



FEDERAL ELECTION COMMISSION

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

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THIS IS THE END OF MUR # ~~1~~ /359

Date Filmed 10/25/82 Camera No. 4

Cameraman J.A.Q.



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR #

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MUR 1359

FOIA Index of Deleted Material

t= total deletion and p= partial deletion

		Exeption	(5)
1.	6 Routing Cards		
2.	Comm. Objection 3/31/81	- t -	" (5)
3.	Letter 5/5/81	- p -	" (3)
4.	" 5/5/81	- p -	" (3)
5.	Letter undated	- t -	" (3)
6.	Memo to Comm. 5/19/81	- t -	" (3)
7.	Letter 5/27/81	- t -	" (3)
8.	Concil. Agreement 7/30/81	- t -	" (3)
9.	G.C. Report 8/3/81	- p -	" (3)
10.	Comm. Objection 8/13/81	- t -	" (5)
11.	Concil. Agree. 8/21/81	- t -	" (3)
12.	Letter 9/18/81	- p -	" (3)
13.	G.C. Report 11/18/81	- t -	" (3)
14.	Comm. Comment 12/3/81	- t -	" (3)
15.	Letter 12/18/81	- t -	" (3)
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17.	G.C. Brief 2/5/82	- p -	" (3)
18.	G.C. Brief 2/5/82	- p -	" (3)
19.	G.C. Report 3/16/82	- t -	" (3)
20.	Concil. Agree. 4/7/82	- t -	" (3)
21.	Memo to Comm. 5/4/82	- t -	" (3)
22.	Concil. Agree. 6/2/82	- t -	" (3)
23.	Comm. Object. 7/6/82	- t -	" (3)
24.	Comm. Object. 7/6/82	- t -	" (3)

P. Lee Oade 9/3/82

32040353491



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 15, 1982

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

On July 13, 1982, the Commission accepted the conciliation agreement signed by your client, the National Right to Life Committee, Inc., in settlement of a violation of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

32040353192



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1982

Gail M. Harmon
HARMON & WEISS
1725 I Street, N.W.
Suite 506
Washington, D.C. 20007

Re: MUR 1359

Dear Ms. Harmon:

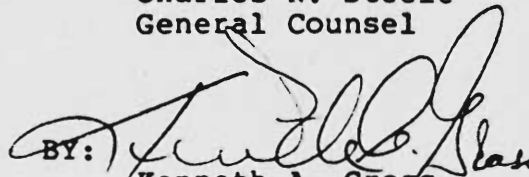
This is in reference to the complaint you filed with the Commission on January 5, 1981 concerning the National Right to Life Committee, Inc. and the National Right to Life Political Action Committee.

After conducting an investigation in this matter, the Commission determined there was probable cause to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. On July 13, 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information.

The file number in this matter is MUR 1359. If you have any questions, please contact Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliatin Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life) MUR 1359
Committee, Inc.)

CONCILIATION AGREEMENT

9 2 0 4 0 3 5 3 1 9 4
This matter was initiated by a signed, sworn, and notarized complaint by Gail M. Harmon. The Commission has conducted an investigation, and found probable cause to believe that the National Right to Life Committee, Inc. ("Respondent") violated 2 U.S.C. § 441b(b) by soliciting the general public for contributions.

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

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

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

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

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

1. Respondent, the National Right to Life Committee, Inc., is a not-for-profit membership corporation, organized under laws of the District of Columbia.

2. The National Right to Life Political Action Committee is the separate segregated fund of Respondent National Right to Life Committee, Inc.

3. Respondent paid \$450 for an advertisement that was printed in the July 1980 edition of Political Profiles, Inc. Report.

4. Political Profiles Inc. Report was distributed to approximately 5,000 persons, who were delegates to the 1980 Democratic and Republican national conventions.

5. Many of the delegates to the conventions were not members of National Right to Life Committee, Inc.

6. The solicitation of contributions to the general public by a separate segregated fund or its connected organization is prohibited by 2 U.S.C. § 441b.

7. The Commission has found probable cause to believe that distribution of Respondent's advertisement to non-members of the National Right to Life Committee, Inc. solicited contributions to the National Right to Life Political Action Committee in violation of 2 U.S.C. § 441b(b).

8. Respondent contends that the advertisement was not intended as a solicitation of contributions for the National Right to Life Political Action Committee.

9. Respondent received no contributions as a result of the advertisement in the July 1980 edition of Political Profiles, Inc. Report.

V. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign

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Act of 1971, as amended, 2 U.S.C. § 431, et seq. specifically, soliciting non-members of the National Right to Life Committee, Inc. for contributions to the National Right to Life Political Action Committee.

VI. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

July 15, 1982
Date

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

June 14, 1982
Date

National Right to Life - President
Committee, Inc.

BY: _____

ITS: _____

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life)
Committee, Inc.)

MUR 1359

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on July 13, 1982, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1359:

1. Accept the conciliation agreement attached to the General Counsel's July 2, 1982 report in this matter.
2. CLOSE THE FILE.

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

Attest:

7-14-82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, *THUC* GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JODY RANSOM *JR*
DATE: JULY 8, 1982
SUBJECT: OBJECTION - MUR 1359 Conciliation Agreement -
Memorandum to the Commission dated 7-2-82

The above-named document was circulated to the Commission on
July 6, 1982 at 11:00.

Commissioner Reiche submitted an objection at 9:22, July 8,
1982.

This matter will be placed on the agenda for the Executive
Session of Tuesday, July 13, 1982. A copy of Commissioner Reiche's
vote sheet with comments is attached.

Attachment

32040353199

July 2, 1982

MEMORANDUM TO: Marjorie Emmons
FROM: Steven Barndollar
SUBJECT: MUR 1359

Please have the attached Memo to the Commission distributed to the Commission on 48 hour ~~daily~~ basis. Thank you.

Attachment

9204033300

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1982

RECEIVED
OFFICE OF THE
COMMISSIONER
82 JUL 2 P 2: 23

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

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

SUBJECT: MUR 1359 Conciliation Agreement

Attached is a conciliation agreement that has been signed by John C. Willke, M.D., president of the National Right to Life Committee, Inc. The primary difference between the signed conciliation agreement and the one approved by the Commission during its April 6, 1982, consideration of this matter is the absence of an admission by respondent that any violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. (the "Act") has occurred.

The signed conciliation agreement speaks in terms of the Commission finding probable cause to believe that a violation of Section 441b of the Act has occurred and the respondent's "contention" that the fundraising materials in question in this matter were not "intended" as a solicitation for contributions. On the other hand, the signed agreement has language supplemental to the approved conciliation agreement that specifies that the respondent will not solicit non-members for contributions to the respondent's PAC, the National Right to Life Political Action Committee. Therefore, the Office of General Counsel recommends that the Commission accept the proposed agreement and close the file in this matter.

Attachments

1. Conciliation Agreement
2. Letters to complainant and respondent

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
National Right to Life
Committee, Inc.

)
)
)
)

MUR 1359

CONCILIATION AGREEMENT

3 2 0 4 0 3 5 3 5 0 2
This matter was initiated by a signed, sworn, and notarized complaint by Gail M. Harmon. The Commission has conducted an investigation, and found probable cause to believe that the National Right to Life Committee, Inc. ("Respondent") violated 2 U.S.C. § 441b(b) by soliciting the general public for contributions.

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

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

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

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

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

1. Respondent, the National Right to Life Committee, Inc., is a not-for-profit membership corporation, organized under laws of the District of Columbia.

2. The National Right to Life Political Action Committee is the separate segregated fund of Respondent National Right to Life Committee, Inc.

3. Respondent paid \$450 for an advertisement that was printed in the July 1980 edition of Political Profiles, Inc. Report.

4. Political Profiles Inc. Report was distributed to approximately 5,000 persons, who were delegates to the 1980 Democratic and Republican national conventions.

5. Many of the delegates to the conventions were not members of National Right to Life Committee, Inc.

6. The solicitation of contributions to the general public by a separate segregated fund or its connected organization is prohibited by 2 U.S.C. § 441b.

7. The Commission has found probable cause to believe that distribution of Respondent's advertisement to non-members of the National Right to Life Committee, Inc. solicited contributions to the National Right to Life Political Action Committee in violation of 2 U.S.C. § 441b(b).

8. Respondent contends that the advertisement was not intended as a solicitation of contributions for the National Right to Life Political Action Committee.

9. Respondent received no contributions as a result of the advertisement in the July 1980 edition of Political Profiles, Inc. Report.

V. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign

32040353503

Act of 1971, as amended, 2 U.S.C. § 431, et seq. specifically, soliciting non-members of the National Right to Life Committee, Inc. for contributions to the National Right to Life Political Action Committee.

VI. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United-States District Court for the District of Columbia.

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

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

Date

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Date

June 14, 1982

National Right to Life
Committee, Inc.

BY:

ITS:

[Signature] - President
National Right to Life
Committee, Inc.

3204035305



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Gail M. Harmon
HARMON & WEISS
1725 I Street, N.W.
Suite 506
Washington, D.C. 20007

Re: MUR 1359

Dear Ms. Harmon:

This is in reference to the complaint you filed with the Commission on January 5, 1981 concerning the National Right to Life Committee, Inc. and the National Right to Life Political Action Committee.

After conducting an investigation in this matter, the Commission determined there was probable cause to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. On July , 1980, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information.

The file number in this matter is MUR 1359. If you have any questions, please contact Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliatin Agreement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

On July , 1982, the Commission accepted the conciliation agreement signed by your client, the National Right to Life Committee, Inc., in settlement of a violation of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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02 JUN 22 09:42

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD M. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(317) 238-2421

June 17, 1982

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Re: MURs 1258 and 1359


Dear Mr. Gross:

Enclosed are the signed copies of the conciliation agreements in the above MURs. We agree to the changes that have been made and also agree that it should be resolved on this basis.

Will you please let me know the results of the Federal Election Commission action on this matter when they are available.

Sincerely,

BRAMES, BOPP & HAYNES



James Bopp, Jr.

JB:maw
Enclosure
cc: John C. Willke, M.D.
Sandra Faucher
Warren Sweeney

02040351503

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life)
Committee, Inc.,) MUR 1359
)
and)
)
National Right to Life)
Political Action Committee)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on April 6, 1982, do hereby certify the Commission decided by a vote of 5-1 to take the following actions in MUR 1359:

1. find probable cause to believe that the National Right to Life Committee, Inc., violated 2 U.S.C. §441b(b) of the Act, but offer a proposed conciliation agreement containing no civil penalty;
2. find no probable cause to believe that the National Right to Life Political Action Committee violated 2 U.S.C. §441b(b) of the Act; and
3. Direct the Office of General Counsel to write appropriate letters and a conciliation agreement to reflect these actions.

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

Attest:

4-6-82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

March 26, 1982

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1359

Please have the attached General Counsel's Report distributed to the Commission for the agenda of April 6, 1982. Thank you.

Attachment

cc: Andersen

8204035310

February 9, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1359

Please have the attached Memo and Brief distributed to the Commission on an informational basis. Thank you.

Attachment

cc: Andersen

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 9, 1982

James Bopp, Jr., Esq.
Bramas, Bopp & Haynes
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

Based on a complaint filed with the Commission on January 5, 1981, and information supplied by your clients, the National Right to Life Committee, Inc. ("NRLC") and the National Right To Life Political Action Committee ("NRL PAC"), the Commission determined on March 30, 1981, and December 15, 1981, that there was reason to believe that NRLC and NRL-PAC, committed violations of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has been committed by NRLC.

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

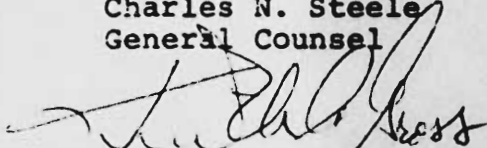
If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Lee Andersen at (202) 523-5071.

Sincerely,

Charles W. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 FEB 9 AM: 39

February 9, 1982

MEMORANDUM TO: The Commission
FROM: Kenneth A. Gross
Associate General Counsel
SUBJECT: MUR 1359

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on February 9, 1982. Following receipt of the Respondent's reply to this notice, this office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

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February 5, 1982

MUR 1359

On January 5, 1981, the National Abortion Rights Action League (NARAL) filed a complaint against the National Right to Life Political Action Committee ("NRL-PAC"). The complaint alleged that NRL-PAC violated 2 U.S.C. § 441b by soliciting the general public for contributions vis a vis the production and distribution of a communication in the Special Convention Issue of Political Profiles Inc. Report ("PPI"). The PPI was distributed to the delegates of both the Democratic and Republican national conventions in 1980. On March 30, 1981, the Commission found reason to believe that NRL-PAC committed a violation of 2 U.S.C. § 441b.

for contributions to a separate segregated fund established by the corporation. The issue, then, is whether the language contained in the communication of the PPI is a solicitation for contributions.

In Advisory Opinion 1979-13, Raymond International sought to publish an article in its corporate newsletter which would inform its employees of the activities and existence of its separate segregated fund, RAYPAC. The Commission found that since the article would be distributed to persons who are prohibited from being solicited by RAYPAC, and since the article implicitly encouraged employee participation in RAYPAC, it would be a solicitation in violation of 2 U.S.C. § 3041.

II. Factual and Legal Analysis

The evidence before the Commission indicates that NRLC paid \$450 to place a communication in 5,000 copies of the PPI which were distributed to the delegates of the 1980 Republican and Democratic national conventions. The communication poses rhetorical questions such as "What is NRL-PAC?" and "What are the purposes of NRL-PAC?" An answer follows each question. One of the questions asks, "Who may contribute to NRL-PAC?" The answer which follows is, "Contributions to NRL PAC may be accepted from any citizen of the United States." Complainant NARAL alleges that this statement, appearing as it does in the context of the PPI communication without safeguards for preventing unauthorized contributions, is a prohibited solicitation.

Title 2 of the United States Code, Section 441b(b)(4)(A)(i) prohibits a corporation from soliciting the general public

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for contributions to a separate segregated fund established by the corporation.^{1/} The issue, then, is whether the language contained in the communication of the PPI is a solicitation for contributions.

In Advisory Opinion 1979-13, Raymond International sought to publish an article in its corporate newsletter which would inform its employees of the activities and existence of its separate segregated fund, RAYPAC. The Commission found that since the article would be distributed to persons who are prohibited from being solicited by RAYPAC, and since the article implicitly encouraged employee participation in RAYPAC, it would be a solicitation in violation of 2 U.S.C. § 441b.

The Commission further stated in Advisory Opinion 1979-13 that the legislative history of the Act indicates that informing persons of a fundraising activity is considered a solicitation. AO 1976-27, AO 1976-96 and AO 1978-17; But see AO 1979-66. In making this statement the Commission relied upon congressional floor debates on the 1976 amendments to the Act. Specifically the Commission quoted from a statement of then Representative Hays, who stated:

(We) determined that any action (that) could fairly be considered a request for a contribution should be treated as a solicitation.
122 Cong, Rec. 43779 (daily ed. May 3, 1976).

^{1/} Title 2 United States Code, Section 441b(b)(4)(c) does not prevent an incorporated membership organization such as the NRLC from soliciting its members for contributions to its separate segregated fund. 11 C.F.R. § 114.7(a). The delegates and attendees of the Democratic and Republican national conventions were a class of individuals consisting of more than just members of the NRLC, however.

for contributions to a separate segregated fund established by the corporation.^{1/} The issue, then, is whether the language contained in the communication of the PPI is a solicitation for contributions.

In Advisory Opinion 1979-13, Raymond International sought to publish an article in its corporate newsletter which would inform its employees of the activities and existence of its separate segregated fund, RAYPAC. The Commission found that since the article would be distributed to persons who are prohibited from being solicited by RAYPAC, and since the article implicitly encouraged employee participation in RAYPAC, it would be a solicitation in violation of 2 U.S.C. § 441b.

The Commission further stated in Advisory Opinion 1979-13 that the legislative history of the Act indicates that informing persons of a fundraising activity is considered a solicitation. AO 1976-27, AO 1976-96 and AO 1978-17; But see AO 1979-66. In making this statement the Commission relied upon congressional floor debates on the 1976 amendments to the Act. Specifically the Commission quoted from a statement of then Representative Hays, who stated:

(We) determined that any action (that) could fairly be considered a request for a contribution should be treated as a solicitation.
122 Cong. Rec. 43779 (daily ed. May 3, 1976).

^{1/} Title 2 United States Code, Section 441b(b)(4)(c) does not prevent an incorporated membership organization such as the NRLC from soliciting its members for contributions to its separate segregated fund. 11 C.F.R. § 114.7(a). The delegates and attendees of the Democratic and Republican national conventions were a class of individuals consisting of more than just members of the NRLC, however.

Under this standard, the article in the PPI can be characterized as a solicitation. Like the proposed article in the corporate newsletter of Raymond International, the PPI advertisement describes NRL-PAC's activities and encourages contributions to NRL-PAC from persons who are not members of NRLC.

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In Mr. Bopp's letter of September 18, 1981, he sets forth reasons why MUR 1359 should be dismissed with no further adverse action by the Commission. Mr. Bopp argues that even if the Commission is technically correct in characterizing the advertisement in question as a fundraiser improperly distributed to the general public, the fact that NRL-PAC records show no receipt of contributions from the general public is contrary to the Commission's original interpretation. In other words, NRLC's position is that since the response to the advertisement in the PPI distributed to the general public was not successful in raising funds, the Commission's interpretation is empirically invalid.

Respondent's analysis of the contribution patterns which may have been elicited by the NRLC advertisement in the PPI indicates that, as a fundraiser, the advertisement was a failure with the general public. However, failure of the advertisement to generate contributions from the general public is not necessarily determinative on the question of whether the Commission should be

guided by the standard which it has set forth in the Advisory Opinion, 1979-13.

The Office of General Counsel submits that the advertisement in the PPI, paid for by NRLC, can be fairly considered to be a solicitation of the general public. Therefore, the Office of General Counsel recommends that the Commission find probable cause to believe that NRLC committed violations 2 U.S.C. § 441b by soliciting contributions from the general public for its separate segregated fund, NRL-PAC. Since it appears that NRL-PAC did not make an expenditure for the advertisement in the PPI, we are also recommending that the Commission find no probable cause to believe that NRL-PAC violated 2 U.S.C. § 441b.

III. Recommendations

The Office of General Counsel recommends that the Commission:

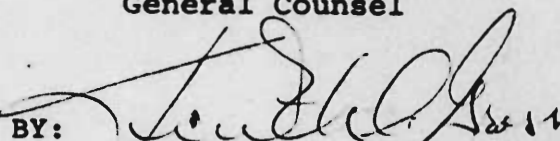
1. find probable cause to believe that the respondent National Right to Life Committee, Inc. committed violations of 2 U.S.C. § 441b by soliciting contributions from the general public for its separate segregated fund, National Right to Life Political Action Committee; and

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2. find no probable cause to believe that the respondent National Right to Life Committee Political Action Committee committed violations of 2 U.S.C. § 441b by soliciting the general public for contributions.

Feb 8, 1982
Date

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

22040353521



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 9, 1982

James Bopp, Jr., Esq.
Bramas, Bopp & Haynes
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

Based on a complaint filed with the Commission on January 5, 1981, and information supplied by your clients, the National Right to Life Committee, -Inc. ("NRLC") and the National Right To Life Political Action Committee ("NRL PAC"), the Commission determined on March 30, 1981, and December 15, 1981, that there was reason to believe that NRLC and NRL-PAC, committed violations of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has been committed by NRLC.

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

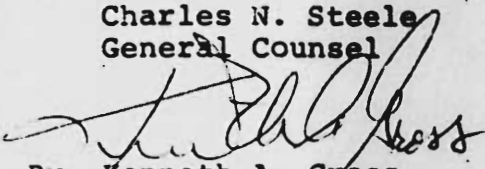
If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Lee Andersen at (202) 523-5071.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 FEB 9 All: 3



SENSITIVE

February 9, 1982

MEMORANDUM TO: The Commission
FROM: Kenneth A. Gross
Associate General Counsel
SUBJECT: MUR 1359

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on February 9, 1982. Following receipt of the Respondent's reply to this notice, this office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

3204035324

February 5, 1982

**National Right to Life Political
Action Committee**

MUR 1359

GENERAL COUNSEL'S BRIEF

On January 5, 1981, the National Abortion Rights Action League (NARAL) filed a complaint against the National Right to Life Political Action Committee ("NRL-PAC"). The complaint alleged that NRL-PAC violated 2 U.S.C. § 441b by soliciting the general public for contributions vis a vis the production and distribution of a communication in the Special Convention Issue of Political Profiles Inc. Report ("PPI"). The PPI was distributed to the delegates of both the Democratic and Republican national conventions in 1980. On March 30, 1981, the Commission found reason to believe that NRL-PAC committed a violation of 2 U.S.C. § 441b.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



06c,
Docket
2-7-82
4.22

SENSITIVE

MEMORANDUM TO: THE COMMISSION

FROM: MARJORIE W. EMMONS /JODY CUSTER

DATE: FEBRUARY 9, 1982

SUBJECT: MUR 1359 - Memorandum to the Commission dated
2-9-82 and General Counsel's Brief dated
2-8-82

The attached documents are circulated for your
information.

ATTACHMENTS:

1) Memo; 2) Brief; 3) Letter

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for contributions to a separate segregated fund established by the corporation.^{1/} The issue, then, is whether the language contained in the communication of the PPI is a solicitation for contributions.

In Advisory Opinion 1979-13, Raymond International sought to publish an article in its corporate newsletter which would inform its employees of the activities and existence of its separate segregated fund, RAYPAC. The Commission found that since the article would be distributed to persons who are prohibited from being solicited by RAYPAC, and since the article implicitly encouraged employee participation in RAYPAC, it would be a solicitation in violation of 2 U.S.C. § 441b.

The Commission further stated in Advisory Opinion 1979-13 that the legislative history of the Act indicates that informing persons of a fundraising activity is considered a solicitation. AO 1976-27, AO 1976-96 and AO 1978-17; But see AO 1979-66. In making this statement the Commission relied upon congressional floor debates on the 1976 amendments to the Act. Specifically the Commission quoted from a statement of then Representative Hays, who stated:

(We) determined that any action (that) could fairly be considered a request for a contribution should be treated as a solicitation.
122 Cong. Rec. 43779 (daily ed. May 3, 1976).

^{1/} Title 2 United States Code, Section 441b(b)(4)(c) does not prevent an incorporated membership organization such as the NRLC from soliciting its members for contributions to its separate segregated fund. 11 C.F.R. § 114.7(a). The delegates and attendees of the Democratic and Republican national conventions were a class of individuals consisting of more than just members of the NRLC, however.

for contributions to a separate segregated fund established by the corporation. The issue, then, is whether the language contained in the communication of the PPI is a solicitation for contributions.

In Advisory Opinion 1979-13, Raymond International sought to publish an article in its corporate newsletter which would inform its employees of the activities and existence of its separate segregated fund, RAYFAC. The Commission found that since the article would be distributed to persons who are prohibited from being solicited by RAYFAC, and since the article implicitly encouraged employee participation in RAYFAC, it would be a solicitation in violation of 2 U.S.C. § 441b(b)(4)(A)(i).

II. Factual and Legal Analysis

The evidence before the Commission indicates that NRLC paid \$450 to place a communication in 5,000 copies of the PPI which were distributed to the delegates of the 1980 Republican and Democratic national conventions. The communication poses rhetorical questions such as "What is NRL-PAC?" and "What are the purposes of NRL-PAC?" An answer follows each question. One of the questions asks, "Who may contribute to NRL-PAC?" The answer which follows is, "Contributions to NRL PAC may be accepted from any citizen of the United States." Complainant NARAL alleges that this statement, appearing as it does in the context of the PPI communication without safeguards for preventing unauthorized contributions, is a prohibited solicitation.

Title 2 of the United States Code, Section 441b(b)(4)(A)(i) prohibits a corporation from soliciting the general public

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guided by the standard which it has set forth in the Advisory Opinion, 1979-13.

The Office of General Counsel submits that the advertisement in the PPI, paid for by NRLC, can be fairly considered to be a solicitation of the general public. Therefore, the Office of General Counsel recommends that the Commission find probable cause to believe that NRLC committed violations 2 U.S.C. § 441b by soliciting contributions from the general public for its separate segregated fund, NRL-PAC. Since it appears that NRL-PAC did not make an expenditure for the advertisement in the PPI, we are also recommending that the Commission find no probable cause to believe that NRL-PAC violated 2 U.S.C. § 441b.

III. Recommendations

The Office of General Counsel recommends that the Commission:

1. find probable cause to believe that the respondent National Right to Life Committee, Inc. committed violations of 2 U.S.C. § 441b by soliciting contributions from the general public for its separate segregated fund, National Right to Life Political Action Committee; and

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Under this standard, the article in the PPI can be characterized as a solicitation. Like the proposed article in the corporate newsletter of Raymond International, the PPI advertisement describes NRL-PAC's activities and encourages contributions to NRL-PAC from persons who are not members of NRLC.

In Mr. Bopp's letter of September 18, 1981, he sets forth reasons why MUR 1359 should be dismissed with no further adverse action by the Commission. Mr. Bopp argues that even if the Commission is technically correct in characterizing the advertisement in question as a fundraiser improperly distributed to the general public, the fact that NRL-PAC records show no receipt of contributions from the general public is contrary to the Commission's original interpretation. In other words, NRLC's position is that since the response to the advertisement in the PPI distributed to the general public was not successful in raising funds, the Commission's interpretation is empirically invalid.

Respondent's analysis of the contribution patterns which may have been elicited by the NRLC advertisement in the PPI indicates that, as a fundraiser, the advertisement was a failure with the general public. However, failure of the advertisement to generate contributions from the general public is not necessarily determinative on the question of whether the Commission should be

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FEDERAL ELECTION COMMISSION



2. find no probable cause to believe that the respondent
National Right to Life Committee Political Action Committee
committed violations of 2 U.S.C. § 441b by soliciting the
general public for contributions.

Feb 8, 1982
Date

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

8204035331



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 9, 1982

James Bopp, Jr., Esq.
Bramas, Bopp & Haynes
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

Based on a complaint filed with the Commission on January 5, 1981, and information supplied by your clients, the National Right to Life Committee, Inc. ("NRLC") and the National Right To Life Political Action Committee ("NRL PAC"), the Commission determined on March 30, 1981, and December 15, 1981, that there was reason to believe that NRLC and NRL-PAC, committed violations of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has been committed by NRLC.

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

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

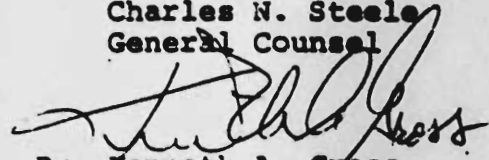
Letter to James C. Papp, Jr., Esq.
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Lee Andersen at (202) 523-5071.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

02040335333

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life) MUR 1359
Political Action Committee)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on December 15, 1981, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1359:

1. reject the counter conciliation proposal submitted by the National Right to Life Political Action Committee;
2. find reason to believe the National Right to Life Committee, Inc. committed a violation of 2 U.S.C. §441b(b) by making an expenditure for a solicitation for contributions to NRL-PAC from the general public; and
3. approve and authorize the sending of the of the letter to James Bopp, counsel to the National Right to Life Political Action Committee and to the National Right to Life Committee, Inc. as recommended in the General Counsel's November 18, 1981 report in this matter.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively for the decision.

Attest:

12/17/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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Anderson

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life) MUR 1359
Political Action Committee)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on December 15, 1981, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1359:

1. reject the counter conciliation proposal submitted by the National Right to Life Political Action Committee;
2. find reason to believe the National Right to Life Committee, Inc. committed a violation of 2 U.S.C. §441b(b) by making an expenditure for a solicitation for contributions to NRL-PAC from the general public; and
3. approve and authorize the sending of the of the letter to James Bopp, counsel to the National Right to Life Political Action Committee and to the National Right to Life Committee, Inc. as recommended in the General Counsel's November 18, 1981 report in this matter.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively for the decision.

Attest:

12/17/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

3204033335



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL
FROM: MARJORIE W. FINE/ JODY CUSTER *jc*
DATE: DECEMBER 7, 1981
SUBJECT: OBJECTION - MUR 1359 General Counsel's Report
dated 11-18-81, signed 12-3-81; Received in
OCS, 12-3-81, 12:44

The above-named document was circulated to the Commission on
December 3, 1981 at 4:00.

Commissioner Reiche submitted an objection at 4:25, December 4,
1981.

This matter will be placed on the agenda for the Executive
Session of Tuesday, December 15, 1981.

A copy of Commissioner Reiche's vote sheet with his comments
is attached.

Attachment:
Vote sheet

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December 3, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1359

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

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BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
800 SYCAMORE BUILDING
18 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD M. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

61 SEP 21 P 3: 56

TELEPHONE
(812) 238-2421

September 18, 1981

Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

Re: MUR 1258
MUR 1359

Dear Lee:

I am receipt of your letters of August 21, 1981, containing therein a conciliation agreement to resolve the two above referred to MURs

With respect to MUR 1258, several factors mitigate in favor of the dismissal of this complaint. First, with respect to the mention of candidates for federal office in the fund raising letter, a similar, almost identical, complaint against Planned Parenthood was dismissed. See MUR 1372. In that case, the General Counsel's office analyzed the fund raising letter which contained the allegedly offensive reference to federal candidates. In this analysis, the General Counsel's office found that the purpose of the letter was to obtain contributions to Planned Parenthood, not to urge support of any candidate. Such a similar analysis is applicable to the fund raising letter in the instant complaint.

In addition, in our Answers to Interrogatories we indicated the extremely small number of letters which actually found their way into these two Congressmen's districts. Out of 97,791 pieces mailed, only 375 went to Congressman Hyde's district and 212 to Congressman Dornan's. This inadvertent and unintentional reference to the Hyde and Dornan campaign obviously had no affect on the election and were not intended to do so.

In addition, with respect to the alledged solicitation effect of the letter for NRLPAC, our Answers to Interrogatories reveals that no contribution was obtained by NRLPAC as a result of this

SEP 21 P 4: 04

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GENERAL COUNSEL

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Mr. R. Lee Andersen
September 18, 1981

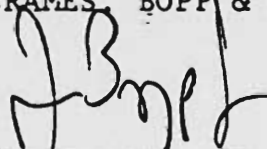
Page Two

letter. Indeed, an analysis of the fund raising letter revealed that the purpose of the solicitation was to obtain contributions for the National Right to Life Committtee not its PAC. As a result, it is our feeling that MUR 1258 should be dismissed.

With reference to MUR 1359, our Answers to Interrogatories reveals that no solicitation was intended by the ad and that no contributions were received as a result of this ad. Once again any solicitation was unintended and inadvertent and had no effect of resulting in contributions to the PAC. This complaint also should be dismissed.

Sincerely,

BRAMES, BOPP & HAYNES



James Bopp, Jr.

JB:maw

cc: Warren Sweeney
Mary R. Hunt
John C. Willke
Sandra Faucher

20403339

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1359
National Right to Life)
Political Action Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 17, 1981, the Commission decided by a vote of 6-0 to take the following actions in MUR 1359:

1. Approve the conciliation agreement for presentation to the respondent, as attached to the General Counsel's August 3, 1981 Report.
2. Approve and send the letter to the respondent, as submitted with the General Counsel's August 3, 1981 Report.

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

Attest:

8/18/81
Date

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

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

8-13-81, 10:53
8-13-81, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS / JODY CUSTER *jc*
DATE: AUGUST 17, 1981
SUBJECT: COMMENTS REGARDING MUR 1359 - General Counsel's
Report dated 8-3-81

Attached is a copy of Commissioner Reiche's
vote sheet with comments regarding the civil penalty
in MUR 1359.

ATTACHMENT:
Copy of Vote Sheet

3204035341

August 13, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1359

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

August 3, 1981

81 AUG 13 AIO: 53

In the Matter of)
National Right to Life)
Political Action Committee)

MUR 1359

GENERAL COUNSEL'S REPORT

I. Background

On January 5, 1981, the National Abortion Rights Action League filed a complaint against the National Right to Life Committee, Inc. ("NRLC") and its separate segregated fund, National Right to Life Political Action Committee ("NRL-PAC") alleging that NRL-PAC committed a violation of 2 U.S.C. § 441b by soliciting the general public for contributions. On March 30, 1981, the Commission found reason to believe that NRL-PAC violated 2 U.S.C. § 441b(b) and authorized the Office of General Counsel to conduct an investigation of the matter.

The Commission approved a set of questions on March 30, 1981, which were sent to the respondent. /

Counsel for respondent and Commission staff communicated telephonically several times in an effort to obtain the necessary information, and ultimately, on May 28, 1981, respondent submitted answers to the Commission's questions in this and a similar matter involving NRLC, MUR 1258.

II. Legal and Factual Analysis

The Special Convention Issue of Political Profiles Inc. Report ("PPI") was distributed to persons not members of NRL-PAC's connected organization, NRLC. The Commission determined on March 23, 1981, that the advertisement placed by NRL-PAC in the PPI was, in effect, a solicitation of the general public for contributions to NRL-PAC made in violation of 2 U.S.C. § 441b(b).

Although respondent's January 30, 1981, reply to the Commission's initial notification of complaint denies that the advertisement in the PPI was a solicitation for contributions to NRL-PAC, respondent's request for informal conciliation, received by the Commission subsequently, accepts the Commission's determination as a possible interpretation of the FECA. Through respondent's May 28, 1981 answer to the Commission's questions, it is evident that NRL-PAC paid \$450 to place an advertisement in 5,000 copies of the PPI which were distributed to the delegates of the 1980 Republican and Democratic National Conventions. Thus assuming that this advertisement in the PPI was, inter alia, a solicitation for contributions

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to NRL-PAC distributed to non-members of NRLC, as the Commission determined in its first consideration of this matter, respondent's reply amounts to an admission of the operative facts supporting a finding that NRL-PAC committed a violation of 2 U.S.C. § 441b(b) (see Attachment 1).

The Commission also asked respondent to state the success of the PPI advertisement as a fundraiser. NRLC-PAC responded that between July 1, 1980, and April 9, 1981, \$71,330 in contributions was received by NRL-PAC from members of NRLC while only \$328 was received from the general public.

In an attempt to discover the motivation for the contributions received from the general public, counsel for respondent contacted several identifiable contributors from the general public and inquired as to how the contributions to NRL-PAC happened to be made. In an affidavit, one of the persons employed by counsel for respondent states that of the four contributors from the general public she was able to contact, "none of those persons indicated that they contributed to NRL-PAC because of ... the ad in the July, 1980 PPI report ..." (see Attachment 1 at pages 6 and 7). While this informal survey by respondent's counsel is not definitive evidence on the issue of contributor motivation, it (along with the comparatively small number of contributions received by NRL-PAC from nonmembers of NRLC) suggests that the impact of the PPI advertisement as a fundraiser for NRL-PAC from the general public was negligible.

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Because the fundraising consequences of the NRL-PAC advertisement in the PPI were limited, the Office of General Counsel is proposing a conciliation agreement which provides for a civil penalty of \$225 and includes the following:

(1) an admission of the violation; and (2) an agreement to refrain from future violations of the Act.

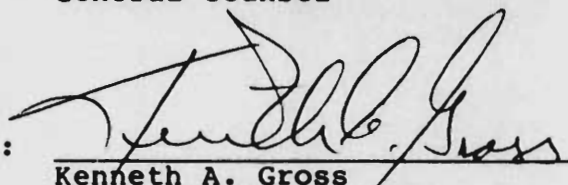
III. Recommendations

The Office of General Counsel recommends that:

1. that the Commission approve the attached conciliation agreement for presentation to the respondent; and
2. approve and send the attached letter to respondent.

Aug 12, 1981
Date

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Response of May 28, 1981
2. Proposed conciliation agreement with cover letter

32040353546

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID B. HAYNES

TELEPHONE
(812) 238-2421

May 28, 1981

Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1258 and MUR 1359

Dear Lee:

2204033547
I am very sorry that our responses, enclosed herewith, to your Request to Answer Questions and Produce Documents has taken this long. I have had to accumulate this information from several different people in NRLC and through a computer search of our mailing lists. In addition, I asked my secretary, Mary Winn, to contact the non-member contributors to determine the reasons for their contributions. I hope this information is still provided to you on a timely basis.

With respect to MUR 1258, as you can see from the answers to interrogatories, NRLPAC received no contributions as a result of this mailing. In addition, you will note in the May 7, 1981, letter from our computer house, Masser Systems, Inc., that of the 97,791 pieces mailed, only 375 went to Congressman Hyde's district and 212 to Congressman Dornan's. This represented 0.38% and 0.22% of those mailed. This inadvertent and unintentional reference to the Hyde and Dornan campaigns had no effect on the election. In addition, the mailing was obviously not directed with any such intent. In addition, the reference to NRLPAC resulted in no benefit to it in contributions. This matter, therefore, is so insignificant in its intent and result that it should be dismissed.

With reference to MUR 1359, the answers to questions reveal that approximately 5,000 copies of the July, 1980 Political Profiles Report were distributed by the publishers of that Report to the delegates to the Republican and Democratic National Conventions. NRLPAC purchased an ad for \$450.00 in order to publicize the assistance and services available through the PAC. No solicitation was intended and, as the answers reveal, no contributions were received as a result of this ad. As a result, this matter is also so insignificant in its intent and result that it too should be dismissed.

Handwritten signature

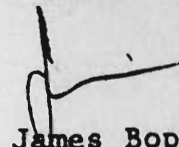
Mr. R. Lee Andersen
May 28, 1981

Page Two

If I might further assist you in this matter, please let me know.

Sincerely,

BRAMES, BOPP & HAYNES



James Bopp, Jr.

JB:maw
Enclosures
cc: John C. Willke
Warren Sweeney
Sandra Faucher
Mary Hunt

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

AM: 361 A9: 32

RE: MUR 1359

RESPONSE TO REQUEST TO ANSWER QUESTIONS
AND PRODUCE DOCUMENTS

Comes now James Bopp, Jr., General Counsel for the National Right to Life Committee, Inc. and attorney for the respondent herein, and in response to questions propounded by the Federal Election Commission, alleges and says that:

1. Please state how the National Right to Life Political Action Committee, ("NRLPAC") determines a person's membership in the National Right to Life Committee, Inc., ("NRLC") for purposes of soliciting such members of NRLC.

ANSWER: A person is an associate member of NRLC for purposes of solicitation by NRLPAC if

- (1) The person is an individual rather than a corporation.
- (2) The person subscribes to the purpose of NRLC.
- (3) The person pays dues of \$3.00 or more every two years.
- (4) The person affirmatively indicates a desire to become a member of NRLC.

2. Please state whether copies of the July 1980, Political Profiles Report ("PPI") were distributed to delegates at the 1980 Republican National Convention ("RNC"). If the answer to this question is yes, please state the number of copies distributed to these delegates.

ANSWER: Yes. 2,000.

3. Please state whether copies of the PPI were distributed to persons other than delegates attending the RNC. If the answer to this question is yes, please state the number of copies distributed to these other persons.

ANSWER: Yes. 3,000 to the delegates of the 1980 Democratic National Convention.

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4. If the answer to either questions 2 or 3 is yes, please state the method used by NRLPAC to distribute copies of the PPI at the RNC.

ANSWER: NRLPAC did not distribute copies of the PPI. PPI did so.

5. Please state whether NRLPAC paid the costs associated with the preparation, printing, and distribution of the PPI. If the answer to this question is no, please identify the source of funds used to pay for the costs associated with the preparation, distribution and printing of the PPI.

ANSWER: NRLPAC paid \$450.00 for the ad in the July, 1980 PPI Report.

6. Please state whether during the period from July 1980, to the present, NRLPAC has received any contributions in response to the July 1980, PPI identified in question No. 2.

ANSWER: No. Between July 1, 1980, and April 9, 1981, NRLPAC received \$71,330.17 from 2,946 members of NRLC as a result of two direct mail appeals to members of NRLC. During the same period, NRLPAC received contributions from seven non-members who contributed a total of \$328.00. See Masser letter attached hereto. None of these non-members contributed to NRLPAC as a result of the ad in the PPI Report. See Winn affidavit attached hereto.

7. If the answer to question No. 6 is yes, please state how many of these contributions were made to NRLPAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

8. If the answer to question No. 6 is yes, please state the total dollar amount received by NRLPAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

9. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the July 1980, PPI described in question No. 2.

ANSWER: See Answer to Interrogatory No. 5. Additional information regarding the PPI Report can be obtained from Bob Guttman,

Publisher, 1202 National Press Building, Washington,
D.C. 20045, 628-1002.

Respectfully submitted,

BRAMES, BOPP & HAYNES

By: 

James Bopp, Jr., General Counsel
National Right to Life Committee, Inc.

BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, IN 47807
812-238-2421

3 2 0 4 0 3 5 3 5 1

STATE OF INDIANA)
(SS:
COUNTY OF VIGO)

AFFIDAVIT OF MARY WINN

I, Mary Winn, secretary in the law firm of Brames, Bopp & Haynes, 900 Sycamore Building, Terre Haute, IN 47807, being duly sworn upon my oath, do hereby swear and affirm as follows:

1. During the week of May 25, 1981, I made repeated attempts to contact the persons listed as Exhibit #1, attached hereto, to determine what caused or motivated them to contribute to the National Right to Life Political Action Committee on the date listed therein.

2. During that period of time, I was able to contact four of these individuals or their immediate family. Despite repeated attempts, I received no answer at the homes of C. Casey and Michael Gask and I was unable to obtain a phone number for Pruella Gibson.

3. Of the four persons or their immediate family which I personally contacted, reasons given me for the contribution to NRLPAC were:

- (a) Mr. and Mrs. Douglas Johnson, new employee of NRLC;
- (b) Robert F. Lorenz, didn't know;
- (c) William L. Sloss, unsure; and
- (d) Mr. and Mrs. Bernard Zollner, suggestion of a friend.

4. None of the persons whom I contacted indicated to me that they contributed to NRLPAC because of either the ad for NRLPAC in the July, 1980, PPI Report or the June, 1980 direct mail appeal for NRLC.

I have read the foregoing statement and it is true to the best of my knowledge and belief.

Further affiant sayeth naught.

Mary Winn
Mary Winn, Affiant

Subscribed and sworn to before me this 28th day of May, 1981.

Julia M. Combs
Julia M. Combs, Notary Public
County of Residence: Vigo

My Commission Expires
July 9, 1984

2.5.81 #1

MASSER

SYSTEMS INCORPORATED

May 20, 1981

<u>NAME & ADDRESS</u>	<u>DATE</u>	<u>AMOUNT</u>
C Casey 5112 Windyridge Kalamazoo, MI 49001	12/30/80	50.00
Michael Gask 255 E 176th St Bronx, NY 10457	10/30/80	10.00
Pruella Gibson 180 Province St Richford, VT 05476	2/27/81	10.00
Mr. & Mrs. Douglas Johnson 1708 Matthews Lane Austin, TX 78745	10/30/80	8.00
Robert F. Lorenz 12600 W Grove Terrace Elm Grove, WI 53122	10/07/80	100.00
William L. Sloss 10 Summit Lake Zurich, IL 60047	10/30/80	100.00
Mr. & Mrs. Bernard Zollner 17109 Mt View Lane NE Woodburn, OR 97071	12/30/80	50.00
TOTAL		\$ 328.00

BEFORE THE FEDERAL ELECTION COMMISSION
1325 K Street, N. W. All: 35 | A9: 32
Washington, D. C. 20463

RE: MUR 1359

RESPONSE TO REQUEST TO ANSWER QUESTIONS
AND PRODUCE DOCUMENTS

Comes now James Bopp, Jr., General Counsel for the National Right to Life Committee, Inc. and attorney for the respondent herein, and in response to questions propounded by the Federal Election Commission, alleges and says that:

1. Please state how the National Right to Life Political Action Committee, ("NRLPAC") determines a person's membership in the National Right to Life Committee, Inc., ("NRLC") for purposes of soliciting such members of NRLC.

ANSWER: A person is an associate member of NRLC for purposes of solicitation by NRLPAC if

- (1) The person is an individual rather than a corporation.
- (2) The person subscribes to the purpose of NRLC.
- (3) The person pays dues of \$3.00 or more every two years.
- (4) The person affirmatively indicates a desire to become a member of NRLC.

2. Please state whether copies of the July 1980, Political Profiles Report ("PPI") were distributed to delegates at the 1980 Republican National Convention ("RNC"). If the answer to this question is yes, please state the number of copies distributed to these delegates.

ANSWER: Yes. 2,000.

3. Please state whether copies of the PPI were distributed to persons other than delegates attending the RNC. If the answer to this question is yes, please state the number of copies distributed to these other persons.

ANSWER: Yes. 3,000 to the delegates of the 1980 Democratic National Convention.

4. If the answer to either questions 2 or 3 is yes, please state the method used by NRLPAC to distribute copies of the PPI at the RNC.

ANSWER: NRLPAC did not distribute copies of the PPI. PPI did so.

5. Please state whether NRLPAC paid the costs associated with the preparation, printing, and distribution of the PPI. If the answer to this question is no, please identify the source of funds used to pay for the costs associated with the preparation, distribution and printing of the PPI.

ANSWER: NRLPAC paid \$450.00 for the ad in the July, 1980 PPI Report.

6. Please state whether during the period from July 1980, to the present, NRLPAC has received any contributions in response to the July 1980, PPI identified in question No. 2.

ANSWER: No. Between July 1, 1980, and April 9, 1981, NRLPAC received \$71,330.17 from 2,946 members of NRLC as a result of two direct mail appeals to members of NRLC. During the same period, NRLPAC received contributions from seven non-members who contributed a total of \$328.00. See Masser letter attached hereto. None of these non-members contributed to NRLPAC as a result of the ad in the PPI Report. See Winn affidavit attached hereto.

7. If the answer to question No. 6 is yes, please state how many of these contributions were made to NRLPAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

8. If the answer to question No. 6 is yes, please state the total dollar amount received by NRLPAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

9. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the July 1980, PPI described in question No. 2.

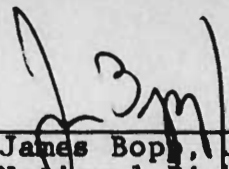
ANSWER: See Answer to Interrogatory No. 5. Additional information regarding the PPI Report can be obtained from Bob Guttman,

Publisher, 1202 National Press Building, Washington,
D.C. 20045, 628-1002.

Respectfully submitted,

BRAMES, BOPP & HAYNES

By:


James Bopp, Jr., General Counsel
National Right to Life Committee, Inc.

BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, IN 47807
812-238-2421

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Right to Life, Inc.)

MUR 1359

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 22, 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1359:

1. Reject the respondent's offer to begin informal conciliation at the present time.
2. Send the letter as submitted with the General Counsel's May 19, 1981 memorandum.

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

Attest:

5/22/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of the Commission Secretary: 5-19-81, 2:10
Circulated on 48 hour vote basis: 5-20-81, 11:00

May 19, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1359

Please have the attached Memo to the Commission distributed to the Commission on a 48 hour tally basis.

Thank you.

Attachment

pakayson:5-19-81

cc: Andersen

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

The Federal Election Commission notified your client, National Right to Life Political Action Committee ("NRLPAC"), on January 13, 1981, of a complaint which alleges that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaint were forwarded to NRLPAC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on March 24, 1981, determined that there is reason to believe that NRLPAC may have violated 2 U.S.C. § 441b. Specifically, it appears that your client, NRLPAC, illegally solicited persons who were not members of National Right to Life Committee for contributions to the former organization in violation of 2 U.S.C. § 441b by distributing copies of a political profiles report at the 1980 Republican National Convention.

We acknowledge receipt of your explanation of this matter which was dated January 30, 1981, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe

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James Bopp, Jr.
Page Two

that violations have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely

John Warren McGarry

JOHN WARREN MCGARRY
Chairman

4-3-81 ✓

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:
James Bopp, Jr.

3. ARTICLE DESCRIPTION:
REGISTERED NO. 155446 CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [Signature] ADDRESS [Address] AUTHORIZED agent

4. DATE OF DELIVERY: 4-9-81 4/9/81
POSTMARK: 81 APR 13 P 1:00

5. ADDRESS (Complete only if requested):
1359 Anderson

6. UNABLE TO DELIVER BECAUSE:
RECEIVED

CLERK'S INITIALS: [Initials]

7. RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

8. POST OFFICE: 1570-285-045

5-20-81 ✓

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:
James Bopp, Jr.

3. ARTICLE DESCRIPTION:
REGISTERED NO. 155446 CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [Signature] ADDRESS [Address] AUTHORIZED agent

4. DATE OF DELIVERY: 5-20-81 5/20/81
POSTMARK: 81 MAY 20 11:25

5. ADDRESS (Complete only if requested):
1359 Anderson

6. UNABLE TO DELIVER BECAUSE:
RECEIVED

CLERK'S INITIALS: [Initials]

7. RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

8. POST OFFICE: 1570-285-045

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

RNF
4/10/81

Re: MUR 1359

Dear Mr. Bopp:

The Federal Election Commission notified your client, National Right to Life Political Action Committee ("NRLPAC"), on January 13, 1981, of a complaint which alleges that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaint were forwarded to NRLPAC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on March , 1981, determined that there is reason to believe that NRLPAC may have violated 2 U.S.C. § 441b. Specifically, it appears that your client, NRLPAC, illegally solicited persons who were not members of National Right to Life Committee for contributions to the former organization in violation of 2 U.S.C. § 441b by distributing copies of a political profiles report at the 1980 Republican National Convention.

We acknowledge receipt of your explanation of this matter which was dated January 30, 1981, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe

9204035561

James Bopp, Jr.
Page Two

that violations have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

RLA/dmm 03/04/81

22740353562

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

REQUEST TO ANSWER QUESTIONS AND PRODUCE DOCUMENTS

To: National Right to Life
Political Action Committee
James Bopp, Jr.

MUR 1359

The Federal Election Commission ("Commission") requests that the National Right to Life Political Action Committee ("NRLPAC") answer questions and produce for inspection and copying the documents and materials listed below that are in the possession or control of NRLPAC or its officers, agents, staff members or employees. If a question in this request has not been fully answered or if a request for production of documents and materials has not been fully complied with, please state the objection to such question or request for production of documents and materials and the reasons for the objection in lieu of an answer to the question or production of the documents or materials.

1. Please state how the National Right to Life Political Action Committee, ("NRLPAC") determines a person's membership in the National Right to Life Committee, Inc., ("NRLC") for purposes of soliciting such members of NRLC.
2. Please state whether copies of the July 1980, Political Profiles Report ("PPI") were distributed to delegates at the 1980 Republican National Convention ("RNC"). If the answer to this question is yes, please state the number of copies distributed to these delegates.
3. Please state whether copies of the PPI were distributed to persons other than delegates attending the RNC. If the answer to this question is yes, please state the number of copies distributed to these other persons.

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Page two of Questions

National Right To Life
Political Action Committee
James Bopp, Jr.

MUR 1359

4. If the answer to either questions 2 or 3 is yes, please state the method used by NRLCPAC to distribute copies of the PPI at the RNC.
5. Please state whether NRLPAC paid the costs associated with the preparation, printing, and distribution of the PPI. If the answer to this question is no, please identify the source of funds used to pay for the costs associated with the preparation, distirubtion and printing of the PPI.
6. Please state whether during the period from July 1980, to the present, NRLPAC has received any contributions in response to the July 1980, PPI identified in question No. 2.
7. If the answer to question No. 6 is yes, please state how many of these contributions were made to NRLPAC from persons who were not members of NRLC at the time such contributions were made.
8. If the answer to question No. 6 is yes, please state the total dollar amount received by NRLPAC from persons who were not members of NRLC at the time such contributions were made.
9. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the July 1980, PPI described in question No. 2

82040353564

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life) MUR 1359
Political Action Committee)
James Bopp, Jr.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 2, 1981, the Commission approved by a vote of 5-0 the revised set of questions for the respondent in MUR 1359, as attached to the Memorandum to the Commission, dated March 27, 1981.

Voting for this determination were Commissioners Aikens, Harris, McGarry, Reiche and Tiernan.

Attest:

4-2-81
Date

Lera L. Stafford
for Marjorie W. Emmons
Secretary of the Commission

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

3-30-81, 4:31
3-31-81, 11:00

920403353565



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS /JODY CUSTER *jc*
DATE: APRIL 2, 1981
SUBJECT: COMMENT REGARDING MUR 1359, Memo to the
Commission, dated 3-27-81

Attached is a copy of Commissioner Thomson's
vote sheet with comments regarding typographical errors
in the above-named memorandum.

ATTACHMENT:
Copy of Vote Sheet

62040335365

March 30, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1359

Please have the attached Memotto the Commission distributed to the Commission on a 48 hour tally basis.

Thank ypu.

Attachment

pakayson:3-30-81

cc: Andersen

82040353567



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 MAR 30 P 4: 31

MEMORANDUM

TO: THE COMMISSION

FROM: CHARLES N. STEELE

RE: MUR 1359

DATE: March 27, 1981

Attached are a set of questions for repondent in MUR 1359
revised in accordance with Commisison directions of March 24, 1981.

30 March 1981

Date

Charles N. Steele
General Counsel

Attachment

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

REQUEST TO ANSWER QUESTIONS AND PRODUCE DOCUMENTS

To: National Right to Life
Political Action Committee
James Bopp, Jr.

MUR 1359

9 2 0 4 0 3 5 3 5 6 9

The Federal Election Commission ("Commission") requests that the National Right to Life Political Action Committee ("NRLPAC") answer questions and produce for inspection and copying the documents and materials listed below that are in the possession or control of NRLPAC or its officers, agents, staff members or employees. If a question in this request has not been fully answered or if a request for production of documents and materials has not been fully complied with, please state the objection to such question or request for production of documents and materials and the reasons for the objection in lieu of an answer to the question or production of the documents or materials.

1. Please state how the National Right to Life Political Action Committee, ("NRLPAC") determines a person's membership in the National Right to Life Committee, Inc., ("NRLC") for purposes of soliciting such members of NRLC.
2. Please state whether copies of the July 1980, Political Profiles Report ("PPI") were distributed to delegates at the 1980 Republican National Convention ("RNC"). If the answer to this question is yes, please state the number of copies distributed to these delegates.
3. Please state whether copies of the PPI were distributed to persons other than delegates attending the RNC. If the answer to this question is yes, please state the number of copies distributed to these other persons.

Attachment

Page two of Questions

National Right To Life
Political Action Committee
James Bopp, Jr.

MUR 1359

4. If the answer to either questions 2 or 3 is yes, please state the method used by NRLCPAC to distribute copies of the PPI at the RNC.
5. Please state whether NRLPAC paid the costs associated with the preparation, printing, and distribution of the PPI. If the answer to this question is no, please identify the source of funds used to pay for the costs associated with the preparation, distribution and printing of the PPI.
6. Please state whether during the period from July 1980, to the present, NRLPAC has received any contributions in response to the July 1980, PPI identified in question No. 2.
7. If the answer to question No. 6 is yes, please state how many of these contributions were made to NRLPAC from persons who were not members of NRLC at the time such contributions were made.
8. If the answer to question No. 6 is yes, please state the total dollar amount received by NRLPAC from persons who were not members of NRLC at the time such contributions were made.
9. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the July 1980, PPI described in question No. 2

02040353570

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life Committee,) MUR 1359
National Right to Life Committee)
Political Action League)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on March 24, 1981, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1359:

1. Find reason to believe that the National Right to Life Political Action Committee has violated 2 U.S.C. §441b by soliciting non-members of its connected organization, the National Right to Life Committee, for contributions.
2. Send the letter with questions to the respondent, as submitted with the General Counsel's March 12, 1981 report, subject to the addition of questions inquiring the number of copies distributed, how they were distributed, and where they were distributed.

Attest:

3/30/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

32040353571

8 2 0 4 0 3 3 3 5 2
SHELDON, HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D.C. 20006



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

BRAMES, BOPP & HAYNES

ATTORNEYS AT LAW

900 SYCAMORE BUILDING

19 SOUTH SIXTH STREET

TERRE HAUTE, INDIANA 47807



81 MAY 7 AM



Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

320403535



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*
FROM: MARJORIE W. EMMONS/JODY CUSTER *JC*
DATE: MARCH 17, 1981
SUBJECT: OBJECTION - MUR 1359, First General Counsel's
Report, dated 3-12-81; Received in OCS, 3-12-81,
11:03

The above-named document was circulated on a 48
hour vote basis at 4:00, March 12, 1981.

Commissioner Aikens submitted an objection at 3:53,
March 16, 1981.

This matter will be placed on the Executive Session
Agenda for Tuesday, March 24, 1981.

3204033374

March 12, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1359

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

92040353575

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 MAR 12 11:03

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL

BY OGC TO THE COMMISSION: 3-12-81

MUR 1359

DATE COMPLAINT RECEIVED

BY OGC:

STAFF MEMBER:

R. Lee Andersen

COMPLAINANT'S NAME: National Abortion Rights Action League,
Gail M. Harmon

RESPONDENTS' NAME: National Right to Life Committee
National Right to Life Committee,
Political Action League

RELEVANT STATUTE: 2 U.S.C. § 441b

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On January 5, 1981, the Federal Election Commission (hereinafter the "Commission") received a signed and sworn complaint from Gail M. Harmon on behalf of the National Abortion Rights Action League (hereinafter "NARAL") against the National Right to Life Committee (hereinafter "NRLC") and its separate segregated fund, the National Right to Life Committee Political Action Committee (hereinafter "NRLPAC"). The complaint alleges that NRLPAC violated 2 U.S.C. § 441b by soliciting members of the general public for contributions.

According to NARAL field press coordinator, Ms. Janet Beals, and Kathy Saltmarsh, a Special Convention Issue of Political Profiles Inc. Report (hereinafter "PPI") was widely distributed at the Republican National Convention and given to all convention delegates (see complaint at pages 3 and 4). Complainant alleges that the description of NRLPAC in the PPI as to what it is, why its useful, what it can do, and the answer to the rhetorical

320403376

question, "[w]ho may contribute" -- "any U.S. citizen" -- is, in effect, a solicitation of the general public in contravention of 2 U.S.C. § 441b.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441b(b)(4)(A)(i) generally prohibits corporations from soliciting contributions from members of the general public. However, a corporation or a separate segregated fund established by a corporation may make two written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation, or the families of such persons. 2 U.S.C. § 441b(b)(4)(B). Section 114.6 of the Commission's regulations provides that such solicitations may be made only by mail addressed to stockholders, executive and administrative personnel, or employees at their residences. For purposes of this section members of an incorporated issue organization are also permitted to be solicited by the separate segregated fund of such a membership organization. 11 C.F.R. § 114.7(a). These exceptions to the general prohibition of section 441b(b) would not, however, be applicable to a solicitation of delegates and attendees of the Republican National Convention by NRLPAC.

Since the PPI was allegedly distributed to persons which NRLPAC may not generally solicit for contributions, the issue in this matter is whether the distribution of the NRLPAC flyer described above is a solicitation for contributions to NRLPAC in violation of the Act. As discussed in the RAYPAC Advisory Opinion 1979-13, the legislative history of the Act indicates that informing persons of a fundraising activity is considered a solicitation. Citing various other advisory opinions and Senate floor debates on the 1976 amendments to the Act, the standard for determining whether an activity is a solicitation is quoted from a statement of then Representative Hays, it being:

(We) determined that any action (that) could fairly be considered a request for a contribution should be treated as a solicitation.
122 Cong. Rec. 43779 (daily ed. May 3, 1976).

Under this standard and Commission advisory opinions interpreting it (especially AO 1979-13 cited above) the portion of the PPI complained of can be characterized as a solicitation. Like the proposed issue of the "RAYPAC Record" discussed in AO 1979-13, the PPI describes NRLPAC's activities and seems to encourage contribution to the PAC -- including contributions by persons who are not members of NRLC.

In its complaint before the Commission, NARAL points out that the PPI asks and answers its own rhetorical question, "[w]ho may contribute to NRLPAC", by replying, "[c]ontributions to NRLPAC may be accepted from any citizen of the United States." Complainant NARAL argues that this statement, appearing as it does in the context of the PPI flyer without safeguards for preventing unauthorized contributions, is a prohibited solicitation.

In its January 30, 1981, response to the Commission, NRLPAC disputes NARAL's interpretation of the Act. Respondent agrees with the complainant's explanation of the applicable law, but balks at the conclusion that the statements in the PPI concerning who may contribute to NRLPAC encourage participation in the PAC (see response attached as Exhibit 2). Although determining the actual effect or the "hidden message" in a flyer such as the PPI may be difficult, the Commission's approach in AO 1979-13 suggests that the statements at issue in the present matter should be deemed to encourage contribution to NRLPAC.

In Advisory Opinion 1979-13, the language in the proposed issue of the "RAYPAC" Record" did not explicitly request participation, but the Commission found that pointing out the number of RAYPAC's corporate employees who participated, noting the good to the company which flowed from such participation, and expressing the hope that there would be continued enthusiastic participation of employees was implicitly an encouragement to participate in RAYPAC. The matter before the Commission is similar in that the encouragement for delegates and attendees to the Republican National Convention to contribute to NRLPAC is implied. It is a reasonable interpretation of the answer to NRLPAC's rhetorical question, "[w]ho may contribute to NRLPAC," that the delegates and attendees to the Republican National Convention may and should so contribute. For purposes of 2 U.S.C. § 441b(b)(A)(i) such persons are members of the general public and illegal subjects for solicitation by NRLPAC.*/
3 2 0 4 0 3 5 3 7 3

*/ Respondent anticipates this line of reasoning from its reading of the relevant advisory opinions and cautions the Commission that by following the implied rather than the express meaning of the statements in the PPI, the Commission risks running afoul of the first amendment for reasons of overbreadth (see response at page 2 attached as Commission Exhibit 2). However, the generalized articulation of this argument to the facts in this matter, turning on the Act's prohibition of "things", express or implied, is too vague for serious consideration.

Therefore, the Office of the General Counsel recommends that the Commission find reason to believe that NRLPAC violated 2 U.S.C. § 441b of the Act by soliciting non-members of its connected organization, NRLC, for contributions.

Recommendations

The Office of the General Counsel recommends that the Commission:

1. Find reason to believe that the National Right to Life Political Action Committee has violated 2 U.S.C. §441b by soliciting non-members of its connected organization, the National Right to Life Committee, for contributions.

2. Send the attached letter with questions to the respondent.

Attachments

1. Exhibit 1 - complaint
2. Exhibit 2 - response of NRLPAC
3. Letter to respondent with questions

22040353579

600-3686
01 JAN 5 9:34

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

TELEPHONE

(202) 833-8070

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

MUR 1359

Indiv...

December 31, 1980

01 JAN 5 11:54

GENERAL COUNSEL

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

Dear Ladies & Gentlemen:

On behalf of National Abortion Rights Action League ("NARAL") I am filing the following complaint against the National Right to Life Committee ("NRL").

The National Right to Life Committee pac ("NRL pac") appears to have violated the solicitation restrictions of 11 CFR 114 by publishing and widely distributing the attached solicitation.

STATEMENT OF FACTS

Attached as Exhibit "A" are the cover of the Special Convention Issue of Political Profiles Inc. Report ("PPI") and p. 32 of that issue. Ms. Janet Beals NARAL's coordinator for field press provided this copy of PPI Report which she believes was widely distributed at the Republican National Convention and given to all convention delegates. Attached as Exhibit "B" is statement of Kathy Saltmarsh confirming her understanding of the distribution.

LEGAL ANALYSIS

For purposes of §441b and 11 CFR 114, the Commission has applied a broad definition of solicitation which encompasses announcing setting up a pac, informing people of a fundraising activity, or describing a pac's activities. A.O.'s 1976-27, 1976-96, 1978-17 and 1979-13. In the words of Representative Hayes of Ohio, "any action (which) could fairly be considered a request for a contribution should be treated as a solicitation. 122 Cong. Rec. 43779 (daily ed. May 3, 1976).

The attached page describing NRL pac clearly contains all the elements of a solicitation; it describes the organization - what it is, why its useful, what it can do - and in high-lighted language solicits gifts by the rhetorical question "Who may contribute" and expansive answer "any U.S. citizen."

Attachment 1

32040353780

HARMON & WEISS

Federal Election Commission
December 31, 1980
Page 2

Of course NRL pac has a First Amendment right to inform politicians and the general public of its available services. The Commission has, however, provided clear, simple guidelines which enable one to describe a pac without running afoul of the solicitation restrictions. See A.O. 1978-97 and 1978-17. Thus if NRL pac did not wish to solicit, or to be deemed soliciting, it could have described the pac while saying that contributions are only accepted from members of NRL and that employees/agents of NRL will be instructed to return contributions of non-members.* Thus the contribution restrictions can be applied without burdening the legitimate exercise of First Amendment rights.

We respectfully request that you investigate this matter fully and promptly.

I have prepared this complaint and believe that it is true and correct to the best of my knowledge.

Sincerely,

Gail M. Harmon
Gail M. Harmon

GMH/lc

Notary:

Subscribed and sworn to before
me this 31st day of December, 1980

Kearne M. Blawie
NOTARY PUBLIC

* Although it may be burdensome to check membership lists to verify pact contributor's membership, it is perfectly easy to state in the ad that non-members should not contribute.

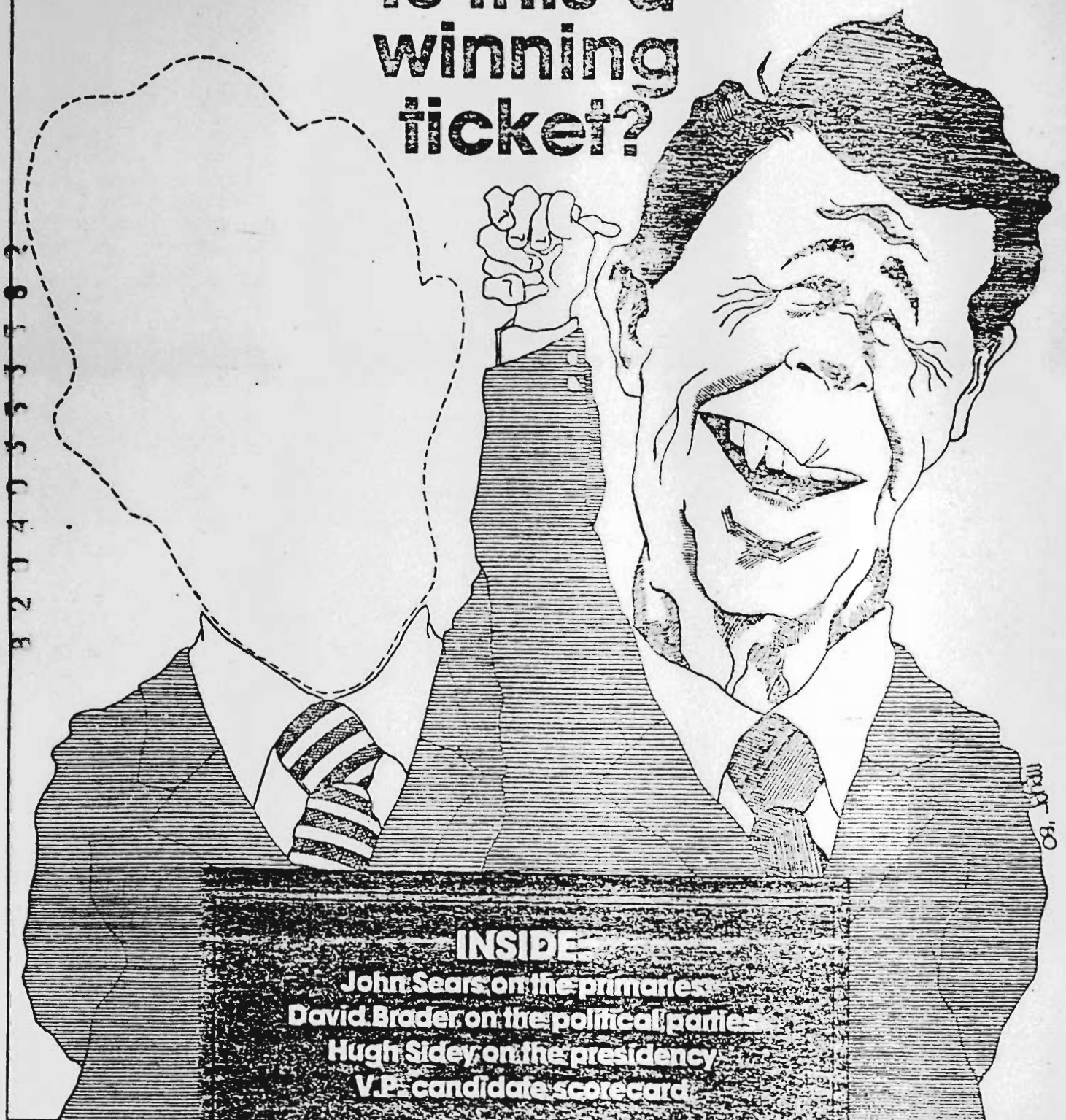
SPECIAL CONVENTION ISSUE

Volume 1 • Number 1 • July 1980

POLITICAL
PROFILES

PPI Report

Is this a
winning
ticket?



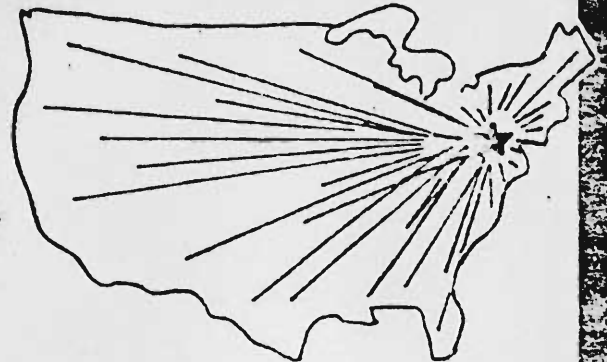
INSIDE

John Sears on the primaries
David Brader on the political parties
Hugh Sidey on the presidency
V.P. candidate scorecard

NRL



national RIGHT TO LIFE political action committee



1. What is NRL PAC?

NRL PAC is the political arm of the National Right to Life Committee. It is an "internal PAC," that is, it is an integral part of the parent organization with the same officers and board.

2. Why does the Pro-Life Movement need a PAC?

Since 1973 National Right to Life Committee has been working to end abortion and restore the right to life to the unborn through its grassroots network of over 1800 chapters representing all 50 states. National Right to Life Committee has engaged in extensive lobbying and educational activity on abortion and euthanasia. The passage of a Human Life Amendment depends ultimately, however, upon the votes of public officials. Therefore, the election of pro-life candidates has become crucial to the pro-life movement. In order to fill this need NRL PAC was formed in January, 1980.

3. What are the purposes of NRL PAC?

The purposes of NRL PAC are to support, through volunteers and contributions, those candidates for federal office, regardless of political affiliation, who will work toward the goals of the pro-life movement and to encourage, through awareness of political issues and the records of candidates, active participation in the American political process.

4. Who may contribute to NRL PAC?

Contributions to NRL PAC may be accepted from any citizen of the United States.

5. How does NRL PAC work?

NRL PAC works through each NRLC State Director and will only support or oppose a candidate in that state if the grassroots right-to-lifers, speaking through their own NRLC Director, approve of such action. NRL PAC is the vehicle through which individual pro-lifers can become involved in political action.

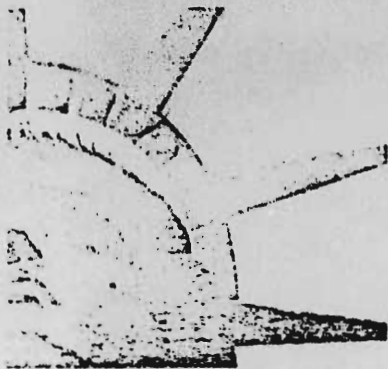
6. What can NRL PAC do for my state?

NRL PAC can provide endorsements for your pro-life candidates for U.S. Senate and Congressional races and press releases covering those endorsements, give financial support to those candidates, purchase pro-life political advertisements for them, provide lists of pro-life people, produce and mail literature showing their pro-life position, and advise groups and individuals on the types of political activity allowable under FEC rules and regulations and how to proceed with that activity.

For further information on NRL PAC contact:

Mrs. Sandra Faucher
Project Director, NRL PAC
National Press Building, Suite 341
Washington, D.C. 20045
(202) 638-4396 or (207) 622-7329

PAC



**National
Abortion Rights
Action League**

825 15th Street, N.W.
Washington, D.C. 20005
202 347-7774

December 10, 1980

This is to confirm that I spoke with Melissa Winn at Political Profiles on Wednesday, December 10, 1980 at approximately 10:30 a.m. During our conversation, Ms. Winn gave me the following information regarding the issue of "Political Profiles" that was distributed at the 1980 Republican National Convention which contained an advertisement from the National Right to Life Committee. In total there were 5000 copies printed. They were distributed to each delegate, free of charge, through the Republican state chairmen. Copies were also sold in several news stands and bookstores in Detroit and Washington, D.C.

Kathy Saltmarsh
Kathy Saltmarsh
Press Aid

3 2 0 4 0 3 5 3 8 1

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

61 FEB 2 4:02

TELEPHONE
(812) 238-2421

January 30, 1981

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

Re: MUR 1359

Dear Sir or Madam:

As General Counsel for the National Right to Life Committee, the above complaint has been referred to me for response. Please direct all correspondence regarding this matter to me at the above address.

The complaint made by the National Abortion Rights Action League claims that the National Right to Life Political Action Committee (NRL PAC) violated the Federal Election Campaign Act by soliciting contributions from those who are not members of the connected membership organization to NRL PAC, the National Right to Life Committee. In so claiming, NARAL cites several opinion letters supporting their interpretation that the ad placed by NRL PAC in the PPI Report constituted an illegal solicitation.

The ad placed by NRL PAC in the PPI Report of July, 1980, contains information concerning the activities of and services available through NRL PAC. As part of the information conveyed concerning NRL PAC, the ad states that "contributions to NRL PAC may be accepted from any citizen of the United States". NARAL claims that this reference constituted an illegal solicitation under the Act.

While it is true that the Federal Election Campaign Act prohibits solicitations by a separate segregated fund from other than those who are members of the connected organization, the Act does not prohibit information concerning their activities from being conveyed to the general public. The Federal Election Commission has ruled that informing persons of a future fund raising event constitutes a solicitation, A.O.1976-27; A.O.1976-96, and offering items for sale was a solicitation. A.O.1978-17. In addition, the Federal Election Commission has ruled that describing the activities

Attachment 2

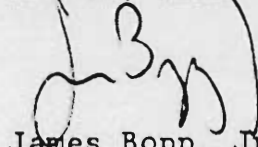
of the PAC plus the statements encouraging employee participation in the PAC also constituted solicitation. A.O. 1979-13. In no instance has the Federal Election Commission ruled that describing the services available through the PAC and a simple statement that, under the FECA, a PAC may accept contributions from any citizens, constitutes an illegal solicitation. After all, the Act specifically provides that a PAC may accept contributions from any citizen. 11 CFR 114.5(j).

Indeed, in A.O. 1979-13, the Federal Election Commission considered whether or not the statement "However, the PAC's Bylaws state that RAYPAC may accept voluntary contributions from any lawful contributor" constitute an illegal solicitation. The Federal Election Commission found that describing the activities of the PAC and encouraging employees to participate in it were the elements of an illegal solicitation, not the statement of the law that the PAC may accept contributions from anyone. Thus, the essential element of illegal solicitations in A.O. 1979-13 was the encouragement of participation in the PAC by employees not a statement that anyone may contribute. Thus, NRL PAC has not violated the law by making an illegal solicitation to non-members by stating that anyone may contribute to the PAC.

In addition, this interpretation of the statute saves it from over-breadth. Since the 1st Amendment right of free speech is implicated by any attempted limitation on statements made by a person or entity, the prohibitions of the Federal Election Commission must be rigorously examined to insure that they are not overly broad. Attempting to prohibit speech in this case would over-step the bounds of the Federal Election Commission in a court, as in FEC v. Afscme, would be likely to limit the breadth of the power of the Federal Election Commission to prohibit only those things that are expressed not implied.

Sincerely,

BRAMES, BOPP & HAYNES



James Bopp, Jr.

JB:maw



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

The Federal Election Commission notified your client, National Right to Life Political Action Committee ("NRLPAC"), on January 13, 1981, of a complaint which alleges that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaint were forwarded to NRLPAC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on March , 1981, determined that there is reason to believe that NRLPAC may have violated 2 U.S.C. § 441b. Specifically, it appears that your client, NRLPAC, illegally solicited persons who were not members of National Right to Life Committee for contributions to the former organization in violation of 2 U.S.C. § 441b by distributing copies of a political profiles report at the 1980 Republican National Convention.

We acknowledge receipt of your explanation of this matter which was dated January 30, 1981, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe

Attachment 3

James Bopp, Jr.
Page Two

that violations have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

3 2 0 4 0 3 5 3 5 8 9

NATIONAL RIGHT TO LIFE
POLITICAL ACTION COMMITTEE
James Bopp, Jr.

MUR 1359

REQUEST TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS

- 8 2 0 4 0 3 5 3 5 8 7
1. Please state how the National Right to Life Political Action Committee, ("NRLPAC") determines a person's membership in the National Right to Life Committee, Inc. ("NRLC") for purposes of soliciting such members of NRLC.
 2. Please state whether NRLPAC paid the costs associated with the preparation, printing, and distribution of the July 1980, Political Profiles Report ("PPI") distributed at the 1980 Republican National convention. If the answer to this question is no, please identify the source of funds used to pay for the costs associated with the June 1980, newsletter.
 3. Please state whether during the period from July 1980, to the present, NRLPAC has received any contributions in response to the July 1980, PPI identified in question No. 2.
 4. If the answer to question No. 3 is yes, please state how many of these contributions were made to NRLPAC from persons who were not members of NRLC at the time such contributions were made.
 5. If the answer to question No. 4 is yes, please state the total dollar amount received by NRLPAC from persons who were not members of NRLC at the time such contributions were made.
 6. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the July 1980, PPI described in question No. 2



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 4, 1981

James Bopp, Jr.
BRAMES BOPP & HAYNES
900 Sycamore Building
16 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1359

Dear Mr. Bopp:

This is in response to your request for an extension of time in MUR 1359 to respond to questions that the Commission has asked of your client, the National Right to Life Committee, Inc. By our reckoning, your response was due on April 23, 1981. Granting your request for a thirty day extension will make the new due date for your response May 23, 1981. Please submit your response to the questions in this matter by that date.

If you have further questions, please contact R. Lee Andersen, the attorney assigned to this matter, at (202) 523--5071.

Sincerely,

A handwritten signature in cursive script, reading "Gary Johansen", is written over a horizontal line.

Gary Johansen
Assistant General Counsel

3204035390

3204035391



MUR 1359 ANDERSON

PS Form 3811 Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space 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:
James Bopp, Jr.
19 South Sixth Street
Terre Haute, Indiana 47807

3 ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
418546

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent
4 DATE OF DELIVERY 5-14-81 POSTMARK

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO 1977-0-550

5-14-81

RECEIVED

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BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

01 APR 85 AM: 38

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

April 13, 1981

Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1359

Dear Mr. Andersen:

With reference to your letter of April 3, 1981, regarding the above matter, this is to advise you that I have requested the necessary material from those people associated with the National Right to Life Committee. I will need thirty (30) days in which to acquire this information and will send it to you as soon as I receive it.

Please let me have your response on this matter.

Sincerely,

BRAMES, BOPP & HAYNES

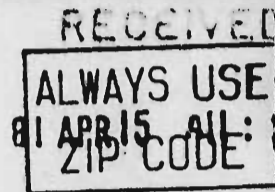


James Bopp, Jr.

JB:maw

0204035392

BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, IN 47807



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

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912030
RECEIVED
64-3881
81 FEB 2 P4:02

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

January 30, 1981

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

Re: MUR 1359

Dear Sir or Madam:

As General Counsel for the National Right to Life Committee, the above complaint has been referred to me for response. Please direct all correspondence regarding this matter to me at the above address.

The complaint made by the National Abortion Rights Action League claims that the National Right to Life Political Action Committee (NRL PAC) violated the Federal Election Campaign Act by soliciting contributions from those who are not members of the connected membership organization to NRL PAC, the National Right to Life Committee. In so claiming, NARAL cites several opinion letters supporting their interpretation that the ad placed by NRL PAC in the PPI Report constituted an illegal solicitation.

The ad placed by NRL PAC in the PPI Report of July, 1980, contains information concerning the activities of and services available through NRL PAC. As part of the information conveyed concerning NRL PAC, the ad states that "contributions to NRL PAC may be accepted from any citizen of the United States". NARAL claims that this reference constituted an illegal solicitation under the Act.

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GENERAL COUNSEL

1633304

Federal Election Commission
January 30, 1981

Page Two

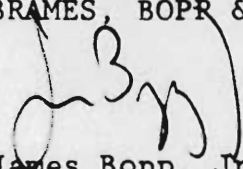
of the PAC plus the statements encouraging employee participation in the PAC also constituted solicitation. A.O. 1979-13. In no instance has the Federal Election Commission ruled that describing the services available through the PAC and a simple statement that, under the FECA, a PAC may accept contributions from any citizens, constitutes an illegal solicitation. After all, the Act specifically provides that a PAC may accept contributions from any citizen. 11 CFR 114.5(j).

Indeed, in A.O. 1979-13, the Federal Election Commission considered whether or not the statement "However, the PAC's Bylaws state that RAYPAC may accept voluntary contributions from any lawful contributor" constitute an illegal solicitation. The Federal Election Commission found that describing the activities of the PAC and encouraging employees to participate in it were the elements of an illegal solicitation, not the statement of the law that the PAC may accept contributions from anyone. Thus, the essential element of illegal solicitations in A.O. 1979-13 was the encouragement of participation in the PAC by employees not a statement that anyone may contribute. Thus, NRL PAC has not violated the law by making an illegal solicitation to non-members by stating that anyone may contribute to the PAC.

In addition, this interpretation of the statute saves it from over-breadth. Since the 1st Amendment right of free speech is implicated by any attempted limitation on statements made by a person or entity, the prohibitions of the Federal Election Commission must be rigorously examined to insure that they are not overly broad. Attempting to prohibit speech in this case would over-step the bounds of the Federal Election Commission in a court, as in FEC v. Afscme, would be likely to limit the breadth of the power of the Federal Election Commission to prohibit only those things that are expressed not implied.

Sincerely,

BRAMES, BOPR & HAYNES


James Bopp, Jr.

JB:maw

BRAMES, BOPP & HAYNES

ATTORNEYS AT LAW

900 SYCAMORE BUILDING

19 SOUTH SIXTH STREET

TERRE HAUTE, INDIANA 47807



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

92710353

MUR # 1359

DATE 1/5/81

Andersen

PLEASE PROVIDE THE NAMES AND ADDRESSES OF ALL RESPONDENTS WHICH ARE TO BE SENT A COPY OF THE COMPLAINT. IF A PRINCIPAL CAMPAIGN COMMITTEE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE CANDIDATE AND PUT A "CC" BESIDE THE CANDIDATE'S NAME. IF A CANDIDATE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE PRINCIPAL CAMPAIGN COMMITTEE AND PUT A "CC" BESIDE THE COMMITTEE'S NAME. PLEASE PROVIDE THIS INFORMATION, ON THIS SHEET, WITHIN 24 HOURS OF RECEIPT OF THIS NOTICE. THANK YOU.

One { National Right to Life Political Action Committee
National Press Building, Suite 341
Washington, D.C. 20045

Comp - Hansen

3204033397



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 8, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

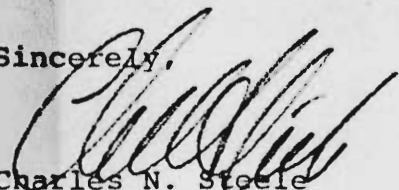
Ms. Gail M. Harmon
Harmon & Weiss
1725 I Street, N. W., Suite 506
Washington, D. C. 20006

Dear Ms. Harmon:

3 2 0 4 0 3 5 3 9 9

This letter is to acknowledge receipt of your complaint of December 31, 1980, against the National Right to Life Political Action Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 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

1359

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:**

Carl M. Harmon

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947683	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Address ☐ Authorized agent

Thomas L. Charles

4. **DATE OF DELIVERY**
1-12-81

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

1359

☆ GPO : 1978-285-648

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

8204035399



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 8, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Right to Life Political
Action Committee
National Press Building, Suite 341
Washington, D. C. 20045

Re: MUR 1359

Dear Sir or Madam:

8 2 0 4 0 3 5 3 5 0 0
This letter is to notify you that on January 5, 1981, 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 1359. 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.

National Right to Life Political
Action Committee
Page Two

If you have any questions, please contact Lee Andersen,
the attorney assigned to this matter at (202) 523-5071. 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

Enclosure

1. Complaint
2. Procedures

32040353601

1981 JAN 13

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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.....6

☐ Show to whom, date and address of delivery.....6

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....6

☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery 5.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
National Right to Life PAC

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>947684</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

John Mahoney

DATE OF DELIVERY
JAN 13 1981

6. ADDRESS (Complete only if requested)

65:08 GINVC 10

7. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RECEIVED

1359 Andersen ☆GPO : 1975-285-548

911738 RECEIVED
600-3686
81 JAN 5 9:34

HARMON & WEISS

1725 I STREET, N.W.

SUITE 806

WASHINGTON, D. C. 20006

TELEPHONE

(202) 833-8070

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

MUR 1959

Answer

December 30, 1980

31 JAN 5 11:54

GENERAL COUNSEL

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

Dear Ladies & Gentlemen:

On behalf of National Abortion Rights Action League ("NARAL") I am filing the following complaint against the National Right to Life Committee ("NRL").

The National Right to Life Committee pac ("NRL pac") appears to have violated the solicitation restrictions of 11 CFR 114 by publishing and widely distributing the attached solicitation.

STATEMENT OF FACTS

Attached as Exhibit "A" are the cover of the Special Convention Issue of Political Profiles Inc. Report ("PPI") and p. 32 of that issue. Ms. Janet Beals NARAL's coordinator for field press provided this copy of PPI Report which she believes was widely distributed at the Republican National Convention and given to all convention delegates. Attached as Exhibit "B" is statement of Kathy Saltmarsh confirming her understanding of the distribution.

LEGAL ANALYSIS

For purposes of §441b and 11 CFR 114, the Commission has applied a broad definition of solicitation which encompasses announcing setting up a pac, informing people of a fundraising activity, or describing a pac's activities. A.O.'s 1976-27, 1976-96, 1978-17 and 1979-13. In the words of Representative Hayes of Ohio, "any action (which) could fairly be considered a request for a contribution should be treated as a solicitation. 122 Cong. Rec. 43779 (daily ed. May 3, 1976).

The attached page describing NRL pac clearly contains all the elements of a solicitation; it describes the organization - what it is, why its useful, what it can do - and in high-lighted language solicits gifts by the rhetorical question "Who may contribute" and expansive answer "any U.S. citizen."

3204035302

HARMON & WEISS

Federal Election Commission
December 31, 1980
Page 2

Of course NRL pac has a First Amendment right to inform politicians and the general public of its available services. The Commission has, however, provided clear, simple guidelines which enable one to describe a pac without running afoul of the solicitation restrictions. See A.O. 1978-97 and 1978-17. Thus if NRL pac did not wish to solicit, or to be deemed soliciting, it could have described the pac while saying that contributions are only accepted from members of NRL and that employees/agents of NRL will be instructed to return contributions of non-members.* Thus the contribution restrictions can be applied without burdening the legitimate exercise of First Amendment rights.

We respectfully request that you investigate this matter fully and promptly.

I have prepared this complaint and believe that it is true and correct to the best of my knowledge.

Sincerely,

Gail M. Harmon
Gail M. Harmon

GMH/lc

Notary:

Subscribed and sworn to before
me this 31st day of December, 1980

Heanne M. Hayington
NOTARY PUBLIC

My Commission Expires December 14, 1981

* Although it may be burdensome to check membership lists to verify pact contributor's membership, it is perfectly easy to state in the ad that non-members should not contribute.

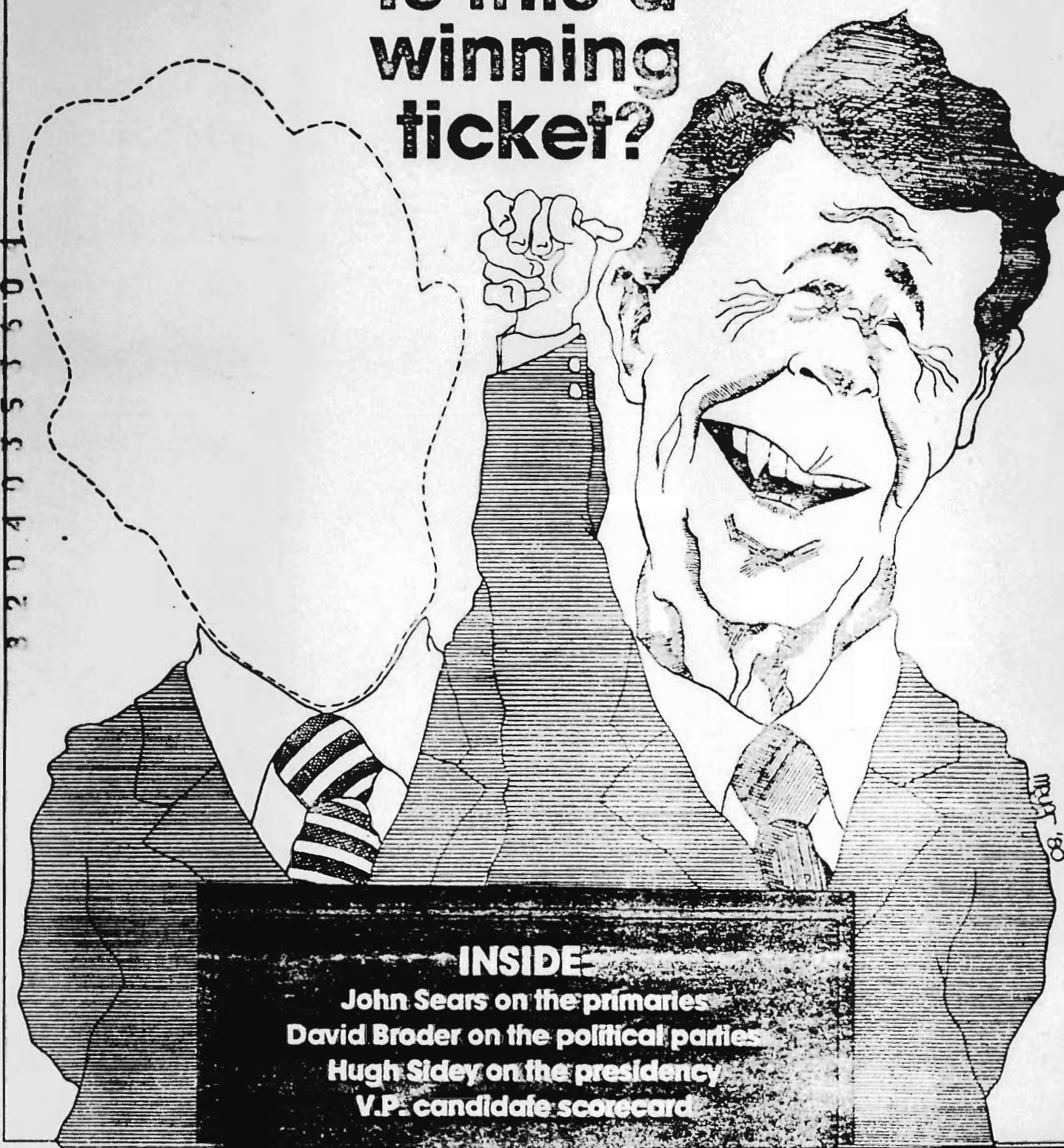
SPECIAL CONVENTION ISSUE

Volume 1 • Number 1 • July 1980

POLITICAL
PROFILES

PPI Report

Is this a
winning
ticket?

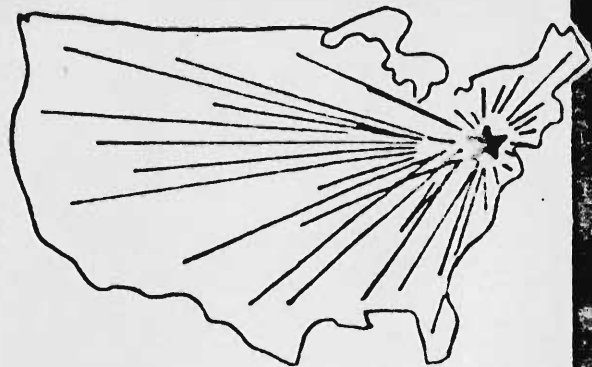


INSIDE:

John Sears on the primaries
David Broder on the political parties
Hugh Sidey on the presidency
V.P. candidate scorecard

NRL

national RIGHT TO LIFE political action committee



1. What is NRL PAC?

NRL PAC is the political arm of the National Right to Life Committee. It is an "internal PAC," that is, it is an integral part of the parent organization with the same officers and board.

2. Why does the Pro-Life Movement need a PAC?

Since 1973 National Right to Life Committee has been working to end abortion and restore the right to life to the unborn through its grassroots network of over 1800 chapters representing all 50 states. National Right to Life Committee has engaged in extensive lobbying and educational activity on abortion and euthanasia. The passage of a Human Life Amendment depends ultimately, however, upon the votes of public officials. Therefore, the election of pro-life candidates has become crucial to the pro-life movement. In order to fill this need NRL PAC was formed in January, 1980.

3. What are the purposes of NRL PAC?

The purposes of NRL PAC are to support, through volunteers and contributions, those candidates for federal office, regardless of political affiliation, who will work toward the goals of the pro-life movement and to encourage, through awareness of political issues and the records of candidates, active participation in the American political process.

4. Who may contribute to NRL PAC?

Contributions to NRL PAC may be accepted from any citizen of the United States.

5. How does NRL PAC work?

NRL PAC works through each NRLC State Director and will only support or oppose a candidate in that state if the grassroots right-to-lifers, speaking through their own NRLC Director, approve of such action. NRL PAC is the vehicle through which individual pro-lifers can become involved in political action.

6. What can NRL PAC do for my state?

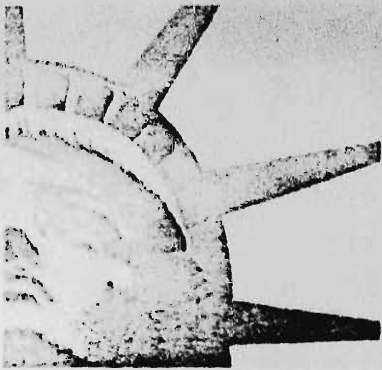
NRL PAC can provide endorsements for your pro-life candidates for U.S. Senate and Congressional races and press releases covering those endorsements, give financial support to those candidates, purchase pro-life political advertisements for them, provide lists of pro-life people, produce and mail literature showing their pro-life position, and advise groups and individuals on the types of political activity allowable under FEC rules and regulations and how to proceed with that activity.

For further information on NRL PAC contact:

Mrs. Sandra Faucher
Project Director, NRL PAC
National Press Building, Suite 341
Washington, D.C. 20045
(202) 638-4396 or (207) 622-7329

PAC

Exhibit "B"



**National
Abortion Rights
Action League**

825 15th Street, N.W.
Washington, D.C. 20005
202 347-7774

December 10, 1980

This is to confirm that I spoke with Melissa Winn at Political Profiles on Wednesday, December 10, 1980 at approximately 10:30 a.m. During our conversation, Ms. Winn gave me the following information regarding the issue of "Political Profiles" that was distributed at the 1980 Republican National Convention which contained an advertisement from the National Right to Life Committee. In total there were 5000 copies printed. They were distributed to each delegate, free of charge, through the Republican state chairmen. Copies were also sold in several news stands and bookstores in Detroit and Washington, D.C.

Kathy Saltmarsh

Kathy Saltmarsh
Press Aid

3204035306



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1359

Date Filmed 10/25/82 Camera No. ---

Cameraman J. A. D.

32040353607