer to:
October 19, 1971	AU:F:613:JRG
M-71-EO- 983	Tel: 264 1871

National Association for Repeal
of Abortion Laws, Inc.
250 West 57th Street
New York, N. Y. 10019

I. R. Code: Section 501(c)(4) Social Welfare

Address Inquiries and File Returns with District Director of Internal Revenue: Manhattan

Accounting Period Ending: December 31

Gentlemen:

On the basis of your stated purposes and the understanding that your operations will continue as evidenced to date or will conform to those proposed in your ruling application, we have concluded that you are exempt from Federal income tax under the provisions of the Internal Revenue Code section indicated above. Any changes in operations from those described, or in your character or purposes, must be reported immediately to your District Director for consideration of their effect upon your exempt status. You must also report any change in your name or address.

You are not required to file Federal income tax returns so long as you retain an exempt status, unless you are subject to the tax on unrelated business income imposed by section 511 of the Code, in which event you are required to file Form 990-T. You are required to file an information return, Form 990, annually on or before the 15th day of the fifth month after the close of your annual accounting period indicated above.

You are liable for the taxes imposed under the Federal Insurance Contributions Act (social security taxes); and for the tax imposed under the Federal Unemployment Tax Act if you have four or more individuals in your employ.

Any questions concerning excise, employment or other Federal taxes should be submitted to this office.

This is a determination letter.

Very truly yours,

Charles H. Brown

District Director,
Acting

FORM L-179 (REV. 8-66)

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Address any reply to: 31 Hopkins Plaza, Baltimore, Md. 21201
Department of the Treasury

District Director
Internal Revenue Service

Date: JUL 26 1978

In reply refer to: EO:310:Mrs. [illegible]

Telephone:(301) 962-3281

National Abortion Rights Action League
825 15th Street NW
Washington, DC 20005

Date of Exemption: October 1971
Internal Revenue Code Section: 501(c)(4)

Gentlemen:

Thank you for submitting the information shown below. We have made it a part of your file.

The changes indicated do not adversely affect your exempt status and the exemption letter issued to you continues in effect.

Please let us know about any future change in the character, purpose, method of operation, name or address of your organization. This is a requirement for retaining your exempt status.

Thank you for your cooperation.

Sincerely yours,

Gerald G. Portney
District Director

Item Changed	From	To
Articles of Incorporation-Amendment-name change	National Association for Repeal of Abortion Laws, Inc.	National Abortion Rights Action League

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

KATE MICHELMAN

Kate Michelman, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I am the President of the National Abortion Rights Action League ("NARAL"), headquartered in Washington, D.C. I have held the top executive position of NARAL since 1985. My title was formerly, including during 1990, Executive Director. Throughout my tenure at NARAL, I have been involved in the political and fundraising decisions made by NARAL as well as in all of NARAL's public policy and administrative decisions. During 1990 I actively participated in discussions with NARAL staff, the NARAL Board of Directors, and NARAL's attorneys regarding NARAL's eligibility to make independent expenditures.

2. At all relevant times, in contemplating and implementing independent expenditures I sought legal advice in order to ensure compliance with all applicable election laws. It has always been my policy and practice to obtain legal advice on a wide range of

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matters in order to ensure that NARAL complies fully with all applicable laws.

3. At the beginning of 1990, prior to the beginning of NARAL's Fiscal Year 1991, NARAL staff, the NARAL Board of Directors, and NARAL's attorneys discussed adopting a formal policy of accepting no corporate contributions. Prior to that time, the number of individuals and entities that may have sent in contributions or payments for membership dues written on corporate checking accounts, and the aggregate amount of such contributions, were extremely small in relation to the total number and amount of contributions received by NARAL. Because of the controversial nature of abortion rights, and because NARAL engages in political and legislative activity, corporations typically are not comfortable supporting NARAL and have not provided NARAL with substantial support in the past. For these reasons, in 1990 and the years prior to 1990, and in fact during my entire tenure with NARAL, NARAL has never engaged in any fundraising campaigns targeted at corporations or businesses, and unsolicited contributions from corporations have been very rare.

4. In March 1990, when the U.S. Supreme Court issued its decision in Austin v. Michigan Chamber of Commerce, I immediately took steps to ensure that NARAL adopted formal written policies to ensure that it

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satisfied the requirements of this ruling, including adopting a policy of refusing corporate contributions. In this regard, I proposed to NARAL's Board of Directors a change in the NARAL Bylaws prohibiting the acceptance of any contribution from corporations or labor unions. The Board adopted this change to the NARAL Bylaws at the next quarterly meeting following the required thirty-day notice to Board members of a proposed change to the Bylaws, which was held on June 24, 1990.

5. In February 1990, I directed Ann McGuiness, who was then NARAL's Director of Development, to implement a system for identifying and returning any potential contributions that were drawn on corporate accounts. She developed a procedure in which the bank screened all checks received in response to NARAL solicitations and returned to NARAL all checks that were drawn on corporate accounts. A NARAL staff member immediately returned each check to the contributor with a letter requesting that he or she contribute from a personal account.

6. Also at the beginning of 1990, NARAL was in the process of organizing a fundraising event called "Art Pro-Choice." This event involved a dinner and exhibition of art work donated by artists, as well as sale of the art work itself. NARAL and the NARAL Foundation initially planned that the proceeds from the

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dinner would benefit the NARAL Foundation and New York State NARAL and that the proceeds from the sale of art work would benefit NARAL and New York State NARAL. Virtually all of the proceeds from the dinner (except for three donations totalling $2500 directed to NARAL) did benefit the NARAL Foundation and New York State NARAL. However, when NARAL began discussing the policy of accepting no corporate contributions, we recognized that the proceeds from purchases of art work would likely entail some corporate monies. We therefore decided to keep the proceeds from the sale of any art work that was either donated by a corporation or purchased by a corporation in a segregated bank account, not to be used for any of NARAL's activities, including its independent expenditures, and to recommend that the NARAL Board make a grant of those proceeds to the NARAL Foundation. The NARAL Board voted formally to make this transfer to the NARAL Foundation at its quarterly meeting in June 1990, and the segregated net proceeds of this event were subsequently transferred to the NARAL Foundation.

7. NARAL had a contract with the NARAL Foundation in Fiscal Year 1991 (April 1, 1990 through March 31, 1991) in which NARAL agreed to provide lobbying services to the NARAL Foundation on issues related to reproductive choice. Under this contract,

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NARAL received $209,657.00 from the NARAL Foundation in fiscal year 1991. The NARAL Foundation does not engage in any lobbying except through this contract for services provided by NARAL. NARAL lobbies the United States Congress, as well as numerous state legislatures, on issues of reproductive choice. NARAL also occasionally engages in "grassroots lobbying," informing members of the public about certain state or federal legislation through publications or advertisements, and urging the public to contact their representatives and make their views known. As required under the contract, each quarterly payment from the NARAL Foundation to NARAL for lobbying was based upon documentation provided by NARAL that confirmed that NARAL had actually incurred expenses in connection with direct and grassroots lobbying activities. Therefore, the funds received by NARAL under this contract were all direct reimbursements for funds already expended on lobbying activities and, thus, these funds were not spent on political activities such as independent expenditures.

8. In 1990, NARAL had a seventy-nine percent ownership interest in Choice Contributors, Inc., and received dividends based on this interest. In 1990, pursuant to an agreement between Choice Contributors and NARAL, Choice Contributors paid NARAL a fee for the use of NARAL's membership list, calculated as a percentage

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of net income received by Choice Contributors from use of this list. Choice Contributors allows NARAL to approve or reject each request for rental of NARAL's membership list on a case-by-case basis. This transfer enhance NARAL's ability to acquire new lists of potential members from similar organizations. Furthermore, as a longtime member of the board of Choice Contributors, I can state categorically that all members of the Choice Contributors board are fully aware that the funds raised by NARAL through transfer of its membership list are used in furtherance of NARAL's political goals, including independent expenditures.

9. NARAL and the NARAL Foundation share office space and certain administrative and program personnel. The NARAL Foundation reimbursed NARAL during the period from April 1, 1990 through March 31, 1991 for its actual use of staff time and its actual expenses, as well as for a proportionate share of overhead resources.

I declare under penalty of perjury that the foregoing is true and correct.

Kate Michelman

Executed this 16 day of July, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

ANN McGUINESS

Ann McGuiness, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I was the Director of Development for the National Abortion Rights Action League ("NARAL"), headquartered in Washington, D.C., from March 1, 1989 until April 30, 1993. Prior to holding this position, I was the Manager of Major Gifts and the NARAL Foundation from February of 1987 through February of 1989. As Director of Development, I supervised the fundraising programs and membership development programs for NARAL and the NARAL Foundation, as well as the fundraising for NARAL-PAC. During 1990 I participated in discussions with NARAL Staff and the NARAL Board regarding independent expenditures. I also participated in discussions with NARAL's attorneys regarding NARAL's eligibility to make independent expenditures.

2. It has been my experience that corporations and businesses are unlikely to support organizations that deal with controversial issues, as well as organizations that are active in the political and

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legislative arenas. It has further been my experience that corporations and businesses are more likely to support organizations that qualify under § 501(c)(3) of the Internal Revenue Code, because contributions to such organizations are tax-deductible. Because NARAL's mission is controversial, because NARAL and NARAL-PAC engage in political and legislative activity, and because contributions to 501(c)(4) entities such as NARAL are not tax-deductible, it has been my experience that corporations and businesses typically have not been interested in supporting NARAL. During my entire tenure as Director of Development, and in my previous positions at NARAL, NARAL has never engaged in a fundraising campaign targeted at corporations or businesses, with the exception of one letter directed to abortion providers in, I believe, 1987.

3. At the beginning of 1990, prior to the beginning of NARAL's Fiscal Year 1991 which ran from April 1, 1990 to March 31, 1991, I participated in discussions with NARAL's other department heads and with NARAL's in-house attorneys and outside counsel about adopting a formal policy of accepting no corporate contributions. Prior to that time, NARAL did not make any specific efforts to solicit contributions from corporations but may have had a small number of occasional corporate contributors, primarily individual members who chose to send a check written on the

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account of a small incorporated business instead of on a personal account. In addition, prior to 1990 NARAL received contributions from some medical clinics and abortion providers that may have been corporate entities. During this period, the number of individuals and entities that may have sent contributions written on corporate accounts, and the aggregate amount of such contributions, were extremely small in relation to the total number of contributions received by NARAL. Nevertheless, in an abundance of caution, as we began to plan for the new fiscal year and the 1990 election cycle, we adopted policies and implemented steps to prohibit NARAL from accepting any corporate contributions. I personally spent a significant amount of time overseeing implementation of these steps.

4. At the end of February 1990, I directed my staff to implement a system for identifying and returning any contributions sent to NARAL that were drawn on corporate accounts. I directed Cheryl Gregory, who was then NARAL's Manager of Membership Development, to develop a system under which NARAL's bank, 1st American Bank, would screen all checks that came in response to NARAL solicitations before depositing them in NARAL's account, and return to NARAL any checks that appeared to be drawn on corporate accounts. Ms. Gregory developed this system, which was

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implemented through a letter to 1st American on February 28, 1990, and through amendments to NARAL's agreements with 1st American to manage NARAL's "lockboxes." Under these agreements, donors mail their contributions to a post office box and the bank collects the mail, opens and sorts the mail, and prepares all checks received for deposit. Any checks that could not be deposited, such as checks that are unsigned or are not payable to NARAL, are returned to NARAL. Under the amended agreements, any checks written on corporate accounts were also to be returned to NARAL undeposited. Ms. Gregory further directed a NARAL Development Department staff member, Kelly Thompson, routinely to return these checks immediately to the contributors with a form letter informing them that NARAL could not accept corporate contributions, and requesting that they write their checks from a personal account.

5. Prior to adopting the policy in early 1990 prohibiting the acceptance of corporate contributions, NARAL did not have a system for noting whether or not an individual's membership had been paid for by a corporate check. Despite the fact that an individual may have paid for his or her membership with a corporate check, the individual member's name and address would remain unaltered and unannotated on NARAL's membership list. Because the vast majority of

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checks received by NARAL were deposited and handled immediately by bank personnel, in these cases no NARAL employee, including myself, knew whether a given member's dues had been paid with a personal or corporate check. Furthermore, the general knowledge that a small number of memberships may have been paid by corporations never influenced my actions or, in my experience, the policy decisions or actions of NARAL.

6. In addition to the screening by 1st American Bank of checks sent in response to mailed solicitations, I personally supervised the processing of contributions that came directly to NARAL's offices. Such contributions were usually either unsolicited or received in response to a personal solicitation from a NARAL staff member or Board member. In addition, we received at NARAL's offices some contributions in response to direct mail solicitations that were occasionally addressed by the contributor to NARAL's offices instead of to lockboxes. Beginning in February 1990, all NARAL staff who handled checks received at NARAL's offices were instructed to implement NARAL's policy against accepting corporate contributions. In addition, I reviewed a photocopy of each check NARAL received. If, in the course of my review, I discovered that a check appeared to be written on a corporate account, I either sought advice from NARAL's attorneys or directed my staff to see that the contribution was

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transferred to the NARAL Foundation. I reviewed the checks myself within two to three days after we received them. Although my review took place after the checks had been deposited, if a check from a corporation had been deposited in the NARAL account in error, I immediately directed that the erroneously deposited contribution be transferred from the NARAL account to an account of the NARAL Foundation.

7. On January 22, 1990, NARAL hosted a fundraising luncheon commemorating the 17th Anniversary of the Supreme Court's decision in Roe v. Wade. The majority of the planning for this event, as well as the mailing of the invitations, took place in 1989, prior to the adoption of NARAL's policy of not accepting corporate contributions. A small number of business corporations, including Hickman-Maslin Research, Inc., Homart Press, Help Unlimited Temps, Inc., Craver, Matthews, Smith & Co., Saturn Corporation, and Ogilvy and Mather made contributions to NARAL in connection with this event and were listed as sponsors or patrons of this event. In addition, a few incorporated nonprofit membership organizations, including Planned Parenthood of Metropolitan Washington, the National Women's Law Center, and the Alan Guttmacher Institute, also made contributions in connection this event. These contributions were all accepted in 1989 or in early January 1990, prior to NARAL's adoption of a

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policy or practice of refusing all corporate contributions. In subsequent years, we enforced our policy against corporate contributions by asking corporations wishing to contribute to a similar event to contribute to the NARAL Foundation, rather than to NARAL. Alternatively, if we received a check from a corporation, I would simply direct my staff to have the check deposited in the NARAL Foundation's accounts. Although I have no specific recollection of and am unaware of any records detailing any in-kind contributions from corporations that NARAL may have received in connection with this event, I believe it is quite possible that some such contributions -- likely for flowers -- were received, since this event was planned and organized before NARAL discussed and adopted the policy of refusing all corporate contributions. After adopting our policy of not accepting any corporate contributions, NARAL, on several occasions during 1990, turned away offers of in-kind contributions by corporations, such as artistic design work, flowers, and other goods or services that were offered in connection with other fundraising events.

8. In September 1990 NARAL hosted a fundraising event called a "Funders Briefing" to which NARAL's high-level contributors were invited. A few of the contributors wrote checks to NARAL in connection with

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this briefing on business or corporate accounts. I do not specifically recall each of these checks, but I recall generally reviewing the receipts from this event, which would have included these checks. I further recall that I followed the practice described in paragraph 6, above, with respect to the contributions that came in response to the September 1990 "Funders Briefing" to ensure that no corporate funds remained in NARAL's general treasury.

9. In 1989, NARAL had also begun organizing a fundraising event called "Art Pro-Choice." This event involved a dinner and exhibition of works of art for sale. Part or all of the amount of funds realized from the sale of the art was donated to NARAL by the artists or by the artists and their agents or their galleries. The original concept for this fundraiser was that the proceeds from the dinner would benefit the NARAL Foundation, and the proceeds from the sale of art work would benefit NARAL. In addition, New York State NARAL, which cooperated with NARAL in organizing the event, received a share of the proceeds from both the dinner and the sale of art. NARAL received, in the end, $2500 of the proceeds from the dinner, in the form of two $1000 checks and one $500 check from individual contributors who designated their contributions for NARAL rather than the NARAL Foundation.

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10. In early 1990, when NARAL was in the process of formalizing its practice of accepting no corporate contributions into a written policy, we recognized certain potential issues regarding the "Art Pro-Choice" fundraising event. We realized that the donations of art would come from two types of sources: (1) the artist might personally donate a portion of the sale price of the art; or (2) a corporate entity, such as an agent or gallery, might donate a portion of the sale price of the art. In addition, we speculated that the ultimate purchasers of the art work might be either individuals or corporations. Cancelling the event was not an option, since, long before January 1990, NARAL was contractually obligated to proceed with the event and had already received donations of a share of the value of numerous works of art.

11. In our efforts to implement the policy of accepting no corporate contributions, the first step we took with respect to the "Art Pro-Choice" event was to keep the proceeds from the sale of any art work that were not donated by an individual or any work that was purchased by a corporation in a segregated bank account, not to be used to fund any NARAL activities, including any independent expenditure campaigns. We determined that funds from this account were to be expended only for the following purposes related to the fundraising event: (1) to reimburse art dealers or

9504367/37/85

galleries for their share of the proceeds from the sale of art in those instances in which NARAL received the full purchase price; and (2) to pay New York State NARAL its share of the net proceeds of the fundraising event. On two occasions, funds erroneously deposited in this account may have been withdrawn and deposited in NARAL's operating accounts. We accepted for deposit in NARAL's operating accounts only those funds resulting from this project that were realized when (1) an individual donated the art and (2) the work was also purchased by an individual. This ensured that no corporate funds resulting from the event would end up in NARAL's accounts. As a second step, the NARAL staff recommended that the NARAL Board authorize a grant to the NARAL Foundation of the net proceeds from "Art Pro-Choice" that had been deposited in the segregated account. This ensured that the funds would never be used for any project of NARAL. Based upon the staff's recommendation, the NARAL Board voted to make this transfer to the NARAL Foundation at its quarterly meeting in June 1990. The net proceeds from the "Art Pro-Choice" event that had been deposited in the segregated account were subsequently transferred to the NARAL Foundation.

12. In June and July of 1990, NARAL developed a fundraising strategy of sending materials describing NARAL's program to several corporate political leaders,

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requesting that they, as individuals, support NARAL. In certain cases, contrary to our intention, these individuals referred our request to their corporations' corporate philanthropy offices, and some of these offices sent letters to NARAL in response. In July 1990, we received letters declining to contribute to NARAL from the Rockwell International Corporation, the Boston Bank of Commerce, the American Stock Exchange, Leon Tempelsman & Son, and Wang Laboratories. NARAL's materials were intended to be understood as a personal invitation to the individual to support NARAL. I do not recall any corporation making a contribution to NARAL in response to this solicitation. If any corporation had attempted to make a contribution to NARAL, I would have directed that the check be deposited in an account of NARAL Foundation, rather than NARAL, as described in paragraph 6, above.

I declare under penalty of perjury that the foregoing is true and correct.

Ann McGuiness

Executed this 16 day of July, 1993.

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

Cheryl Gregory

CHERYL GREGORY, first being duly sworn, deposes and says:

1. I was employed by the National Abortion Rights Action League (NARAL) as the Manager of Membership Development from June 9, 1986 to December 15, 1990.

2. In early 1990, prior to the beginning of NARAL's fiscal year 91, I was instructed by Ann McGuiness, NARAL's Director of Development, to implement a system for weeding out any checks written on corporate accounts received by NARAL through the mail and returning those checks to the senders. Ann informed me that NARAL had adopted a policy of not accepting corporate contributions, and that efforts to ensure compliance with this policy were a priority.

3. On February 28, 1990, I wrote a letter to Nita Wade at First American Bank, the bank that received contributions to NARAL for deposit, informing her of the need to sort all checks that appeared to be written on corporate accounts and not to deposit them in the NARAL bank account. In that letter I informed Ms. Wade that NARAL would be opening a separate account into which those checks identified as drawn on corporate accounts should be deposited.

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4. To the best of my recollection, however, no such bank account for corporate checks was ever opened. In the weeks following my February 28, 1990 letter to First American, I subsequently instructed the bank to return all checks identified as written on corporate accounts to NARAL. This policy was incoporated into NARAL's Lockbox Services Agreements with First American Bank on March 20, 1990.

5. Also early in 1990, I instructed Kelly Thompson, who was a membership assistant at NARAL at that time under my supervision, to prepare a form letter with which to return corporate checks to the senders. At my direction, during the remainder of 1990, all corporate checks returned to NARAL by First American were given to Kelly Thompson, who returned them to the senders with a cover letter requesting that the senders resubmit a check drawn on a personal account to NARAL.

Cheryl Gregory

Sworn to before me this
15th day of Jan, 1993.

Caren Mercier
Notary Public

OFFICIAL SEAL
CAREN MERCIER
Notary Public — California
LOS ANGELES COUNTY
My Comm Expires MAY 02 1994

My Commission expires: 5/2/94

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IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

KELLY THOMPSON

Kelly Thompson, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I was a Membership Assistant and Volunteer Coordinator for the National Abortion Rights Action League ("NARAL"), headquartered in Washington, D.C. from August 1989 through August 1990.

2. In February of 1990, Cheryl Gregory, who was then NARAL's Manager of Membership Development and my supervisor, informed me that NARAL had adopted a practice of refusing all checks written on corporate accounts, and that it would be a part of my job responsibilities to return all such checks to the senders with a cover letter.

3. I prepared a cover letter to send to the donors with these checks. A true copy of that cover letter is attached to this affidavit as Exhibit A.

4. I received from 1st American Bank those checks to NARAL that required special attention or handling, including those checks that 1st American Bank had not deposited because they were drawn on corporate

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accounts. I promptly returned each check drawn on a corporate account to the donor, with a copy of the cover letter attached to this affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Kelly Thompson

Kelly Thompson

Executed this 29th day of April, 1993.

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NARAL

Dear Friend of NARAL,

Thank you for your contribution to the National Abortion Rights Action League (NARAL). Unfortunately, we must inform you that NARAL may not accept corporate contributions.

In the wake of the Supreme Court's Webster decision, NARAL's hard hitting political programs have become more essential than ever. Federal and state law may limit the use of corporate funds in election campaigns. For this reason, we are forced to return your check written from a corporate account, but ask if you would re-write the check from a personal account.

Over 80% of NARAL's income is derived from individual donations like yours. These non-tax deductible contributions form the very backbone of our efforts to ensure that abortion remains safe, legal and accessible to all women in every state.

Thanks to people like you, the pro-choice majority is becoming active and NARAL - as the political arm of the pro-choice movement - is leading the battle. We will not allow politicians the power to interfere with women's abortion decisions.

Thank you again for your support and I apologize for the inconvenience to you. We certainly hope you take the time to issue the contribution from your personal account.

Sincerely,

Kelly Thompson
Membership Assistant

950436737392

National Abortion Rights Action League
1101 14th Street N.W. 5th Floor
Washington D.C. 20005
202-408-4600

IN THE CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

AFFIDAVIT

MARYEVELYN MEAD

MaryEvelyn Mead, under penalty of perjury pursuant to Title 28, Section 1746 of the United States Code, declares as follows:

1. I was a Membership and Volunteer Coordinator at the National Abortion Rights Action League ("NARAL"), headquartered in Washington, D.C. from August 1990 through February 1993.

2. When I began in this position in August of 1990, Cheryl Gregory, then NARAL's Manager of Membership Development and my supervisor, informed me that NARAL had adopted a practice of refusing all checks written on corporate accounts, and that it would be a part of my job responsibilities to return all such checks to the senders with a cover letter.

3. I received from 1st American Bank those checks to NARAL that required special attention or handling, including those checks that 1st American Bank had not deposited because they were drawn on corporate accounts. I promptly returned each such check drawn on a corporate account to the donor, with a cover letter informing the donor that NARAL could not accept corporate contributions and requesting a contribution from the donor's personal account.

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4. I have been unable to locate a copy of the cover letter that I used for this purpose in 1990. A true copy of the cover letter that I used for this purpose during 1993, which is substantially similar to the letter I developed and sent during 1992, is attached to this affidavit as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

MaryEvelyn Mead

Executed this 17 day of MAY, 1993.

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Exhibit A

NARAL

Dear Friend of NARAL,

Thank you for your contribution to NARAL. Unfortunately, we must inform you that NARAL cannot accept corporate contributions.

NARAL's hard hitting political programs play an essential role in our work to protect and defend the right to choose. Federal and state law limits the use of corporate funds in election campaigns. For this reason, we are forced to return your check written from a corporate account, and ask that you re-write the check from a personal account.

If, in fact, this check was drawn from a non-corporate account or a limited partnership account, I apologize for our mistake and ask that you take a moment to fill out the enclosed NON-CORPORATE reply form to NARAL in the enclosed postage paid envelope.

NARAL's entire income is derived from individual donations like yours. These non-tax deductible contributions form the very backbone of our efforts to ensure that abortion remains safe, legal, and accessible to all women in every state.

NARAL must now work with newly elected pro-choice officials to fight anti-choice legislation at the state level and work nationally to pass the Freedom of Choice Act. Together with nearly 750,000 other NARAL members, your commitment will help NARAL conduct the political, electoral and grassroots work necessary to secure the fundamental right to choose and work to reduce the need for abortion by expanding the choices available to women and their families.

I apologize for any inconvenience this may cause and hope that you understand the need for NARAL to take such precautions. We certainly hope that you are able to issue the contribution from your personal account.

Once again, thank you for your support of NARAL and for your commitment to abortion rights.

Sincerely,

MaryEvelyn Mead
Membership Coordinator

National
Abortion Rights
Action League

1156 15th Street N.W. #700
Washington D.C. 20005
202-973-3000

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NON-CORPORATE REPLY FORM

NAME _____

NAME ON CHECK _____

ADDRESS _____

_____

By filling out the above information, I certify that this check is drawn on a non incorporated account.

11

91 FEB 25 PM 12:48

February 15, 1991

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

Dear Mr. Gibson:

NARAL has received your letter stating that NARAL may have failed to file a 30 Day Post-General Report.

Upon receipt of your letter, Ms. Elizabeth Jones promptly called Mr. Anthony Raymond, as your letter suggested, to explain that NARAL had reported every independent expenditure it had made in the 1990 election cycle. Mr. Raymond was not initially able to provide an explanation, and informed Ms. Jones that he would call her back with more information. Ms. Jones spoke to Mr. Raymond again on Monday, February 11, 1991. During that telephone conversation, Mr. Raymond informed her that, although NARAL had filed reports of all 108 expenditures, including 24-hour reports pursuant to 11 C.F.R. 100.2(b), a 30 day post-general report listing the same expenditures should also be compiled and filed.

NARAL promptly reported each independent expenditure it made, including reporting within 24 hours of those expenditures made after the twentieth day before an election, pursuant to 11 C.F.R. 100.2(b). NARAL was not aware of any obligation to report the same expenditures on a 30 day post-general report. Neither section 100.2(c) nor section 100.2(b) makes any reference to a requirement that an organization must also file both a 30-day post-general report and a 24-hour report of the same expenditure. However, at Mr. Raymond's suggestion, NARAL has compiled such a 30 day post-general report and it is enclosed for filing.

If you have any further questions, please do not hesitate to contact Elizabeth Jones at (202)-408-4626.

Sincerely,

John Hagner
Legislative and Political Director

"1,000 A MONTH CLUB" NUMBERS AVAILABLE

There are some lucky numbers still available for the MCFL "1,000 A MONTH CLUB". For just $5 monthly those belonging to this exclusive club, which is limited to 1,000 members, have 12 opportunities of winning cash prizes, totaling $2,000 and ranging from $50 to $1,000, given away the second Friday of every month. To become a member of the CLUB and contribute much-needed funds to the pro-life cause at the same time, simply call or write the MCFL office. All members receive the drawing results in the mail each month.

The "1,000 A MONTH CLUB" winners for August are the following twelve lucky members:

#577 Nesta Beaudorn, Springfield	$1,000	#739 MCFL Duxbury-Marshfield chapter	$50
#527 Raymond Gastonguay, Fitchburg	300	#985 Dorothy Curran, Woburn	50
#219 Mary Sheridan, Clinton	200	#930 Christopher Boomhower, Norwood	50
# 21 David Constantine, New Bedford	100	#484 Thomas Wynne, Norwood	50
#563 Edward DeLuca, East Weymouth	50	#306 Dianne Janak, Liverpool, Texas	50
#724 Mary Brogan, Woburn	50	#993 Grace Reidy, Woburn	50

The next drawing will be held on Friday, September 9 at the MCFL office. Please fill out and return your ticket stub along with your check with your CLUB number on it. If you have already paid for September, the enclosed bottom portion of your CLUB ticket is your receipt.

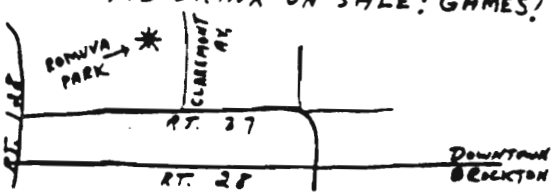
MCFL FAMILY DAY PICNIC

SUNDAY, SEPTEMBER 18

10 A.M. - 6 P.M. RAIN OR SHINE

ROMUVA PARK, BROCKTON

FOOD AND DRINK ON SALE! GAMES!



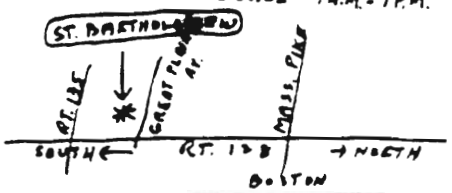
MCFL AUCTION AND (NEW) FURNITURE SALE

AT ST. BARTHOLOMEW, NEEDHAM

OCT. 7 AUCTION AND SALE 7P.M.-11P.M.

OCT. 8 AUCTION 7P.M., SALE 7A.M.-11P.M.

OCT. 9 FURNITURE SALE 7A.M.-7P.M.



"We have struggled for centuries to emerge from the physical and moral weight and the viewpoint of our country will be a harbor of [illegible] where every human life, the world, safe for their children and those defenseless of human beings [illegible] the unborn."

The author of this statement, Congressman Henry J. Hyde of Illinois is coming to Framingham, Saturday, October 22, 1977. Congressman Hyde, author of The Hyde Amendment and sponsor of a host of pro-life legislation will address the 4th Annual Dinner of Mass. Citizens for Life.

Date: Saturday, October 22, 1977

Place: Clarion Da Vida, Route 9, Framingham, Mass.

Cocktails: 6:30 - 7:30 p.m.
Dinner: 7:30 p.m.

Tickets: $12.50 person

Congressman Hyde will address the topic: "The Preservation of Human Life: Challenge and Responsibility."

You can share the privilege of meeting and hearing Congressman Hyde - among old and new friends.

We need you to stand up for your rights for life and hope sincerely to see you at the dinner.

Please express your belief in your work by participating as a patron for $50.00 or as a sponsor for $25.00. If you plan to attend, please fill out tickets. These tickets will be made promptly. Reservations should be made by October 18th and checks should be made payable to "Massachusetts Citizens for Life, Dinner" to Courtney Corner Framingham, Massachusetts 01701.

Thank you for your support.

from newsletter

9504336/3178

Membership and Fund Raising

5. From its incorporation, through 1978, MCFL recognized as a member any person who had signified his or her agreement with MCFL's Statement of Purpose.

6. MCFL's records kept in the ordinary course of its operations indicate that by 1978 MCFL claimed approximately 57,000 members.

7. MCFL's records kept in the ordinary course of its operations further indicate that in 1978 some 5,986 of these members were contributing or dues-paying members.

8. During the period 1973-1978, MCFL also raised funds through such activities as garage sales, cake sales, bike-a-thons, fashion shows, brunches, picnics, yard sales, dinners, dances, raffles, auctions, furniture sales, wine-testing parties, MCFL night at the Boston Pops, MCFL night at the Red Sox, flower sales, and cookbook sales.

9. All of the funds raised by MCFL during the period 1973-1978, whether from dues or through contributions or other activities, came from individuals; none came from corporations.

10. No portion of the contributions, dues, or funds raised by MCFL during the period 1973-1978 is earmarked for specific political activities or for

950436/37/79

1,000 A MONTH CLUB

Congratulations to the lucky winners of the June 10 drawing. The next drawing will be held, Friday, July 8. Please return your ticket stub and $5 check as soon as possible if you have not paid your CLUB dues for July. Please write your CLUB number on the check.

If you would like to join, or if you know of others who would like to join the 1,000 A MONTH CLUB, which is limited to 1,000 members, please notify the MCFL office.

JUNE 10 WINNERS

#123 James O'Brien, Fall River	$1,000	#939 Andy McGonagle, Plymouth	$50
#201 Michelle Anne Keeler, Arlington	300	#157 Sadie McCarthy, Dorchester	50
#694 Walter Yurkins, Bridgewater	200	#722 Janet Thompson, Duxbury	50
#490 Julia Bieler, Arlington	100	#389 Mary Tudryn, Westfield	50
#975 Marion Melligan, West Roxbury	50	#582 Edwin Anderson, Wareham	50
# 55 Thomas Bolles, Wellesley	50	#220 Eugenie Mamarcher, Needham	50

STATE LEGISLATION

Living Will bills (H674, H2017, H4305)—defeated in House 6/8/77

Parental Consent bill (H1982)—favorable report from Judiciary; passed 2nd reading in Hous

Birth Clinics bill (H1981)—referred to the Ways and Means Committee

Informed Consent bill (H1984)—referred to the Ways and Means Committee

Prohibit Forced Sterilization (H5975, formerly H2207)—passed 2nd reading in the House after being recommitted to Health Care Committee following its adverse report

Fetal Death Reporting bill (H5504, formerly H127)—passed in the House

Newborn Testing (H128)—passed House and Senate with amendments

Pregnancy Disability Insurance (S1691, new draft)—referred to Senate Ways and Means Com.

Marianne Rea
State Legislative Coordinator

NATIONAL RIGHT TO LIFE CONVENTION

At the fifth National Right to Life Convention, held June 16-19 in Chicago, the proposed slate of NRLC officers was elected without opposition: Dr. Carolyn Gerster, chairman of the board; Dr. Mildred F. Jefferson, president; Mrs. Mary Hunt, treasurer; and Mrs. Felicia Goeken, secretary.

With the addition of our new delegate to NRLC, Atty. Phil Moran of Salem, Massachusetts now has two directors on the NRLC board, with Dr. Jefferson being a director-at-large.

"CHOOSE LIFE" T-SHIRTS ARE AVAILABLE AT MCFL OFFICE—$2.50 apiece.

PRO-LIFE COOK BOOKS ARE AVAILABLE AT MCFL OFFICE—$4.95 each.

from newsletter

9504336/38000

Medicaid Abortion Cut-Off To Senate

And the fight goes on...

In response to the U.S. Supreme Court decisions of June 20, allowing states to refuse to pay for elective abortions (Maher v. Roe, Beal v. Doe), the Massachusetts House of Representatives, on August 9, after two days of debate, approved by a 156-69 vote legislation introduced by Reps. Charles Doyle of West Roxbury and Raymond Flynn of South Boston, which would prohibit the use of state funds for elective abortions. The bill (H.6420) will reach the Senate after Labor Day where a tough fight is expected in order to achieve the 2/3 vote necessary to override the governor's promised veto.

Both sides have conceded Senate passage of the bill, which will stop the use of one million dollars in state funds for elective abortions each year. The big unresolved question is whether pro-life forces can muster the necessary 2/3 vote in the Senate to override Gov. Dukakis' veto. Pro-abortionists need only 14 votes to sustain the veto. A list of state senators appears below. Please write to your senator today, and urge his or her to support the Doyle/Flynn bill. Ask your friends and neighbors to do the same. Every letter is important.

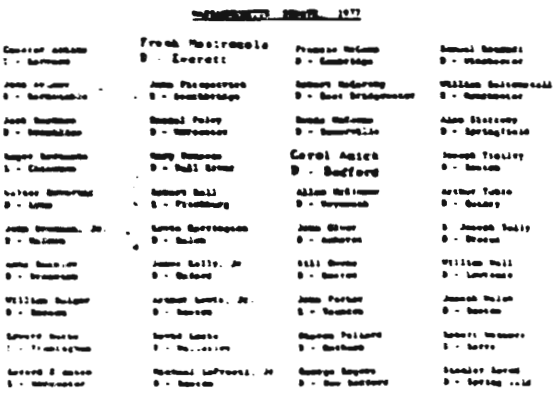
You will also find below the roll call vote taken on the Doyle/Flynn bill in the House. Please write and thank those representatives who voted pro-life, and ask those who did not vote pro-life to reconsider their position on the override vote.

Send all correspondence to the State House, Boston, Ma. 02133.

Our special thanks goes out to all those pro-life representatives who spoke in favor of the bill during the debate. They include the bill's primary sponsors, Reps. Charles Doyle and Ray Flynn; Rep. Paul White of Dorchester who introduced the amendment requiring state funding of positive alternatives to abortion; and Reps. Mary Fantasia of Somerville, Joe DeNucci of Newton, Bill Mullins of Ludlow, Marie Howe of Somerville, Tom Colo of Athol, and Tom Lopes of New Bedford.

For day-to-day progress on this and other legislation, call the MCFL PRO-LIFE NEWS SERVICE daily at (617) 926-5433.

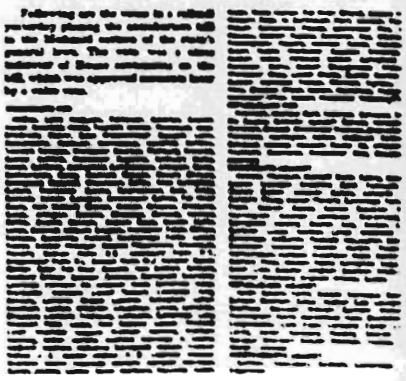
— Marianne Rea, MCFL Legislative Agent



Frank Mastrangelo
D - Everett

Carol Amick
D - Bedford

Rollcall on antiabortion bill



Boston Globe

BOSTON BIRTHRIGHT—Training sessions Sept. 21, Sept. 28, and Oct. 5. Call 782-5151.

CHRISTMAS CARDS—If you would like to purchase pro-life Christmas cards at $2.50 per package of 12, please place your order through the MCFL office by October 31.

from newsletter

9504367/38801

9504367338O2

These representatives voted "Nay": Ahearn, Almeida, Bolling, Bunte, Businger, Buxbaum, Collins, Diotalevi, Frank, Gussi, P.F. Harrington, Kendall, M.H. King, R.E. McCarthy, Mofenson, Nickenello, B. Owens, R. Owens, Pines, Rotenberg, Segal, Spence, Volterra, Hatch, Amen, Simons, Babb, Buell, Chadwick, Cole, Cox, Dickson, Elwell, Farnsworth, Gannett, Grey, Healy, Holland, Lane, Lisnett, C.W. Long, Masnik, Reynolds, Sprague, Switzler, Towse, Trudeau, T.P. McCarthy.

These representatives voted "Present": Bassett, Brennan, Garczynski, Landry, Mahoney, D.J. Manning, P.C. McCarthy, J.E. Murphy, Pina, Weinberg, Robinson, Cahoon, Danovitch, E.D. Harrington, Harris, Chlson, and Young.

These representatives did not vote: Bolling, Jr., R. Chmura, C.F. Flaherty, Gallagi, Hogan, McGinn, Mavin, Nolen, Sacco, Scibelli, Curtiss, Loring, Nordberg, and Zeiser.

YOUR HELP IS NEEDED

Massachusetts Citizens For Life, Inc., by its articles of incorporation, declares itself to be, and is an educational and political-action association of Massachusetts citizens. The immediate thrust of our work can be stated simply and succinctly. "We will not rest until Constitutional protection of the unborn is specifically reestablished either by judicial review and determination or amendment of the Constitution of the United States. We vow to remove the judicial constriction placed, January 22, 1973, upon the words of life, "created equal and endowed with certain inalienable rights—among these the right to life." We shall do this before July 4, 1976, the 200th anniversary of the Declaration of Independence.

Already spread across the state with headquarters in Newton Corner, Mass., M.C.F.L., Inc. has 22 local chapters organized in two months. Its list of members exceeds 25,000 and is growing rapidly. Within the next four months MCFL will seek to identify where everyone in elective office, at the state and national level, stands on the issue of protection of unborn life. It will dedicate itself to removing from office, by every legal means, anyone who is not for protecting the continuing life of the child, both before and after birth.

We recall to the minds of our fellow citizens the U.N. Declaration which was adopted in 1948 and never reversed. "The child, by reason of physical and mental immaturity, needs special protection, including legal protection, before, as well as after birth.

MANY OF THE RECIPIENTS OF THIS NEWSLETTER HAVE ALREADY MADE A CONTRIBUTION TO EITHER MASSACHUSETTS CITIZENS FOR LIFE, INC. OR ITS PREDECESSOR, THE AD HOC MASSACHUSETTS CITIZENS FOR LIFE COMMITTEE, AND WE ARE MOST GRATEFUL. NEVERTHELESS, WE MUST ASK EVERYONE NOW FOR FINANCIAL HELP IN ORDER TO CARRY ON OUR WORK. LOANS OR DONATIONS TO THE CENTRAL OFFICE OF MUCH NEEDED OFFICE EQUIPMENT, SUCH AS TYPEWRITERS, FILING CASES, FILE DRAWS, COPYING MACHINES, DESKS, ETC. WOULD BE A TREMENDOUS HELP.

In right-to-life groups across the country people are supporting our defense of the unborn—with cake sales, raffles, collections, etc. Enclosed with this newsletter is a prepaid return envelope. If every one of you 25,000 committed people receiving this newsletter mail in a contribution of $1, $5, or $10, then we shall have the instant capital that will dispell the financial anemia that has plagued the pro-life cause nationally and our effort locally. So far, no big foundation or institution has offered any state or local right-to-life group or organization a blank check or a very substantial contribution, and, realistically, it is unlikely that our organization will be different from the others. The defense of the unborn in the last four years in this nation has primarily been a people's movement—right up from the grass roots, and in this lies its unconquerable spirit and strength. Its growth has been sure and strong and surely difficult, too.

THIS IS THE CRITICAL HOUR IN MASSACHUSETTS! WE COUNT ON YOUR SUPPORT AND CONTRIBUTION TODAY! IN A VERY REAL SENSE WE COUNT ON EACH OF YOU. THAT WE ARE CONVINCED CAN BE THE SUCCESS OF THIS EFFORT. THERE IS AN OLD QUOTATION:

"IF NOT US, THEN WHO?"

"IF NOT NOW, THEN WHEN?"

Some of the other things that you as an individual can do to help make the pro-life movement succeed can be found in the following anonymous letter received recently at the MCFL office.

Dear Defenders of Life:

These are things I never did--

-I never signed a petition.
-I never wore a bracelet.
-I never wore a pin.
-I never sold chances.
-I never wrote a letter to a newspaper.
-I never wrote or called a politician.
-I never called a talk show.
-I never distributed books or other literature.
-I never solicited contributions.
-I never put a bumper sticker on my car.
-I never joined in demonstrations or picketing.
-I never attended large gatherings.
-I never attended public hearings.
-I never did any lobbying.
-I never tried to win friends and associates to a cause.
-I never worked for a political candidate.
-I never joined an organization.
-I never helped form local chapters of any state organization.
-I never had the inclination or courage to bear witness for a principle.
-I never did volunteer work.
-I never made a financial contribution to any organization.
-I never "got involved".

I never did these and a thousand other things until I became involved in the pro-life movement to protect all life, especially life in its most defenseless moments--in gestation, in birth, in illness, in injury, in old age, in death.

Now I do all of these things for the cause of life, and I wish that I could do more.

BOOKS AND OTHER MATERIALS AVAILABLE AT MCFL OFFICE

ABORTION AND SOCIAL JUSTICE, Edited by Thomas W. Hilgers, M.D. and Dennis J. Horan, Esq., J.D. (The most complete look at the abortion issue and the first serious response to the Supreme Court decision.)--$1.95

HANDBOOK ON ABORTION, by Dr. and Mrs. J.C. Wilke--$1.25

THE FIRST NINE MONTHS OF LIFE, by Geraldine Lux Flanagan--$1.00

HANDBOOK ON POPULATION, by Robert L. Sassone--$1.00

A SIGN FOR CAIN, by Fredric Wertham, M.D.--$.95

THE DEATH PEDDLERS-War On The Unborn, by Paul Marx, O.S.B., Ph.D.--$1.00

THE CHILD BEFORE BIRTH, by Joseph R. Stanton, M.D. (color brochure)--1-99 10c each; 100-999 9c each; 1000 or more 8c each.

SET OF ABORTION SLIDES PLUS CASSETTE--$16.50

CIRCLE OF LIFE BRACELET (To Be Worn Until The Decision Of The Supreme Court Is Reversed) The bracelet is a symbol of protest, action and love for every human life. September 24 to 30 is Circle of Life week.--$3.50

BUMPER STICKERS, POSTERS, and other items at no cost

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Massachusetts Citizens For Life, Inc.

430 CENTRE STREET NEWTON MASS. 02158 (617) 965-5433

"In recognition of the fact that each human life is a continuum from conception to natural death, the objective of this organization is to foster respect for human life and to defend the right to life of all human beings, born and unborn, through educational, political, and other forms of activity."

Volume II NEWSLETTER Number 1

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Roy E. Sampson

Vice-Presidents
Mildred F. Jefferson, M.D.
Francis P. O'Connor, Esq.
Janet Welch, R.N.

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Prof. James W. Smith
Framingham
Jean Stapleton
Stockton
Michael F. Vandal
Westport
Janet Welch, R.N.
Weymouth
Jean Wilkowski
Pittsfield
Mary Young
Newton

On May 1, 1974 Massachusetts Citizens For Life, Inc. will move into a new office given to us through the generosity of Thomas Flatley. Our new quarters will be located at the Framingham Office Park just behind the Sheraton Tara Hotel, which is situated at the junction of the Massachusetts Turnpike and Route 9, Exit 12 West. The new address is 1661 Worcester Road, Framingham 01701; and the new telephone number, barring a last minute change, will be (617) 872-5433 (USA-LIFE).

Any offers of office furniture, equipment, or supplies will be greatly appreciated. MCFL is most grateful to John Bermingham for his past and present contributions.

HELP

Moving into the new office on a full time basis will be a much needed and most welcome addition - a full time secretary in the person of Mrs. Kathleen Roth, a woman who has more than adequately handled the legislative work on the state level during the past year. Kathleen will remain as chairman of state legislation.

As much as Mrs. Roth, in her new capacity, will contribute to MCFL and the executive director, the need for volunteers will still be great. For the past year we have had a handful of volunteers who came into the office on a regular basis, and they were a tremendous help. But, many more office volunteers are still needed in order to keep up with mailing, filing, and general office duties, which increase as we grow. No special talents are necessary.

At the Framingham office, volunteers may work any weekday between 9 A.M. and 5 P.M. For those in the Newton area we shall continue to have the use of our old office for a while, and volunteers will be welcome Monday, Tuesday, or Wednesday evenings and Saturday or Sunday afternoons.

NEWSLETTERS

The reason for the long period between general newsletters has been the shortage of money and/or volunteer workers to help us in transposing our files so that in the future we shall be able to have our newsletters mailed out by a mailing firm. This work is nearly done now, and we shall be sending out a general newsletter in May.

This newsletter you are receiving now is being sent to members of MCFL who have made financial contributions. All 1974 dues paying members, from this point on, will be receiving a newsletter once a month, while a general newsletter will be sent three or four times a year to all the pro-life persons whomwe have on file, who now number about 60,000.

Those who keep best informed are members of MCFL chapters, for information is given to chapter chairmen on a regular basis, and the chairmen, in turn, pass on the information to chapter members. This may be done with a newsletter of their own or via their telephone chain. So, if you do not have a chapter formed yet in your town, this is another reason for doing so. Remember, all you need to do is set up a chapter formation meeting of at least a dozen persons who accept MCFL's statement of purpose. Then inform the central office of the time and location of the meeting, and we shall provide a speaker for you to help you to organize. Presently, we have 70 chapters, but we have a long way to go before reaching our goal of an MCFL chapter in every Massachusetts city and town. You can help us reach this goal by helping to form a chapter in your town if you do not already have one, or, if your town has a chapter, by helping a neighboring town to form one.

Your best source of national pro-life news is to be found in the National Right To Life News which is a very professional newspaper that is published monthly by the National Right To Life Committee of which MCFL is an affiliate. Our annual assessment to the NRLC is $28,000. Last year MCFL received and spent at the state level $32,764. Our budget for 1974 is $100,000, one-fifth of which has been realized as of this writing. The $28,000 assessment to the NRLC is included in our budget, and some of the things which can help to cut down our assessment are the taking out of memberships in the NRLC, (which will entitle a person to a year's subscription to the newspaper), and the purchasing of ads in the paper.

The forms found at the end of this newsletter may be used and sent to Mrs. Mary Hood, 108 Sexton Ave., Westwood, Mass. 02090. Mary is in charge of NRLC memberships and newspaper subscriptions. When sending your NRLC membership to Mary, do not forget to send along to her also your favorite recipes. Mary is putting together a pro-life cookbook, copies of which she will be selling.

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Dear Friend For Life:

If you see no pro-life news at all when you go through your daily paper, you see the effect of the "Paper Curtain" which screens out reports of your activities. Every day, somewhere in this country, there is an exciting pro-life event whether it is a demonstration of thousands in a major city, the passage of a bill to protect the unborn or the formation of another chapter of Massachusetts Citizens For Life.

We do not have time to beg biased magazines and newspapers for fairness. We are publishing our own monthly newspaper, The National Right To Life News. It is an excellent professional newspaper which you can take pride in presenting to anyone anywhere. Our subscription goal is 20,000 each year until everyone in this state is able to find a copy somewhere.

Every citizen needs to read it. Pro-lifers need it to be informed. The uncommitted and unaware need it in order to be able to make up their minds. The abortionists need to read it to know what we are up to.

Let each MCFL chapter set a goal of at least 100 subscriptions within one week of the time this letter is received if you have not done so already. That will give us a good start toward our goal. Additional subscription forms may be obtained from Subscription Chairman, Mrs. Mary Hood at the MCFL Central Office. Send the filled-in forms with checks to her so that we will know how our subscription drive is doing.

It is our newspaper. Let's get it circulating.

Yours For Life,

Mildred F. Jefferson

Mildred F. Jefferson, M.D.
NRLC Director for Massachusetts

Please Send Your Subscription Immediately!

DETACH AND MAIL TO:

MRS. MARY HOOD
108 Sexton Avenue, Westwood, Mass. 02090

( ) Individual Membership $5 ( ) Patron Membership $50
( ) Family Membership $10 ( ) Sponsor Membership $100
( ) Sustaining Membership $25

Sustaining, Sponsor and Patron members receive a weekly newsletter called the Gramm Sheet which keeps its members up to date on national pro-life events.
All members will receive the NATIONAL RIGHT TO LIFE NEWS.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

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MASSACHUSETTS citizens for life NEWSLETTER

BULK RATE
U. S. POSTAGE
PAID
BOSTON, MASS.
PERMIT NO. 56063

ONE GATEWAY CENTER
ROOM 202
P. O. BOX 291
NEWTON, MA 02160
(617) 964-7220

The recognition of the fact that each human life is a continuum from conception to natural death, the objective of this organization is to foster respect for human life and to defend the right to life of all human beings, born and unborn, through educational, political, and other forms of activity.

National Right To Life Convention - June 25-27, Boston

Convention '76 advance (discount) registration of $40.00 has been extended until Mother's Day, May 9th. In addition to a registration saving of $16.00, an another incentive to register now, early registrants will be eligible to win a week's free use of a four room house, which sleeps seven, on peaceful, relaxing Cape Cod.

SO REGISTER NOW, AND ASK YOUR RELATIVES AND FRIENDS TO DO THE SAME.

[illegible] CONVENTION HIGHLIGHTS

- Simulated congressional hearings
- Workshop meetings (running a chapter, raising funds, contacting legislators, and keeping track of expenditures)
- Workshop clinics (mathematic, psychological aspects of abortion, media, complications of abortions, maps, legal issues, and the socio-economics of abortion)
- Penguin breakfast (for early registrants only)
- Go-stops show (professional entertainment)
- Gala banquet
- All the storms pounds (bands, units, floats with representation from 30 states)

SPEAKERS

Dr. Matthew Bulfin (President of Amer. Assoc. of Pro-Life Obstetricians and Gynecologists)
Professor Robert H. Byre (Fordham Law School)
Rev. Charles Carroll (Episcopal priest and official U. S. observer at the Nuremberg trials of Nazi war criminals)
Mrs. Rhea Cleedy Coveau (Minneapolis sociologist)
H. Stanton Evans (radio commentator)
Judy Fish (Vice-president of American Citizens Concerned For Life)
Jean Head, R.N. (Radio technician)
Dennis J. Horan, Esq. (Chicago pro-life legal scholar)
Dr. Judith Wood Hughes (Vermont psychiatrist)
Mildred F. Jefferson, M.D. (President of National Right to Life Committee)
Robert Marshall (author of Harassing and Hope)
Mrs. Ellen McCormack (pro-life presidential candidate)
Heather Morris, M.D. (President of the Canadian physicians for life)
Congressman James Oberstar, D.-Minn. (Principal sponsor of HJLC Human Life Amendment)
Robert J. Rheems (author of Handbook on Feticides)
Mrs. Phyllis Schlafly (columnist and commentator)
Bishop Fulton J. Sheen (Philosopher and theologian, author and speaker)
Mrs. Louise Summerhill (Founder of Birthright)
Dr. and Mrs. John Wilke (Authors of Handbook on Abortion)
Professor Joseph Witherspoon (Texas constitutional lawyer)

Discount Period Extended to May 9

REGISTRATION • NATIONAL RIGHT TO LIFE CONVENTION '76 • JUNE 25, 26, 27, 1976

NAME _____ Phone Area Code ____ Phone No. _____
STREET _____ Parish Affiliation (if any) _____
CITY _____ STATE ____ ZIP ____

Enter one.

( ) DISCOUNT Registration
Postmarked by 9 May 1976 $40

( ) Regular Registration
Postmarked after 9 May 1976 $64

( ) Headliner Gala Banquet
The Grand Ballroom $25

( ) Headliner Gala Banquet
SECONDARY HALLS with CLOSED CIRCUIT TV $20

MY TOTAL PAYMENT $ _____

PAYMENT REQUIRED—PAYMENT or complete Credit Card Data MUST be received for Registration to be recorded and acknowledged. Thank You.

☐ Check or Money order PAYABLE TO: [illegible] MASTERCHARGE

[illegible] CONVENTION '76
Box 70 Back Bay Annex
Boston, MASS 02117

Interbank Number ____ ____
You number above your name

My Card number is ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

My Card Expires: Month ____ Year: ____

_____
Card Holders Signature

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PRO LIFE NEWS SERVICE

Current pro-life news may be obtained daily, any hour day or night, by calling 926-5433 (LIFE). Those who would like to sponsor the pro-life news service for a day may do so by sending $10.00 for that purpose to MCFL.

PRO LIFE LEGAL AID

The Pro-Life Legal Defense Fund stands ready to give legal assistance to pro-life individuals or groups. For further information, call PLLDF clerk, John O'Brien, at 247-0660.

BIRTHRIGHT

If you can provide jobs or low-cost housing, you may help steer some pregnant girls away from abortion. Call Birthright of Boston at 782-5151. Birthright would like also names of pro-life obstetricians and gynecologists.

LISTEN MY CHILDREN.....

Listen my children, and you shall hear
The tale of human life's frontier.....

In the din down when we begin
We'd all fit on top of a pin;

So small are we, so unaware
God alone knows that we are there

Yet programmed in that tiny speck
A wonder-work of genius rests,

And someone in mystic command
Has each feature perfectly planned

For He who guides the sparrow's flight
And dims the sun down every night

Knows that each 'speck' fulfills a need
Which beyond time has been decreed,

To love, as only humans can,
To glorify Him who made man.

Priscilla Lovenga

WANTED

- play pen in good condition
- book cases

Please contact MCFL office if you have either.

COMING EVENTS

May 8 Saturday 12:00 Noon - Mother's Day Fashion Show and Luncheon with mother and children fashions - Ramp & Board Restaurant, Norwood (Call Mary Hood 329-0943)
May 8 Saturday Clinton Chapter Dinner Dance (Call Eleanor Philbin 365-9547)
May 8 Saturday 7:30 P.M. - Greater Springfield Chapters dinner at Symphony Hall, Springfield $7.50 a person (Call Barbara Burley 413-736-5240)
June 19 Sat. 8:30 P.M.-MCFL Night at the Pops-$4.00 or $5.00, balcony seats, 400 tickets available (call Mary Hood at 329-0943 or MCFL office 964-7220)
June 23-27 Wednesday-Sunday - National Right To Life Convention

HMLC INSURANCE

Those interested in HMLC life insurance may contact the MCFL office.

TRANS-AMERICA BIKE-A-THON

Two seminarians from St. John's Seminary, Steve Jacome of Brighton and Larry Lots of Fall River, will bicycle 3300 miles this summer from San Diego to Boston to raise money and public attention to the need of a human life amendment.

You may help make the trip well worthwhile by filling in and returning to the MCFL office the pledge form below.

Trans America '76
BIKE - A - THON

I,_____Pledge the sum of:

( ) 1¢ per mile completed (maximum of 3300 miles)
( ) other, _____ per miles completed (maximum of 3000 miles)
( ) a contribution of_____for the bike trip

I understand that all proceeds will benefit Mass. Citizens for Life, and all out-of-State pledges will benefit the National Right to Life Committee.

_____

Address City State Zip Telephone

Signature _____

...a restraining order, minor girls in Massachusetts may once again have abortions without even the knowledge, let alone the consent of their parents.

Ironically, on the same day as Justice [redacted]man's contradictory decision, there was [redacted]ds in the newspapers on ear piercing in which it states that if you are 18 or under, you must have your parent's consent.

Any parents worthy of the name, whether for or against abortion per se, should shudder at the thought that their daughter can be subjected to the numerous physical and psychological dangers of abortion at the hands of a butcher - without their even having knowledge of their daughter's condition or the dangers to which she exposes herself.

Parents looking for somewhere to register their complaints might contact the media, the U.S. Supreme Court, the Attorney General's Office, and the Mass. Supreme Judicial Court, which is supposed to deal with the question of parental consent in the near future.

• • • • • • • • • • • • • • • • • •

1,000 - MONTH CLUB WINNERS FOR JULY - 1976 CONGRATULATIONS!

#176 Gloria & Joanne Phalon, Woburn	$1,000.	#985	Mrs. D. Curran, Woburn	$50.
#265 Rev. T. M. Courtney, Millers Falls	300.	#672,	Brockton Chapter MCFL	$50.
#384 Jackie Sindone, Woburn	200.	#128	Mrs.E. J. Mullarkey Westfield	$50.
#765 Joseph Gibson, Hull	100.			
#579 Paul Carey, Needham	50.	#424	Wm LaFay Brighton	$50
605 Nellie Bonnevie, Westfield	50.	#987	Mrs. E. Foley, Woburn	$50
and Mister Nesta Beaudoin, Springfield				$50.

NEXT DRAWING: Friday, August 13, 1976. If you have not yet paid your August Club dues, please use the enclosed business reply envelope for that purpose. There are many numbers still available, so anyone interested may call or write to the MCFL office for a LUCKY NUMBER.

+$+

PLAYS • SOFTBALL • SHOWBOAT

"Many thanks to Mary Hood of Westwood for running last month a very successful "MCFL NIGHT AT THE POPS" which raised $500 for MCFL.

"$300. was raised through chance-tickets to the July 20 Softball game in which MCFL came through with three runs in the last inning to edge the pro-life legislators, 9-7. The legislators were led by Sen. Allan McKinnon, Rep. William Connell, Rep. Ray Flynn, Rep. Angelo Scaccia, and Rep. Paul White. The prize winners were: Louise Bolles, of Wellesley, (oil painting), Jack Rowe of Salem (Celtics tickets), and Gerry Ryan of Hanson (canned ham).

"On next Tuesday 200 pro-lifers will watch beautiful and talented pro-life actress Ann Blyth star in the musical, SHOWBOAT, at the South shore Music Circus, Cohasset. If you wish to reserve tickets ($8.50 each), call Gertrude Fox at 383-9333 or the MCFL OFFICE.

CONVENTION '76

Many thanks to the many who gave their support to the National Right to Life Convention last month. MCFL director, Dr. Mildred F. Jefferson, was re-elected President of the National Right to Life Committee, and Dr. Carolyn Gerster was re-elected Chairman of the Board.

MARCH FOR LIFE

Thanks to all those persons from Massachusetts who made the trip to New York on July 11 to attend the pro-life rally in Central Park and the March around Madison Sq. Garden to protest the Democratic Anti-Life platform plank.

Governor Carter's vice-presidential running mate, Sen. Walter Mondale, has an anti-life voting record. Governor Reagan's choice as vice-president, Sen Richard Schweiker has a pro-life voting record.

AUGUST 17 ... IS THE LAST DAY TO REGISTER TO VOTE!!!!!!

SHOP FOR LIFE

Please mark the date, Tuesday, September 7th, the day after Labor Day, on your calendar. For, on that day, you can help Mass. Citizens For Life raise many thousands of dollars simply by shopping at one of the following stores: Arlington, (324 Mass. Ave.), and(1425 Mass. Ave.), Belmont, Brockton, Buzzards Bay, Chicopee, Cohasset, Danvers, Duxbury, Easthampton, East Longmeadow, Fall River (870 W. Main St.), Framingham, Greenfield, Hyannis, Jamaica Plain, (East) Lynn, Newton, No. Adams, Northampton, Norwood, Pittsfield, Quincy, Roslindale, Salem, South Boston, Springfield, Waltham, Wareham, West Boylston, West Springfield, Westfield, Woburn, Worcester, (88 Stafford St.) and Worcester (700 Southbridge St.)

The A & P stores offer non-profit organizations a chance to make some money by holding DONATION DAYS when 5% of the amount spent on groceries by a person holding a special A & P Donation Day coupon or card can be set aside for the non-profit organization, in our case, MCFL. We shall send further information and instructions to our [illegible] in the next letter and also in the general election newsletter.

OAC 9491

RECEIVED
FEDERAL ELECTION COMMISSION
93 JUL 20 PM 4:09

STATEMENT OF DESIGNATION OF COUNSEL

MUR: # 3109

NAME OF COUNSEL: Lois Eisner Murphy

ADDRESS OF COUNSEL: 109 Iona Avenue, Narberth, PA 19072

TELEPHONE: 215-664-0148

The above-named individual is hereby designated as counsel for the National Abortion Rights Action League (NARAL) and is authorized to receive notification and other communications from the Commission and to act on NARAL's behalf before the Commission.

Julie Schrager, Esq., and Trenton Norris, Esq., formerly of Arnold & Porter, who were previously designated as counsel, are no longer counsel for NARAL. Kathleen Wallman, Esq., of Arnold & Porter remains counsel for NARAL.

Date: July 20, 1993

Marcy J. Wilder, Senior Staff Attorney, NARAL

RESPONDENT'S NAME: NATIONAL ABORTION RIGHTS ACTION LEAGUE

RESPONDENT'S ADDRESS: 1156 15th Street, N.W., Suite 700
Washington, DC 20005

TELEPHONE: 202-973-3000

9504367 3610

OGC 0466

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

STATEMENT OF DESIGNATION OF COUNSEL

93 NOV 19 11 27 AM '93

RECEIVED
FEDERAL ELECTION COMMISSION
93 NOV 19 PM 3:15

MUR: # 3109

NAME OF COUNSEL: Susan Chertkof, Esq.

ADDRESS OF COUNSEL: Arnold & Porter
1200 New Hampshire Ave., N.W.
Washington, DC 20036

TELEPHONE: 202-872-6700

The above-named individual is hereby designated as counsel for the National Abortion Rights Action League (NARAL) and is authorized to receive notification and other communications from the Commission and to act on NARAL's behalf before the Commission.

Date: November 16, 1993

Marcy J. Wilder,
Legal Director, NARAL

RESPONDENT'S NAME: NATIONAL ABORTION RIGHTS ACTION LEAGUE

RESPONDENT'S ADDRESS: 1156 15th Street, N.W., Suite 700
Washington, DC 20005

TELEPHONE: 202-973-3000

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FEDERAL ELECTION COMMISSION
JUN 13 3 40 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) Enforcement Priority

SENSITIVE

GENERAL COUNSEL'S MONTHLY REPORT

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 10 cases which do not warrant further pursuit relative to the other pending cases.[1] A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each

1. These matters are: MUR 4087; MUR 4092; MUR 4093; MUR 4096; MUR 4097; MUR 4098; MUR 4100; MUR 4103; MUR 4106; and MUR 4114.

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case is attached to this report. See Attachments 1-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the internally-generated matter following the narrative. See Attachments 1-11.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 34 cases that

do not warrant further investment of significant Commission resources.[2] Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, in matters in which the Commission has made no

2. These matters are: MUR 2582; MUR 3109; MUR 3241; MUR 3426; MUR 3857; MUR 3858; MUR 3862; MUR 3866; MUR 3876; MUR 3879; MUR 3890; MUR 3893; MUR 3895; MUR 3896; MUR 3898; MUR 3902; MUR 3903; MUR 3904; MUR 3905; MUR 3907; MUR 3908; MUR 3912; MUR 3933; MUR 3958; MUR 3962; MUR 3978; MUR 3984; RAD 93L-19; RAD 94L-05; RAD 94L-11; RAD 94L-15; RAD 94L-21; RAD 94L-23; and RAD 94L-26.

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findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report. See Attachments 16-45. For cases in which the Commission has already made findings and for which each Commissioner's office has an existing file, this Office has attached the most recent General Counsel's Report. See Attachments 12-15.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective June 26, 1995. By closing the cases effective June 26, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for these cases.

9504367/3814

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective June 26, 1995 in the following matters:

1) RAD 93L-19
2) RAD 94L-05
3) RAD 94L-11
4) RAD 94L-15
5) RAD 94L-21
6) RAD 94L-23
7) RAD 94L-26

B. Take no action, close the file effective June 26, 1995, and approve the appropriate letter in the following matters:

1) MUR 3857
2) MUR 3858
3) MUR 3862

4) MUR 3866
5) MUR 3876
6) MUR 3879
7) MUR 3890
8) MUR 3893
9) MUR 3895
10) MUR 3896
11) MUR 3898
12) MUR 3902
13) MUR 3903
14) MUR 3904
15) MUR 3905
16) MUR 3907
17) MUR 3908
18) MUR 3912
19) MUR 3933
20) MUR 3958
21) MUR 3962
22) MUR 3978
23) MUR 3984
24) MUR 4087
25) MUR 4092
26) MUR 4093
27) MUR 4096
28) MUR 4097
29) MUR 4098
30) MUR 4100
31) MUR 4103
32) MUR 4106
33) MUR 4114

C. Take no further action, close the file effective June 26, 1995, and approve the appropriate letter in the following matters:

1) MUR 2582
2) MUR 3109
3) MUR 3241
4) MUR 3426

Jan 17, 1995
Date

Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document
Enforcement Priority	)	#X95-52

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 6-0 on each of the matters listed below to take the actions hereinafter described:

A. Decline to open a MUR and close the file effective July 5, 1995 in the following matters:

1) RAD 93L-19
2) RAD 94L-05
3) RAD 94L-11
4) RAD 94L-15
5) RAD 94L-21
6) RAD 94L-23
7) RAD 94L-26

B. Take no action, close the file effective July 5, 1995, and approve the appropriate letter in the following matters:

1) MUR 3857
2) MUR 3858
3) MUR 3862

(continued)

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4) MUR 3866
5) MUR 3876
6) MUR 3879
7) MUR 3890
8) MUR 3893
9) MUR 3895
10) MUR 3896
11) MUR 3898
12) MUR 3902
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28) MUR 4097
29) MUR 4098
30) MUR 4100
31) MUR 4103
32) MUR 4106
33) MUR 4114

(continued)

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C. Take no further action, close the file effective July 5, 1995, and approve the appropriate letter in the following matters:

1) MUR 2582
2) MUR 3109
3) MUR 3241
4) MUR 3426

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision with respect to each of these actions.

Attest:

6-30-95
Date

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

9504367/3618

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 6, 1995

Jack Hawke, Chairman
Republican Party of North Carolina
1410 Hillsborough Street
P.O. Box 12905
Raleigh, NC 27605

RE: MUR 3109

Dear Mr. Hawke:

On August 13, 1990, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). On July 28, 1992, the Commission found reason to believe that NARAL, Inc. violated 2 U.S.C. §§ 433(a), 434(a), 434(c), and 441b, NARAL-NC Federal PAC violated 434(b) and 441a(a)(2), NARAL of Iowa violated 2 U.S.C. §§ 433(a) and 434(a) and the Harvey Gantt for Senate Committee violated 441b, 441a(f), and 434(b).

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action against respondents. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on July 5, 1995. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

9504367338 19

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Susan Chertkof, Esq.
Arnold & Porter
555 12th Street NW
Washington, DC 20004

RE: MUR 3109
NARAL Inc., NARAL-PAC,
NARAL of Iowa, NARAL-NC
Federal PAC

Dear Ms. Chertkof:

On July 28, 1992, the Federal Election Commission found reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when they are received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

George C. Covington, Esq.
Kennedy, Covington, Lobdell & Hickman
3300 NCNB Plaza
Charlotte, NC 28280-8082

RE: MUR 3109
Harvey Gantt for Senate
Committee and Bobby T.
Martin, as treasurer

Dear Mr. Covington:

On July 28, 1992, the Federal Election Commission found reason to believe that your clients violated 2 U.S.C. §§ 441b, 441a(f), and 434(b) of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when they are received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

THIS IS THE END OF MUR # 3109

DATE FILMED 8-2-95 CAMERA NO. 1

CAMERAMAN JMH

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