



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1801

Date Filmed 1/2/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

FOIA

1801

Assignment sheet - routing sheet

Respondent & Complaint addresses - Memo from docket

Photocopy of letter advising of file closing.

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

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

Signed

[Signature]

date

12/26/84

FEC 9-21-77

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12/85*

Attach Photo pulled out

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Coalition for a New Foreign and) MUR 1801
Military Policy)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 6, 1984, the Commission decided by a vote of 5-0 to take the following actions in MUR 1801:

1. Find no reason to believe that the Coalition for a New Foreign and Military Policy violated the Federal Election Campaign Act, as amended.
2. Close the file.
3. Approve the letters attached to the First General Counsel's Report signed December 6, 1984.

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

Attest:

12-6-84

Date

Judy C. Hanson

for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

12-3-84, 3:57
12-4-84, 11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 7, 1984

Rex Weil
C/O Thomas R. Asher, P.C.
1819 H Street, N.W.
Suite 620
Washington, D.C. 20006

RE: MUR 1801
Coalition for a New Foreign and
Military Policy

Dear Mr. Weil:

On October 12, 1984, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 6, 1984, 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


BY: Kenneth A. Gross
Associate General Counsel

34040493341



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 7, 1984

John T. Dolan
National Conservative Political
Action Committee
1001 Prince Street
Alexandria, Virginia 22314

RE: MUR 1801
Coalition for a New Foreign
and Military Policy

Dear Mr. Dolan:

The Federal Election Commission has reviewed the allegations of your complaint dated September 28, 1984 and determined that on the basis of the information provided in your complaint and information provided by the respondents 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


BY: Kenneth A. Gross
Associate General Counsel

Enclosure

General Counsel's Report

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SENSITIVE

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

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY

84 DEC 3 P3:57

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 12/3/84
4:00

MUR # 1801
DATE COMPLAINT RECEIVED
BY OGC: October 5, 1984
DATE OF NOTIFICATION TO
RESPONDENT: October 12, 1984
STAFF MEMBER: Matthew Gerson

COMPLAINANT'S NAME: National Conservative Political Action
Committee
John 'Terry' Dolan

RESPONDENT'S NAME: Coalition for a New Foreign and
Military Policy

RELEVANT STATUTES: 2 U.S.C. § 431(8)(A)(i)
2 U.S.C. § 441b
2 U.S.C. § 441d
11 C.F.R. § 110.11(a)(1)
11 C.F.R. § 114.3(a)(1)
A.O. 1984-14
A.O. 1984-17

RELEVANT CASES: Miller v. American Telephone and Telegraph
Company, 507 F.2d 758 (3d Cir. 1974).
United States v. United Automobile Workers,
352 U.S. 567 (1957)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. SUMMARY OF ALLEGATIONS

On October 5, 1984, the National Conservative Political
Action Committee (hereinafter "NCPAC") filed a complaint with the
Federal Election Commission alleging that the Coalition for a New
Foreign and Military Policy (hereinafter the "Coalition")
violated 2 U.S.C. § 441d by not including a disclaimer statement
on direct mailings that allegedly advocated Ronald Reagan's

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defeat. By its reference to AO 1984-14, NCPAC has raised the question of whether the Coalition violated 2 U.S.C. § 441b by making expenditures in connection with a federal election and distributing partisan material beyond the class of people that a corporation may contact lawfully.

The Coalition responded on October 30, 1984. See Attachment 1.

II. FACTUAL AND LEGAL ANALYSIS

The Coalition for a New Foreign and Military Policy is a Not-for-Profit corporation organized to "... build and educate a movement that will bring about a sane and humane foreign and military policy." The Coalition is supported to a substantial degree by small individual contributions from the general public.

NCPAC alleges that the Coalition's direct mailer should have contained a disclaimer statement. 2 U.S.C. 441d requires that

whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any...direct mailing...

the communication must indicate who paid for it, and where required, who authorized such communication. The Commission's regulations promulgated pursuant to 2 U.S.C. § 441d(a) specify that a sponsor's identification must

be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of the persons who paid for...the communication.

Thus, the issues under 2 U.S.C. § 441d and 11 C.F.R. 110.11(a) (1) are: (1) whether the communication expressly advocated Ronald Reagan's defeat, or (2) whether the communication solicited

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contributions for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A)(i). The answers to both these questions rely on the Commission's interpretation of the language the Coalition used in its direct mailing.

It does not appear that the most current of the challenged letters has been used since February 7, 1984. The letters criticize the foreign and military policies of the U.S. Government, describe legislative battles over these policies, and suggest legislative solutions. The following are miscellaneous excerpts from the communications:

The Reagan Administration is committing this nation to a new and, perhaps, fatal round of the arms race.

There is an alternative to Reagan's policies of cold war and economic crisis if (American) citizens have an opportunity to participate in these decisions that so directly affect their lives.

Your support during the past year has enabled the Coalition to launch a major challenge to the Reagan Administration. We've used your membership contribution to go to work on Capitol Hill: organizing policy forums...monitoring hearings and Congressional debates and reporting to thousands of constituents...

It is of primary importance that there is no express advocacy in the direct mailer. In Buckley, the Supreme Court held that in order for communications to be considered express advocacy they must be unambiguously related to the campaign of a particular federal candidate and must expressly advocate one's election or defeat with terms such as "vote for," "elect," "vote against" and "defeat." In the instant case, the solicitation's timing, lack of reference to Reagan's candidacy and lack of a message expressly advocating Reagan's defeat places the

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solicitation outside the strictures of 2 U.S.C. § 441d in that regard.

In addition, because the General Counsel is of the opinion that the communication did not solicit contributions for the purpose of influencing a federal election, it is not governed by 2 U.S.C. § 441d on that basis. The purpose was to generate funds to sustain the Coalition's effort at sharing its views with the public. All the factors noted in AO 1984-17 indicating a "non-influencing purpose" are also present here:

- the Coalition's material is issue-oriented and not election or candidate-oriented
- no one is referred to as a candidate in any federal election
- no information is given regarding elections
- no one is urged to vote on the basis of the letter or to take the information it conveys into account in voting
- there is no suggestion of a relationship between the issues and the election. See AO 1984-17 addressing a corporation's lawful distribution of congressional voting records to the general public.

NCPAC has raised the possibility of a 2 U.S.C. 441b violation through its reference to AO 1984-14.^{1/} The Coalition is a Not-for-Profit corporation that may not make an expenditure in connection with a federal election nor make partisan

^{1/} In AO 1984-14, the Commission ruled that a Not-for-Profit membership organization could distribute to the general public a voter guide compiling voting records of candidates and advocating positions on issues, so long as it did not favor one candidate or political party over another. The compilation was lawful because the language did not evince, "an election-influencing purpose," i.e. noting that a certain candidate is easier to convince when he's looking for votes than after he's safely in office.

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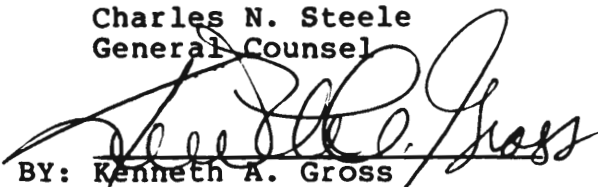
communications to non-members. It is the General Counsel's view that the Coalition's expenditures were not in connection with the President's reelection campaign since there is no nexus between the mailings and a federal election. See Miller v. American Telephone and Telegraph Company, 507 F.2d 758 (1974). The Coalition makes no reference to a federal campaign in its February 1984 mailing. Instead, it emphasizes its disapproval of the President's foreign and military policies and asks sympathizers for support. There is no "active electioneering" but only a recitation of the administration's record. See United States v. United Automobile Workers, 352 U.S. 56 (1957). Finally, because the mailer contains only legislative and issue advocacy, it is not partisan material and may be distributed beyond the statutorily restricted class.

RECOMMENDATIONS

1. Find no reason to believe that the Coalition for a New Foreign and Military Policy violated the Federal Election Campaign Act, as amended.
2. Close the file.
3. Approve the attached letters.

Charles N. Steele
General Counsel

Dec 3, 1984
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. The Coalition's response
2. Letter to complainant
3. Letter to respondent

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LAW OFFICES
THOMAS R. ASHER, P. C.
1819 H STREET, N. W.
SUITE 620
WASHINGTON, D. C. 20006

(202) 452-1540

THOMAS R. ASHER
REN WEIL

OF COUNSEL
SUSAN S. LIBERMAN

October 29, 1984

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

BY MESSENGER

Re: MUR-1801 (Committee for a New Foreign and Military Policy)

Dear Mr. Gerson:

This letter is submitted pursuant to § 437g(a)(1) of the Federal Election Campaign Act ("FECA") in response to a Complaint filed on October 5, 1984 against the Committee for a New Foreign and Military Policy and its Director, Richard Healey (hereinafter referred to collectively as "CNFMP") by the National Conservative Political Action Committee ("NCPAC").

NCPAC alleges that CNFMP's distribution of three letters (attached to the Complaint) violate FECA because they "advocate the defeat of Ronald Reagan." However, a reading of the letters indicates that they in no way seek to influence recipients to vote for or against Mr. Reagan. Rather, they contain only legislative and issue advocacy and therefore are outside the scope of FECA.

In two recent Advisory Opinions, the Commission found that communications on public issues that did not expressly advocate the election or defeat of a federal candidate were not prohibited by FECA. See A.O. 1984-41 (National Conservative Foundation); A.O. 1984-17 (National Right to Life Committee, Inc.). In A.O. 1984-17, the Commission reasoned as follows:

[T]he submitted examples are issue-oriented and not election-oriented or candidate-oriented. No senator or representative is referred to as a candidate in any Federal election. Aside from the reference [to possible changes in district numbers], the examples do not provide any information regarding elections. They do not suggest or urge that anyone vote in any election or consult or use the voting record in making his or her decision regarding any election. They do not explicitly suggest or urge support

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HAND DELIVERED

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14 OCT 30 P 1: 11

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THOMAS R. ASHER, P. C.

Matthew Gerson
Re: MUR-1801
October 29, 1984
Page 2

for any senator or representative based on that person's
vote on any issue.

A.O. 1984-17 at 2-3. Compare A.O. 1984-14 (United States Defense
Committee, Inc.), currently the subject of litigation in USDC v.
FEC, Civil Action No. 84-CV-450 (N.D.N.Y., filed March 28, 1984).

The CNFMP letters do not mention any federal election, Mr.
Reagan's candidacy, or anything remotely suggesting voting in a
federal election. Rather the letters cited by NCPAC criticize
the foreign and military policies of the U.S. government,
describe legislative battles over these policies, and suggest
legislative solutions.

Accordingly, the Commission should conclude that there is no
reason to believe that CNFMP has violated any provision of
FECA. Neither the statute nor the first amendment permits any
other conclusion. See, Buckley v. Valeo, 424 U.S. 1, 39-44, 75-
82 (1975).

Respectfully submitted,


Thomas R. Asher


Rex Weil

cc: Richard Healey

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John T. Dolan
National Conservative Political
Action Committee
1001 Prince Street
Alexandria, Virginia 22314

RE: MUR 1801
Coalition for a New Foreign
and Military Policy

Dear Mr. Dolan:

The Federal Election Commission has reviewed the allegations of your complaint dated September 28, 1984 and determined that on the basis of the information provided in your complaint and information provided by the respondents 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

BY: Kenneth A. Gross
Associate General Counsel

Enclosure

General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Rex Weil
C/O Thomas R. Asher, P.C.
1819 H Street, N.W.
Suite 620
Washington, D.C. 20006

RE: MUR 1801
Coalition for a New Foreign and
Military Policy

Dear Mr. Weil:

On October 12, 1984, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1984, 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

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cot*
DATE: December 3, 1984
SUBJECT: MUR 1801 - First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

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84 OCT 30 AM: 74

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

LAW OFFICES
THOMAS R. ASHER, P. C.
1819 H STREET, N. W.
SUITE 620
WASHINGTON, D. C. 20006
(202) 452-1540

THOMAS R. ASHER
REX WEIL

OGC # 5405
RECEIVED AT THE
HAND DELIVERED
84 OCT 30 AM: 11
OF COUNSEL
SUSAN S. LIBERMAN

October 29, 1984

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

BY MESSENGER

Re: MUR-1801 (Committee for a New Foreign and Military Policy)

Dear Mr. Gerson:

This letter is submitted pursuant to § 437g(a)(1) of the Federal Election Campaign Act ("FECA") in response to a Complaint filed on October 5, 1984 against the Committee for a New Foreign and Military Policy and its Director, Richard Healey (hereinafter referred to collectively as "CNFMP") by the National Conservative Political Action Committee ("NCPAC").

NCPAC alleges that CNFMP's distribution of three letters (attached to the Complaint) violate FECA because they "advocate the defeat of Ronald Reagan." However, a reading of the letters indicates that they in no way seek to influence recipients to vote for or against Mr. Reagan. Rather, they contain only legislative and issue advocacy and therefore are outside the scope of FECA.

In two recent Advisory Opinions, the Commission found that communications on public issues that did not expressly advocate the election or defeat of a federal candidate were not prohibited by FECA. See A.O. 1984-41 (National Conservative Foundation); A.O. 1984-17 (National Right to Life Committee, Inc.). In A.O. 1984-17, the Commission reasoned as follows:

[T]he submitted examples are issue-oriented and not election-oriented or candidate-oriented. No senator or representative is referred to as a candidate in any Federal election. Aside from the reference [to possible changes in district numbers], the examples do not provide any information regarding elections. They do not suggest or urge that anyone vote in any election or consult or use the voting record in making his or her decision regarding any election. They do not explicitly suggest or urge support

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GENERAL COUNSEL

THOMAS R. ASHER, P. C.

Matthew Gerson
Re: MUR-1801
October 29, 1984
Page 2

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vote on any issue.

A.O. 1984-17 at 2-3. Compare A.O. 1984-14 (United States Defense
Comittee, Inc.), currently the subject of litigation in USDC v.
FEC, Civil Action No. 84-CV-450 (N.D.N.Y., filed March 28, 1984).

The CNFMP letters do not mention any federal election, Mr.
Reagan's candidacy, or anything remotely suggesting voting in a
federal election. Rather the letters cited by NCPAC criticize
the foreign and military policies of the U.S. government,
describe legislative battles over these policies, and suggest
legislative solutions.

Accordingly, the Commission should conclude that there is no
reason to believe that CNFMP has violated any provision of
FECA. Neither the statute nor the first amendment permits any
other conclusion. See, Buckley v. Valeo, 424 U.S. 1, 39-44, 75-
82 (1975).

Respectfully submitted,


Thomas R. Asher


Rex Weil

cc: Richard Healey

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LAW OFFICES

THOMAS R. ASHER, P. C.

1819 H STREET, N. W.

SUITE 620

WASHINGTON, D. C. 20006

Mr. Matthew Gerson
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

BY MESSENGER

GCC# 5280

LAW OFFICES
THOMAS R. ASHER, P. C.
1819 H STREET, N. W.
SUITE 620
WASHINGTON, D. C. 20006

(202) 452-1540

THOMAS R. ASHER
REX WEIL

OF COUNSEL
SUSAN S. LIBERMAN

October 23, 1984

BY MESSENGER

Mr. Matthew Gerson
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR-1801 (Committee for a New Foreign and Military
Policy)

Dear Mr. Gerson:

Please find enclosed a Statement of Designation of Counsel in the above-captioned case, designating this firm to represent the Respondents, Committee for a New Foreign and Military Policy, and Mr. Richard Healey, its Director.

I would appreciate it if you would take whatever steps are necessary to see that all further correspondence in this matter is directed to this office at the above address.

Very truly yours,


Rex Weil

Enclosure

14 OCT 23 1984 P4:01

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1801

NAME OF COUNSEL: Thomas R. Asher

ADDRESS: 1819 H Street, N.W. #620
Washington, D.C. 20006

TELEPHONE: (202) 452-1540

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.

Oct 17, 1984
Date

Richard Healey
Signature

RESPONDENT'S NAME: Richard Healey
Coalition for a New
ADDRESS: Foreign & Military Policy
712 G Street, S.E.
Washington, D.C. 20003

HOME PHONE: _____

BUSINESS PHONE: (202) 546-8400

84040493358

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1801

NAME OF COUNSEL: Thomas R. Asher

ADDRESS: 1819 H Street, N.W. #620
Washington, D.C. 20006

TELEPHONE: (202) 452-1540

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.

Oct 17, 1984
Date

Ruben E. Kelley
Signature

RESPONDENT'S NAME: Coalition for a New Foreign
and Military Policy

ADDRESS: 712 G Street, S.E.
Washington, D.C. 20003

HOME PHONE: _____

BUSINESS PHONE: (202) 546-8400

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSIONER SECRETARY

84 OCT 19 P2:35

October 19, 1984

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele

By: Kenneth A. Gross
Associate General Counsel *KAG*

SUBJECT: MUR 1801 - Coalition for a New Foreign and
Military Policy

The National Conservative Political Action Committee alleges that the Coalition for a New Foreign and Military Policy violated 2 U.S.C. § 441d. That statute requires that:

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution... through general public political advertising...

the Communication must indicate who paid for it, and where required, who authorized such communication.

The issues presented are whether the communication expressly advocated Ronald Reagan's defeat and whether the communication solicited contributions for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A)(i). While the respondent's communication criticized the Reagan administration, it did not expressly advocate Reagan's defeat. However, while the Coalition for a New Foreign and Military Policy definitely solicited contributions in order to advocate positions contrary to those of the Administration, it is uncertain whether the language utilized fell within the statute's purview. It will, therefore, be necessary for the Commission to review the communication's pertinent language before rendering a reason to believe determination.

In addition, we are unable to discern the respondent organization's corporate structure at this time. Because § 441b violations may be involved, we will wait until the fifteen day response period expires before providing the Commission with a complete analysis of this allegation.

34740493360



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 1984

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Richard Healey
Director
Coalition for a New
Foreign and Military
Policy
120 Maryland Avenue, N.E.
Washington, D.C. 20002

RE: MUR 1801

Dear Mr. Healey:

This letter is to notify you that on October 5, 1984, the Federal Election Commission received a complaint which alleges that you and the Coalition for a New Foreign and Military Policy violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1801. 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 and the Coalition for a New Foreign and Military Policy in connection with this matter. You may respond to the allegations made against you within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you and the Coalition for a New Foreign and Military Policy will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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

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

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

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

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Envelope

34040493362



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Dolan
National Chairman
National Conservative
Political Action Committee
1001 Prince Street
Alexandria, Virginia 22314

Dear Mr. Dolan:

This letter is to acknowledge receipt of your complaint which we received on October 5, 1984, against Richard Healey and Coalition for A New Foreign and Military Policy which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent(s) will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this Office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(B) and § 437g(a)(12)(A) unless the respondent notifies the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel

By: *Kenneth A. Gross (49)*
Kenneth A. Gross
Associate General Counsel

Enclosure

3404049333

*National Conservative
Political Action Committee*

*1001 Prince Street
Alexandria, Virginia 22314*

RECEIVED AT THE FEC
GCC# 5004
84 OCT 5 AM 11:30

*John T. Dolan
National Chairman*

September 28, 1984

(703) 684-1800

*mum
1801*

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

Dear Sir:

This letter constitutes a complaint filed pursuant to 2 U.S.C. 437g by the National Conservative Political Action Committee ("NCPAC"), a registered independent political action committee, against the Coalition for a New Foreign and Military Policy ("CFNFMP"), which has apparently violated the provisions of 2 U.S.C. 441d in making expenditures for the purpose of financing communications which expressly advocate the defeat of Ronald Reagan.

Attached hereto and made a part of this complaint are copies of the direct mailings produced by CFNFMP which violate 2 U.S.C. 441d. The name and address of the recipient of the mailings have been excised; no other alterations to the mailings have been made.

NCPAC has reason to believe that these communications were mailed to the general public.

NCPAC has reviewed the records of the Commission and ascertained that CFNFMP is not a registered political action committee.

The lack of an outright admonition to vote against President Reagan in the upcoming Presidential election does not defeat the clear intent and purpose of CFNFMP in advocating the defeat of President Reagan as set forth in the enclosed direct mailings.

NCPAC notes that by AO 1984-14, the Commission ruled that a membership organization which compiled voter guides may not distribute such material to the general public if they imply

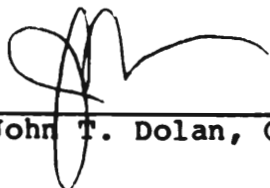
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Federal Election Commission
September 28, 1984
Page Two

a right or wrong answer or a weak record. In that same advisory opinion it was noted that favoring one candidate over the other in the context of an election indicates an election-influencing purpose.

Very truly yours,

NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE

By: 
John T. Dolan, Chairman

COMMONWEALTH OF VIRGINIA)
CITY OF ALEXANDRIA) to-wit:

Sworn to before me this 15th day of ^{October}~~September~~, 1984,
by JOHN T. DOLAN, as Chairman of National Conservative Political
Action Committee, under the penalty of perjury and subject to the
provisions of section 1001 of Title 118 of the United States
Code.

A. Mark Christopher
Notary Public

My Commission Expires: 11/21/86

COALITION

For a New Foreign and Military Policy

120 Maryland Ave., N.E., Washington D.C., 20002
(202) 546-8400

September, 1983

Dear Friend,

When we learned the result of the last vote on the MX missile in the House of Representatives (July 20), we hardly knew whether to laugh or cry.

The House vote two months earlier (May 24) had been a serious defeat for us. Not only was the MX missile endorsed, in a reversal of the vote of December 1982, but a bloc of liberal representatives led by Les Aspin defected to Reagan's side in the belief that Reagan was now going to negotiate seriously over arms control. The defection was very discouraging, and the vote was worse: a 53-vote margin for the dangerous and useless new missile.

So our expectations were not high as the next vote came up. All we hoped to show was that the peace movement had not gone away, that we were angry and meant business, that we were still organized. The Coalition staff joined many other organizations in an ambitious national campaign to swing votes back to the MX opposition. Our hope was to cut the margin by about half.

As our momentum grew, however, and we heard reports of new vote switches--such as Majority Leader Jim Wright--we began to allow the hope that we might actually win. Congresspeople returning from the July recess expressed surprise at constituent hostility to the MX. The peace movement was showing more strength than many of us expected.

The July 20 vote, as you know, authorized the MX for another year, but it was a very close one, 220 to 207. Of the 27 votes we had needed to switch, we got all but seven of them. It was a reason to celebrate, and a good basis on which to build for a later victory.

On the other hand, we did lose another vote, and the press described it as "a major victory for President Reagan." Then the Senate, as expected, endorsed the MX by a vote of 58 to 41. Despite a very large effort by the peace movement, this terrible first-strike-capable weapon is still with us, and that is reason enough to feel discouraged. So near, and yet so far.

The following organizations are members of the Coalition: American Baptist Churches, USA • American Committee on Africa • American Friends Service Committee • Americans for Democratic Action • Center for International Policy • Center of Concern • Church of the Brethren, Washington Office • Christian Church (Disciples of Christ) Department of Church and Society • Church Women United • Clergy and Laity Concerned • Council on Hemispheric Affairs • Democratic Socialists of America • Episcopal Peace Fellowship • Friends Committee on National Legislation • Friends of the Earth • Friends of the Filipino People • Institute for Food and Development Policy • Jubilee, Inc. / The Other Side • Mennonite Central Committee U.S. Peace Section • Middle East Peace Project • Movement for a Free Philippines • National Assembly of Religious Women • National Association of Social Workers • National Council of Churches • National Federation of Priests' Councils, USA • National Gray Panthers • National Office of Jesuit Social Ministries • NETWORK • New Jewish Agenda • North American Federation of Temple Youth • SANE • Sisters of St. Joseph of Peace • Union of American Hebrew Congregations • Unitarian Universalist Association • Unitarian Universalist Service Committee • United Church of Christ, Board for Homeland Ministries • United Church of Christ, Office of Church in Society • United Methodist Church, Board of Church and Society • United Methodist Church, Board of Global Ministries, Women's Division • United Presbyterian Church, USA, Washington Office • United States Student Association • War Resisters League • Washington Office of the Episcopal Church • Washington Office on Africa • Washington Office on Latin America • Women's International League for Peace and Freedom • Women Strike for Peace • World Federalist Association • World Peacemakers • Young Women's Christian Association of the USA.

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We seem to be living in what the prophet Daniel called "the dividing of time." We are on the verge of denying the president a major weapons system for the first time in modern history, and if we do, it will be a great breakthrough for the peace movement, and for peace.

So, however torn our feelings, we shall go once more into the breach, and as many more times as it takes, to stop this missile.

And not only this missile, but all the others: the cruise and Pershing II, which are just as destabilizing and provocative; the Trident II, now under active development by the Navy; the newly announced "Midgetman"; and who knows what else. The string of new destabilizing missiles is like the line of ten kings arising in Daniel's vision. We in the Coalition have vowed to oppose them all, and with your help we may one day get rid of them all.

If that seems hopelessly visionary, at least it helps keep us going through the continual discouragements and defeats.

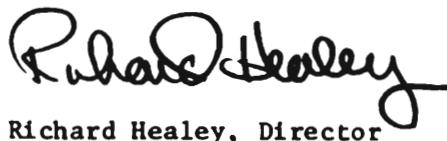
A short while ago, few people thought the House of Representatives would vote down the CIA's covert war in Nicaragua, but it did, thanks in large part to the work of the Coalition human rights staff.

And it may be that the nuclear disarmament movement has finally grown to the point where it can turn the tide, now flooding toward war, back into the channels of peace. It is not hopeless: there is unprecedented activity all over the country against the whole lineage of first-strike missiles. If we can stop one or two of them, we may "divide the time" and send it flowing, at last, toward real disarmament.

Whatever happens, we shall keep on doing our part here in Washington and wherever we can travel to speak. As always, we need your help. Many of you have responded generously to our appeals in the past, and we are grateful.

We come to you again with the promise that, if you send us a contribution, we will put it to good use. We will keep on building and educating a movement that will bring about a sane and humane foreign and military policy.

With thanks and best wishes,

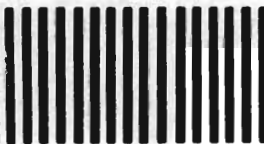


Richard Healey, Director

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Renewal Reminder

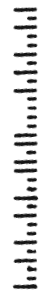


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Carlton



**IMPORTANT: RETURN
ENCLOSED FORM IMMEDIATELY**



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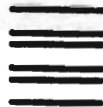
Yes. Hang in there. Here is my contribution.

☐ \$25 ☐ \$20 ☐ \$75 ☐ \$100 ☐ Other _____

COALITION
For a New Foreign and Military Policy
120 Maryland Ave., N.E., Washington D.C., 20002

Please make checks payable to the Coalition for a New Foreign and Military Policy, 120 Maryland Avenue, NE, Washington, DC 20002.

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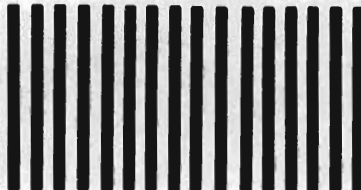
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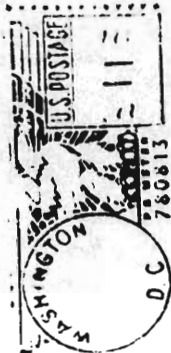


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COALITION

For a New Foreign and Military Policy

120 Maryland Ave., N.E., Washington D.C. 20002



Coalition

At this dividing of the time . . . help us turn the tide.
The time has come. We can turn the tide of war.

COALITION

For a New Foreign and Military Policy

120 Maryland Ave., N.E., Washington D.C., 20002
(202) 546-8400

ENCLOSED IS A COPY OF THE MEMBERSHIP
RENEWAL FORM MAILED TO YOU SEVERAL
WEEKS AGO. PLEASE RETURN IT IMMEDIATELY
WITH YOUR CONTRIBUTION.

Dear Network Member,

The Reagan Administration is committing this nation to a new and, perhaps, fatal round of the arms race. The economic and social costs alone will be staggering: renewed inflation, skyrocketing federal deficits, chronically high unemployment, gutted social programs and bleak prospects for economic recovery.

A majority of Americans -- like yourself -- want to see an end to the arms race...just as they want to see an end to U.S. involvement in Central America.

There is an alternative to Reagan's policies of Cold War and economic crisis if those citizens have an opportunity to participate in these decisions that so directly affect their lives.

Your support during the past year has enabled the Coalition to provide the leadership, information, resources and skills that people need to participate effectively.

We have made a difference, and we will continue to make a difference as long as we continue working together.

It will only take a minute to return the enclosed Membership Renewal Form along with your contribution.

The quality of our lives...our sense of ourselves as a nation...even our very survival is at stake. I urge you to renew your Coalition membership today.

Yours for peace and justice,



Richard Healey
Director

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COALITION

For a New Foreign and Military Policy

120 Maryland Ave., N.E., Washington D.C., 20002
(202) 546-8400

Dear Network Member,

Your support during the past year has enabled the Coalition to launch a major challenge to the Reagan Administration. We've used your membership contribution to go to work on Capitol Hill:

- * organizing policy forums and working conferences for Members of Congress and their aides
- * monitoring hearings and Congressional debates and reporting to thousands of constituents through "Legislative Updates" and "Budget Bulletins"
- * rounding up co-sponsors and votes for key legislation, including the nuclear freeze resolution and an amendment banning covert operations against the government of Nicaragua.

And we've used your membership contribution to go to work at the grassroots:

- * producing and distributing top-rate educational resources
- * conducting "nuts and bolts" skills-building workshops for hundreds of peace activists
- * serving as speakers and resource people at scores of local conferences.

✓ All this hard work is beginning to pay off: A nuclear freeze and human rights in Central America are now priority items on our nation's political agenda. And we've counted on people like yourself to help us put them there...people who want their country's foreign policy to reflect the common sense and decency that are so much a part of our democratic traditions.

With your continued support we can turn our common dreams into credible political alternatives. We need your renewed support now:

- to launch a nationwide campaign against Congressional funding of "First Strike" nuclear weapons
- to make the arms race a budget issue and a jobs issue in

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the year ahead...to educate, organize and mobilize the political base needed to turn our national priorities around

- to maintain a presence for human rights in Central America and South Africa on Capitol Hill...to continue providing the facts about hearings, committee assignments and key votes that human rights activists will need to end U.S. involvement in El Salvador.

Your continued membership in the Coalition's grassroots network is absolutely vital to our work.

With your help we can give Americans a choice during a time of unprecedented political and economic crisis: Clear foreign policy alternatives built around concrete legislation and the leadership, information, resources and skills -- the political muscle -- needed to turn them into realities.

Together, we really can make a difference. Please renew your membership today.

Yours for peace and justice,



Richard Healey
Director

P.S. You will, of course, continue to receive Coalition Close-Up to keep you informed of network activity throughout the country.

84040493375

Membership renewal — \$20

I am enclosing an extra contribution to help the Coalition in its vital work:

☐ \$25 ☐ \$50 ☐ \$100 ☐ \$200 ☐ Other _____

Be sure to return form with
your membership renewal
contribution in the enclosed
postage paid envelope.

Make your check payable to
the Coalition for a New
Foreign and Military Policy.

COALITION

For a New Foreign and Military Policy

120 Maryland Ave. N.E. Washington D.C. 20002

Tax _____ contributions can be made to the Foreign Policy Education Fund.

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When you receive an action alert, do you:

- ☐ write a letter to your Representative/Senator?
- ☐ activate a phone tree?
- ☐ spread the word among members of your organization?

Are you an active participant in a local citizens' group working on arms control and/or human rights? What is the name of the organization? _____

If you would be able to use more frequent and detailed information on either disarmament/military spending issues or Central America/human rights issues, check below to receive the Budget Bulletin or Legislative Update.

- ☐ Budget Bulletin (disarmament/military spending)
- ☐ Legislative Update (Central America/human rights)

Have you ever ordered five or more copies of a Coalition resource? ☐ Yes ☐ No

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For a New Foreign and Military Policy

120 Maryland Ave., N.E., Washington D.C., 20002

Membership renewal — \$20

I am enclosing an extra contribution to help the Coalition in its vital work:

☐ \$25 ☐ \$50 ☐ \$100 ☐ \$200 ☐ Other _____

Be sure to return form with
your membership renewal
contribution in the enclosed
postage paid envelope.

Make your check payable to
the Coalition for a New
Foreign and Military Policy.

COALITION

For a New Foreign and Military Policy

120 Maryland Ave., N.E., Washington D.C. 20002

Tax deductible contributions can be made to the Foreign Policy Education Fund.

IMPORTANT: RETURN IMMEDIATELY

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When you receive an action alert, do you:

- ☐ write a letter to your Representative/Senator?
- ☐ activate a phone tree?
- ☐ spread the word among members of your organization?

Are you an active participant in a local citizens' group working on arms control and/or human rights? What is the name of the organization? _____

If you would be able to use more frequent and detailed information on either disarmament/military spending issues or Central America/human rights issues, check below to receive the Budget Bulletin or Legislative Update.

- ☐ Budget Bulletin (disarmament/military spending)
- ☐ Legislative Update (Central America/human rights)

Have you ever ordered five or more copies of a Coalition resource? ☐ Yes ☐ No

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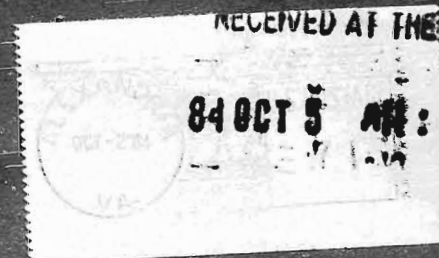
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For a New Foreign and Military Policy

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FIRST CLASS

From:

**National Conservative
Political Action Committee**

1001 prince street, alexandria, va. 22314 (703) 684-1800

To:

General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

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

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