

BEFORE THE
FEDERAL ELECTION COMMISSION

Campaign Legal Center
1640 Rhode Island Ave. NW, Suite 650
Washington, DC 20036
202-736-2200

v.

MUR No. _____

Wisconsin Right to Life, Inc.
10625 W. North Ave, Suite LL
Milwaukee, WI 53226,

2004 AUG 27 A 10:37

OPERATIONS CENTER

COMPLAINT

1. This complaint alleges a violation of the federal campaign finance laws by Wisconsin Right to Life, Inc., (hereafter "WRTL" or "Corporate Respondent"), is a nonprofit Wisconsin corporation recognized by the Internal Revenue Service as tax exempt under § 501(c)(4) of the Internal Revenue Code.¹ WRTL is the Wisconsin state affiliate of the National Right to Life Committee, Inc. As more fully explained below, Corporate Respondent has violated federal campaign finance laws by endorsing a federal candidate (*i.e.*, George W. Bush) beyond the restricted class of its membership and to the general public.

2. WRTL owns and operates a website at the following url address:

<http://www.wrtl.org>.²

¹ See Exhibit 1, demonstrating that WRTL is a nonprofit corporation incorporated in Wisconsin as a 501c (4) corporation.

² WRTL claims it was "organized and exists for the ideological purpose of promoting respect for, and legal protection of, innocent individual human life from the time of fertilization until natural death." See Complaint of WRTL in *WRTL v. FEC*, No.04-1260 (D.D.C., July 26, 2004)(three-judge court). A copy of the home page off its corporate website is attached as Exhibit 2.

3. On left side of its website's home page, WRTL has a box in which it states "WRL-PAC ENDORSED CANDIDATES". That box also contains a head shot of President George W. Bush. A visitor to the website can click on that box and be linked to a page that allows the visitor to download a pdf file that shows by office and district the names of candidates endorsed by WRTL's PAC. President Bush is one of the candidate's endorsed by WRTL's PAC and is listed at the top of WRTL's PAC list that is downloadable from WRTL's website by any member of the general public.

4. A corporation may lawfully endorse a federal candidate and may communicate the endorsement in a publication limited to its executive and administrative personnel and their families, and to its stockholders and their families. *See* 11 C.F.R. § 114.4(c)(6). However, a corporation cannot endorse a federal candidate to the general public, except by means of a public announcement that an endorsement has been made and the reasons for it through a press release or press conference distributed only to the organization's usual media contacts. *See Id.* at § 114(c)(6)(i).³

5. Corporate Respondent has placed a picture of one of the candidates it has endorsed (George W. Bush) on the home page of its corporate, not PAC, website. As noted above, a copy of the home page from Corporate Respondent's website is attached as Exhibit 2. This information, which is accessible by and available to members of the general public, remains on the Corporate Respondent's website as of this date.

³ The pictured photo of George W. Bush as a WRL PAC ENDORSED CANDIDATE is not a press release distributed only to WRTL's usual media contacts. Indeed, WRTL's website's homepage has a menu which includes "News Room" as one of the items--from which any viewer may view past or current press releases. Moreover, the March 5, 2004, press release in which WRTL announced its PAC-endorsed candidates for office, a copy of which is attached as Exhibit 3, did not include pictures of any candidates and remains accessible on WRTL's website.

6. The communication to the general public by Corporate Respondents through its picturing of federal candidate George W. Bush on its corporate website as one of its PAC-endorsed candidates is not limited to the restricted class as required by law. See 11 CFR §114.3, *et seq.* Moreover, the posting of the photo of George Bush on the website of Corporate Respondents as one of its endorsed candidates was not limited in distribution to representatives of the news media that the corporation customarily contacts when making press announcements. See 11 CFR 114.4(c)(6). Consequently, Corporate Respondents has violated federal campaign finance laws by communicating its endorsement of George W. Bush to the general public on its corporate website.

7. While Corporate Respondent may make endorsements relating to federal candidates through its PAC or its PAC's website (provided access to the site is restricted to those members of the corporation or organization), it may not post such endorsements on its corporate (non-PAC) website. Moreover, Corporate Respondent has posted its electioneering communication on its corporate website within thirty (30) days of the convention of the Republican Party's nominating convention.

8. There is no indication that recipients of the endorsement on WRTL's corporate website homepage are "members" of Corporate Respondent, inasmuch as any member of the general public can log on to the website of WRTL and view this endorsement communication. Similarly, access to the listing of WRTL's PAC-endorsed candidates is not restricted to members of the Corporate Respondent and is accessible by any member of the general public without restriction.

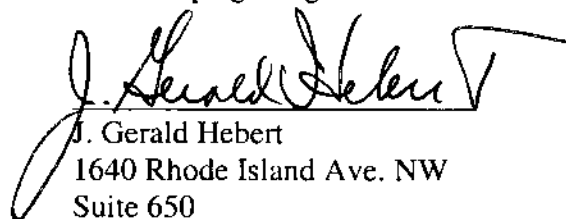
9. WRTL, Inc. has admitted that it is not a qualified nonprofit corporation within the definition of 11 C.F.R. §114.10. See *WRTL v. FEC*, No. 04-1260 (D.D.C. August 17, 2004)(three-judge court).

Prayer for Relief

Wherefore, the Commission should conduct an immediate investigation under 2 U.S.C. §437g, and should: 1) determine that the Corporate Respondent has violated and continues to violate 2 U.S.C. §§ 441b(a) and (b), as well as the implementing regulations promulgated by the Federal Election Commission and referenced herein; 2) impose appropriate sanctions for such violations; 3) enjoin Corporate Respondent from all such violations in the future; and 4) impose such additional remedies as are necessary and appropriate to ensure compliance with FECA and BCRA.

Respectfully submitted,

The Campaign Legal Center,



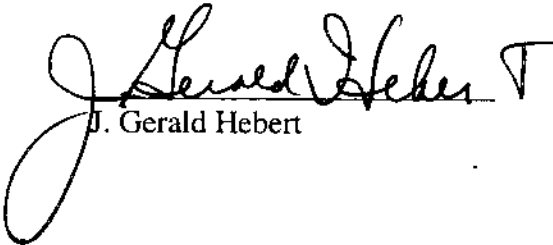
J. Gerald Hebert
1640 Rhode Island Ave. NW
Suite 650
Washington, DC 20036
202-736-2200

Verification

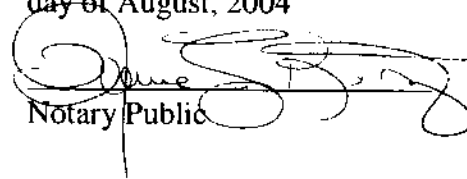
The complainant listed below hereby verifies that the statements made in the foregoing complaint are, upon information and belief, true.

Sworn to pursuant to 18 U.S.C. §1001.

For Complainant Campaign Legal Center


J. Gerald Hebert

Sworn to and subscribed before me this 26th
day of August, 2004


Notary Public

JEANNE G. KATZ
Notary Public of District of Columbia
My Commission Expires December 14, 2007

41624246222

CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated:10/22/2002
Database Last Updated:07-26-2004
Update Frequency:WEEKLY
Current Date:07/29/2004
Source:AS REPORTED BY THE SECRETARY OF
STATE OR OTHER OFFICIAL SOURCE

COMPANY INFORMATION

Name:WISCONSIN RIGHT TO LIFE, INC.
D&B DUNS:08-050-0168

FILING INFORMATION

Filing Date:07/22/1970
State of Incorporation:WISCONSIN
Date Incorporated:07/22/1970
Status:RESTORED TO GOOD STANDING
Status Attained Date:08/27/1987
Corporation Type:NON-PROFIT
Business Type:CORPORATION
Registration ID#:6 W11994
Where Filed:SECRETARY OF STATE
30 W MIFFLIN ST 10TH FL
MADISON, WI 53702

REGISTERED AGENT INFORMATION

Agent Name:BARBARA L LYONS
Address:10625 W NORTH AVE
MILWAUKEE, WI 53226

ADDITIONAL DETAIL INFORMATION

Additional Details:IN GOOD STANDING AS OF
08/27/1987.

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS, CALL 1-877-DOC-RETR
(1-877-362-7387).

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Exhibit 1

Wisconsin Right to Life

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Events](#)[Find Your
Chapter](#)[Legislative
Info Center](#)[News
Room](#)

Tax deductability

Your donation has tax implications.

The Wisconsin Right to Life, Inc. General Fund operates under the provisions of federal tax code 501(c)(4) which states "...organizations not organized for profit but operated exclusively for the promotion of social welfare...and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes."

Because the General Fund is the entity which incorporates in-house lobbyists, contributions to the General Fund are "...disqualified for tax exemption...by reason of attempting to influence legislation..." under the provisions of federal tax code 170(c)(2)(D).

The Wisconsin Right to Life Education Fund operates under the provisions of federal tax code 501(c)(3) which states "...fund or foundation organized and operated exclusively for...educational purposes...and which does not participate in, or intervene in...any political campaign..." Because the Education Fund is the entity which operates under those provisions, contributions to the Education Fund are eligible for tax exemption under the provisions of federal tax code 170.

The Veritas Society - Because the *Veritas Society* is a restricted fund of the Wisconsin Right to Life Education Fund, contributions to the *Veritas Society* enjoy the same tax exemption privileges as those made to the Education Fund.

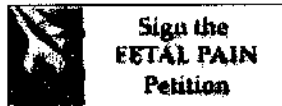
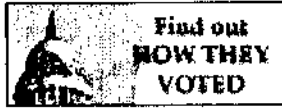
Wisconsin Right to Life State PAC/Fed PAC - Political Action Committees are "...disqualified for tax exemption because they "...participate in, or intervene in...any political campaign on behalf of (or in opposition to) any candidate for public office."

For professional counseling contact our staff. The above information should not be construed as legal advice. See your personal tax advisor for complete details.

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10625 W. North Avenue Suite LL - Milwaukee, WI 53226-2331 (414) 778-5780

Wisconsin Right to Life

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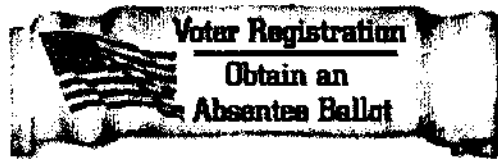
Every gift you buy helps support the Pro-Life cause!



D.C. Court of Appeals Grants Expedited Briefing to Wisconsin Right to Life

To read more about Wisconsin Right to Life's challenge of McCain-Feingold, Visit [BeFair.org](#).

Wisconsin Right to Life's challenge to McCain-Feingold took an upward turn on August 24 with the District of Columbia Court of Appeals' positive response to the organization's request for an expedited briefing... Read more...



Click above image for Voter Information

Fr. Frank Pavone to Speak in Green Bay & Milwaukee



Make plans now to attend either of the events with Father Pavone scheduled for Sept. 16, 2004. More...

Key Pro-Life Links

- [Wisconsin Teens for Life](#)
- [National Right to Life](#)
- [Nightingale Alliance](#)
- [ProKnowledge](#)
- [Stand Up Girl](#)
- [Gravity Teen](#)

Wisconsin Right to Life 10625 W. North Ave., Ste LL, Milw, WI 53226 (414) 778-5780

Wisconsin Right to Life

Wisconsin Right to Life PAC NEWS RELEASE

10625 W. North Avenue, Milwaukee, WI 53226

414-778-5780 or toll free: 877-855-5007

For immediate release: Thursday, July 28, 2004

Contact: Sue Armacost, Legislative Director

Wisconsin Right to Life PAC Endorsements and Right to Life Voting Records

Now Available at WWW.WRTL

The Wisconsin Right to Life Political Action Committee (WRL/PAC) today announced that the list of state and federal candidates endorsed by WRL/PAC for the primary election is available for viewing at www.wrtl.org. The list of endorsements will be modified after the September primary election for the November general election. To access the list of WRL/PAC endorsed candidates, click on "WRL/PAC Endorsements" which appears on the left side of the website's homepage.

In addition, the site includes the right to life voting records of state legislators for the 2003-04 and the 2001-02 legislative sessions. A link to the right to life voting records of Wisconsin's U. S. Senators and members of the U. S. House Representatives is also provided. To access the voting records, click on "Find Out How They Voted" which appears on the left side of the website's homepage.

Wisconsin Right to Life

Wisconsin Right to Life 10625 W. North Ave., Ste LL, Milwaukee, WI 53226--2331
(414) 778-5780 www.wrtl.org Email: legis@wrtl.org

Endorsed Pro-Life Candidates

For the Tuesday, September 14, 2004 Primary Election

The Wisconsin Right to Life PAC (Political Action Committee) has endorsed the candidates listed below. In some races, more than one candidate has been endorsed. Candidates noted with an asterisk (*) have received a qualified endorsement. A candidate who is seeking re-election to the same office is identified as an "Incumbent." Additional endorsements may be made after the September 14 Primary Election.

President — George W. Bush (R) Incumbent

U.S. Senate —

Bob Welch (R)
Russ Darrow (R)*
Tim Michels (R)

U.S. House of Representatives —

1st CD — Paul Ryan (R) Incumbent
2nd CD — Ron Greer (R)
3rd CD — Dale Schultz (R)*
4th CD — Corey Hoze (R)
— Gerald H. Boyle (R)

5th CD — F. James Sensenbrenner, Jr. (R) Incumbent
6th CD — Tom Petri (R) Incumbent
8th CD — Mark Green (R) Incumbent

Wisconsin State Senate

2nd State Senate District — Robert Cowles (R)* Incumbent
10th State Senate District — Sheila Harsdorf (R)* Incumbent
12th State Senate District — Roger Breske (D) Incumbent
— Tom Tiffany (R) endorsed for primary election only

14th State Senate District — Luther Olsen (R)
— Roger Cross (R)

16th State Senate District — Eric Peterson (R)
18th State Senate District — Carol Roessler (R) Incumbent
20th State Senate District — Glenn Grothman (R)
22nd State Senate District — Reince Priebus (R)
28th State Senate District — Mary Lazich (R) Incumbent
30th State Senate District — David Steffen (R)
— Gary Drzewiecki (R)
32nd State Senate District — Dan Kapanke (R)

Wisconsin State Assembly

- 1st Assembly District — Garey Bies (R) Incumbent
- 2nd Assembly District — Frank Lasee (R) Incumbent
- 3rd Assembly District — Al Ott (R) Incumbent
- 4th Assembly District — Phil Montgomery (R) Incumbent
- 5th Assembly District — Becky Weber (R) Incumbent
- 7th Assembly District — Peggy Krusick (D)* Incumbent
- 13th Assembly District — Matt Adamczyk (R)
 - W. Scott Nelson (R)

- 14th Assembly District — Leah Vukmir (R) Incumbent
- 15th Assembly District — Tony Staskunas (D) Incumbent
- 21st Assembly District — Mark Honadel (R) Incumbent
- 22nd Assembly District — R. Jay Hintze (R)*
- 23rd Assembly District — Curt Gielow (R) Incumbent
- 25th Assembly District — Bob Ziegelbauer (D) Incumbent
- 27th Assembly District — Steve Kestell (R) Incumbent
- 28th Assembly District — Mark Pettis (R) Incumbent
- 29th Assembly District — Andy Lamb (R)*
- 30th Assembly District — Kitty Rhoades (R)* Incumbent
- 31st Assembly District — Steve Nass (R)* Incumbent
- 32nd Assembly District — Thomas Lothian (R) Incumbent
- 33rd Assembly District — Daniel Vrakas (R) Incumbent
- 34th Assembly District — Dan Meyer (R) Incumbent
- 35th Assembly District — Don Friske (R) Incumbent
- 36th Assembly District — Jeffrey Mursau (R)
 - Steven Paul Kircher (R)
 - Robert Jones II (R)

- 37th Assembly District — David Ward (R)* Incumbent
- 38th Assembly District — Joel Kleefisch (R)
 - Ron Counsell (R)
 - Kenneth Berg (R)

- 39th Assembly District — Jeff Fitzgerald (R) Incumbent
- 40th Assembly District — Jean Hundertmark (R) Incumbent
- 41st Assembly District — Joan Ballweg (R)
 - Lance Buchholtz (R)
 - Mike Gustin (R)
 - Matt Metoxen (R)
 - Dan Priske (R)
 - Peter Sensenbrenner (R)
 - Rich Slate (R)
 - Marv Wagner, Jr. (R)
 - Leon Zuehls (R)

- 42nd Assembly District — J.A. Hines (R) Incumbent
- 43rd Assembly District — Debi Towns (R) Incumbent
- 45th Assembly District — Brian Brown (R)
- 46th Assembly District — Hariah Hutkowski (R)
 - Nick Voegeli (R)

47th Assembly District — Eugene Hahn (R) Incumbent
 49th Assembly District — Gabe Loeffelholz (R) Incumbent
 50th Assembly District — Sheryl Albers (R) Incumbent
 51st Assembly District — Stephen Freese (R) Incumbent
 52nd Assembly District — John Townsend (R)* Incumbent
 53rd Assembly District — Carol Owens (R) Incumbent
 56th Assembly District — Terri McCormick (R) Incumbent
 57th Assembly District — Steve Wieckert (R) Incumbent
 58th Assembly District — Rick Karshna (R)
 — Pat Strachota (R)

59th Assembly District — Dan LeMahieu (R) Incumbent
 60th Assembly District — Mark Gottlieb (R) Incumbent
 63rd Assembly District — Robin Vos (R)*
 66th Assembly District — Samantha Kerkman (R) Incumbent
 67th Assembly District — Jeff Wood (R) Incumbent
 68th Assembly District — Terry Moulton (R)
 69th Assembly District — Scott Suder (R) Incumbent
 70th Assembly District — Daniel Mielke (R)
 75th Assembly District — Chris Serio (R)
 82nd Assembly District — Jeff Stone (R) Incumbent
 83rd Assembly District — Scott Gunderson (R) Incumbent
 84th Assembly District — Mark Gundrum (R) Incumbent
 85th Assembly District — Ed Gale (R)
 86th Assembly District — Jerry Petrowski (R) Incumbent
 87th Assembly District — Mary Williams (R) Incumbent
 88th Assembly District — Judy Krawczyk (R) Incumbent
 89th Assembly District — John Gard (R) Incumbent
 90th Assembly District — Karl Van Roy (R) Incumbent
 91st Assembly District — David Anderson (R)
 93rd Assembly District — Rob Kreibich (R)* Incumbent
 94th Assembly District — Mike Huebsch (R) Incumbent
 96th Assembly District — Judy Schmirler (R)
 — Todd Allbaugh (R)
 — Lee Nerison (R)

97th Assembly District — Ann Nischke (R) Incumbent
 98th Assembly District — Scott Jensen (R) Incumbent
 99th Assembly District — Michael Lehman (R) Incumbent