



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 1343

Date Filmed 3-25-81 Camera No. --- 2

Cameraman LPC

31040231641

3177231515

mailed 2-26-81

PS Form 3811, Jan. 1978

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Peter B. Lemmon, Jr.

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 125C866

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Rose-Mary J. [Signature]

4. DATE OF DELIVERY
3-2-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
1343 [Signature]

CLERK'S INITIALS

1978-25-000

51512101010

mailed 2/24/41

NO Form 3811, Jan. 1939

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☐ Show to whom and date delivered.

☐ Show to whom, date and address of delivery.

☐ RESTRICTED DELIVERY
Show to whom and date delivered.

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

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO:

James R. Cooke

ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

ESC846

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Kimberly Bachner

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete and legible)

1543 Highland

6. UNABLE TO DELIVER - REASON:

CLERK'S INITIALS

★ GPO : 1939-528-648



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 26, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter B. Gemma, Jr.
Executive Director
National Pro-Life Political
Action Committee
101 Park Washington Ct.
Falls Church, Virginia 22046

Re: MUR 1343


Dear Mr. Gemma:

The Federal Election Commission has reviewed the allegations of your complaint dated November 12, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971 as amended (the "Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,


Charles N. Steele
General Counsel

91010234517

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter E. Gemma, Jr.
Executive Director
National Pro-Life Political
Action Committee
101 Park Washington Ct.
Falls Church, Virginia 22046

Re: MUR 1343

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Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

JT/dmm 02/09/81

2-24-81



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James R. Cooke
Suite 604
1515 North Court House Road
Arlington, Virginia 22201

Re: MUR 1343

Dear Mr. Cooke:

On November 17, 1980, the Commission notified your clients, Ed DeBolt and Friends of Frank Wolf, of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 23, 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele", is written over the typed name.

Charles N. Steele
General Counsel

8100231519

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James R. Cooke
Suite 604
1515 North Court House Road
Arlington, Virginia 22201

Re: MOR 1343

Dear Mr. Cooke:

On November 17, 1980, the Commission notified your clients, Ed DeBolt and Friends of Frank Wolf, of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles F. Steele
General Counsel

JT/dmm 02/09/81

gt
2-24-81

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Ed DeBolt)

Friends of Frank Wolf)

MUR 1343

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 23, 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1343:

1. Find NO REASON TO BELIEVE that the Friends of Frank Wolf through its agent Ed DeBolt violated the Act.
2. Send the letters as submitted with the First General Counsel's Report dated February 19, 1981.
3. Close the file.

Commissioners Aikens, McGarry, Reiche, Thomson, and Tiernan voted affirmatively in this matter.

Attest:

2/24/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 2-19-81, 11:01
Circulated on 48 hour vote basis: 2-19-81, 4:00

February 19, 1981

MEMOANDUM TO: Marjoire W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1343

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

31719231652

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 FEB 19 A11: 01

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 2-19-81

MUR 1343
DATE COMPLAINT RECIEVED
BY OGC: 11/13/80
STAFF MEMBER:
Judy Thedford

COMPLAINANT'S NAME: Peter B. Gemma, Jr., Executive Director
National Pro-Life Political Action Committee

RESPONDENTS' NAME: Ed DeBolt, Friends of Frank Wolf

RELEVANT STATUTE: 2 U.S.C. §§ 431(17), 434
441a, 11 C.F.R. § 109.1(b)(4)

INTERNAL REPORTS CHECKED: Friends of Frank Wolf

FEDERAL AGENCIES CHECKED: N/A

SUMMARY OF ALLEGATIONS

In a notarized complaint filed by Peter B. Gemma, Jr., executive director of National Pro-Life Political Action Committee ("NPL-PAC"), NPL-PAC requested the Commission to look into actions by Ed DeBolt, a representative of Friends of Frank Wolf, to protect NPL-PAC's action on behalf Frank Wolf and to protest Ed DeBolt's attempt to discourage NPL-PAC's independent expenditure. Specifically, the complaint stated that NPL-PAC had coordinated an independent expenditure campaign on behalf of Frank Wolf which consisted of distributing 26,000 flyers at churches on November 2, 1980; that Ed DeBolt, claiming to represent the Wolf campaign, contacted NPL-PAC the Saturday before the distribution (November 1, 1980) in an attempt to dissuade the NPL-PAC from going ahead with the project (See Attachment I).

Copies of the complaint were sent to Ed DeBolt and R.K. Brandstedter, treasurer of the Friends of Frank Wolf.

8100231553

RESPONDENT'S DEFENSE

On December 15, 1980, a response was submitted on behalf of Friends of Frank Wolf ("FFW") by James R. Cooke, counsel for the respondent (See Attachment II). The response indicated that the complainant appeared to have alleged violations of 11 C.F.R. § 100.16, which then leads to additional violations of 2 U.S.C. § 434 and § 441a by the respondent (See page 2, Attachment II).

Cooke's response set forth the facts of the case as follows: that the FFW became aware of NPL-PAC's activity to distribute the flyers on October 31, 1980; that Ed DeBolt, acting on behalf of the respondent, contacted Mr. Gemma by phone on November 1, 1980; that the conversation, which lasted a total of 10 minutes, confirmed that NPL-PAC was going to distribute the flyers; that DeBolt asked Gemma not to proceed and to channel its efforts through the FFW; and, that Gemma stated NPL-PAC's distribution would proceed as planned (See page 3 Attachment II).

The response also stated that a review of FFW's records showed that no one having an official connection with the respondent or acting on its behalf had any contact with NPL-PAC prior to November 1, 1980; that no financial or in-kind contributions were made to FFW by NPL-PAC; that FFW has no information that NPL-PAC made any independent expenditures in support of Frank Wolf except for the cost of the flyers; that prior to October 31, 1980, FFW had no idea of NPL-PAC's interest in the Wolf candidacy, or that NPL-PAC had a headquarters in tenth district (See page 3 of Attachment II).

Counsel Cooke's analysis of the matter stated that the language of 11 C.F.R. § 100.16 and 2 U.S.C. § 431(17) calls for an act of cooperation; and, that clearly, in this case, where the respondent opposed the distribution of the flyers and any other independent expenditure, cooperation was not present. Therefore, counsel concluded that no violation of the Act has occurred and that the November 1, 1980 phone call does not void NPL-PAC's independent expenditure and 2 U.S.C. § 434 and § 441a violations do not arise (See page 3 and 4, Attachment II).

In section III of Cooke's response, counsel argues that a candidate should be able to directly contact, at least once, any person or group planning independent efforts on the candidate's behalf, in order to request the person or group to abandon the independent effort or channel the effort through the candidate's principal campaign committee. Cooke states that in fairness to candidate, where as the present case, the independent supporter seeks participation in the campaign at the eleventh hour and is engaging in activities inconsistent with the tone and tenor

of the candidate, that the candidate not be required to stand idly by and only take follow-up action. Counsel Cook argued that the flyer involved in this matter could have evoked an emotional and unpredictable response and may have impaired the campaign in its closing hours; and that it would have been difficult for FFW to respond to NPL-PAC's activity taking place so close to the election (See pages 6-7 of Attachment II).

LEGAL ANALYSIS

The complainant requests the Commission to look into actions by Ed DeBolt, an agent of FFW, to protect its actions and to protect Mr. DeBolt's actions. Specifically, the NPL-PAC filed the complaint to be assured that its independent expenditures activity done on behalf of Frank Wolf would not be viewed as an in-kind contribution due to the phone call by Ed DeBolt to the complainant on November 1, 1980, the night before NPL-PAC's planned independent expenditure activity was to take place.

2 U.S.C. § 431(17) 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, 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."

11 C.F.R. § 109.1(b)(4)(i) defines the phrase, "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 agent or authorized committee of the candidate" to mean "any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication."

In DeBolt's November 1, 1980 phone call to Gemma which was made prior to the NPL-PAC's distribution, Mr. DeBolt requested that the NPL-PAC's distribution not take place as planned and that all NPL-PAC's efforts be coordinated through FFW. Both FFW's response and the complaint concur that the telephone discussion ended with understanding that NPL-PAC's activity would continue and be conducted as planned prior to DeBolt's contact. Therefore, the direction given by DeBolt in attempting to discourage NPL-PAC did not have any influence on the activity as planned by NPL-PAC prior to the November 1, 1980 phone call. Additional, Cook's response stated that, "No one having any official connection with Respondent, or acting on behalf of Respondent, had any contact with Complainant prior to November 1, 1980."

The issue raised in this matter raises many question about such a communication and its impact of the independent expenditure. Negative communications by a candidate to a person or group conducting an independent expenditure could easily be used to impart information to the person or group conducting the independent expenditure and influence the activity. However, in this matter where the flyer was printed independently, contact was made the night before the planned independent activity, and the contact did not influence the previously planned activity, the "independency" of NPL-PAC's activity does not appear to have been negated.

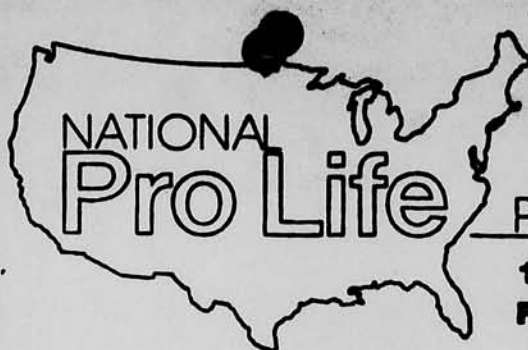
RECOMMENDATIONS

1. Find no reason to believe that the Friends of Frank Wolf through its agent Ed DeBolt violated the Act.
2. Send the attached letters.
3. Close the file.

Attachments:

- I - Complaint
- II - Cooke Response
- III - Proposed Letters

31770234556



POLITICAL ACTION COMMITTEE

101 Park Washington Ct.

Falls Church, Virginia 22046 (703) 536-7650

Board of Directors

Rev. Charles Fiore, O.P.,
Chairman

Thomas F. Roesser,
1st Vice-Chairman

Rev. Morris Sheets,
2nd Vice-Chairman

Carmen V. Speranza, Esq.,
William J. Isaacson, Esq.,
Of Counsel

Hon. Harold Froehlich
Rep. Louis "Woody" Jenkins
Susan Armacost
Anthony J. Lauinger

Executive Director
Peter B. Gemma, Jr.

November 12, 1980

Mr. Kenneth A. Gross
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Gross:

Per your letter of November 6th, I am re-submitting my complaint against Mr. Ed DeBolt.

The National Pro-Life Political Action Committee recently coordinated an independent expenditure campaign on behalf of Republican candidate Frank Wolf of Virginia's 10th Congressional District. This effort entailed the distribution of approximately 26,000 flyers at various churches within the district on the Sunday before election day.

Somehow word of this reached the Wolf campaign, and on Saturday, November 1st at approximately 2:00PM, Mr. Ed DeBolt -- claiming to represent the Wolf campaign -- contacted this office attempting to dissuade our committee from going ahead with the project. During my telephone conversation with Mr. DeBolt, I made the point, several times, that because of FEC regulations I should not be discussing our activities with official representatives of the campaign. However, Mr. DeBolt persisted in trying to influence our decision to follow-through with our plans.

To protect National Pro-Life PAC's actions on behalf of the Wolf campaign, and to protest Mr. DeBolt's attempt to discourage our independent expenditure project, I am formally requesting that the Federal Election Commission look into this matter.

I do solemnly affirm that the statements made in this affidavit are the truth, the whole truth, and nothing but the truth, so help me God.

Peter B. Gemma, Jr.
Peter B. Gemma, Jr.
Executive Director

P.S. Mr. DeBolt may be reached in care of Friends of Frank Wolf, 1515 North Courthouse, Suite 302, Arlington, Virginia 22201.

PBG, JR/rmf

Madeline T. Mazing
Notary Public

My Commission Expires August 16, 1983

Attachment 1 pg 1

Advisory Committee

Hon. John W. McCormack,
Former Speaker of House, Ma.

Hon. E.J. (Jake) Garn,
United States Senator, Ut.

Hon. Orrin G. Hatch,
United States Senator, Ut.

Hon. Robert E. Bauman,
Congressman, 1st Dist., Md.

Hon. Henry J. Hyde,
Congressman, 6th Dist., Ill.

Hon. Thomas N. Kindness,
Congressman, 8th Dist., Oh.

Hon. Larry McDonald, M.D.,
Congressman, 7th Dist., Ga.

Hon. Martin A. Russo,
Congressman, 3rd Dist., Ill.

Hon. Robert K. Dornan,
Congressman, 27th Dist., Ca.

Hon. Harold L. Volkmer,
Congressman, 9th Dist., Mo.

Hon. Robert A. Young,
Congressman, 2nd Dist., Mo.

Hon. Ron Paul, M.D.,
Congressman, 22nd Dist., Tx.

Rev. Harold O.J. Brown,
Chm., Christian Action

Council, Ill.

Randy Engel,
Pres., U.S. Coalition for Life, Pa.

Professor Victor Rosenblum,
Northwestern Univ. Law

School, Ill.

Professor Charles E. Rice,
Notre Dame Law School, Ind.

Rev. Donald M. Parker,
Editor, The Christian Citizen, Ill.

Jay Bowman,
Nat'l Right to Life Comm., Ga.

Kenneth VanDerhoef, Esq.,
Nat'l Right to Life Comm., Wa.

Alice Hartle,
Past Ed., Nat'l Right to Life

News, Mn.

Donald T. Manion, M.D.,
Physician & Surgeon, Or.

John F. Hillbrand, M.D.,
Alternatives to Abortion

International, Oh.

Herbert J. Ratner, M.D.,
Ed., Child & Family Quarterly, Ill.

Francis P. Filice, Ph.D.,
Biologist, Univ. of San Fran., Ca.

John Finn, Jr.,
Business Executive, Ca.

Titles for identification only
A copy of our report is on file
and may be purchased from The
Federal Election Commission,
Washington, D.C.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 6, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter B. Gemma, Jr.
Executive Director
National Pro Life Political Action Committee
101 Park Washington Court
Falls Church, VA. 22046

Dear Mr. Gemma:

We have received your letter of November 3, 1980, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended (the "Act").

As set forth in 2 U.S.C. § 437g(a)(1), any person who believes that there has been a violation of any law within the Commission's jurisdiction may file a written complaint. In order for the Commission to take action on such a complaint, its contents must be sworn to and signed in the presence of a notary, and notarized. Your letter did not satisfy this requirement of the Act.

In addition, Commission Regulations, found at 11 C.F.R. § 111.4, provide that a complaint:

- (1) must contain the full name and address of the person making the complaint;
- (2) should clearly identify as a respondent each person or entity who is alleged to have committed a violation;
- (3) should identify the source of information upon which the complaint is based;

1 pg 2

- (4) should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction; and
- (5) should be accompanied by supporting documentation if known and available to the person making the complaint.

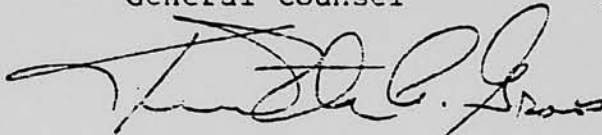
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed please find a copy of §§ 111.4 - 111.10 of Commission regulations which deal with preliminary enforcement procedures. I hope that an examination of these materials will answer most of your questions, and will enable you to be specific in any assertions or allegations you might make in the event you wish to file a legally sufficient complaint with the Commission.

Please contact Elissa Garr, 202-523-4073, of this office should you have any questions about the procedures which should be followed.

Sincerely,

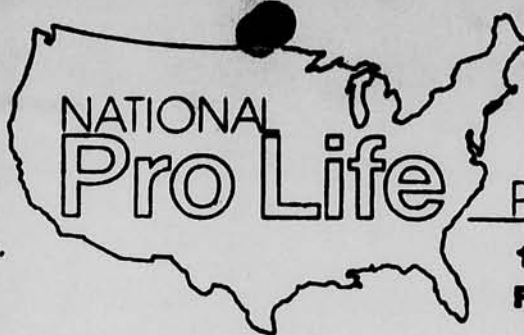
Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel
202-523-4175

Enclosure

cc: Frank R. Wolf
Ed Debolt
Friends of Frank Wolf



80 NOV 4
GCC#3236
HAND DELIVERED

POLITICAL ACTION COMMITTEE

101 Park Washington Ct.

Falls Church, Virginia 22046

10 NOV 4 P 2:20
(703) 536-7650

Board of Directors

Rev. Charles Fiore, O.P.,
Chairman
Thomas F. Roeser,
1st Vice-Chairman
Rev. Morris Sheets,
2nd Vice-Chairman
Carmen V. Speranza, Esq.,
William J. Isaacson, Esq.,
Of Counsel
Hon. Harold Froehlich
Rep. Louis "Woody" Jenkins
Susan Armacost
Anthony J. Lauinger

Executive Director

Peter B. Gemma, Jr.

November 3, 1980

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

Dear Sirs:

Advisory Committee

Hon. John W. McCormack,
Former Speaker of House, Ma.
Hon. E.J. (Jake) Garn,
United States Senator, Ut.
Hon. Orrin G. Hatch,
United States Senator, Ut.
Hon. Robert E. Bauman,
Congressman, 1st Dist., Md.
Hon. Henry J. Hyde,
Congressman, 6th Dist., Ill.
Hon. Thomas N. Kindness,
Congressman, 8th Dist., Oh.
Hon. Larry McDonald, M.D.,
Congressman, 7th Dist., Ga.
Hon. Martin A. Russo,
Congressman, 3rd Dist., Ill.
Hon. Robert K. Dornan,
Congressman, 27th Dist., Ca.
Hon. Harold L. Volkmer,
Congressman, 9th Dist., Mo.
Hon. Robert A. Young,
Congressman, 2nd Dist., Mo.
Hon. Ron Paul, M.D.,
Congressman, 22nd Dist., Tx.
Rev. Harold O.J. Brown,
Chm., Christian Action
Council, Ill.
Randy Engel,
Pres., U.S. Coalition for Life, Pa.
Professor Victor Rosenblum,
Northwestern Univ. Law
School, Ill.
Professor Charles E. Rice,
Notre Dame Law School, Ind.
Rev. Donald M. Parker,
Editor, The Christian Citizen, Ill.
Jay Bowman,
Nat'l. Right to Life Comm., Ga.
Kenneth VanDerhoef, Esq.,
Nat'l. Right to Life Comm., Wa.
Alice Hartle,
Past Ed., Nat'l. Right to Life
News, Mn.
Donald T. Manion, M.D.,
Physician & Surgeon, Or.
John F. Hillabrand, M.D.,
Alternatives to Abortion
International, Oh.
Herbert J. Ratner, M.D.,
Ed., Child & Family Quarterly, Ill.
Francis P. Filice, Ph.D.,
Biologist, Univ. of San Fran., Ca.
John Finn, Jr.,
Business Executive, Ca.

The National Pro-Life Political Action Committee recently coordinated an independent expenditure campaign on behalf of Republican candidate Frank Wolf of Virginia's 10th Congressional District. This effort entailed the distribution of approximately 26,000 flyers at various churches within the district on the Sunday before election day -- November 2nd.

Somehow word of this reached the Wolf campaign, and on Saturday, November 1st at approximately 2:00PM, Mr. Ed DeBolt -- claiming to represent the Wolf campaign -- contacted this office attempting to dissuade our committee from going ahead with the project. During my telephone conversation with Mr. DeBolt, I made the point, several times, that because of FEC regulations, I should not be discussing our activities with official representatives of the campaign. However, Mr. DeBolt persisted in trying to influence our decision to follow through with our plans.

To protect National Pro-Life PAC's actions on behalf of the Wolf campaign, and to protest Mr. DeBolt's attempt to discourage our independent expenditure project, I am formally requesting that the Federal Election Commission look into this matter.

Very truly yours,

Peter B. Gemma, Jr.
Peter B. Gemma, Jr.
Executive Director

P.S. Mr. DeBolt may be reached in care of Friends of Frank Wolf, 1515 North Courthouse, Suite 302, Arlington, Virginia 22201.

PBG, JR/rmf

Titles for identification only

A copy of our report is on file and may be purchased from The Federal Election Commission, Washington, D.C.

1 pg 4

Theodore

LAW OFFICES
JAMES R. COOKE
SUITE 604
1515 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201
(703) 528-1601

80 DEC 18 P12:32

80 DEC 18 P3:23

December 15, 1980

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

Re: MUR 1343 (80)

Dear Mr. Steele:

By letter of November 19, 1980 to Mr. R. K. Brandstedter, you advised Friends of Frank Wolf ("Respondent") 1/ that the captioned complaint had been filed with the Federal Election Commission ("Commission") by Mr. Peter B. Gemma, Jr., Executive Director of the National Pro Life Political Action Committee ("Complainant"). Pursuant to Section 111.6 of the Commission's Regulations (See 11 CFR 111.6) and for the reasons set forth below, 2/ Respondent submits that there is no basis for the Commission to find reason to believe that Respondent has violated either the Federal Election Campaign Act of 1971, as amended ("Act"; See 2 U.S.C. 431 et seq.) or any regulation promulgated by the Commission thereunder (See 11 CFR 100.1 et seq.).

- 1/ Respondent is the principal campaign committee of Congressman-elect Frank Wolf who will represent the Tenth District of Virginia in the 96th Congress.
- 2/ The factual representations herein are supported by affidavits of Messrs. Gus Hubal, Campaign Manager for Respondent, and Edward S. DeBolt, political consultant to Respondent, attached hereto as Appendices 1 and 2. The representations herein are based upon the recollections of Respondent's agents and officials and review of Respondent's records for the 1980 general election campaign.

Since the captioned complaint relates solely to facts arising in the final days of the general election campaign, Respondent's factual representations herein are limited to the period of the general election, (June 11, through November 4, 1980). Records and recollections concerning the primary election campaign have been reviewed only to extent Respondent has deemed it necessary to assure that the factual

(cont'd page 2)

Attachment 2 pg 1

I. Procedural Matters; Summary of Position

Your letter was received by Respondent November 19, 1980 so a response was due by December 4, 1980. By separate letters of December 4, 1980, I advised Judy Thedford, Esquire of your staff that: (1) I would represent the Respondent in the matter; and (2) it would not be possible to submit a response by December 4, 1980 but that a response would be submitted by December 15, 1980. (Ms. Thedford had previously advised that: (1) full compliance with Regulation 111.23 was not required; and (2) in light of the Commission's current complaint processing procedures, Respondent would not be prejudiced by the delay in submitting its response.)

Neither Complainant's letter to the Commission nor your letter to Respondent specifies what statutory or regulatory provisions may have been violated by Respondent. Absent any statement by the Complainant or the Commission of the relevant legal and public policy issues presented, it is appropriate as a preliminary matter to set forth Respondent's perception of the matters at issue. Respondent believes the principal question is whether its November 1, 1980 contact with Complainant constituted "cooperation", etc., within the meaning of Regulation 100.16, between a candidate and an otherwise independent supporter. If that contact is deemed cooperation within the meaning of the regulation, a subsidiary question arises as to whether Respondent, and ironically Complainant, may have violated the financial reporting requirements and contribution limitations of the Act (See 2 U.S.C. 434 and 441a). For the reasons set forth below, Respondent submits that: its contact with Complainant did not constitute such cooperation; and there thus has been no violation of either the Act or the Commission's regulations by Respondent or, for that matter, Complainant.

2/ (footnote continued)

representations herein are not only accurate but also fairly describe the total campaign. For example, Respondent has reviewed its financial records for both the general and primary elections and determined that it did not receive any contributions from Complainant in connection with either campaign. On the other hand, Respondent has not determined whether, during the primary election, it may have replied to routine questions or questionnaires from Complainant concerning Mr. Wolf's positions on various issues. The former point appears potentially relevant in the context of this complaint while the latter point does not.

Charles N. Steele, Esquire
December 15, 1980
Page Three

II. As a Matter of Law, Respondent's Contact
With Complainant Did Not Constitute
"Cooperation" Within the Meaning of
Regulation 100.16

3 1 7 1 7 2 3 1 5 3 3
The facts which give rise to the captioned complaint are relatively simple and apparently not materially disputed. On October 31, 1980 Respondent became aware through campaign volunteers that Complainant intended to distribute the flyer attached hereto as Appendix 3 at various churches in the Tenth District on November 2, 1980. Mr. Edward S. DeBolt, acting on behalf of Respondent, contacted Mr. Gemma by telephone on November 1, 1980. After Mr. Gemma confirmed that Complainant planned to distribute the flyer, Mr. DeBolt asked that this effort not proceed. He urged that Complainant, instead, channel its efforts in support of Mr. Wolf through Respondent. Mr. Gemma advised Mr. DeBolt that the distribution would proceed as planned. The conversation lasted for a total period of less than 10 minutes.

Upon receipt of your letter, Respondent reviewed its records and recollections as described in Footnote 2 above and determined, to the best of its knowledge, that during the general election campaign:

- No one having any official connection with Respondent, or acting on behalf of Respondent, had any contact with Complainant prior to November 1, 1980.
- Complainant did not make any financial or "in-kind" contributions to Respondent.
- Respondent has no information that Complainant made any independent expenditures in support of Mr. Wolf's candidacy except the costs incurred in producing the flyer in question.
- Until October 31, 1980 Respondent was unaware of Complainant's interest in Mr. Wolf's candidacy, or even that Complainant's headquarters were located within the Tenth District.

In these circumstances, Respondent submits that Mr. DeBolt's November 1, 1980 call to Complainant did not represent "cooperation" between a candidate and one planning to make independent expenditures on his behalf.

The language of Regulation 100.16 is taken directly from the statute (See 2 U.S.C. 431 (17)). Respondent has been unable to find anything in the legislative history of the Act or the Commission's explanation of its regulations 3/ which indicates that the words used in the statute or the regulations have any meaning other than their conventional dictionary

3/ See, for example, Senate Report (Rules and Administration Committee) No. 94-677, March 2, 1976 and Commission action at 41 F.R. 35932, et seq., August 25, 1976.

Charles N. Steele, Esquire
December 15, 1980
Page Four

8

definitions 4/. Respondent respectfully submits that only the most tortured reasoning could lead one to conclude that Mr. DeBolt's November 1, 1980 telephone call should cause Complainant's distribution of flyers to be deemed to have been carried out "in concert with" the candidate, or at the candidate's "request or suggestion" or in "cooperation or consultation with" the candidate. The common element of these words and phrases is the act of cooperation. Clearly that element does not exist in the present case where Respondent opposed not only the distribution of this flyer but also any other independent efforts by Complainant on behalf of Mr. Wolf. 5/

317023454

In view of the foregoing, Respondent respectfully submits that there is no basis in law or fact for concluding that Mr. DeBolt's November 1, 1980 call to Mr. Gemma rendered Complainant's expenditure for the flyers in question anything other than an independent expenditure within the meaning of Regulation 100.16. Consequently, Respondent submits that the potential subsidiary question of whether Respondent and Complainant violated the financial reporting requirements or contribution limitations simply does not arise.

4/ Webster's New Collegiate Dictionary, 1979 edition, includes the following relevant definitions:

concert 1 a: agreement in design or plan: union formed by mutual communication or opinion and views.

consult 1 a: to ask the advice or opinion of (consult a doctor)
b: to refer to (consult a dictionary) 2 a: to have regard to:
consider 1: to consult an individual 2: to deliberate together: confer.

consultation 2: the act of consulting or conferring.

cooperate 1: to act or work with another or others: act together.

cooperation 1: the action of cooperation: common effort.

request 1: to make a request to or of (requested her to write a paper) 2: to ask as a favor or privilege (he requests to be excused).

suggest 1 a: to seek to influence: seduce d: to propose as desirable or fitting (suggest a stroll) 2 b: to serve as a motive or inspiration for (a play suggested by a historic incident).

suggestion 1 a: the act or process of suggesting.

5/ It is, of course, possible to conceive of circumstances in which the requisite cooperation could be achieved solely through selective negative

(cont'd page 5)

2 pg 4

Charles N. Steele, Esquire
December 15, 1980
Page Five

III. Respondent's Interpretation of the Act
and the Regulation is Supported by
Fundamental Public Policy Considerations

31740234355
An independent group supporting or opposing a particular candidacy has a constitutionally protected right to advance its views. 6/ As a matter of both law and sound public policy, a candidate must have at least a limited parallel right directly to ask any person or group planning independent efforts on his behalf to abandon those efforts and channel their financial and volunteer support through his principal campaign committee. As the Supreme Court has recognized, 7/ independent efforts on behalf of a candidate may well hinder rather than advance that candidate's cause. 8/ Respondent, therefore, submits that considerations of elemental fairness dictate -- at an absolute minimum -- that a candidate be able directly to contact, at least once, any person or group planning independent efforts on behalf of his candidacy in order to ask that:

- the independent effort be abandoned; and
- the support be channeled through the candidate's principal campaign committee.

Respondent believes that a candidate has a constitutionally protected right to repeat such requests. However, its essential position for present purposes

5/ (footnote continued)
feed-back from a candidate to allegedly independent supporters. However, this could only be achieved through continuing contacts between the candidate and the "independent" supporters. Moreover, it would require a pattern and manner of communication which would be a transparent subterfuge. Clearly, there is absolutely nothing to suggest that such "negative communication" occurred in this instance.

6/ Buckley vs Valeo. 424 US 1, 50-51 (1976)

7/ Ibid., p. 47

8/ For this reason, whenever Respondent became aware that any person or group was contemplating independent action in support of Mr. Wolf's candidacy, it asked that such support be channeled through Mr. Wolf's principal campaign committee. (So far as respondent is aware, all efforts in support of Mr. Wolf's candidacy were in fact carried out through it.)

is that, as a matter of both law and sound public policy, a candidate may properly make a single contact of the type here in question. 9/

The element of fairness to the candidate is especially important where, as here, the independent supporter: 1) first seeks to participate in the campaign at the eleventh hour; and 2) engages in activities which are inconsistent with the tone and tenor of the campaign as theretofore conducted by the candidates. 10/ As described above, Respondent was unaware of Complainant's interest in Mr. Wolf's campaign until four days before the election and did not see the flyer in question until even later. Complainant planned to distribute the flyer, for what we believe to be the first time, less than 48 hours before balloting was to begin. The plain fact is that, in these circumstances, it is grossly unfair to a candidate to require that he stand idly by until after the distribution is made and only then undertake whatever follow-up action he may deem appropriate.

For example, it is obvious that the flyer here in question was likely to evoke an emotional -- and not entirely predictable -- response from some who might either receive it or hear about it. It is thus conceivable that Complainant's attempt to support Mr. Wolf might, instead, have impaired his campaign in its closing hours. 11/ In the circumstances here presented, it would have been impossible for Mr. Wolf to respond meaningfully to any adverse reaction to the flyer.

9/ Respondent's essential position in this regard is so limited because this minimal proposition is dispositive of the present complaint.

10/ As a general matter the candidates for election to the House of Representatives from Virginia's Tenth District refrained from emotional appeals to the voters or personal attacks on their opponents. They generally chose, instead, to focus their campaign statements on public policy issues. Respondent believes that this approach gave voters in the Tenth District a much more meaningful discussion of public policy issues than would otherwise have been possible. In Respondent's view, the tenor of the flyer attached hereto as Appendix 3 is quite inconsistent with the general tenor of the campaign established by the candidates.

11/ Note in this connection that it is reasonable to assume that most persons receiving or hearing about the flyer would assume it to have originated from or been approved by the Wolf campaign since the legend "Frank Wolf For Congress" is prominently positioned and appears in large, bold type while the required disclaimer "Not authorized by any candidate or candidate's committee" appears in extremely small type at at the very bottom of the flyer.

Charles N. Steele, Esquire
December 15, 1980
Page Seven

As we presume the Commission is well aware, it would have been impossible on Sunday, November 2, 1980 for Respondent to arrange any meaningful newspaper, radio or television response to the flyer 12-- regardless of the public reaction to it. Respondent submits that the public interest would not be served by this result.

More broadly, Respondent notes that the 1980 elections have generated substantial concern over the impact of independent campaign expenditures on the candidacies of both those supported and those opposed by independent groups. As the Commission is surely aware, there is widespread concern over the potential for campaign abuses by such groups. Respondent respectfully submits that the potential for such abuse would be compounded if the Commission were to interpret its regulations and/or the Act so as to insulate independent committees from efforts by candidates to persuade them to channel their efforts through the candidates' principal campaign committees.

IV. Conclusion

In view of the foregoing, Respondent submits that there is no basis in law or fact for the Commission to find that there is reason to believe Respondent has violated either the Act or any regulation promulgated thereunder. It further submits that a contrary finding by the Commission would be inconsistent with sound public policy.

12/ Even assuming, arguendo, that a candidate has unlimited financial and manpower resources and complete cooperation from desired local media, it is extremely unlikely that he could meaningfully respond to independent campaign activities occurring so late in the campaign. In this case, deadlines for newspaper advertising were the preceding Friday evening. Assuming full cooperation by the newspapers, this deadline could likely be extended somewhat -- but clearly not until Sunday afternoon. Access to broadcast time would presumably have been equally unavailable in view of limits which radio and television stations necessarily place on the number of spots a candidate can buy so as to assure their ability to comply with Section 315 of the Communications Act of 1934, as amended (See 47 U.S.C. 315).

Charles N. Steele, Esquire
December 15, 1980
Page Eight

Respondent hereby advises the Commission that it desires this matter to remain confidential to the full extent consistent with Regulation 111.20 and 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A).

Respectfully submitted,

Friends of Frank Wolf

By James R. Cooke
James R. Cooke
General Counsel

Of Counsel:

Arthur B. Culvahouse, Jr.
O'Melveny & Myers
1800 M Street, N.W.
Suite 500, S.
Washington, D. C. 20036

VIA CERTIFIED MAIL

2 pgs

810040234558

State of Virginia)
) S S
 County of Arlington)

AFFIDAVIT

I, Gus Hubal, being first duly sworn, depose and state as follows:

I am Campaign Manager of Friends of Frank Wolf ("Respondent"), the principal campaign committee of Congressman-elect Frank Wolf;

I have read the foregoing response to be submitted to the Federal Election Commission ("Commission") by Respondent in connection with the complaint filed by the National Pro Life Political Action Committee which the Commission has designated MUR 1343 (80).

I personally conducted or supervised Respondent's review of its records and recollections in connection with the preparation of the foregoing response. That review was completed as described in Footnote 2 of the response.

Based upon that review, I hereby affirm that, to the best of my knowledge, the factual representations in the foregoing response are true, complete, and are not misleading in any material respect. In affirming the accuracy of the factual representations concerning the November 1, 1980 telephone call between Messrs. Edward S. DeBolt and Peter B. Gemma, Jr., I am relying on the representations of Mr. DeBolt (See attached affidavit of Mr. DeBolt).

Further the affiant saith not.

Gus Hubal

Gus Hubal

Sworn to and subscribed
 before me this 15th day
 of December, 1980.

Carol L. Jones

Notary Public

My Commission expires 11/29/81

2 pg 9

State of Virginia)
) S S
 County of Arlington)

AFFIDAVIT

I, Edward S. DeBolt, being first duly sworn, depose and state as follows:

I am a political consultant to Friends of Frank Wolf ("Respondent"), the principal campaign committee of Congressman-elect Frank Wolf;

I have read the foregoing response to be submitted to the Federal Election Commission ("Commission") by Respondent in connection with the complaint filed by the National Pro Life Political Action Committee which the Commission has designated MUR 1343 (80).

I was a party to the November 1, 1980 telephone call which gave rise to the complaint. The substance of that call is accurately and completely described in Section II of the foregoing response.

Further the affiant saith not.

Edward S. DeBolt
 Edward S. DeBolt

Sworn to and subscribed
 before me this 15th day
 of December 1980.

Linda H. Moore

My Commission Expires 12/31/81

**THIS PRECIOUS
LITTLE ONE NEEDS
YOUR HELP ON
TUESDAY . . .**



The race for Congress here in the 10th District is between Pro-Lifer Frank Wolf and Pro-Abortion Congressman Joe Fisher.

If Joe Fisher's votes had prevailed during his terms in office (*and Thank God they didn't*), the U.S. Government would have spent \$238,000,000 for the deaths of 1,370,000 unborn babies -- just like the one pictured above.

Frank Wolf opposes the use of tax money for abortions and supports a Human Life Amendment to the Constitution.

The choice then is clear . . .

If you are concerned about the plight of the unborn, please vote for . . .

**FRANK WOLF
FOR CONGRESS**



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James R. Cooke
Suite 604
1515 North Court House Road
Arlington, Virginia 22201

Re: MUR 1343

Dear Mr. Cooke:

On November 17, 1980, the Commission notified your clients, Ed DeBolt and Friends of Frank Wolf, of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

Attachment III pg 1

31040234672



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter B. Gemma, Jr.
Executive Director
National Pro-Life Political
Action Committee
101 Park Washington Ct.
Falls Church, Virginia 22046

Re: MUR 1343

Dear Mr. Gemma:

The Federal Election Commission has reviewed the allegations of your complaint dated November 12, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971 as amended (the "Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

III pg 2

94620 RECEIVED
80 DEC 18 P12:32
ACC# 3597

LAW OFFICES
JAMES R. COOKE
SUITE 604
1515 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201
(703) 528-1601

December 15, 1980

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

Re: MUR 1343 (80)

Dear Mr. Steele:

By letter of November 19, 1980 to Mr. R. K. Brandstedter, you advised Friends of Frank Wolf ("Respondent") 1/ that the captioned complaint had been filed with the Federal Election Commission ("Commission") by Mr. Peter B. Gemma, Jr., Executive Director of the National Pro Life Political Action Committee ("Complainant"). Pursuant to Section 111.6 of the Commission's Regulations (See 11 CFR 111.6) and for the reasons set forth below, 2/ Respondent submits that there is no basis for the Commission to find reason to believe that Respondent has violated either the Federal Election Campaign Act of 1971, as amended ("Act"; See 2 U.S.C. 431 et seq.) or any regulation promulgated by the Commission thereunder (See 11 CFR 100.1 et seq.).

-
- 1/ Respondent is the principal campaign committee of Congressman-elect Frank Wolf who will represent the Tenth District of Virginia in the 96th Congress.
- 2/ The factual representations herein are supported by affidavits of Messrs. Gus Hubal, Campaign Manager for Respondent, and Edward S. DeBolt, political consultant to Respondent, attached hereto as Appendices 1 and 2. The representations herein are based upon the recollections of Respondent's agents and officials and review of Respondent's records for the 1980 general election campaign.

Since the captioned complaint relates solely to facts arising in the final days of the general election campaign, Respondent's factual representations herein are limited to the period of the general election, (June 11, through November 4, 1980). Records and recollections concerning the primary election campaign have been reviewed only to extent Respondent has deemed it necessary to assure that the factual

(cont'd page 2)

Charles N. Steele, Esquire
December 15, 1980
Page Two

I. Procedural Matters; Summary of Position

Your letter was received by Respondent November 19, 1980 so a response was due by December 4, 1980. By separate letters of December 4, 1980, I advised Judy Thedford, Esquire of your staff that: (1) I would represent the Respondent in the matter; and (2) it would not be possible to submit a response by December 4, 1980 but that a response would be submitted by December 15, 1980. (Ms. Thedford had previously advised that: (1) full compliance with Regulation 111.23 was not required; and (2) in light of the Commission's current complaint processing procedures, Respondent would not be prejudiced by the delay in submitting its response.)

Neither Complainant's letter to the Commission nor your letter to Respondent specifies what statutory or regulatory provisions may have been violated by Respondent. Absent any statement by the Complainant or the Commission of the relevant legal and public policy issues presented, it is appropriate as a preliminary matter to set forth Respondent's perception of the matters at issue. Respondent believes the principal question is whether its November 1, 1980 contact with Complainant constituted "cooperation", etc., within the meaning of Regulation 100.16, between a candidate and an otherwise independent supporter. If that contact is deemed cooperation within the meaning of the regulation, a subsidiary question arises as to whether Respondent, and ironically Complainant, may have violated the financial reporting requirements and contribution limitations of the Act (See 2 U.S.C. 434 and 441a). For the reasons set forth below, Respondent submits that: its contact with Complainant did not constitute such cooperation; and there thus has been no violation of either the Act or the Commission's regulations by Respondent or, for that matter, Complainant.

2/ (footnote continued)

representations herein are not only accurate but also fairly describe the total campaign. For example, Respondent has reviewed its financial records for both the general and primary elections and determined that it did not receive any contributions from Complainant in connection with either campaign. On the other hand, Respondent has not determined whether, during the primary election, it may have replied to routine questions or questionnaires from Complainant concerning Mr. Wolf's positions on various issues. The former point appears potentially relevant in the context of this complaint while the latter point does not.

II. As a Matter of Law, Respondent's Contact
With Complainant Did Not Constitute
"Cooperation" Within the Meaning of
Regulation 100.16

The facts which give rise to the captioned complaint are relatively simple and apparently not materially disputed. On October 31, 1980 Respondent became aware through campaign volunteers that Complainant intended to distribute the flyer attached hereto as Appendix 3 at various churches in the Tenth District on November 2, 1980. Mr. Edward S. DeBolt, acting on behalf of Respondent, contacted Mr. Gemma by telephone on November 1, 1980. After Mr. Gemma confirmed that Complainant planned to distribute the flyer, Mr. DeBolt asked that this effort not proceed. He urged that Complainant, instead, channel its efforts in support of Mr. Wolf through Respondent. Mr. Gemma advised Mr. DeBolt that the distribution would proceed as planned. The conversation lasted for a total period of less than 10 minutes.

Upon receipt of your letter, Respondent reviewed its records and recollections as described in Footnote 2 above and determined, to the best of its knowledge, that during the general election campaign:

- No one having any official connection with Respondent, or acting on behalf of Respondent, had any contact with Complainant prior to November 1, 1980.
- Complainant did not make any financial or "in-kind" contributions to Respondent.
- Respondent has no information that Complainant made any independent expenditures in support of Mr. Wolf's candidacy except the costs incurred in producing the flyer in question.
- Until October 31, 1980 Respondent was unaware of Complainant's interest in Mr. Wolf's candidacy, or even that Complainant's headquarters were located within the Tenth District.

In these circumstances, Respondent submits that Mr. DeBolt's November 1, 1980 call to Complainant did not represent "cooperation" between a candidate and one planning to make independent expenditures on his behalf.

The language of Regulation 100.16 is taken directly from the statute (See 2 U.S.C. 431 (17)). Respondent has been unable to find anything in the legislative history of the Act or the Commission's explanation of its regulations ^{3/} which indicates that the words used in the statute or the regulations have any meaning other than their conventional dictionary

^{3/} See, for example, Senate Report (Rules and Administration Committee) No. 94-677, March 2, 1976 and Commission action at 41 P.R. 35932, et seq., August 25, 1976.

Charles N. Steele, Esquire
December 15, 1980
Page Four

definitions 4/. Respondent respectfully submits that only the most tortured reasoning could lead one to conclude that Mr. DeBolt's November 1, 1980 telephone call should cause Complainant's distribution of flyers to be deemed to have been carried out "in concert with" the candidate, or at the candidate's "request or suggestion" or in "cooperation or consultation with" the candidate. The common element of these words and phrases is the act of cooperation. Clearly that element does not exist in the present case where Respondent opposed not only the distribution of this flyer but also any other independent efforts by Complainant on behalf of Mr. Wolf. 5/

In view of the foregoing, Respondent respectfully submits that there is no basis in law or fact for concluding that Mr. DeBolt's November 1, 1980 call to Mr. Gemma rendered Complainant's expenditure for the flyers in question anything other than an independent expenditure within the meaning of Regulation 100.16. Consequently, Respondent submits that the potential subsidiary question of whether Respondent and Complainant violated the financial reporting requirements or contribution limitations simply does not arise.

4/ Webster's New Collegiate Dictionary, 1979 edition, includes the following relevant definitions:

concert 1 a: agreement in design or plan: union formed by mutual communication or opinion and views.

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b: to refer to (consult a dictionary) 2 a: to have regard to:
consider 1: to consult an individual 2: to deliberate together: confer.

consultation 2: the act of consulting or conferring.

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cooperation 1: the action of cooperation: common effort.

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suggestion 1 a: the act or process of suggesting.

5/ It is, of course, possible to conceive of circumstances in which the requisite cooperation could be achieved solely through selective negative

(cont'd page 5)

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An independent group supporting or opposing a particular candidacy has a constitutionally protected right to advance its views. 6/ As a matter of both law and sound public policy, a candidate must have at least a limited parallel right directly to ask any person or group planning independent efforts on his behalf to abandon those efforts and channel their financial and volunteer support through his principal campaign committee. As the Supreme Court has recognized, 7/ independent efforts on behalf of a candidate may well hinder rather than advance that candidate's cause. 8/ Respondent, therefore, submits that considerations of elemental fairness dictate -- at an absolute minimum -- that a candidate be able directly to contact, at least once, any person or group planning independent efforts on behalf of his candidacy in order to ask that:

- Respondent believes that a candidate has a constitutionally protected right to repeat such requests. However, its essential position for present purposes

5/ (footnote continued)
feed-back from a candidate to allegedly independent supporters. However, this could only be achieved through continuing contacts between the candidate and the "independent" supporters. Moreover, it would require a pattern and manner of communication which would be a transparent subterfuge. Clearly, there is absolutely nothing to suggest that such "negative communication" occurred in this instance.

6/ Buckley vs Valeo. 424 US 1, 50-51 (1976)

7/ Ibid., p. 47

8/ For this reason, whenever Respondent became aware that any person or group was contemplating independent action in support of Mr. Wolf's candidacy, it asked that such support be channeled through Mr. Wolf's principal campaign committee. (So far as respondent is aware, all efforts in support of Mr. Wolf's candidacy were in fact carried out through it.)

Charles N. Steele, Esquire
December 15, 1980
Page Six

is that, as a matter of both law and sound public policy, a candidate may properly make a single contact of the type here in question. 9/

The element of fairness to the candidate is especially important where, as here, the independent supporter: 1) first seeks to participate in the campaign at the eleventh hour; and 2) engages in activities which are inconsistent with the tone and tenor of the campaign as theretofore conducted by the candidates. 10/ As described above, Respondent was unaware of Complainant's interest in Mr. Wolf's campaign until four days before the election and did not see the flyer in question until even later. Complainant planned to distribute the flyer, for what we believe to be the first time, less than 48 hours before balloting was to begin. The plain fact is that, in these circumstances, it is grossly unfair to a candidate to require that he stand idly by until after the distribution is made and only then undertake whatever follow-up action he may deem appropriate.

For example, it is obvious that the flyer here in question was likely to evoke an emotional -- and not entirely predictable -- response from some who might either receive it or hear about it. It is thus conceivable that Complainant's attempt to support Mr. Wolf might, instead, have impaired his campaign in its closing hours. 11/ In the circumstances here presented, it would have been impossible for Mr. Wolf to respond meaningfully to any adverse reaction to the flyer.

9/ Respondent's essential position in this regard is so limited because this minimal proposition is dispositive of the present complaint.

10/ As a general matter the candidates for election to the House of Representatives from Virginia's Tenth District refrained from emotional appeals to the voters or personal attacks on their opponents. They generally chose, instead, to focus their campaign statements on public policy issues. Respondent believes that this approach gave voters in the Tenth District a much more meaningful discussion of public policy issues than would otherwise have been possible. In Respondent's view, the tenor of the flyer attached hereto as Appendix 3 is quite inconsistent with the general tenor of the campaign established by the candidates.

11/ Note in this connection that it is reasonable to assume that most persons receiving or hearing about the flyer would assume it to have originated from or been approved by the Wolf campaign since the legend "Frank Wolf For Congress" is prominently positioned and appears in large, bold type while the required disclaimer "Not authorized by any candidate or candidate's committee" appears in extremely small type at at the very bottom of the flyer.

Charles N. Steele, Esquire
December 15, 1980
Page Seven

As we presume the Commission is well aware, it would have been impossible on Sunday, November 2, 1980 for Respondent to arrange any meaningful newspaper, radio or television response to the flyer 12-- regardless of the public reaction to it. Respondent submits that the public interest would not be served by this result.

More broadly, Respondent notes that the 1980 elections have generated substantial concern over the impact of independent campaign expenditures on the candidacies of both those supported and those opposed by independent groups. As the Commission is surely aware, there is widespread concern over the potential for campaign abuses by such groups. Respondent respectfully submits that the potential for such abuse would be compounded if the Commission were to interpret its regulations and/or the Act so as to insulate independent committees from efforts by candidates to persuade them to channel their efforts through the candidates' principal campaign committees.

IV. Conclusion

In view of the foregoing, Respondent submits that there is no basis in law or fact for the Commission to find that there is reason to believe Respondent has violated either the Act or any regulation promulgated thereunder. It further submits that a contrary finding by the Commission would be inconsistent with sound public policy.

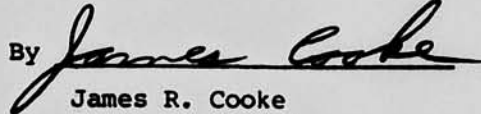
12/ Even assuming, arguendo, that a candidate has unlimited financial and manpower resources and complete cooperation from desired local media, it is extremely unlikely that he could meaningfully respond to independent campaign activities occurring so late in the campaign. In this case, deadlines for newspaper advertising were the preceding Friday evening. Assuming full cooperation by the newspapers, this deadline could likely be extended somewhat -- but clearly not until Sunday afternoon. Access to broadcast time would presumably have been equally unavailable in view of limits which radio and television stations necessarily place on the number of spots a candidate can buy so as to assure their ability to comply with Section 315 of the Communications Act of 1934, as amended (See 47 U.S.C. 315).

Charles N. Steele, Esquire
December 15, 1980
Page Eight

Respondent hereby advises the Commission that it desires this matter to remain confidential to the full extent consistent with Regulation 111.20 and 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A).

Respectfully submitted,

Friends of Frank Wolf

By 

James R. Cooke
General Counsel

Of Counsel:

Arthur B. Culvahouse, Jr.
O'Melveny & Myers
1800 M Street, N.W.
Suite 500, S.
Washington, D. C. 20036

VIA CERTIFIED MAIL

31010221531

State of Virginia)
) S S
 County of Arlington)

AFFIDAVIT

I, Gus Hubal, being first duly sworn, depose and state as follows:

I am Campaign Manager of Friends of Frank Wolf ("Respondent"), the principal campaign committee of Congressman-elect Frank Wolf;

I have read the foregoing response to be submitted to the Federal Election Commission ("Commission") by Respondent in connection with the complaint filed by the National Pro Life Political Action Committee which the Commission has designated MUR 1343 (80).

I personally conducted or supervised Respondent's review of its records and recollections in connection with the preparation of the foregoing response. That review was completed as described in Footnote 2 of the response.

Based upon that review, I hereby affirm that, to the best of my knowledge, the factual representations in the foregoing response are true, complete, and are not misleading in any material respect. In affirming the accuracy of the factual representations concerning the November 1, 1980 telephone call between Messrs. Edward S. DeBolt and Peter B. Gemma, Jr., I am relying on the representations of Mr. DeBolt (see attached affidavit of Mr. DeBolt);

Further the affiant saith not.

Gus Hubal

Gus Hubal

Sworn to and subscribed
 before me this 15th day
 of December, 1980.

Carol E. Jones

Notary Public

My Commission expires 11/29/81

State of Virginia)
) S S
County of Arlington)

AFFIDAVIT


I, Edward S. DeBolt, being first duly sworn, depose and state as follows:

I am a political consultant to Friends of Frank Wolf ("Respondent"), the principal campaign committee of Congressman-elect Frank Wolf;

I have read the foregoing response to be submitted to the Federal Election Commission ("Commission") by Respondent in connection with the complaint filed by the National Pro Life Political Action Committee which the Commission has designated MUR 1343 (80).

I was a party to the November 1, 1980 telephone call which gave rise to the complaint. The substance of that call is accurately and completely described in Section II of the foregoing response.

Further the affiant saith not.


Edward S. DeBolt

Sworn to and subscribed
before me this 15th day
of December 1980.



Notary Public for Virginia
My Comm. Expires July 10, 1984

**THIS PRECIOUS
LITTLE ONE NEEDS
YOUR HELP ON
TUESDAY . . .**



The race for Congress here in the 10th District is between **Pro-Lifer Frank Wolf** and **Pro-Abortion Congressman Joe Fisher**.

If Joe Fisher's votes had prevailed during his terms in office (*and Thank God they didn't*), the U.S. Government would have spent **\$238,000,000** for the **deaths of 1,370,000 unborn babies** -- just like the one pictured above.

Frank Wolf opposes the use of tax money for abortions and supports a Human Life Amendment to the Constitution.

The choice then is clear . . .

If you are concerned about the plight of the unborn, please vote for . . .

**FRANK WOLF
FOR CONGRESS**

81040234685

RECEIVED

30 DEC 18 PM 2:32



LAW OFFICES
JAMES R. COOKE
SUITE 604
1515 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201

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

CERTIFIED
P30 5355758
MAIL

**RETURN RECEIPT
REQUESTED**

FIRST CLASS

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317723535

911491

RECEIVED

GLE #3514

80 DEC 9 AM 8:32

LAW OFFICES
JAMES R. COOKE
SUITE 604
1515 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201
(703) 528-1601

December 4, 1980

Judy Thedford, Esq.
Office of General Counsel
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, D.C. 20463

20 DEC 9 AM 11:18

GENERAL COUNSEL

Re: MUR 1343(80)

Dear Ms. Thedford:

As a follow-up to our conversation December 1, 1980, this is to formally advise the Commission that I will be representing Friends of Frank Wolf ("Respondent") in connection with the captioned complaint before the Commission. I am, by separate letter of today, confirming our discussion with respect to the time by which the Respondent will submit its reply in this matter.

Very truly yours,



James R. Cooke
General Counsel
Friends of Frank Wolf

2391000013

LAW OFFICES
JAMES R. COOKE
SUITE 604
1518 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201



Judy Thedford, Esq.
Office of General Counsel
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, D.C. 20463

LAW OFFICES
JAMES R. COOKE
SUITE 604
1515 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201
(703) 528-1801

700
3482
OFFICE OF THE
GENERAL COUNSEL

30 DEC 4 P 5:00

December 4, 1980

BY HAND

Judy Thedford, Esq.
Office of General Counsel
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1343(80)

Dear Ms. Thedford:

The purpose of this letter is to confirm our December 1, 1980 conversation with respect to the referenced complaint to the Federal Election Commission concerning the campaign activities of Friends of Frank Wolf ("Respondent").

The Respondent received the Commission's letter November 19, 1980. Accordingly, a response is due by December 4, 1980. It is not possible for the Respondent to submit an adequate reply by this deadline. However, work on such a reply is proceeding and I expect that it will be submitted on or before December 15, 1980. As we discussed, I do not have recent experience in dealing with the Federal Election Campaign Act of 1971, as amended. (I am primarily a communications lawyer and my principal role as counsel to the Respondent has been to advise it concerning matters of communications law.) Accordingly, it has been necessary for me to consult with other counsel having current experience under the referenced act. In fact, until adequate arrangements were made for such co-counsel, it was uncertain who would be representing the Respondent in this matter. The representation question was not finally resolved until December 1, 1980.

Based upon our referenced conversation, it is my understanding that, under the Commission's current procedures for processing complaints such as this, the Respondent's position will not be prejudiced by this brief delay in the filing of its reply. If my understanding in this connection is incorrect, or if you should need any additional information in this regard, please let me know.

Very truly yours,

James R. Cooke
James R. Cooke

LAW OFFICES
JAMES R. COOKE
SUITE 604
1515 NORTH COURT HOUSE ROAD
ARLINGTON, VIRGINIA 22201

Judy Thedford, Esq.
Office of General Counsel
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

R. K. Brandstedter, Treasurer
Friends of Frank Wolf
1515 North Courthouse Road
Suite 302
Arlington, Virginia 22201

Re: MUR 1343(80)

Dear Mr. Brandstedter:

This letter is to notify you that on November 13, 1980 the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1343. 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 your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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

If you have any questions, please contact Judy Thedford, the staff member assigned to this matter at 202-523-4057. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosures
Procedures
Complaint

cc: The Honorable Frank Wolf

1313 *Thedford*

1. The following article is requested (check one):
☐ Return to sender
☐ Return to addressee
☐ RETURNED DELIVERY
 Show to whom and date delivered
☐ RETURNED DELIVERY
 Show to whom, date, and address of delivery

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Hon Frank Wolf

3. ARTICLE DESCRIPTION:
 REGISTERED MAIL
 CERTIFIED MAIL
 115Lhb

(Always obtain signature of addressee or agent)

I have received the article described above.
 Signature: *Mrs. F. Le Wolf*
 DATE OF DELIVERY: 11-18-80

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER REASON:

CLERK'S INITIALS

NOV 18 1980
VIENNA

1. The following article is requested (check one):
☐ Return to sender
☐ Return to addressee
☐ RETURNED DELIVERY
 Show to whom and date delivered
☐ RETURNED DELIVERY
 Show to whom, date, and address of delivery

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
R. K. Christensen

3. ARTICLE DESCRIPTION:
 REGISTERED MAIL
 CERTIFIED MAIL
 115Lhb

(Always obtain signature of addressee or agent)

I have received the article described above.
 Signature: *R. K. Christensen*
 DATE OF DELIVERY: 11-18-80

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER REASON:

CLERK'S INITIALS

NOV 18 1980
VIENNA

RECEIVED

2025 RELEASE UNDER E.O. 14176



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ed DeBolt
c/o Friends of Frank Wolf
1515 North Courthouse Road
Suite 302
Arlington, Virginia 22201

Re: MUR 1343(80)

Dear Mr. DeBolt:

This letter is to notify you that on November 13, 1980 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1343. 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 your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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

If you have any questions, please contact Judy Thedford, the staff member assigned to this matter at 202-523-4057. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

**Enclosures
Complaint
Procedures**

317172346774

[illegible]



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter B. Gemma, Jr., Executive Director
National Pro-Life Political Action
Committee
101 Park Washington Court
Falls Church, Virginia 22046

Dear Mr. Gemma:

This letter is to acknowledge receipt of your complaint of November 12, 1980, against Ed DeBolt, R. K. Brandstedter and the Friends of Frank Wolf Committee, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint with 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,


Charles N. Steele
General Counsel

Enclosure

810040231595

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1343 *Shepherd*

PS Form 3811, Jan. 1978

● SENDER: Complete items 1, 2, and 3. **Y E D**
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered...
☐ Show to whom, date and address of delivery...
☐ RESTRICTED DELIVERY
 Show to whom and date delivered...
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery...
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Peter Hemma, Jr.

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
615L46
 (Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
[Signature]

4. DATE OF DELIVERY
11-18-80

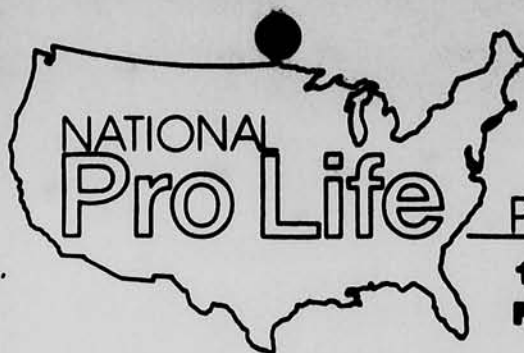
5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

★GPO : 1979-385-045

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

NOV 18 1980
 SALES CHURCH, VA
 USPO



POLITICAL ACTION COMMITTEE

101 Park Washington Ct.

Falls Church, Virginia 22046 (703) 536-7650

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Congressman, 9th Dist., Mo.
Hon. Robert A. Young,
Congressman, 2nd Dist., Mo.
Hon. Ron Paul, M.D.,
Congressman, 22nd Dist., Tx.
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Chm., Christian Action
Council, Ill.
Randy Engel,
Pres., U.S. Coalition for Life, Pa.
Professor Victor Rosenblum,
Northwestern Univ. Law
School, Ill.
Professor Charles E. Rice,
Notre Dame Law School, Ind.
Rev. Donald M. Parker,
Editor, The Christian Citizen, Ill.
Jay Bowman,
Nat'l. Right to Life Comm., Ga.
Kenneth VanDerhoef, Esq.,
Nat'l. Right to Life Comm., Wa.
Alice Hartle,
Past Ed., Nat'l. Right to Life
News, Mn.
Donald T. Manion, M.D.,
Physician & Surgeon, Or.
John F. Hillabrand, M.D.,
Alternatives to Abortion
International, Oh.
Herbert J. Ratner, M.D.,
Ed., Child & Family Quarterly, Ill.
Francis P. Filice, Ph.D.,
Biologist, Univ. of San Fran., Ca.
John Finn, Jr.,
Business Executive, Ca.

Titles for identification only

A copy of our report is on file
and may be purchased from The
Federal Election Commission,
Washington, D.C.

November 12, 1980

Mr. Kenneth A. Gross
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Gross:

Per your letter of November 6th, I am re-submitting my complaint against
Mr. Ed DeBolt.

The National Pro-Life Political Action Committee recently coordinated
an independent expenditure campaign on behalf of Republican candidate
Frank Wolf of Virginia's 10th Congressional District. This effort
entailed the distribution of approximately 26,000 flyers at various
churches within the district on the Sunday before election day.

Somehow word of this reached the Wolf campaign, and on Saturday,
November 1st at approximately 2:00PM, Mr. Ed DeBolt -- claiming to
represent the Wolf campaign -- contacted this office attempting to dissuade
our committee from going ahead with the project. During my telephone
conversation with Mr. DeBolt, I made the point, several times, that
because of FEC regulations I should not be discussing our activities with
official representatives of the campaign. However, Mr. DeBolt persisted
in trying to influence our decision to follow-through with our plans.

To protect National Pro-Life PAC's actions on behalf of the Wolf campaign,
and to protest Mr. DeBolt's attempt to discourage our independent
expenditure project, I am formally requesting that the Federal Election
Commission look into this matter.

*I do solemnly affirm that the statements made in this affidavit are the
truth, the whole truth, and nothing but the truth, so help me God.*

Peter B. Gemma, Jr.
Peter B. Gemma, Jr.
Executive Director

P.S. Mr. DeBolt may be reached in care of Friends of Frank Wolf, 1515
North Courthouse, Suite 302, Arlington, Virginia 22201.

PBG, JR/rmf

Mary T. Mozingo
Notary Public

My Commission Expires August 16, 1983

1343 Comp.

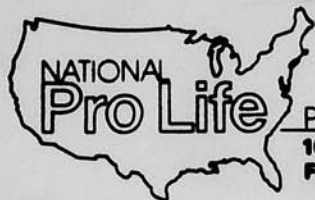
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30 NOV 13 P 2:19

31040231639



POLITICAL ACTION COMMITTEE

101 Park Washington Ct.
Falls Church, Virginia 22046



CERTIFIED

P14 7859414

MAIL

Mr. Kenneth A. Gross
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter B. Gemma, Jr.
Executive Director
National Pro Life Political Action Committee
101 Park Washington Court
Falls Church, VA. 22046

Dear Mr. Gemma:

We have received your letter of November 3, 1980, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended (the "Act").

As set forth in 2 U.S.C. § 437g(a)(1), any person who believes that there has been a violation of any law within the Commission's jurisdiction may file a written complaint. In order for the Commission to take action on such a complaint, its contents must be sworn to and signed in the presence of a notary, and notarized. Your letter did not satisfy this requirement of the Act.

In addition, Commission Regulations, found at 11 C.F.R. § 111.4, provide that a complaint:

- (1) must contain the full name and address of the person making the complaint;
- (2) should clearly identify as a respondent each person or entity who is alleged to have committed a violation;
- (3) should identify the source of information upon which the complaint is based;

- (4) should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction; and
- (5) should be accompanied by supporting documentation if known and available to the person making the complaint.

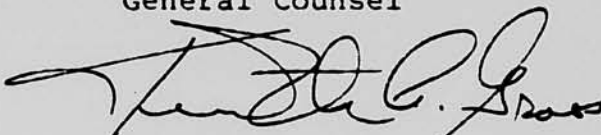
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed please find a copy of §§ 111.4 - 111.10 of Commission regulations which deal with preliminary enforcement procedures. I hope that an examination of these materials will answer most of your questions, and will enable you to be specific in any assertions or allegations you might make in the event you wish to file a legally sufficient complaint with the Commission.

Please contact Elissa Garr, 202-523-4073, of this office should you have any questions about the procedures which should be followed.

Sincerely,

Charles N. Steele
General Counsel

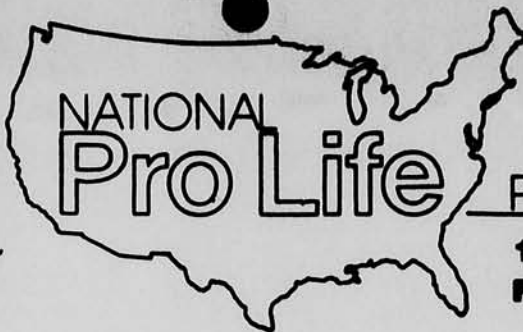


By: Kenneth A. Gross
Associate General Counsel
202-523-4175

Enclosure

cc: Frank R. Wolf
Ed Debolt
Friends of Frank Wolf

317700334777



80 NOV 4 P 1:52
GIC#3236
HAND DELIVERED

POLITICAL ACTION COMMITTEE

101 Park Washington Ct.
Falls Church, Virginia 22046

(703) 536-7650

Board of Directors

Rev. Charles Fiore, O.P.,
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Thomas F. Roesser,
1st Vice-Chairman
Rev. Morris Sheets,
2nd Vice-Chairman
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William J. Isaacson, Esq.,
Of Counsel
Hon. Harold Froehlich
Rep. Louis "Woody" Jenkins
Susan Armacost
Anthony J. Lauinger

Executive Director
Peter B. Gemma, Jr.

Advisory Committee

Hon. John W. McCormack,
Former Speaker of House, Ma.
Hon. E.J. (Jake) Garn,
United States Senator, Ut.
Hon. Orrin G. Hatch,
United States Senator, Ut.
Hon. Robert E. Bauman,
Congressman, 1st Dist., Md.
Hon. Henry J. Hyde,
Congressman, 6th Dist., Ill.
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Congressman, 8th Dist., Oh.
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Congressman, 3rd Dist., Ill.
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Hon. Harold L. Volkmer,
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Hon. Ron Paul, M.D.,
Congressman, 22nd Dist., Tx.
Rev. Harold O.J. Brown,
Chm., Christian Action
Council, Ill.
Randy Engel,
Pres., U.S. Coalition for Life, Pa.
Professor Victor Rosenblum,
Northwestern Univ. Law
School, Ill.
Professor Charles E. Rice,
Notre Dame Law School, Ind.
Rev. Donald M. Parker,
Editor, The Christian Citizen, Ill.
Jay Bowman,
Nat'l. Right to Life Comm., Ga.
Kenneth VanDerhoef, Esq.,
Nat'l. Right to Life Comm., Wa.
Alice Hartle,
Past Ed., Nat'l Right to Life
News, Mn.
Donald T. Manion, M.D.,
Physician & Surgeon, Or.
John F. Hillabrand, M.D.,
Alternatives to Abortion
International, Oh.
Herbert J. Ratner, M.D.,
Ed., Child & Family Quarterly, Ill.
Francis P. Filice, Ph.D.,
Biologist, Univ. of San Fran., Ca.
John Finn, Jr.,
Business Executive, Ca.

November 3, 1980

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

Dear Sirs:

The National Pro-Life Political Action Committee recently coordinated an independent expenditure campaign on behalf of Republican candidate Frank Wolf of Virginia's 10th Congressional District. This effort entailed the distribution of approximately 26,000 flyers at various churches within the district on the Sunday before election day -- November 2nd.

Somehow word of this reached the Wolf campaign, and on Saturday, November 1st at approximately 2:00PM, Mr. Ed DeBolt -- claiming to represent the Wolf campaign -- contacted this office attempting to dissuade our committee from going ahead with the project. During my telephone conversation with Mr. DeBolt, I made the point, several times, that because of FEC regulations, I should not be discussing our activities with official representatives of the campaign. However, Mr. DeBolt persisted in trying to influence our decision to follow through with our plans.

To protect National Pro-Life PAC's actions on behalf of the Wolf campaign, and to protest Mr. DeBolt's attempt to discourage our independent expenditure project, I am formally requesting that the Federal Election Commission look into this matter.

Very truly yours,

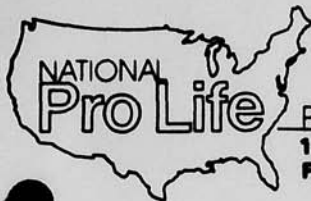
P.B. Gemma, Jr.
Peter B. Gemma, Jr.
Executive Director

P.S. Mr. DeBolt may be reached in care of Friends of Frank Wolf, 1515 North Courthouse, Suite 302, Arlington, Virginia 22201.

PBG, JR/rmf

Titles for identification only

A copy of our report is on file and may be purchased from The Federal Election Commission, Washington, D.C.



POLITICAL ACTION COMMITTEE

101 Park Washington Ct.
Falls Church, Virginia 22046

HAND DELIVERED

80 NOV 1 P 1: 57

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

COMPLAINT



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1343

Date Filmed 3-25-81 Camera No. --- 2

Cameraman lsc

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