FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1313

Date Filmed 3-26-81 Camera No. --- 2

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PS Form 3811, Jan. 1979

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.....
- ☐ 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 A. Brodsky

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	988403	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent
X J. F. Allm

4. DATE OF DELIVERY
3/13/81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK
MAR 13 1981
WASHINGTON, D.C.

13/3 Redford

☆GPO : 1979-289-848

3-12-81

PS Form 3811, Jan. 1978

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.....
- ☐ 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:
Robt H. Chanin

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944401	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent
Ann Bengert

4. DATE OF DELIVERY
3/13/81

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

3/13 [illegible]

☆GPO : 1979-303-[illegible]

8 1 7 1 2 3 1 9 3 7

3-12-81

U.S. Form 3811, Jan. 1978

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.....¢
   - ☐ 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:
Thomas F. Holt

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	948355	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent
Arlene Rechter

4. DATE OF DELIVERY: MAR 13 1981
POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

1313 Hedford

☆GPO : 1978-265-040

3-12-81

U.S. Form 3811, Jan. 1978

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.....¢
   - ☐ 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:
Wm D. Murray

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	948405	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent
W D Murray

4. DATE OF DELIVERY: 3/18
POSTMARK: MAR 16 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

MW 1313 Hedford

☆GPO : 1978-265-040

3-12-81

PS Form 3811, Jan. 1978

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.....¢
- ☐ 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:
David B. Ruhen

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 948404 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent

4. DATE OF DELIVERY 3/14/81 | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

1313 Hedford

☆GPO : 1979-289-040

3-12-81

PS Form 3811, Jan. 1978

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.....¢
- ☐ 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:
David A. Fredian

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 948402 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent

4. DATE OF DELIVERY 3/14/81 | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

1313 Hedford

☆GPO : 1979-289-040

BRENTON, N.J. MAR 1981 U.S.P.O. CIRCULAR

Permanent file

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08861

Re: MUR 1313

Dear Mr. Munyan:

The Federal Election Commission has reviewed the allegations of your complaint dated October 7, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondents, that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Judy Thedford, at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08861

Re: MUR 1313

Dear Mr. Munyan:

The Federal Election Commission has reviewed the allegations of your complaint dated October 7, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondents that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Judy Thedford, at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

JT/dmm 02/02/81

3-6-81

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Rubin
Rubin, Lerner & Rubin
P.O. Box 311
New Brunswick, New Jersey 08903

Re: MUR 1313

Dear Mr. Rubin:

On October 21, 1980, the Commission notified your client, East Brunswick Board of Education, of a complaint alleging that that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1981, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

3 1 0 1 0 2 7 3 1 8 1 2

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Rubin
Rubin, Lerner & Rubin
P.O. Box 311
New Brunswick, New Jersey 08903

Re: MUR 1313

Dear Mr. Rubin:

On October 21, 1980, the Commission notified your client, East Brunswick Board of Education, of a complaint alleging that that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

JT dmm 02/02/81

3-6-81

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Brodsky, Esquire
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005

Re: MUR 1313

Dear Mr. Brodsky:

On October 21, 1980, the Commission notified your client, Carter-Mondale Reelection Committee, Inc., of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1981, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

8 1 0 1 0 2 3 1 8 1 4

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Brodsky, Esquire
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005

Re: MUR 1313

Dear Mr. Brodsky:

On October 21, 1980, the Commission notified your client, Carter-Mondale Reelection Committee, Inc., of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

JT/dmm 02/02/81

3-6-81

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David A. Friedman, Treasurer
Thompson's People
3131 Princeton Pike
Lawrenceville, New Jersey 08648

Re: MUR 1313

Dear Mr. Friedman:

On October 21, 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1981, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

8 1 0 1 0 2 3 4 9 1 5

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David A. Friedman, Treasurer
Thompson's People
3131 Princeton Pike
Lawrenceville, New Jersey 08648

Re: MUR 1313

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Sincerely,

Charles N. Steele
General Counsel

cc: The Honorable Frank Thompson, Jr.

JT/dmm 02/02/81

3 1 0 1 0 2 7 1 3 1 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert H. Chanin
National Education Association
Office of the General Counsel
1201 16th Street
Washington, D.C. 20036

Re: MUR 1313

Dear Mr. Chanin:

On October 21, 1980, the Commission notified the National Education Association of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1981, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

3 1 0 1 0 2 3 1 8 1 8

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert H. Chanin
National Education Association
Office of the General Counsel
1201 16th Street
Washington, D.C. 20036

Re: MUR 1313

Dear Mr. Chanin:

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Sincerely,

Charles N. Steele
General Counsel

JT/dmm 02/02/81

3-6-81

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael J. Herbert
Sterns, Herbert & Weinroth
186 West State Street
P.O. Box 1298
Trenton, New Jersey 08607

Re: MUR 1313

Dear Mr. Herbert:

On October 21, 1980, the Commission notified your clients, New Jersey Education Association, Middlesex County Education Association and East Brunswick Education Association, of a complaint alleging that they may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1981, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

3 1 0 1 0 2 3 1 9 5 0

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael J. Herbert
Sterns, Herbert & Weinroth
186 West State Street
P.O. Box 1298
Trenton, New Jersey 08607

Re: MUR 1313

Dear Mr. Herbert:

On October 21, 1980, the Commission notified your clients, New Jersey Education Association, Middlesex County Education Association and East Brunswick Education Association, of a complaint alleging that they may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

JT/dmm 02/02/81

3 1 0 1 0 2 7 1 9 5 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas F. Holt, Jr., Esquire
1850 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1313

Dear Mr. Holt:

On October 21, 1980, the Commission notified your client, Carter-Mondale Reelection Committee, Inc., of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1981, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

3 1 0 1 0 2 3 1 3 5 2

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas F. Holt, Jr., Esquire
1850 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1313

Dear Mr. Holt:

On October 21, 1980, the Commission notified your client, Carter-Mondale Reelection Committee, Inc., of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

cc: The President

JT/dmm 02/02/81

JT 3-6-81

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1313
National Education Association	)	
New Jersey Education Association	)	
Middlesex County Education Association	)	
East Brunswick Education Association	)	
East Brunswick Board of Education	)	
Thompson's People	)	
Carter/Mondale Reelection Committee, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 4, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1313:

1. Find NO REASON TO BELIEVE that the National Education Association violated 2 U.S.C. § 441b and § 441d.

2. Find NO REASON TO BELIEVE that the New Jersey Education Association violated 2 U.S.C. § 441b and § 441d.

3. Find NO REASON TO BELIEVE that Middlesex County Education Association violated 2 U.S.C. § 441b and § 441d.

4. Find NO REASON TO BELIEVE that East Brunswick Education Association violated 2 U.S.C. § 441b and § 441d.

5. Find NO REASON TO BELIEVE that East Brunswick Board of Education violated 2 U.S.C. § 441b and § 441d.

6. Find NO REASON TO BELIEVE that Carter/Mondale Reelection Committee Inc. violated the Act.

(Continued)

7. Find NO REASON TO BELIEVE that Thompson's People violated the Act.

8. Close the file and send the letters as submitted with the First General Counsel's Report dated February 27, 1981.

Attest:

3/4/81
Date

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

Received in Office of the Commission Secretary: 2-27-81, 5:15
Circulated on 48 hour vote basis: 3-2-81, 11:00

February 27, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1313

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

Attachment

pakayson:2-27-81

cc: Thedford

3 1 0 4 0 2 7 3 1 3 3 5

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 2-27-81

MUR 1313
DATE COMPLAINT RECEIVED
BY OGC: October 17, 1980
STAFF MEMBER:
Judy Thedford

COMPLAINANT'S NAME: William G. Munyan

RESPONDENTS' NAMES: National Education Association, New Jersey Education Association, Middlesex County Education Association, East Brunswick Education Association, East Brunswick Board of Education, Thompson's People, Carter/Mondale Reelection Committee, Inc.

RELEVANT STATUTE: 2 U.S.C. §§ 441b(a), 441b(b)(2)(A), 441b(b)(2)(C), 441b(b)(3), 441d

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

81 FEB 27 P5: 15

SUMMARY OF ALLEGATIONS

In a complaint filed by William Munyan (Attachment I), it is alleged that the National Education Association ("NEA"), New Jersey Education Association ("NJEA"), Middlesex County Education Association ("MCEA"), and East Brunswick Education Association ("EBEA") illegally used members' dues: (1) to support candidates for public office, specifically, President Carter and Congressman Thompson; (2) to determine and publicize the organizations perference for candidates to public office, specifically President Carter and Congressman Thompson; and (3) for efforts to enact, defeat, repeal, and amend legislation only incidentially related to the terms and conditions of employment of employees represented by the named association. Furthermore, the complainant alleges that dues are still being deducted from his salary even though he resigned from the association in August, 1980, due to its political activity. The complainant further states that the dues

are being deducted from his salary pursuant to an agreement between the East Brunswick Board of Education and the EBEA.

Letters were sent notifying all of the persons named in the complaint of the filing of the complaint. Responses were received from David A. Friedman, treasurer of Thompson's People; Michael J. Herbert, counsel for NJEA, MCEA, and EBEA; James A. Brodsky and Thomas F. Holt, Jr., counsel for Carter-Mondale Reelection Committee, Inc.; Robert Chanin, counsel for the NEA; and David Rubin, counsel for East Brunswick Board of Education (see Attachments II - VI).

On December 4, 1980, additional information was filed by the complainant and sent to the respondents. Responses to the additional information were submitted. See Attachments VII - XI.

FACTUAL AND LEGAL ANALYSIS

The first allegation alleged by the complainant was that dues monies were being used to support candidates for public office, namely President Carter and Congressman Thompson. Counsel Chanin's response indicated that any NEA treasury funds used in connection with the 1980 Federal election were made in accordance with "exceptions" set forth at section 441b(b)(2) (see page 1, Attachment VI). Counsel Herbert's response indicated that in February of 1973, NJEA-PAC was established to support candidates for state and federal office; that in adherence to NJEA-PAC guidelines (submitted with the response), NJEA-PAC contributed to Congressman Thompson and President Carter in accordance with 2 U.S.C. § 441a and § 441b; and that members of NJEA and MCEA volunteered their services to work on behalf of Congressman Thompson (see page 2, Attachment III).

The second allegation stated that dues monies were being used to determine and publicize NEA, NJEA, MCEA, and EBEA's perference for candidates to public office, namely President Carter and Congressman Thompson. NEA's response to the allegation stated that NEA did not endorse Frank Thompson or any congressional candidate in 1980; that congressional endorsements were made by NEA-PAC and no treasury funds were used to publicize PAC endorsements; that NEA endorsed Jimmy Carter and used treasury funds to publicize Carter's endorsement in NEA journal, newsletter and other documents which were distributed almost exclusively to NEA members in accordance with 2 U.S.C. § 441b(b)(2)(A) and 11 C.F.R. § 114.3. An affidavit from Don Cameron, Assistant Executive Director of NEA, was submitted with the NEA response which attested to these facts (see pages 2 and 4 of Attachment VI). The NJEA, MCEA, and EBEA response indicated that they have communicated to their members their preferences, including President Carter and Congressman Thompson; however,

the communications were sent only to NJEA members and family pursuant to section 441b(b)(2)(A) and 11 C.F.R. § 114.3. The communications appeared in the NJEA Reporter and newsletters issued by county affiliates such as MCEA. EBEA has not endorsed or participated in campaiging for either candidate (see page 3, Attachment III).

The third allegation stated that the NEA, NJEA, MCEA, and EBEA used dues monies to "enact, defeat, repeal, or amend legislation only incidentially related to the terms and conditions of employment of the employees represented by the aforesaid associations." Both Chanin and Herbert responded that such lobbying activities were not within the jurisdiction of the Act (see page 3 Attachment III, page 2 Attachment VI).

As to the fourth allegation which stated that Munyan's dues were still being deducted from his salary and used for political purposes, NJEA, MCEA, and EBEA stated that dues monies are not being used to provide contributions to federal or state candidates; and that New Jersey state statute provides that a notice to halt dues deductions is only effective on January 1st or July 1st. The response further stated that the PAC is financed entirely by voluntary contributions. Correspondence between EBEA and Munyan was submitted by counsel Herbert which addressed this issue (see page 3 and 4, Attachment III). EBBE's attorney, David Rubin, submitted a copy of the relevant New Jersey Employer- Employee Relations Act which sets up an agency shop provision (see Attachment V). NEA's Counsel Chanin responded that this allegation was not within the jurisdiction of the Commission (see page 2, Attachment VI).

David Friedman, treasurer of Thompson's People, responding to the complaint stated that the complaint failed to allege that Frank Thompson, any authorized committee, or any of his representatives violated the Act; any facts which constitute a violation of the Act by any person and conform to the standards of 11 C.F.R. § 111.4 (see Attachment II).

Counsels Brodsky and Holt responded for the Carter-Mondale Reelection Committee, Inc. Their response indicated that (1) the complainant was too vague for the Committee to respond effectively; (2) that the Committee is not named in the complaint and no allegations are made concerning its activity; (3) that the complaint merely alleges perfectly lawful activities by various education associations; and (4) should the Commission take any action on the complaint, it would be serious threat to the education associations constitutional rights. Each of the above-cited four points were discussed in detail by the counsels (see pages 4-11 of Attachment IV).

The additional letter submitted by the complainant, William G. Munyan, reiterated his opposition to dues monies being used to support candidates which he opposed; stated that the EBBE should not be a respondent as state statute prevents his immediate withdrawal from the union and that the State of New Jersey should be the respondent; that he has not received a rebate of representation fee which was used by the association for political purposes; that publications of all four associations contain pro-Carter and pro-Thompson publicity and were not identified as being financed by the PAC's; and that, he has not been allowed to see the budgets of the associations.

Thompson's people responded by stating that the complaints do not affect them. Counsel Rubin for the EBBE responded that Munyan now acknowledges the EBBE is not at fault. Counsel Brodsky refers to his original response and cited corresponding statements in response to the new letter. Counsel Chanin set forth that NEA endorsements and partisan communications are proper and that the other allegations are not within the jurisdiction of the Act. Counsel Herbert did not respond. (See Attachments VIII-IX)

2 U.S.C. § 441b(a) prohibits "any labor organization, to make a contribution or expenditure in connection with any election at which presidential or vice-presidential electors or a Senator or Representative in ... Congress are to be voted for ...." However, 2 U.S.C. § 441b(b)(2)(A) and (C) excludes from the definition of a contribution or expenditure "communications ... by a labor organization to its members and their families on any subject" and "the establishment, administration and solicitation of contributions to a separate segregated fund to be utilized for political purposes..."

Responses by Counsel Herbert and Chanin indicate that any use of dues monies by the respondent labor organizations for determining and publicizing perferences for candidates was made to its own membership in accordance with 2 U.S.C. § 441b (b)(2)(A) and 11 C.F.R. § 114.3 and that any contributions to President Carter and Congressman Thompson were made by the separate segregated funds of NEA and NJEA, NEA-PAC and NJEA-PAC, in accordance with 2 U.S.C. §§ 441b and 441a.

As to the allegations of lobbying efforts and the continual deduction of dues, both of these allegations are not within the jurisdiction of the Act. Specifically, the continuous deduction of dues money from the complainant's salary is made pursuant to New Jersey State statute, and not an agreement between EBBE and EBEA as alleged. The New Jersey statute allows for withdrawals to be made bi-annually. Since the complainant's request was in August, state law provides for it be implemented as of January 1, 1981. Clearly, an employees membership in a union and the withholding of dues money for union dues is not within the jurisdiction of 2 U.S.C. § 441b(b)(3).

As to the allegations by Munyan in his November 18, 1980, letter concerning New Jersey state statute regarding withdrawal from a union, the rebate of representative fee and the availability of union budget information, these allegations are not within the jurisdiction of the Act. The allegation concerning the use of dues monies has previously been discussed and the evidence indicates that the use of dues monies was made in accordance with 2 U.S.C. § 441b(b)(2). Finally, the publications cited by Munyan containing pro-Carter and pro-Thompson publicity in conjunction with the respondents' replies to the complaint indicate that the publications were sent to union members and their families, not to the general public, and financed by the union. Therefore, the requirements of 2 U.S.C. § 441d would not be applicable to these publications.

RECOMMENDATIONS

1. Find no reason to believe that the National Education Association violated 2 U.S.C. § 441b and § 441d.

2. Find no reason to believe that the New Jersey Education Association violated 2 U.S.C. § 441b and § 441d.

3. Find no reason to believe that Middlesex County Education Association violated 2 U.S.C. § 441b and § 441d.

4. Find no reason to believe that East Brunswick Education Association violated 2 U.S.C. § 441b and § 441d.

5. Find no reason to believe that East Brunswick Board of Education violated 2 U.S.C. § 441b and § 441d.

6. Find no reason to believe that Carter/Mondale Reelection Committee Inc. violated the Act.

7. Find no reason to believe that Thompson's People violated the Act.

8. Close the file and send the attached letters.

Attachments

I. Complaint
II. Friedman Response
III. Herbert Response
IV. Brodsky/Holt Response
V. Rubin Response
VI. Chanin Response
VII. Additional Letter Munyan
VIII. Chanin Response
IX. Friedman Response
X. Rubin Response
XI. Brodsky Response
XII. Proposed Letters

3 1 0 4 0 2 3 1 3 5 1

CERTIFIED MAIL

Copy

156A Taylor Avenue,
East Brunswick, New Jersey 08816
October 7, 1980

Federal Election Commission
Office of General Counsel
1325 K Street NW
Washington DC 20463

Gentlemen:

This letter is to confirm my Mailgram of October 6, 1980, and to charge that National Education Association, 1201 16th St. NW, Washington DC 20036; New Jersey Education Association, 180 W. State St., Trenton NJ 08607; Middlesex County Education Association, 1014 Livingston Ave., North Brunswick NJ 08902; and East Brunswick Education Association, 1 South Woodland Ave., East Brunswick NJ 08816, are illegally using members' dues (1) for the support of candidates for public office, namely President Jimmy Carter and Congressman Frank Thompson; (2) for the determination and publicizing of said organizations' preference for candidates for public office, namely President Carter and Congressman Thompson; and (3) for efforts to enact, defeat, repeal or amend legislation only incidentally related to the terms and conditions of employment of the employees represented by the aforesaid associations.

Further, although I resigned from the aforesaid associations in August, 1980, because of their political activity on behalf of candidates and issues I cannot support, full dues to all the aforesaid associations are still being deducted from my salary, under agreement between my employer, East Brunswick Board of Education, 22 Milltown Road, East Brunswick NJ 08816, and East Brunswick Education Association, acting for all the associations. And said dues are being used presently as I have charged.

The allegations I have made above are true to my best knowledge and belief.

Respectfully,

William G. Munyan

William G. Munyan

ELIZABETH M. KANDUR
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires August 4, 1985

Elizabeth M. Kandur

ATTACHMENT I PS

3 1 7 4 0 2 7 1 3 5 2

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08

western union Mailgram

910529 GCC #2963

4-0285748285 10/11/80 ICS IPMRNCZ CSP WSHB
2012549840 MGM TDRN SOUTH RIVER NJ 270 10-11 0854P EST

MCC2891

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
1325 K ST NW
WASHINGTON DC 20005

REGARDING YOUR UNDATED CERTIFIDE LETTER I RESPOND WTH THE FOLLOWING;
1. YOU DID NOT READ MY MAILGRAM OF OCTOBER 6 OR, IF YOU DID YOU DID NOT UNDERSTAND IT.
2. I FOLLOWED UP MY WIRE WITH A CERTIFIDE LETTER PER INSTRUCTIONS I RECEIVED AFTER I PHONED YOUR OFFICE OCTOBER 6 WITH MY COMPLAINT.
3. THIS IS THE SAME KIND OF CATCH-22 RUNAROUND I GOT DEALING WITH THE ASSOCIATIONS I NAMED IN MY COMPLAINT.
4. THAT YOU WOULD REJECT MY WIRE, SEND ME A CERTIFIDE LETTER, AND AT THE SAME TIME TIP OFF WITH CARBON COPIES THOSE I COMPLAINED AGAINST- AS IF MY ORIGINAL COMPLAINT WERE CREDIBLE- LEAVES ME TO BELIEVE I SHOULD INCLUDE YOUR OFFICE IN MY NEXT COMPLAINT.
5. I SHALL COMPLY WITH YOUR LETTER, BUT IT WILL TAKE ME A FEW DAYS AND MORE MONEY TO DO IT. (I AM A POOR SCHOOL TEACHER AND CANNOT AFFORD $20,000 LEGAL FEES TO FIGHT THIS.)
6. THE ELECTION IS THREE WEEKS AWAY SO TIME IS OF THE ESSENCE. I SUBMIT THAT YOU SHOULD ORDER A CEASE AND DESIST ORDER PENDING AN IMMEDIATE INVESTIGATION OF MY COMPLAINT.
7. COPIES OF THIS WIRE ARE BEING SENT TO A. PRESIDENT JIMMY CARTER B. CONGRESSMAN FRANK THOMPSON C. NATIONAL EDUCATION ASSOCIATION D. NEW JERSEY EDUCATION ASSOCIATION E. MIDDLESEX COUNTY EDUCATION ASSOCIATION F. EAST BRUNSWICK EDUCATION ASSOCIATION G. EAST BRUNSWICK BOARD OF EDUCATION AND H. ROBERT BRAUN, NEWARK STAR LEDGER.
8. THIS IS COSTING ME A FORTUNE, BUT WHAT KIND OF PEOPLE DO YOU ALL THINK WE ARE.
WILLIAM G MUNYAN

20:54 EST

MGMCOMP MGM

00 OCT 15 A8:47

0 OCT 15 A10:25

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08[illegible]

western union Mailgram

910529 GCC #2963

4-0285748285 10/11/80 ICS IPMRNCZ CSP WSHB
2012549840 MGM TDRN SOUTH RIVER NJ 270 10-11 0854P EST

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
1325 K ST NW
WASHINGTON DC 20005

GCC 2891

REGARDING YOUR UNDATED CERTIFIDE LETTER I RESPOND WTH THE FOLLOWING;
1. YOU DID NOT READ MY MAILGRAM OF OCTOBER 6 OR, IF YOU DID YOU DID NOT UNDERSTAND IT.
2. I FOLLOWED UP MY WIRE WITH A CERTIFIDE LETTER PER INSTRUCTIONS I RECEIVED AFTER I PHONED YOUR OFFICE OCTOBER 6 WITH MY COMPLAINT.
3. THIS IS THE SAME KIND OF CATCH-22 RUNAROUND I GOT DEALING WITH THE ASSOCIATIONS I NAMED IN MY COMPLAINT.
4. THAT YOU WOULD REJECT MY WIRE, SEND ME A CERTIFIDE LETTER, AND AT THE SAME TIME TIP OFF WITH CARBON COPIES THOSE I COMPLAINED AGAINST- AS IF MY ORIGINAL COMPLAINT WERE CREDIBLE- LEAVES ME TO BELIEVE I SHOULD INCLUDE YOUR OFFICE IN MY NEXT COMPLAINT.
5. I SHALL COMPLY WITH YOUR LETTER, BUT IT WILL TAKE ME A FEW DAYS AND MORE MONEY TO DO IT. (I AM A POOR SCHOOL TEACHER AND CANNOT AFFORD $20,000 LEGAL FEES TO FIGHT THIS.)
6. THE ELECTION IS THREE WEEKS AWAY SO TIME IS OF THE ESSENCE. I SUBMIT THAT YOU SHOULD ORDER A CEASE AND DESIST ORDER PENDING AN IMMEDIATE INVESTIGATION OF MY COMPLAINT.
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8. THIS IS COSTING ME A FORTUNE. BUT WHAT KIND OF PEOPLE DO YOU ALL THINK WE ARE.
WILLIAM G MUNYAN

20:54 EST

MGMCOMP MGM

00OCT15 A8:47

0 OCT 15 AM 10:25

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October , 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William G. Munyan
136A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

We have received your letter of October 6 , 1980, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended (the "Act").

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

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

(1) must contain the full name and address of the person making the complaint;

(2) should clearly identify as a respondent each person or entity who is alleged to have committed a violation;

(3) should identify the source of information upon which the complaint is based;

I PS 4

(4) should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction; and

(5) should be accompanied by supporting documentation if known and available to the person making the complaint.

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

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

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

Sincerely,

Charles N. Steele
General Counsel

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

Enclosure

cc: President Jimmy Carter
Carter/Mondale Presidential Committee
Congressman Frank Thompson, Jr.
National Education Association
New Jersey Education Association
Middlesex County Education Association
East Brunswick Education Association

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

RECEIVED
OCT 14 P2:00

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:
Middlesex County-Education Association

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946280	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
L. Mazzeo

4. DATE OF DELIVERY
10-10-80

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1979-272-392

Pg 6

GCC#2891

PS Form 3811, Aug. 1978

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 ____¢
- ☐ 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:
East Brunswick Education Association

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946781	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
P. Sternberg

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1979-272-302

1087

ACC#2091

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

Mailgram

4-0529758280 10/06/80 ICS IPMMTZZ CSP WSHR
2012549840 MGM TDMT SOUTH RIVER NJ 111 10-06 0528P EST

Gacc 2841

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
1325 K ST NORTHWEST
WASHINGTON DC 20463

DEAR SIR
I WILL CHARGE A NOTARIZED LETTER (3 COPIES) TO FOLLOW THAT.
NATIONAL EDUCATION ASSN
NEW JERSEY EDUCATION ASSN
MIDDLESEX COUNTY EDUCATION ASSN
AND EAST BRUNSWICK EDUCATION ASSN
ARE,
1. ILLEGALLY USING MEMBERS DUES TO HELP RE-ELECT PRESIDENT CARTER AND CONGRESSMAN THOMPSON AND,
2. USING MY DUES FOR THE SAME PURPOSE EVEN THOUGH I FORMALLY RESIGNED MY MEMBERSHIP IN THOSE ORGANIZATIONS IN AUGUST 1980. MY DUES IN FULL ARE STILL BEING DEDUCTED FROM MY PAY BY EAST BRUNSWICK BOARD OF EDUCATION. THEY MAY BE CULPABLE TOO.
WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

17:28 EST

MGMCOMP MGM

RECEIVED
80 OCT 7 A11:41

80 OCT 7 P4:20

GENERAL COUNSEL

I 858

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

911072

GCC#2318

80 NOV 3 P1:55

Thompson's People

3131 Princeton Pike
Lawrenceville, N.J. 08648

October 30, 1980

10 NOV 3 P2:56

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

Re: MUR 1313

Dear Commissioners:

In accordance with the procedures established in 11 CFR 111.6 and as Treasurer of Thompson's People, the principal campaign committee of Congressman Frank Thompson, I am filing this letter in response to the complaint filed by William G. Munyan. For the reasons specified below, I believe no further action should be taken with respect to Frank Thompson or any other respondent on the basis of this complaint.

1. The complaint fails to allege that either Frank Thompson, any authorized committee of Frank Thompson or any representative of Frank Thompson, engaged in any conduct which would constitute a violation of the Federal Election Campaign Act.

2. The complaint fails to allege any fact or set of facts which, standing alone, would constitute a violation of the Federal Election Campaign Act by any person. Complainant alleges that the National Education Association, the New Jersey Education Association, the Middlesex County Education Association and the East Brunswick Education Association have illegally used members dues to support candidates, but fails to specify the conduct which the complainant considers to be illegal. Since the legality of the conduct would depend on the nature of support purportedly given, the complainant is under an obligation to specify the conduct he considers to be illegal. Absent such specific factual allegations, the Commission would have no reason to believe a violation of law has taken place.

3. The complaint fails to confirm to the standards set forth for complaints in 11 CFR 111.4, in that (a) the complaint does not clearly identify Frank Thompson, any authorized committee of Frank Thompson or any representative of Frank Thompson as having violated any provision of the law; (b) the complaint does not identify the source of information upon which the complainant relies; (c) the complaint does not recite facts which describe a violation of a statute or regulation over which the Commission has jurisdiction and (d) the complaint is not accompanied by

ATTACHMENT I p8/

Paid for by Thompson's People
David A. Friedman, Treasurer
3131 Princeton Pike
Lawrenceville, N.J. 08648

Office of General Counsel
Federal Election Commission

any documentation supporting the claims made. The complete failure of the complaint to comply with any of the standards for complaints in 11 CFR 111.4 demonstrates the inadequacy of the complaint itself, both with respect to Frank Thompson and any other respondent.

Commission procedures provide for the dismissal of a complaint where a complaint fails to provide a reason to believe a violation of law has occurred. On its face the instant complaint provides no basis from which the Commission could conclude that there is reason to believe a violation of law has taken place. In order to proceed with a complaint, the Commission needs more than a bare allegation of misdoing. There must be an allegation of sufficient facts which, if proven true, would constitute a violation of Federal Election Campaign Act. The instant complaint fails to recite such facts and should be dismissed with respect to Frank Thompson.

Sincerely,

David A. Friedman,
Treasurer, Thompson's People

Thedford 911063

GCC#3322

STERNS, HERBERT & WEINROTH

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

186 WEST STATE STREET

P.O. BOX 1298

TRENTON, NEW JERSEY 08607

(609) 392-2100

JOEL H. STERNS
RICHARD K. WEINROTH
MICHAEL J. HERBERT
FRANK J. PETRINO
WILLIAM J. BIGHAM
W. S. GERALD SKEY
JOHN H. DUMONT
JOHN H. DONNELLY
ANN MARIE VAURIO
MARK D. SCHORR
SIMON KIMMELMAN
R. KEVIN McGRORY
NIELSEN V. LEWIS

OF COUNSEL
RICHARD J. HUGHES

10 NASSAU STREET
PRINCETON, N.J. 08540
(609) 924-2108

SUITE 600
1150 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 296-3432

October 30, 1980

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

Re: MUR 1313

Dear Ms. Thedford:

As I advised you over the telephone today, our firm is serving as counsel for the New Jersey Education Association (N.J.E.A.) as well as the Middlesex Education Association (M.C.E.A.) and the East Brunswick Education Association (E.B.E.A.) concerning the above-captioned complaint by William G. Munyan. I understand that Robert Chanin, General Counsel to the National Education Association (N.E.A.) will be appearing on behalf of that respondent. Pursuant to 11 C.F.R. 111.6, please accept this letter and the attached materials as the reasons why a complaint should not be issued by the Commission against our clients.

Mr. Munyan's complaint to the Commission came after he had expressed his personal views to the N.J.E.A. against the endorsement by the N.E.A. of President Carter as well as the endorsement of N.J.E.A. PAC for the re-election of Congressman Frank Thompson. I am enclosing a copy of Mr. Munyan's May 1st letter to the N.J.E.A. and the response of that organization to Mr. Munyan, as Exhibits A and B. The reading of these letters, along with Mr. Munyan's October 14th telegram to the Commission, make it clear that Mr. Munyan's chief complaint is the endorsement of federal candidates rather than any specific and concrete instances of alleged violation of the Federal Election Campaign Act of 1971, as amended. Nevertheless, it does appear that, however vague, Mr. Munyan has directed four specific criticisms against our clients to which we now respond.

ATTACHMENT III pg 1

1. Support of Candidates for Public Office, Namely President Carter and Congressman Thompson - In February, 1973, the New Jersey Education Association Political Action Committee (N.J.E.A. P.A.C.) was established as a separate voluntary fund to support candidates for state and federal offices who are proven or potential friends of public education. At the same time, the N.J.E.A. Executive Committee adopted specific guidelines which have been constantly modified to adhere to applicable federal and state law, and the wishes of the N.J.E.A. membership through its constituent bodies, including the N.J.E.A. Delegate Assembly. A copy of those guidelines is attached as Exhibit C. Those guidelines specify that the N.J.E.A. P.A.C. will be administered by an operating committee chosen from among the membership of N.J.E.A. and also provide for the screening, selection and support of candidates, through local and county affiliates; and also provide for a strict accountability of all such funds.

In strict adherence to those guidelines, N.J.E.A. P.A.C. endorsed Congressman Thompson and the N.J.E.A. P.A.C. fund has provided campaign contributions to this candidate in conformance with the limitations established in Section 315 of the Act. In addition, members of N.J.E.A. and M.C.E.A. have volunteered their services to work on behalf of Congressman Thompson. As can be seen by the exchange between Mr. Munyan and the N.J.E.A. as well as can be gathered from the N.J.E.A. P.A.C. guidelines, our clients actively encourage the fullest participation of our members in the election process. We have not only abstained from deterring opposing points of view by our members, but we have actively encouraged the same.

President Carter was endorsed, first by the N.E.A., and then later by N.J.E.A. P.A.C. N.E.A.'s counsel will address the issues raised in this complaint as it relates to that national organization. However, as with Congressman Thompson, and other N.J.E.A. P.A.C. endorsed federal candidates, Republicans and Democrats alike, our clients have strictly adhered to the contribution limitations established by Section 315 of the Act, as well as the mandates that all contributions to such candidates be obtained and contributed to federal candidates through a separate, segregated fund, as required by Section 316 of the Act.

2. The Determination and Publicizing of Preferences for Candidates for Public Office, Namely President Carter and Congressman Thompson - As noted, our clients have selected both Republican and Democratic candidates for federal office, through the application of the most assiduous democratic processes, as provided in the N.J.E.A. P.A.C. guidelines. In addition, our clients have communicated to our members their preferences in federal elections, including President Carter and Congressman Thompson. However, those communications are sent only to N.J.E.A. members and their families, as allowed by Section 316(a)(2)(A) and 11 C.F.R. 114.3. These communications are principally contained in the N.J.E.A. Reporter, a monthly magazine sent to all N.J.E.A. members and in newsletters issued by county affiliates such as the M.C.E.A., all directed to the membership of the N.J.E.A. As an organization, the E.B.E.A. has not endorsed or participated in campaigning for either federal candidate.

3. Lobbying Activities - Mr. Munyan has complained to the Commission about our clients' efforts to "enact, defeat, repeal, or amend legislation only incidentally related to the terms and conditions of employment of the employees represented by the aforesaid associations". Since its foundation in 1915, the N.J.E.A. is proud of its record of lobbying for state legislation, as we believe it has a right to do under the First Amendment of the United States Constitution and Article I, Paragraph 1 of the New Jersey Constitution. In addition, our clients have and will continue to actively lobby for the passage of appropriate federal legislation on behalf of teachers and education generally. Obviously, the Commission does not have jurisdiction over such complaints of lobbying activity by our clients, and even if it had, the Supreme Court has made it clear that such activities are protected by the First and Fourteenth Amendments to the United States Constitution. See First National Bank of Boston v Bellotti, 435 U.S. 765 (1978).

4. Use of Dues Monies for Political Activities - Mr. Munyan has asserted that, even though he has resigned from the N.J.E.A. and its affiliates in August, 1980, full dues are still being deducted from his salary under an agreement with the East Brunswick Board of Education and the E.B.E.A., which are in turn being used for the above purposes. As noted previously, the N.J.E.A. P.A.C. guidelines prohibit dues monies from being utilized to provide political contributions to either federal or state candidates. The P.A.C. is financed through voluntary contributions, and not through dues or any other mandatory contributions of membership.

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Mr. Munyan's complaint about not being able to withdraw his membership from the N.J.E.A. and its affiliates has already been fully addressed in correspondence with the E.B.E.A. and its counsel, Nancy Iris Oxfeld. I am enclosing a copy of that correspondence as Exhibits D through K. As Ms. Oxfeld's letter of October 16th to Mr. Munyan correctly states, a New Jersey statute (N.J.S.A. 52:14-15.9(e)) provides that a notice to halt dues deduction from one's salary can be effective only as of January 1st or July 1st on the dates preceding the date on which the notice is received. Thus, the inability of Mr. Munyan to withdraw membership is the result of a state statute and not any agreement between the E.B.E.A. and the East Brunswick Board of Education, as he asserts.

On the basis of the above, we would hope that no complaint would issue against the respondents that we represent in the above matter. Also, please know that we are most anxious to answer any further questions you might have.

Very truly yours,

Michael J. Herbert

MJH:ks
encl.
cc: Walter O'Brien, Director of Government Relations, N.J.E.A.
Robert Chanin, Esq., N.E.A. General Counsel
Nancy Oxfeld, Esq., Counsel for E.B.E.A.
Mrs. Rosalie Triozzi, E.B.E.A., President
Ms. Maria C. Versocki, M.C.E.A., President

COMMUNITY RELATIONS
MAY - 5 1980

May 1, 1980
156A Taylor Avenue
East Brunswick NJ 08816

NJEA-PAC
180 W. State Street
Trenton, NJ 08607

Dear Sirs:

Having read of your endorsement of Congressman Frank Thompson for reelection, I write to register my strongest objection. The man is under suspicion of a serious crime as a result of the ABSCAM investigation. I grant that he has not been found guilty, but your endorsement is certainly premature and could prove an embarrassment to NJEA should he subsequently be found to have done what is now only alleged.

Your endorsement and the flurry of letters to the local newspapers supporting the Congressman — all of which say essentially the same thing — suggest a concerted partisan effort to whitewash an act as serious as Watergate, in which greed for money was not at issue.

Similarly I protest NEA's endorsement of President Jimmy Carter. The man, through his incompetence, has caused an economic disaster far more harmful to the nation's teachers and to public education than his creation of the

EXHIBIT A
III pg 5

3 1 0 4 0 2 3 4 1 3 7 6

Department of Education has been beneficial. That NEA should copy up to this candidate in the name of teachers is an outrage.

If the PAC of the state and national association is to be an arm of the Democratic Party, it should be disbanded. It certainly does not represent the views of the majority of those with whom I work or associate.

Very truly yours,

William G. Munyan

njea

New Jersey Education Association • 180 W. State St. • P.O. Box 1211 • Trenton, New Jersey 08607 • Tel: (609) 599-4561

C-4

June 4, 1980

Mr. William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

We are in receipt of your letter of May 5 regarding NJEA PAC's endorsement of Congressman Frank Thompson and NEA's endorsement of President Jimmy Carter.

The NJEA PAC Operating Committee discussed the pros and cons of the endorsement of Congressman Frank Thompson who has always been a friend of education. He is foremost in support of a collective bargaining bill for public employees. He continues to support issues that deal with the welfare of teachers, children and schools. In light of this and in view of the fact that the congressman had not been proved guilty regarding his implication in the Abscam affair, the NJEA PAC Operating Committee, on March 21, chose to support Congressman Thompson in his re-election bid for the House of Representatives. That support was widespread among the members of the statewide NJEA PAC Operating Committee.

As far as your objection to NEA's endorsement of President Jimmy Carter, may I suggest that you bear in mind that was an endorsement of the NEA Board of Directors. NJEA PAC chose not to support any candidate in the New Jersey Primary.

The experience of the NJEA PAC endorsements will clearly indicate that NJEA PAC is a bipartisan operation. Over the past years, we have always had endorsements of Republican candidates. It is true that the number of Democratic candidates has been larger, but through a very intensive screening process conducted by NJEA members themselves, candidates have been recommended to the NJEA PAC Screening Committee for endorsement. As an NJEA member, you have every opportunity to participate in the political action functions of NJEA. Please contact your county association expressing your interests in the screening of candidates.

If you have any question, please do not hesitate to call my office.

Sincerely yours,

Dolores T. Corona
Associate Director
Government Relations

DTC-gab

EXHIBIT B
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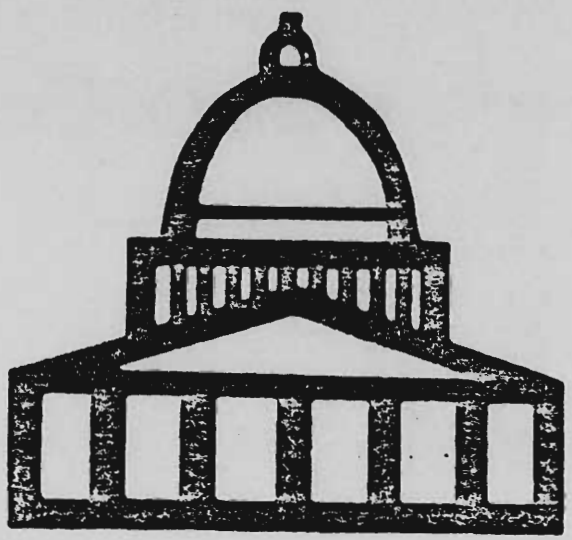

NJEA PAC Guidelines

NJEA PAC Guidelines were adopted by the NJEA PAC Operating Committee May 5, 1973 and amended by that committee on December 8, 1973, February 23, 1974, June 11, 1974, September 7, 1974, January 10, 1975, March 6, 1975, June 11, 1976, June 11, 1977, June 10, 1978, and September 9, 1978.

EXHIBIT C

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GUIDELINES FOR NJEA PAC

NAME

The name shall be New Jersey Education Association Political Action Committee (NJEA PAC).

PREAMBLE

It is the purpose of NJEA PAC to support candidates for state and federal offices who are proven or potential friends of public education in order to achieve legislative decisions consistent with the efforts of the New Jersey Education Association to insure a quality education for each New Jersey child and to advance the teaching profession.

HISTORY

A Political Action Study Committee was established by the NJEA Delegate Assembly in November 1971 to explore the feasibility of political action by NJEA members to the extent of endorsing candidates and participating in political campaigns for their election to office. Reaching the conclusion that the NJEA should establish a political action committee closely allied to the NJEA structure, the Study Committee recommended an information program for the membership which was adopted by the NJEA Delegate Assembly in May 1972. NJEA Delegate Assembly approval at its November 1972 meeting signaled the beginning of organized political action for the teachers of New Jersey. In February 1973, the NJEA Executive Committee adopted general guiding principles and established the NJEA PAC Fund.

ORGANIZATION

NJEA PAC shall consist of:

I. Officers

Chairperson - NJEA President
Vice Chairperson - NJEA Vice President
Treasurer - NJEA Secretary - Treasurer
Assistant Treasurer -- to be elected by a vote of the NJEA PAC Operating Committee.

II. A Board of Trustees composed of the members of the NJEA Executive Committee.

The NJEA PAC staff shall be employed by the NJEA, serve under the direction of the NJEA Executive Director, who serves as Executive Director of NJEA PAC, and include the NJEA Director of Government Relations and other NJEA lobbyists.

The Board of Trustees shall operate under the following guidelines:

A. The Chairperson of the Board of Trustees shall be the NJEA President.

B. The Vice Chairperson shall be the NJEA Vice President.

C. The Treasurer shall be the NJEA Secretary–Treasurer

D. The Board shall oversee the total operation of NJEA PAC and may act for the Operating Committee between meetings of that Committee. However, such actions shall not be in conflict with established NJEA PAC policy.

E. The Board shall act as trustees of the NJEA PAC Fund.

F. The Board shall establish an annual budget for NJEA PAC.

G. The Board shall submit an annual informational report to the NJEA Delegate Assembly.

H. The Board shall meet annually and as necessary at the call of the Chairperson, or upon the written request of one-third (1/3) of its members.

I. Agenda for Board meetings shall be prepared by the Chairperson and the professional staff.

J. Provision for alternates shall be made consistent with provisions established for the NJEA Executive Committee.

K. Minutes of Board meetings shall be distributed to all members of the NJEA PAC Operating Committee.

III. An Operating Committee consisting of the NJEA Officers, the NJEA Executive Committee, the NJEA Legislative Committee, the County Association Presidents, the President of the Student NJEA, a representative of the N.J. Retired Educators Association and an NJEA Associate member appointed by the NJEA PAC Chairperson and approved by the NJEA PAC Board of Trustees.

The staff shall be the same as for the Board of Trustees.

The N.J. members of the NEA Board of Directors shall act as consultants to the NJEA PAC Operating Committee.

The Operating Committee shall function under the following guidelines:

A. The Chairperson of the Operating Committee shall be the NJEA President.

B. The Vice Chairperson shall be the NJEA Vice President.

C. The Treasurer shall be the NJEA Secretary-Treasurer.

D. The responsibilities of the NJEA PAC Operating Committee members shall include:

1. Candidate screening and selection

2. Fund raising

3. Accountability for expenditures within legislative or Congressional

districts in behalf of endorsed candidates; one NJEA PAC Operating Committee member in each county should monitor PAC finances.

4. Development of support for endorsed candidates

5. Provide political information and stimulate teacher participation

6. Utilize all NJEA units (county and local associations, UniServ Coordinating Councils, etc.) in NJEA PAC operations and communications

E. The Operating Committee shall submit an annual report to the NJEA PAC Board of Trustees which report shall be included in the annual report of the Board of Trustees to the NJEA Delegate Assembly.

F. The Operating Committee shall meet annually and as necessary at the call of the Chairperson, or upon the written request of one-third (1/3) of its members.

G. Agenda for meetings shall be prepared by the Chairperson and the professional staff.

H. An Operating Committee member may send an alternate, providing the alternate has written credentials from the person to be replaced and submits them to the Chairperson; any alternate shall be a member of NJEA.

I. Minutes of Operating Committee meetings shall be distributed to all members of the NJEA PAC Operating Committee.

J. Members of the Operating Committee shall be the only official representatives of NJEA PAC in their respective counties. One of the Operating Committee members in each county should serve as "contact person" to expedite communications with NJEA PAC officers and staff.

K. Operating Committee members from the counties shall be responsible for candidate screening. They shall work in conjunction with the NJEA PAC Operating Committee members of other counties where legislative or congressional districts cross county lines (See VI. Candidate Screening, Selection and Support).

L. The NJEA PAC Operating Committee members will be responsible for filing a brief evaluative report on campaign activities for campaigns where there has been an NJEA PAC endorsement in their counties. The report shall indicate future prospects as a result of these activities and shall be submitted within 30 days after the election.

IV. Responsibilities of NJEA PAC Officers

A. The Chairperson shall preside at all meetings of the NJEA PAC Operating Committee and the Board of Trustees and shall perform such other duties as may be prescribed.

B. The Vice Chairperson shall assume the duties of the Chairperson in his/her absen

C. The Treasurer shall perform such duties as are customarily performed by treasurers, and shall file all reports required by law and the Internal Revenue Service. The Treasurer shall be custodian of all NJEA PAC funds. He/she shall receive all contributions to NJEA PAC, and shall dist all monies in accordance with authorized expenditures. He/she shall see tha full and accurate accounts are kept, that financial statements are presented, and that reports to governmental authorities as required by law are kept and filed over his/her signature.

V. NJEA PAC Fund

A. The NJEA PAC Fund shall be financed from voluntary and separate contributions.

B. The Fund shall be used to pay all necessary operating expenses of NJEA PAC including, but not limited to, promotion materials, expenses of meetings, candidate support programs, reasonable expenses of Operating Committee members for NJEA PAC related activities within their respective counties up to $50.00 per annum as vouchered. There shall be an NJEA PAC account separate from all other NJEA accounts.

C. The Board of Trustees shall direct and receive an annual audit of the NJEA PAC Fund. When there is involvement in elections where specific accounting procedures are required, appropriate laws shall be followed in all cases. No PAC accounts shall become a part of the budget or general accounts of state, county, or local associations.

D. There shall be kept, in the possession of state, county, and local associations or whichever unit is responsible for the collection, a permanent record of NJEA PAC contributors and amounts given.

E. Disbursements from the NJEA PAC Fund shall not be made directly to endorsed candidates. Up to $500.00 may be disbursed upon written request and submission of a plan to an appropriate committee working on behalf of an endorsed candidate for the New Jersey Legislature. The NJEA PAC Board of Trustees may, by 2/3 vote, approve an additional disbursement when deemed appropriate. Endorsement of a candidate may be made without a monetary commitment.

F. Expenditures on behalf of endorsed candidates shall be reported as directed by the NJEA PAC Operating Committee. A final report of expenses on behalf of endorsed candidates shall be filed with the NJEA PAC Operating Committee not later than 60 days after the expenses were incurred. All balances shall be returned to the NJEA PAC Operating Committee with the final report.

G. After consultation with and approval from the NJEA PAC Operating Committee of the concerned county(ies), and the approval of the NJEA PAC Officers, the NJEA PAC Officers shall be authorized to purchase tickets, with appropriate discretion, for fund raising or testimonial functions for legislators, elected state officials or endorsed candidates.

H. The NJEA PAC Board of Trustees may authorize contributions to the N.J. Democratic Party and the N.J. Republican Party providing that the grand total of such contributions shall not exceed $10,000

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per year; and that the contributions shall be equal to each party in each year commencing September 1, 1978.

VI. Candidate Screening, Selection and Support

(In addition to Guidelines VI. A through VI. R inclusive, additional Guidelines for elections to the U.S. House of Representatives are included in VI. S.)

A. Requests for endorsement may be received from an "NJEA PAC Educators for —— Committee," a county or local association, a candidate, an individual NJEA member, or a political party. All such requests shall be made in writing to NJEA PAC at 180 West State Street, Trenton, New Jersey 08608.

B. All requests for endorsement and/or support shall be processed by an appropriate screening committee.

C. Screening committees shall provide in their delegations proportional representation in accordance with the population of the counties included in the legislative district. (See Appendices. County Member Representation on NJEA PAC Prime Screening Committees in N.J. Legislative Districts)

The members of the prime screening committee for each N.J. legislative district shall be composed of (1) NJEA PAC Operating Committee members representing the counties contained in the N.J. legislative district (See Exclusion in Section 6) and, if more members are needed, (2) the local presidents contained in the N.J. legislative district. The local presidents shall be appointed by the appropriate county president. The number of members in the prime screening committee for each legislative district shall be based on the following distribution system.

(1.) For the population of each N.J. legislative district the part of each county's population in that district shall be computed to the nearest hundredth and the result multiplied by ten.

(2.) Representation on the prime screening committee shall be based on that ratio rounded off to the nearest whole number with each county guaranteed a minimum of one member.

(3.) All members on the prime screening committee shall have one vote.

(4.) For the county allotted one or two members on a prime screening committee, NJEA PAC Operating Committee members of that county shall determine from among their number who shall represent their county on the prime screening committee.

(5.) The temporary chairpersons of all prime screening

committees shall be appointed by the NJEA PAC Chairperson or his/her designee and approved by the NJEA PAC Trustees.

(6.) Where one N.J. legislative district is contained within one county, the number of members on the prime screening committee may be limited to five. In this case at least one PAC Operating Committee member shall be a member of the screening committee.

(7.) At any meeting of the NJEA PAC Operating Committee at which endorsement of candidates is proposed, members representing a N.J. legislative district(s) shall be bound by the vote of the respective N.J. legislative district screening committee(s).

A Gubernatorial or U.S. Senatorial screening committee of seven (7) members shall be composed of the NJEA PAC officers and four (4) members to be selected by the NJEA PAC Board of Trustees from the NJEA PAC Operating Committee representing geographic areas of the state and the major political parties within the state. NJEA PAC staff shall act in its capacity as resource personnel.

D. The screening committee shall act as an ad hoc committee for the purpose of reviewing candidates.

All screening committees shall complete their screening process and come to a conclusion fourteen (14) days before the commencement of each school year.

Endorsement of outstanding incumbent candidates may be made at the June meeting of the NJEA PAC Operating Committee following appropriate screening.

E. Every reasonable effort shall be made to screen all candidates seeking the office for which an endorsement has been requested. Where an endorsement has been requested on behalf of a candidate in a legislative or congressional district, all other candidates for the same position shall be contacted by the chairperson of the screening committee; such contact shall be by certified letter affording those candidates the opportunity to meet with the screening committee. Interested candidates will be asked to respond in writing.

A personal interview with candidates is a desirable part of the screening process. If, however, a personal interview for whatever reason is not possible, an endorsement may still be given in that district. The screening committee shall use whatever information it has available to it (i.e., written response to questionnaire, etc.) in making a determination with regard to endorsement or any other action.

Every candidate screened shall be notified of the decision of the screening committee and the NJEA PAC Operating Committee.

F. Every reasonable effort shall be made to ascertain the reactions of local education associations within the legislative or congressional district.

These reactions shall be reflected in the screening committee's report to the NJEA PAC Operating Committee.

G. The NJEA PAC Operating Committee shall not endorse or approve support of any candidate without the recommendation or approval of an appropriate screening committee.

H. Endorsement of candidates for the State Legislature or U.S. House of Representatives shall be by majority vote of those members of the NJEA PAC Operating Committee as a whole present and voting.

I. Endorsement of a candidate for Governor or U.S. Senate shall be by a 2/3 vote of those members of the NJEA PAC Operating Committee as a whole present and voting.

J. Public endorsement shall be made only with a candidate's written consent.

K. Endorsement may take the form of:

(1.) A public statement of support;

(2.) Encouragement of "NJEA PAC Educator Committees" of volunteer teachers working for approved candidates which committees should be broadly representative of teacher members within the legislative or congressional district.

(3.) Financial assistance to "NJEA PAC Educator Committees" working for approved candidates.

(4.) Other appropriate activity as may be determined by the NJEA PAC Operating Committee.

(5.) Where no "NJEA PAC Educators for ---Committee" exists, and when an endorsement is given to a candidate the state PAC Committee be able to initiate - as a minimum effort - a mailing to the teachers of the district the endorsed candidate represents.

L. Endorsement of more than one candidate for the same seat is discouraged, because it is counter-productive.

M. The selection of candidates to receive NJEA PAC endorsement and assistance shall be determined on the following priority basis:

(1.) Races in which consistent and proven supporters and "friends" of education are facing difficulty in returning to office.

(2.) Races in which consistent adversaries are opposed by a candidate who is in agreement with NJEA goals and positions and who has a good possibility of winning.

(3.) Races in which consistent and proven supporters and "friends" of education face no serious opposition in returning to office.

(4.) Races where there is no incumbent and in which one candidate is clearly more in agreement with NJEA goals and positions, and has a reasonable possibility of winning.

(5.) Other races in which NJEA PAC may have an interest.

N. Criteria for early endorsement of an incumbent candidate may include:

(1.) Outstanding record.

(2.) Electability.

(3.) Opposing candidates seeking the office.

(4.) Political sensitivity.

(5.) Demonstrated support for major issues even though they may not have come to a vote.

(6.) Previous endorsement.

(7.) NJEA membership sensitivity in the district.

(8.) A friend in trouble.

O. Each local education association is expected to have a local contact with the NJEA PAC Operating Committee members within its county

P. All materials to be distributed in behalf of an NJEA PAC endorsed candidate shall have prior approval of the NJEA PAC Chairperson or his/her designee before being sent to all or any part of the NJEA mailing list.

Q. If a candidate for the New Jersey Senate receives the endorsement of NJEA PAC, his/her opponent(s) within the legislative district shall not be provided the NJEA mailing list or other NJEA resources. If a candidate (or candidates, provided not more than two for any one legislative district) for the New Jersey General Assembly receives the endorsement of NJEA PAC, his/her (their) opponents shall not be provided the NJEA mailing list or other NJEA resources. In a gubernatorial election where no NJEA PAC endorsement is made or in an election within a legislative district where no NJEA PAC endorsement is made, the NJEA policy with regard to the use of NJEA mailing lists shall govern.

R. Teacher candidates requesting NJEA PAC support shall be evaluated on the same basis as any other candidate seeking endorsement.

S. Any complaints concerning the operations of NJEA PAC by either candidates or members shall be made in writing to the NJEA PAC Chairperson.

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T. Screening, Local Involvement, Endorsement and Campaigning in Elections for the U.S. House of Representatives

(1.) Screening – The members in the prime screening committee for each congressional district shall be selected from (1) NJEA PAC Operating Committee members representing the counties contained in the congressional district and, if additional members are needed, (2) the local presidents of the school districts contained in the congressional district. The local presidents shall be appointed by the appropriate county president. The number of members in the prime screening committee for each congressional district shall be based on the following distribution system:

(a.) For the population of each congressional district (as based upon latest U.S. census figures), the part of each county's population in that district shall be computed to the nearest hundredth and the result multiplied by ten.

(b.) Representation on the prime screening committee shall be based on that ratio rounded off to the nearest whole number with each county guaranteed a minimum of one member.

(c.) All members on the prime screening committee shall have one vote. (See Appendices: County Member Representation on NJEA PAC Prime Screening Committees in U.S. Congressional Districts.

(d.) For the county allotted one or two members on a prime screening committee, NJEA PAC Operating Committee members of that county shall determine from among their number who shall represent their county on the prime screening committee.

(e.) The chairpersons of all prime screening committees shall be appointed by the NJEA PAC Chairperson or his/her designee and approved by the NJEA PAC Trustees.

(f.) At any meeting of the NJEA PAC Operating Committee at which endorsement of candidates is proposed, members representing a congressional district(s) shall be bound by the vote of the respective congressional district screening committee(s).

(2.) Local involvement – The local presidents of each school district contained in the congressional district shall be invited to meet with the screening committee following the completion of interviews with candidates. The local presidents or their representatives shall be provided with three information components: (1) a screening committee report, (2) an NJEA assessment, and (3) an NEA assessment The local presidents, after consideration of the three information components, may advise the NJEA PAC Operating Committee members on what recommendation to make to the state NJEA PAC Operating Committee.

(3.) Endorsement – As with endorsements of candidates for the State Legislature, the NJEA PAC Operating Committee as a whole shall consider recommendations for endorsements of congressional candidates.

(4.) Campaigns – Endorsement of a congressional candidate implies that there will be a committee of "NJEA PAC Educators for --- Committee." The committee will have a chairperson and treasurer. There will be ample assistance from NJEA PAC and NEA PAC required to make the effort meaningful.

VII. Endorsement of Public Questions

A. Initial requests for endorsement may be received from a county or local association, an NJEA Committee, or an individual NJEA member and shall be accompanied by supporting documentation.

B. All members of the Operating Committee shall receive written notification of the request for endorsement at least 15 days prior to the meeting.

C. Endorsement of public questions shall be by majority vote of those members of the NJEA PAC Operating Committee as a whole present and voting.

VIII. Training for Political Action

A. The NJEA PAC Operating Committee will provide stimulation, guidance, and information in cooperation with the NJEA Leadership Committee and the NJEA staff Leadership Unit toward a total NJEA effort to train members for effective participation in the political process.

B. Training for effective political action will include but not be limited to:

(1.) Governmental and political structures
(2.) Voter information
(3.) Candidate screening techniques
(4.) Working with news media
(5.) Election campaigning
(6.) Fund raising
(7.) Working cooperatively with other groups
(8.) Procedures for getting out the vote on election day

C. The NJEA PAC Operating Committee shall be responsible for a program to train leaders for organizing PAC at the local level.

NJEA PAC Guidelines shall be mailed to local education association presidents during the first week of May each year.

New county presidents, NJEA Executive Committee members and NJEA Legislative Committee members shall be trained for PAC responsibilities.

IX. Register and Vote

A. The NJEA PAC Operating Committee will provide stimulation, guidance and information in cooperating with the NJEA Leadership Committee and the NJEA staff Leadership Unit toward a total NJEA effort to inform and encourage members to register and vote.

B. Activities to sensitize members to the importance of registration and voting should be included as a part of the NJEA Summer Leadership Training Conferences and at other appropriate times and places during the year.

C. The NJEA PAC Operating Committee should encourage cooperation with other organizations such as the New Jersey Congress of Parents and Teachers and the League of Women Voters in register-and-vote efforts.

X. Quorums

A. Board of Trustees – A quorum for the purpose of conducting the business of the NJEA PAC Board of Trustees shall be a majority of the total eligible membership.

B. Operating Committee – A quorum for the purpose of conducting the business of the NJEA PAC Operating Committee shall be a majority of the total eligible membership.

XI. Amendments

These guidelines may be amended by a 2/3 vote of the NJEA PAC Operating Committee at any regular or special meeting. All members of the Operating Committee shall receive written notification of proposed changes at least 15 days prior to the meeting.

XII. Rules of Order

Roberts Rules of Order, Revised, shall govern the meeting of the Operating Committee and the Board of Trustees insofar as those rules are not inconsistent with these guidelines.

XIII. Dissolution

Should NJEA PAC be dissolved, any funds remaining in its treasury shall be disbursed at the discretion of the NJEA PAC Board of Trustees.

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
1	Cape May Cumberland	60,000 121,000 181,000	.33 .67	3.3 6.7	3 7 10	3 7
2	Atlantic Burlington Ocean	175,000 2,000 3,000 180,000	.97 .01 .02	9.7 .1 .2	10 1 1 12	10 1 1
3	Salem Gloucester	60,000 117,000 177,000	.34 .66	3.4 6.6	3 7 10	3 7
4	Gloucester Camden Burlington	56,000 121,000 3,000 180,000	.31 .67 .02	3.1 6.7 .2	3 7 1 11	3 7 1
5	Camden	178,000	1.00	10.0	10	10
6	Camden Burlington	158,000 20,000 178,000	.89 .11	8.9 1.1	9 1 10	9 1

*Not less than one

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APPENDIX A

COUNTY MEMBER REPRESENTATION ON NJEA-PAC SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest Hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
7	Burlington	178,000	1.00	10.0	10	10
8	Burlington	118,000	.66	6.6	7	7
	Ocean	10,000	.06	.6	1	1
	Monmouth	5,000	.03	.3	1	1
	Mercer	47,000	.26	2.6	3	3
		180,000			12	
9	Ocean	175,000	.97	9.7	10	10
	Burlington	2,000	.01	.1	1	1
	Monmouth	3,000	.02	.2	1	1
		180,000			12	
10	Monmouth	157,000	.88	8.8	9	9
	Ocean	21,000	.12	1.2	1	1
		178,000			10	
11	Monmouth	180,000	1.00	10.0	10	10
12	Monmouth	118,000	.66	6.6	7	7
	Middlesex	62,000	.34	3.4	3	3
		180,000			10	

*Not less than one

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COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
13	Mercer	184,000	1.00	10.0	10	10
14	Mercer	73,000	.41	4.1	4	4
	Hunterdon	62,000	.35	3.5	4	4
	Morris	40,000	.22	2.2	2	2
	Middlesex	4,000	.02	.2	1	1
		179,000			11	
15	Sussex	78,000	.43	4.3	4	4
	Warren	74,000	.41	4.1	4	4
	Passaic	28,000	.16	1.6	2	2
		180,000			10	
16	Somerset	155,000	.86	8.6	9	9
	Hunterdon	8,000	.04	.4	1	1
	Morris	17,000	.09	.9	1	1
		180,000			11	
17	Middlesex	136,000	.76	7.6	8	8
	Somerset	43,000	.24	2.4	2	2
		179,000			10	
18	Middlesex	179,000	1.00	10.0	10	10

*Not less than one

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COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
19	Middlesex	180,000	1.00	10.0	10	10
20	Union	178,000	1.00	10.0	10	10
21	Union Middlesex	156,000 23,000 179,000	.87 .13	8.7 1.3	9 1 10	9 1
22	Union Morris	172,000 8,000 180,000	.96 .04	9.6 .4	10 1 11	10 1
23	Morris	181,000	1.00	10.0	10	10
24	Morris Union Passaic	115,000 37,000 28,000 180,000	.64 .21 .16	6.4 2.1 1.6	6 2 2 10	6 2 2
25	Essex Morris Passaic	106,000 23,000 49,000 178,000	.60 .13 .28	6.0 1.3 2.8	6 1 3 10	6 1 3

*Not less than one

III 09 23

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest Hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
26	Essex	178,000	1.00	10.0	10	10
27	Essex	178,000	1.00	10.0	10	10
28	Essex	178,000	1.00	10.0	10	10
29	Essex	178,000	1.00	10.0	10	10
30	Hudson Essex	65,000 114,000 179,000	.36 .64	3.6 6.4	4 6 10	4 6
31	Hudson	181,000	1.00	10.0	10	10
32	Hudson	181,000	1.00	10.0	10	10
33	Hudson	181,000	1.00	10.0	10	10
34	Passaic	179,000	1.00	10.0	10	10

*Not less than one

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COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Near-est Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied By Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
35	Passaic	177,000	1.00	10.0	10	10
36	Bergen	179,000	1.00	10.0	10	10
37	Bergen	181,000	1.00	10.0	10	10
38	Bergen	178,000	1.00	10.0	10	10
39	Bergen	180,000	1.00	10.0	10	10
40	Bergen	179,000	1.00	10.0	10	10

*Not less than one

III 1285

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COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN U.S. CONGRESSIONAL DISTRICTS

C.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
1	Camden	305,000	.64	6.4	6	6
	Gloucester	173,000	.36	3.6	4	4
		478,000			10	
2	Atlantic	173,000	.36	3.6	4	4
	Burlington	4,000	.01	.1	1	1
	Cape May	60,000	.13	1.3	1	1
	Cumberland	121,000	.25	2.5	3	3
	Ocean	58,000	.12	1.2	1	1
	Salem	60,000	.13	1.3	1	1
		478,000			11	
3	Monmouth	432,000	.91	9.1	9	9
	Ocean	46,000	.10	1.0	1	1
		478,000			10	
4	Burlington	97,000	.20	2.0	2	2
	Mercer	224,000	.47	4.7	5	5
	Middlesex	127,000	.27	2.7	3	3
	Monmouth	30,000	.06	.6	1	1
		478,000			11	

*Not less than one

III 1862

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COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN U.S. CONGRESSIONAL DISTRICTS

C.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
5	Essex	51,000	.11	1.1	1	1
	Mercer	32,000	.07	.7	1	1
	Middlesex	22,000	.05	.5	1	1
	Morris	174,000	.36	3.6	4	4
	Somerset	198,000	.41	4.1	4	4
		478,000			11	
6	Burlington	223,000	.48	4.8	5	5
	Camden	151,000	.32	3.2	3	3
	Ocean	104,000	.22	2.2	2	2
		478,000			10	
7	Bergen	478,000	1.00	10.0	10	10
8	Bergen	41,000	.09	.9	1	1
	Passaic	437,000	.91	9.1	9	9
		478,000			10	
9	Bergen	360,000	.75	7.5	8	8
	Hudson	118,000	.25	2.5	3	3
		478,000			11	
10	Essex	466,000	.98	9.8	10	10
	Hudson	12,000	.03	.3	1	1
		478,000			11	

*Not less than one

III - 86 27

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN U.S. CONGRESSIONAL DISTRICTS

C.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
11	Bergen	18,000	.04	.4	1	1
	Essex	415,000	.87	8.7	9	9
	Passaic	23,000	.05	.5	1	1
	Union	22,000	.05	.5	1	1
		478,000			12	
12	Union	478,000	1.00	10.0	10	10
13	Hunterdon	70,000	.15	1.5	2	2
	Mercer	47,000	.10	1.0	1	1
	Morris	210,000	.44	4.4	4	4
	Sussex	78,000	.16	1.6	2	2
	Warren	74,000	.15	1.5	2	2
		478,000			11	
14	Hudson	478,000	1.00	10.0	10	10
15	Middlesex	434,000	.91	9.1	9	9
	Union	44,000	.09	.9	1	1
		478,000			10	

*Not less than one

III 98 38

PERFORMANCE GUIDE FOR NJEA PAC OPERATING COMMITTEE MEMBERS

Members of the NJEA PAC Operating Committee shall be the only official representatives of NJEA PAC in their respective counties. NJEA PAC Operating Committee members are expected to maintain a nonpartisan posture when participating in official activities of the NJEA Political Action Committee.

NJEA PAC Operating Committee members should:

- Attend meetings of the NJEA PAC Operating Committee.
- Be responsible for candidate screening working in conjunction with the NJEA PAC Operating Committee members of other counties where legislative or congressional districts cross county lines.
- Be knowledgeable of NJEA PAC Guidelines and monitor compliance with said guidelines.
- Consult with local presidents regarding candidates for public office.
- Act as resource person and assist in establishing an "Educators for — Committee" for each endorsed candidate.
- Develop support for endorsed candidates.
- Monitor the expenditures within legislative or congressional districts in behalf of endorsed candidates.
- Be responsible for filing a brief evaluative report on campaign activities for campaigns where there has been an NJEA PAC endorsement in their counties.
- Make a financial contribution to NJEA PAC.
- Support and participate in NJEA PAC fund-raising efforts.
- Keep NJEA members in county informed of the operation of NJEA PAC.
- Encourage the conduct of local and county workshops in political action.
- Encourage NJEA members to attend NJEA-sponsored workshops on political action, i.e., Princeton Summer Leadership Workshop.

1584A TAYLOR AVE
EAST BRUNSWICK NJ 08[illegible]

Western Union Mailgram

i-0546603296 10/22/80 ICS IPMMTZZ CSP NWKT
2012498027 MGM TDMT EAST BRUNSWICK NJ 87 10-22 0838P EST

MRS ROSALIE TRIOZZI
CARE EAST BRUNSWICK
EDUCATION ASSN
1 NORTH WOODLAND
EAST BRUNSWICK NJ 08816

I AM APPALLED THAT NEA AND NJEA WILL FIGHT FOR THE RIGHTS OF A GAY ACTIVIST IN PARAMUS AND YET WILL DENY MY RIGHTS AS A CITIZEN BY USING MY DUES MONEY, AGAINST MY WILL, TO SUPPORT POLITICAL CANDIDATES NOT OF MY CHOICE WHILE, AT THE SAME TIME, REFUSING ME THE RIGHT TO RESIGN MY MEMBERSHIP. THIS IS HOW HITLER CAME TO POWER. I HAVE JUST BEGUN TO FIGHT.
WILLIAM G MUNYAN

20:54 EST

MGMCOMP

EXHIBIT D

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

October 20, 1980
156A Taylor Avenue
East Brunswick NJ 08816

Ms. Nancy Iris Oxfeld
Rothbard, Harris & Oxfeld
744 Broad Street
Newark NJ 07102

File: 80-447N

Dear Ms. Oxfeld:

Thank you for your letter of October 16, 1980. We met a year or so ago. Your letter reflects your attention for detail that I came to admire then. I could only wish you were on my side of the argument this time.

Whether it's the law or your interpretation, I cannot resign from NEA, NJEA, NCEA, or EBEA until January 1, 1981. In the meantime, per your admission, dues monies are being spent this year on elections. And the associations are, by their admission, supporting candidates I cannot abide. Moreover, even if I could resign, 85 percent of my dues would still be spent on elections and other activities. All of this may be legal, but I am sure this is an anomaly never intended. It has become a condition of my employment that I support with my money President Carter and Congressman Thompson.

I suggest that, if what you tell me is correct, the laws are in error. Surely you can see the violation of Constitutional rights here.

I have sent a copy of your letter to Mr. Tom Farr of the National Right-to-Work Legal Foundation. He has requested other documents, which request I have conveyed to Mrs. Triozzi. I trust you will advise her I am within my rights in requesting same and advise her to comply.

Very truly yours,

William G. Munyan

William G. Munyan

cc: Mrs. Triozzi
Arline Friscia
John Warms
Tom Farr

EXHIBIT E

III pg 31

3 1 0 2 3 1 9 0 2

Law Offices
Rothbard, Harris & Oxfeld

SAMUEL L. ROTHBARD (1924-1980)
EMIL OXFELD
HENRY HARRIS
SANFORD R. OXFELD

SIDNEY SINGBAUM
SEYMOUR W. PERLMAN
GENEVIEVE FLICKER
DOANE REGAN
BARRY A. EISENSTOCK
NANCY IRIS OXFELD
ARNOLD S. COHEN

National Newark Building
744 Broad Street
Newark, N.J. 07102
TEL. (201) 642-0161

October 16, 1980

FILE NO. 80-447N

Mr. William G. Munyan
136A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

Rosalie Triozzi, President of the East Brunswick Education Association, has turned over to me the various letters which you have sent to the Association concerning resignation of membership, Agency Shop and the use of an Association lawyer

I would like to take this opportunity to attempt to respond to each one of your concerns indicated in your various communications.

Your first concern is apparently that, although you attempted to resign in August, you are not permitted to resign except on January 1st or July 1st. Please be advised that the Association is not responsible for the restrictions on your ability to end your dues check-off authorization. A statute passed by the New Jersey Legislature, N.J.S.A. 52:14-15.9e, states that a notice to halt dues deductions from one's salary can be effective only as of January 1st or July 1st on the dates preceeding the date on which the notice is received. This provision of the law is not the result of any agreement between the East Brunswick Education Association and the East Brunswick Board of Education.

In fact, even if we wanted to make it easier to end your dues withdrawal authorization, we would be unable to do so. We would be unable to do so because the law does not permit us to reach such an agreement.

EXHIBIT F

III pg 32

You are also concerned because you believed your dues money has been used to support candidates such as President Carter and Congressman Thompson whom you do not wish to support. Please be advised that this is not the case.

The NEA, NJEA, MCEA and EBEA have always maintained very careful accounting procedure to assure that your dues money is not used for improper purposes. One reason we do this is because of our sensitivity to the concerns of yourself and other members that money which you contribute to us for purposes of collective negotiations and related matters not be used for political purposes of which you do not approve.

You have made a request that the Association, either because you are a member or because you are paying an 85% agency shop fee should provide you with an attorney to pursue a suit you have in mind against the East Brunswick Education Association , MCEA, NJEA, NEA and East Brunswick Board of Education.

There are certain obligations imposed upon the various Associations by the law concerning representation of our members and representation of all individuals, whether members or not, in the bargaining units which we represent.

We very faithfully abide by these legal requirements. However, there is no requirement that we provide you with an attorney whenever you feel you need an attorney or solely because one of the defendants in a case would be the Board of Education.

Under the law we must evaluate each case and reach a determination as to whether or not that case is a case which we should support. Many considerations can enter into our determination of why we should pursue a legal matter. One of the most important is that we cannot treat a member any differently from a dissident member or a non-member, we must provide this same type of legal services relating to terms and conditions of employment to all individuals that we represent.

However, this does not mean that we must take on any case that anyone wants us to take and, in fact, we certainly cannot be expected to pursue a matter which we determined to be against the best interest of the various associations. Certainly, nothing in the law would compel us to provide you with an attorney who would then proceed to file suit against us. Such a result would be ludicrous and beyond any standard expected of us by the law.

You have also demanded a rebate of that amount of your Agency Shop fee which is being used for political activity and/or member only benefits.

I hereby acknowledge that your request has been received. Please be advised that your communication requesting a rebate is inappropriate because you are not currently a non-member paying an Agency Shop fee, pursuant to N.J.S.A. 52:14-15.9e, you are still a full member on dues check off.

However, even if you are paying an Agency Shop fee, your request for rebate would be premature. The Association has not yet posted pursuant to its own procedure a notice as to whether or not there would be a preliminary rebate for this year and therefore, even if this provision applied to you, we would be unable to indicate to you the amount of the preliminary rebate if any. Further, we could not indicate to you an amount of final rebate until the end of the fiscal year in question at which point you would then have the right to challenge the amount of the rebate. I would refer you to the East Brunswick Education Association demand and return system which is posted in each school building and which will also, I believe, be included in the EBEA Newsletter to determine the correct procedures for when you become a non-member and seek a rebate pursuant to the Agency Shop Legislation.

Nothing in the law gives you a right to the certified budgets of all associations. However, even if you had a right to all those budgets, obviously a review of those budgets prior to the National Election next month would not reveal to you how money was spent during this year on elections. You would be unable to make such a determination until several months after the election.

I would like to reiterate that the EBEA, MCEA, NJEA and NEA have never used your dues money for illegal purposes and I am sorry that you have been mislead in this regard.

Very truly yours,
ROTHBARD, HARRIS & OXFELD
BY:

Nancy Iris Oxfeld

NANCY IRIS OXFELD

NIO:msw

CC: Rosalie Triozzi
CC: Arline Friscia
CC: John Warms

156A TAYLOR AVE
EAST BRUNSWICK NJ 08[redacted]

Western Union Mailgram

4-0509508283 10/09/80 ICS IPMMTZZ CSP NWKT
2012549840 MGM TDMT SOUTH RIVER NJ 177 10-09 0549P EST

MRS ROSALIE TRIOZZI
PRESIDENT EAST BRUNSWICK EDUCATION ASSN
1 NORTH WOODLAND AVE
EAST BRUNSWICK NJ 08816

DEAR MRS TRIOZZI,

LOU HODE, MEMBERSHIP CHAIRMAN OF EBEA ET AL, TELLS ME I CANNOT RESIGN UNTIL JANUARY 1, 1981. YOU TELL ME I AM STILL A FULL MEMBER. THE FACT THAT I AM STILL PAYING FULL DUES FROM MY PAY CONVINCES ME I AM STILL A FULL MEMBER, DESPITE MY RESIGNATION FROM ALL ASSOCIATIONS IN AUGUST. THEREFORE, I WILL RECLAIM FULL MEMBERSHIP AND DEMAND (1) A LAWYER TO REPRESENT ME IN MY CASE AGAINST ALL ASSOCIATIONS AND (2) CERTIFIED BUDGETS OF ALL ASSOCIATIONS BEFORE THE NATIONAL ELECTION NEXT MONTH. I HAVE NOT WAIVED MY RIGHT TO DEMAND REBATE PER CERTIFIED LETTER NOR WILL I RETRACT MY ALLEGATIONS TO FEDERAL ELECTION COMMISSION. BUT IF YOU CAN HAVE THINGS BOTH WAYS, SO CAN I. TIME IS OF THE ESSENCE. THE ELECTION IS 3 WEEKS AWAY AND MY FUNDS, I CONTEND, ARE STILL BEING USED ILLEGALLY. THAT IS WHY I RESIGNED IN AUGUST.

CC-NEWARK STAR-LEDGER, EAST BRUNSWICK BOARD OF EDUCATION,
WILLIAM G MUNYAN

17:49 EST

MGMCOMP

EXHIBIT G

III pg 35

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

CERTIFIED MAIL

156A Taylor Avenue
East Brunswick, New Jersey 08816
October 7, 1980

Mrs. Rosalie Triozzi, President
East Brunswick Education Association
1 South Woodland Avenue
East Brunswick, New Jersey 08816

Dear Mrs. Triozzi:

Under the provisions of Ch. 477, P. L. 1975, I hereby request full rebate of all dues collected from my salary for membership in East Brunswick Education Association, Middlesex County Education Association, New Jersey Education Association, and National Education Association from September 1, 1980, until the present date, on the grounds that (1) I am not a member, having submitted formal resignation from aforenamed associations in August, 1980, by Mailgram, and (2) said dues, in contravention of appropriate federal and state laws, are being used for political activity, to wit:

1. the support of candidates for public office,
2. the determination and publicizing of an organizational preference for a candidate for public office, and
3. efforts to enact, defeat, repeal, or amend legislation only incidentally related to the terms and conditions of my employment by the East Brunswick public schools.

I hereby request that all dues for membership in the named associations which may be deducted from my salary after this date also be rebated to me for the same reasons stated above.

The following data is provided in accordance with Ch. 477, P. L. 1975:

1. I am not a member of said associations.
2. The basis for this request is detailed above.
3. Name: William G. Munyan
   Address: 156A Taylor Ave., East Brunswick NJ 08816
   Position: Teacher, East Brunswick High School

Your prompt attention to this matter will be appreciated.

Very truly yours,

William G. Munyan

William G. Munyan

cc: Ms Brenda Witt
File

EXHIBIT H

III pg 36

WILLIAM MUNYAN
156-A TAYLOR AVE
EAST BRUNSWICK NJ 088

Western Union Mailgram

1-0526698274 09/30/80 ICS IPMMTZZ CSP NWKT
2012549840 MGM TDMT SOUTH RIVER NJ 61 09-30 0534P EST

ROSALIE TRIOZZI
PRES EAST BRUNSWICK EDUCATION ASSN
2 NORTH WOODLAND DR
EAST BRUNSWICK NJ 08816

DEAR ROSALIE

I AM NO LONGER A MEMBER BUT, UNDER THE 85 PERCENT RULE, I AM ENTITLED TO FULL COVERAGE. THEREFORE I REQUEST A LAWYER TO PURSUE MY SUIT AGAINST NEA, NJEA, NCEA, EBEA, AND THE EAST BRUNSWICK BOARD OF EDUCATION.

PLEASE ADVISE.
WILLIAM G MUNYAN

17:35 EST

MGMCOMP

EXHIBIT I

41 pg 37

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

156 A TAYLOR AVE
EAST BRUNSWICK NJ 08

Western Union Mailgram

4-0678125224 08/11/80 ICS IPMMTZZ CSP NWKT
2012498027 MGM TDMT EAST BRUNSWICK NJ 62 08-11 0930P EST

ROSALIE TRIOZZI
EAST BRUNSWICK EDUCATION ASSN
2 NORTH WOODLAND
EAST BRUNSWICK NJ 08816

HEREWITH MY FORMAL RESIGNATION FROM NEA, NJEA, MCEA, AND EBEA. PLEASE ADVISE NEA AND NJEA MY ACTION IS COMPELLED BY THEIR SUPPORT RESPECTIVELY OF PRESIDENT CARTER AND CONGRESSMAN FRANK THOMPSON. MY LEAVING MCEA AND EBEA IS OF COURSE REQUIRED UNDER UNIFICATION. I SHALL ADVISE PERSONNEL OFFICE.
WILLIAM G MUNYAN

21:31 EST

MGMCOMP

EXHIBIT J

III pg 38

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

196A TAYLOR AVE
EAST BRUNSWICK NJ 08[illegible]

Western Union Mailgram

4-029976S213 07/31/80 ICS IPMMTZZ CSP NWKT
2012549840 MGM TDMT SOUTH RIVER NJ 154 07-31 0117P EST

MRS ROSALIE TRIOZZI PRESIDENT
EAST BRUNSWICK EDUCATION ASSN
2 WOODLAND DR
EAST BRUNSWICK NJ 08816

THE CONTINUED ENDORSEMENT AND FINANCIAL SUPPORT FOR PRESIDENT CARTER BY NEA AND THE ENDORSEMENT OF CONGRESSMAN FRANK THOMPSON BY NJEA MAKE IT IMPOSSIBLE FOR ME TO CONTINUE MY MEMBERSHIP IN THESE ORGANIZATIONS. UNFORTUNATELY BECAUSE OF UNIFICATION I MUST ALSO RESIGN FROM EBEA.

THE POLICIES OF THESE MEN HAVE CREATED THE VERY ECONOMIC SITUATIONS WHICH YOU WILL ASK ME TO HELP RESOLVE BY SUPPORTING A STRIKE IN SEPTEMBER. I FEEL LIKE A DOG CHASING ITS TAIL. FURTHERMORE I BELIEVE THAT CARTER'S DEMONSTRATED INCOMPETENCE IS A THREAT TO THE NATION AND NEA'S SUPPORT IS A CLASSIC CASE OF POLITICS BEFORE PRINCIPLE, A THREAT IN ITSELF TO THE WELL BEING OF THIS COUNTRY. WHAT KIND OF PEOPLE DO THEY THINK WE ARE? I SHALL WHITHHOLD FORMAL ACTION UNTIL THE DEMOCRATIC CONVENTION. IF CARTER SELF-DESTRUCTS, THIS QUESTION MAY BECOME MOOT.
WILLIAM G MUNYAN

13:19 EST

MGMCOMP

EXHIBIT K

III pg 39

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

Thedford

BEFORE THE
FEDERAL ELECTION COMMISSION

	*	
In the Matter of the Carter-Mondale Reelection Committee, Inc. Respondent	*	MUR 1313
	*	

RESPONDENT'S STATEMENT WHY THE COMPLAINT FAILS TO STATE A VIOLATION OF THE FEDERAL ELECTION CAMPAIGN ACT

Of Counsel:

Carol Darr, Esq.
2000 L Street, N.W.
Washington, D.C. 20036
(202) 887-467

James A. Brodsky, Esq.
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005
(202) 628-20005

Thomas F. Holt, Jr., Esq.
1850 K Street, N.W.
Washington, D.C. 20006
(202) 828-5880

Attorneys for Respondent

80 NOV 7 P2:27

3 1 2 1 0 2 3 7 4 9 1 1

ATTACHMENT IV pg 1

BEFORE THE
FEDERAL ELECTION COMMISSION

In the Matter of the Carter-Mondale Reelection Committee, Inc. Respondent	* * * *	MUR 1313

RESPONDENT'S STATEMENT WHY THE COMPLAINT FAILS TO STATE A VIOLATION OF THE FEDERAL ELECTION CAMPAIGN ACT

Background

The Carter-Mondale Reelection Committee, Inc. (Respondent), through its attorneys, respectfully urges the Commission to take no action against it in response to the complaint it has received from Mr. William G. Munyan of East Brunswick, New Jersey.

The complaint, MUR 1313, alleges that the National Education Association, New Jersey Education Association, Middlesex County Education Association and East Brunswick Education Association are "illegally" using members' (including the complainant's) dues: (1) for the support of candidates President Carter and New Jersey Congressman Thompson; (2) for the determination and

3 1 0 4 0 2 3 1 3 1 2

publication of their preference for these candidates; and (3) for legislative efforts of an unspecified nature.*/

This complaint, a single paragraph long, makes no further factual allegations, offers no particular examples of any violations, cites no law, and makes no reference at all to the Respondent Committee.

On October 21, Commission General Counsel Steele, characterizing this complaint as one alleging that the Respondent Committee may have violated the FECA or Chapters 95 or 96 of Title 26 of the U.S. Code, invited this response.

For each of the following reasons, discussed in more detail below, the Respondent respectfully urges the Commission to take no further action on this complaint, which fails to state any violation of the Act:

(1) The Complaint is so vague as to preclude the Respondent from exercising effectively its right to respond to it;

(2) In any event, as the Respondent Committee is not named in the complaint and no allegations are made concerning its activities, it may not properly be the subject of this enforcement action;

---

*/ This third allegation of the Complaint, that these associations spend dues money "for efforts to enact, defeat, repeal or amend legislation only incidentally related to the terms and conditions of employment of the employees represented by the aforesaid associations," does not state a violation of any statute or regulation over which the Commission has jurisdiction.

IV pg 3

(3) To the extent the complaint is understandable, it merely alleges perfectly lawful activities by the various educational associations it names; and

(4) Were the Commission to take any action in response to this complaint, it would seriously threaten the exercise by such named educational associations and their members, and the Respondent, of their constitutional rights of free speech, political advocacy, and petition.

Discussion

(1) The complaint is so vague as to preclude the Respondent from exercising effectively its right to respond to it.

The lack of specificity in the complaint deprives the Respondent of a fully meaningful opportunity to exercise its due process rights under the Constitution, the Federal Election Campaign Act of 1971, as amended, and the Commission's regulations, to make a complete response to it. How are we effectively to demonstrate to the Commission at this time that no action should be taken in this "matter," when we are unable to decipher just what the "matter" is that the Commission is reviewing?

Not only does the complaint fail to cite any specific section of the FECA or the regulations issued pursuant to it

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which are said to have been violated, but it makes no reference to the Act at all.

And, because the complaint fails to state clearly and concisely any specific factual situations which describe any violations by the educational associations, it is not possible to discern from its purely conclusory language the nature and date of any violations, or the individuals involved. Nor is any documentation provided.

Because the complaint thus sheds absolutely no light on any of these or related legal or factual issues, we are faced with an unfair choice in properly responding to it. Either we must guess what particular factual and legal allegations the complainant may have in mind, on penalty that -- if we guess incorrectly -- the Commission may then proceed to the next step in the enforcement process by finding reason to believe a possible violation has occured which our guess did not address; or we must prepare an encyclopaedic response endeavoring to answer each conceivable legal and factual allegation, surely a wasteful, expensive, burdensome exercise which even a modicum of specificity in the complaint would make unnecessary.

Either choice is untenable. The fact is that unspecified, vague, generalized allegations of "illegality" and candidate "support," like these, even if sworn, may not be the foundation upon which the Commission proceeds. Until such time, if ever,

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1V pgs

as a complaint is filed with the Commission which fairly raises issues under the FECA against this Respondent to which it is able to respond and which are comprehendable, no further action by the Commission is warranted or fair.

(2) In any event, as the Respondent Committee is not named in the complaint and no allegations are made concerning its activities, it may not properly be the subject of this enforcement action.

Nowhere does the Complaint name or refer to the Respondent Committee. Nowhere are any allegations made about the Respondent's actions, or failure to act, in connection with any steps the various educational associations are said to have taken in supporting candidates or engaging in legislative activities. Under the Commission's regulations, of course, the complainant must "clearly identify each person or entity who is alleged to have committed a violation." 11 C.R.F. 111.4(d)1.

For these reasons, it is difficult to understand the conclusion in the Commission General Counsel's letter of October 21, that the complaint alleges a Committee violation of the Act.

But even if such an allegation fairly may be inferred from the complaint, it is clear from what it actually does say that any incidental benefits the Respondent or President Carter may

11 pg 6

have received, from whatever steps these various educational associations may have taken, are not the result of any claimed collaboration between the Respondent and the associations. There is no claim that the Respondent endorsed or participated in, or cooperated with, consented to, or even had knowledge of, any of the actions of the educational associations which form the basis of the complaint.

Accordingly, no further action may be taken against President Carter or the Respondent in this proceeding. See 11 C.F.R. 111.4(d)(3).

(3) To the extent the Complaint is understandable, it merely alleges perfectly lawful activities by the various educational associations it names

It is well established under the Act, 2 U.S.C. §441b, and the Commission's regulations, 11 C.F.R. 114, that associations, such as those named in the complaint, may engage in a wide range of political activities financed by member's dues and the association's treasury, without running afoul of the Act's legal proscriptions. Such associations, for example, have a clear right to expend an unlimited amount of association moneys or members' dues to make partisan communications to their members and their families in connection with a federal political

IV pg 7

campaign, including advocating the election of specific candidates such as President Carter and Congressman Thompson.

It would appear from the complaint that this type of lawful activity is precisely that about which association member Munyon is complaining, when he alleges, as he does, that these associations have "publicized" their "preference" and "support" for the President, presumably to members such as the complainant. Obviously, such lawful activity, or other permissible voluntary activity by association employees or related actions by association political action committees, may not trigger any further enforcement action by the Commission in response to this complaint.

Finally, the complainant also makes reference to the fact that although he had resigned from the named associations in August, 1980, full dues are still being deducted from his salary, apparently under an "agency shop" agreement between his employer, the East Brunswick Board of Education, and the East Brusnwick Education Association acting for all the associations. If this is the true source of the complainant's grievance, however, it should be noted that the Supreme Court in Abood v. Detroit Board of Education, 431 U.S. 209, 234-5 (1977), specifically allowed labor organizations to collect service charges equal to dues from non-members under "agency shop" agreements, provided that such individuals could request a

IV pg 8

refund of that portion of the service charge which represented their allowable share of the union's political education activities with which they disagreed.

Mr. Munyan makes no mention of having requested such a refund.

(4) Were the Commission to take any action in response to this complaint, it would seriously threaten the exercise by such named educational associations and their members, and the Respondents of their constitutional rights of free speech, political advocacy, and petition.

Were the Commission to pursue this complaint against these educational associations, whose only actionable conduct is said to have been the pursuit by them of certain unspecified legislative interests and their publicly stated support of certain candidates for federal office, that Commission effort would seriously threaten the exercise of the precious First Amendment rights of these associations, their members, and the Respondent. Any governmental action purporting so to limit these constitutional rights of free expression must be considered

> against the background of a profound national commitment to the principal they debate on public issues should be

IV pg 9

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uninhibited, robust, and wide-open . . . . New York Times v. Sullivan, 376 U.S. 254, 270 (1964). See also Buckley v. Valeo, 424 U.S. 1 (1976); Mills v. Alabama, 384 U.S. 214 (1966).

As the only allegations found in this complaint implicate purely political speech and the related First Amendment freedoms of association and petition, further action in response to them by the Commission could not proceed without the most telling justification, if at all. Neither the Act nor the Commission's regulations could, or do, attempt to regulate such protected and fundamentally important activities of the Respondent or the named associations.

Conclusion

Although complainant Munyon's allegations are ambiguous, the Commission's response to them must not be. It is to the ballot and his various educational associations that Mr. Munyon must turn if he is unhappy with the stated candidate preferences or performance of either. The Commission, under this complaint and against this Respondent, simply cannot be of assistance to him.

For all of these reasons, then, the Respondent respectfully urge the Commission to take no further action on MUR 1313, as

11 pg 10

it fails to state any violation of the Act. This complaint should be dismissed, and this matter closed.

Respectfully submitted,

James A. Brodsky, Esq.
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005
(202) 628-20005

Thomas F. Holt, Jr., Esq.
1850 K Street, N.W.
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Attorneys for Respondent

Of Counsel:

Carol Darr, Esq.
2000 L Street, N.W.
Washington, D.C. 20036
(202) 887-467

November 7, 1980

1V pg 11

Thedford 91116 5

GRC 3286

RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
101 BAYARD STREET
NEW BRUNSWICK, N.J.

TELEPHONE 846-5500
AREA CODE 201

FILE NO.

FRANK J. RUBIN
LAWRENCE LERNER
DAVID B. RUBIN

MAILING ADDRESS
P.O. BOX 381
NEW BRUNSWICK, N.J. 08903

November 5, 1980

80 NOV 10 P2:00
GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463
ATTN: CHARLES N. STEELE, ESQ.

Re: MUR 1313

Dear Mr. Steele:

This office represents the East Brunswick Board of Education, which has received a complaint from an employee, William G. Munyan, pertaining to deduction of fees to the teachers' union from the salary of Mr. Munyan.

We enclose for your consideration a copy of a recent amendment to the New Jersey Employer-Employee Relations Act setting forth provisions for what is commonly known as an agency shop. As you will note, the law requires that provision be made for rebating to individual employees who are not members of the union monies devoted to political activities and other such matters. It is my understanding that the New Jersey Legislature attempted to shape this provision in deference to decisions of the United States Supreme Court pertaining to conflicts between agency shop provisions and the public sector and the First Amendment rights of public employees.

We are confident that your review of these materials will persuade you that no violation of law exists. We will cooperate fully with you in this investigation and will happily provide you with any further information you desire.

Very truly yours,

DAVID B. RUBIN

DBR:cm
Encl.
cc: William G. Munyan
Dr. Sweeney

ATTACHMENT V pg 1

dividuals employed on a 10-month basis or who are reappointed from year to year shall be considered to be in continuous employment.
L.1979, c. 477, § 5, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-5.9 Rules and regulations

The commission may promulgate rules or regulations to effectuate the purposes of this act.
L.1979, c. 477, § 6, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-6. Powers and duties

(a) Upon its own motion, in an existing, imminent or threatened labor dispute in private employment, the board, through the Division of Private Employment Dispute Settlement, may, and, upon the request of the parties or either party to the dispute, must take such steps as it may deem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated or culminated in or threaten to precipitate or culminate in such labor dispute.

(b) Whenever negotiations between a public employer and an exclusive representative concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse. In the event of a failure to resolve the impasse by mediation the Division of Public Employment Relations is empowered to recommend or invoke fact-finding with recommendation for settlement, the cost of which shall be borne by the ~~parties equally~~ commission.

(c) The board in private employment, through the Division of Private Employment Dispute Settlement, and the commission in public employment, through the Division of Public Employment Relations, shall take the following steps to avoid or terminate labor disputes: (1) to arrange for, hold, adjourn or reconvene a conference or conferences between the disputants or one or more of their representatives or any of them; (2) to invite the disputants or their representatives or any of them to attend such conference and submit, either orally or in writing, the grievances of and differences between the disputants; (3) to discuss such grievances and differences with the disputants and their representatives; and (4) to assist in negotiating and drafting agreements for the adjustment in settlement of such grievances and differences and for the termination or avoidance, as the case may be, of the existing or threatened labor dispute.

(d) The commission, through the Division of Public Employment Relations, is hereby empowered to resolve questions concerning representation of public employees by conducting a secret ballot election or utilizing any other appropriate and suitable method designed to ascertain the free choice of the employees. The division shall decide in each instance which unit of employees is appropriate for collective negotiation, provided that, except where dictated by established practice, prior agreement, or special circumstances, no unit shall be appropriate which includes (1) both supervisors and nonsupervisors, (2) both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit or, (3) both craft and noncraft employees unless a majority of such craft employees vote for inclusion in such unit. All of the powers and duties conferred or imposed upon the division that are necessary for the administration of this subdivision, and not inconsistent with it, are to that extent hereby made applicable. Should formal hearings be required, in the opinion of said division to determine the appropriate unit, it shall

Last additions in text indicated by underline; last deletions by ~~strikeouts~~

have the power to issue subpenas as described below, and shall determine the rules and regulations for the conduct of such hearing or hearings.

(e) For the purposes of this section the Division of Public Employment Relations shall have the authority and power to hold hearings, subpena, witnesses, compel their attendance, administer oaths, take the testimony or deposition of any person under oath, and in connection therewith, to issue subpenas duces tecum, and to require the production and examination of any governmental or other books or papers relating to any matter described above.

(f) In carrying out any of its work under this act, the board may designate one of its members, or an officer of the board to act in its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all the powers hereby conferred upon the board in connection with the discharge of the duty or duties so delegated. In carrying out any of its work under this act, the commission may designate one of its members or an officer of the commission to act on its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all of the powers hereby conferred upon the commission in connection with the discharge of the duty or duties so delegated.

(g) The board and commission may also appoint and designate other persons or groups of persons to act for and on its behalf and may delegate to such persons or groups of persons any and all of the powers conferred upon it by this act so far as it is reasonably necessary to effectuate the purposes of this act. Such persons shall serve without compensation but shall be reimbursed for any necessary expenses.

(h) The personnel of the Division of Public Employment Relations shall include only individuals familiar with the field of public employee-management relations. The commission's determination that a person is familiar in this field shall not be reviewable by any other body.
Amended by L.1968, c. 303, § 8, eff. July 1, 1968; L.1974, c. 123, § 5.

Effective date of L.1974, c. 123, see note under § 34:13A-5.4.

Administrative Code References

Description of organization, see N.J.A.C. 19:10-5.1.

Functions of the state board of mediation, see N.J.A.C. 12:105-2.1.

Hearing rules and regulations, see N.J.A.C. 12:105-5.1 et seq.

Law Review Commentaries

Compulsory arbitration of labor disputes in public fire and police departments. Robert H. Messerman (Fall 1977) 3 Seton Hall Legis.J. 49.

Compulsory binding arbitration for public safety employees. David Seliger and Mary L. Crangle (1978) 9 Rutgers-Camden L.J. 684.

Criteria of "public interest" for determination of appropriate bargaining units. (1974) 5 Seton Hall L.Rev. 937.

Factfinding: Finding public interest. Leonard Bierman (1978) 9 Rutgers-Camden L.J. 667.

Supplementary Index to Notes

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1. Construction and application

Dispute between employees of county prosecutor's office and county, relating to county's alleged failure to negotiate in good faith with regard to extension of employees' work day without additional compensation, should have been brought directly to public employment relations commission as matter of primary jurisdiction, even though statutory provisions relating to commission's powers in cases of unfair practices such as not negotiating in good faith were adopted after dispute arose, since such provisions have retroactive effect and apply to pending and unresolved charges of unfair practices. Apostolico v. Essex County, 142 N.J.Super. 296, 361 A.2d 545 (1976).

In vesting jurisdiction in Public Employment Relations Commission over questions of scope of negotiability, it was legislative intent that all issues relevant to scope of negotiations be determined in the one forum, rather than to require resort to another tribunal during their pendency. Board of Ed. of City of Englewood v. Englewood Teachers' Ass'n, 135 N.J.Super. 120, 342 A.2d 866 (1975), appeal after remand 150 N.J.Super. 265, 375 A.2d 669.

Although NLRB decisions and decisions of federal courts arising under the Labor Management Relations Act are not binding when state courts are called upon to decide cases in the area of labor relations, state court may properly look to those decisions for guidance in resolving questions arising in that area, particularly the question of what con-

Th. Ass'n of Educational Secretaries, 78 N.J. 1, 393 A.2d 207 (1978).

Fact that six of the seven original employees in collective bargaining unit represented by association of educational secretaries were no longer employed by the school board was not conclusive of the dissolution of the employee organization where six new people had been hired and given the same titles as the six departed employees; the association continued as the official majority representative of the employees presently holding positions contained within the negotiating unit. Id.

14. Violation of agreement

Where prior practice of school board had been to terminate school day on day before Thanksgiving at 1 p. m., board's adoption of school calendar scheduling the day before Thanksgiving as regular school day constituted violation of collective bargaining agreement which prohibited elimination or reduction of any teacher benefit, entitling teachers to compensation for time worked after 1 p. m. on day before Thanksgiving. Board of Ed. of Woodstown-Pilesgrove Regional School Dist. v. Woodstown-Pilesgrove Regional Ed. Ass'n, 164 N.J. Super 106, 395 A.2d 884 (1978).

15. Time of impasse procedures

The legislature not only intended but expressly stated that the public employment relations commission was to issue rules to regulate impasse resolution procedures so that impasses between governmental units and their employees would be resolved through compulsory arbitration prior to required budget submission dates. New Jersey State Policemen's Benev. Ass'n, Local No. 16 v. City of East Orange, 164 N.J.Super. 436, 396 A.2d 1158 (1978).

Negotiations between governmental units and their employees in case of compulsory arbitration must be commenced at least 150 days before required budget submission date or 30 days earlier than date for commencing negotiations when voluntary negotiations prevail. Id.

Since completion of negotiations and resolution of impasses is mandated by this section prior to required budget submission dates, alternative time period of rule of public employment relations commission requiring negotiations for a new or successor contract to commence at least 120 days in advance of public employer's required submission date cannot be construed as permitting parties to agree on a time frame that will continue beyond required budget submission date. Id.

34:13A-5.5 Representation fee in lieu of dues; negotiation; agreement; amount; pro rata returns; grounds; proceedings

a. Notwithstanding any other provisions of law to the contrary, the majority representative and the public employer of public employees in an appropriate unit shall, where requested by the majority representative, negotiate concerning the subject of requiring the payment by all nonmember employees in the unit to the majority representative of a representation fee in lieu of dues for services rendered by the majority representative. Where agreement is reached it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.

b. The representation fee in lieu of dues shall be in an amount equivalent to the regular membership dues, initiation fees and assessments charged by the majority representative to its own members less the cost of benefits financed through the dues, fees and assessments and available to or benefitting only its members, but in no event shall such fee exceed 85% of the regular membership dues, fees and assessments.

c. Any public employee who pays a representation fee in lieu of dues shall have the right to demand and receive from the majority representative, under proceedings established and maintained in accordance with section 3 of this act, a return of any part of that fee paid by him which represents the employee's additional pro rata share of expenditures by the majority representative that is either in aid of activities or causes of a partisan political or ideological nature only incidentally related to the terms and conditions of employment or applied toward the cost of any other benefits available only to members of the majority representative. The pro rata share subject to refund shall not reflect, however, the costs of support of lobbying activities designed to foster policy goals in collective negotiations and contract administration or to secure for the employees represented advantages in wages, hours, and other conditions of employment in addition to those secured through collective negotiations with the public employer.

L.1979, c. 477, § 2, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

Title of Act:

An Act to amend and supplement the "New Jersey Employer-Employee Relations Act," approved April 30, 1941 (P. L.1941, c. 100, C. 34:13A-1 et seq.), as said short title was amended by P.L. 1968, c. 303. L.1979, c. 477.

34:13A-5.6 Payroll deduction; right of majority representative; conditions; demand and return system; board for appeals

Where a negotiated agreement is reached, pursuant to section 2 of this act,[1] a majority representative of public employees in an appropriate unit shall be entitled to a representation fee in lieu of dues by payroll deduction from the wages or salaries of the employees in such unit who are not members of a majority representative; provided, however, that membership in the majority representative is available to all employees in the unit on an equal basis and that the representation fee in lieu of dues shall be available only to a majority representative that has established and maintained a demand and return system which provides pro rata returns as described in section 2(c). The demand and return system shall include a provision by which persons who pay a representation fee in lieu of dues may obtain review of the amount returned through full and fair proceedings placing the burden of proof on the majority representative. Such proceedings shall provide for an appeal to a board consisting of three members to be appointed by the Governor, by and with the advice and consent of the Senate, who shall serve without compensation but shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties. Of such members, one shall be representative of public employers, one shall be representative of public employee organizations and one, as chairman, who shall represent the interest of the public as a strictly impartial member not having had more than a casual association or relationship with any public employers, public employer organizations or public employee organizations in the 10 years prior to appointment. Of the first appointees, one shall be appointed for 1 year, one for a term of 2 years and the chairman, for a term of 3 years. Their successors shall be appointed for terms of 2 years each and until their successors are appointed and qualified, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whose office has become vacant. Nothing herein shall be deemed to require any employee to become a member of the majority representative.

L.1979, c. 477, § 3, eff. July 1, 1980.

[1] Section 34:13A-5.5.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-5.7 Discrimination between nonmembers and members on basis of payment of fee; unfair practice

Any action engaged in by a public employer, its representatives or agents, or by an employee organization, its representatives or agents, which discriminates between nonmembers who pay the said representation fee and members with regard to the payment of such fee other than as allowed under this act, shall be treated as an unfair practice within the meaning of subsection 1(a) or subsection 1(b) of this act.

L.1979, c. 477, § 4, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-5.8 Payment to majority representative

Payment of the representation fee in lieu of dues shall be made to the majority representative during the term of the collective negotiation agreement affecting such nonmember employees and during the period, if any, between successive agreement so providing, on or after, but in no case sooner than the thirtieth day following the beginning of an employee's employment in a position included in the appropriate negotiations unit, and the tenth day following reentry into the appropriate unit for employees who previously served in a position included in the appropriate unit who continued in the employ of the public employer in an excluded position and individuals being reemployed in such unit from a reemployment list. For the purposes of this section, in-

Trulford 911198 GCC# 3301

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4451
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
GEORGE ... Executive Director

LEGAL SERVICES
OFFICE OF GENERAL COUNSEL

80 NOV 12 PM 2:20

November 10, 1980

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

Re: MUR 1313

Dear Mr. Steele:

On October 21, 1980 you wrote to the National Education Association (NEA) regarding the above MUR. This MUR is based upon an October 17, 1980 letter from William G. Munyan in which he challenges certain actions allegedly taken by NEA, the New Jersey Education Association, the Middlesex County Education Association and the East Brunswick Education Association. I have been authorized to represent NEA in connection with MUR 1313 and this response is submitted on its behalf. A separate response has been submitted to the Commission on behalf of the other associations referred to in Mr. Munyan's letter.

Mr. Munyan asserts first that NEA is "illegally using members' dues ... for the support of candidates for public office, namely, Jimmy Carter and Congressman Frank Thompson ...". He makes no attempt to develop this charge, however, and in the absence of at least some "recitation of the facts which describe a violation of a statute or regulation," 11 C.F.R. §111.4(d)(3), a detailed response is impossible. Suffice it to say any use of NEA treasury funds in connection with the 1980 Federal elections has been pursuant to the "exceptions" provided for in Section 441b(b)(2) of the Federal Election Campaign Act (Act).

Mr. Munyan next asserts that NEA used treasury funds "for the determination and publicizing of [its] preference for candidates for public office, namely President Carter and Congressman Thompson ...", and that this was illegal. He is wrong both on the facts and the law. NEA did not express a "preference" (i.e., endorse)

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ATTACHMENT VI pg 1

Frank Thompson or any other candidate for Congress in the 1980 elections. Congressional endorsements are made by NEA's Political Action Committee (NEA-PAC) and no NEA treasury funds have been used to publicize these PAC endorsements. Mr. Munyan is correct when he states that NEA endorsed Jimmy Carter for reelection and that it used treasury funds to publicize this endorsement. He errs, however, in suggesting that these actions violated the Act.

Mr. Carter initially was endorsed by NEA's Board of Directors in December, 1979 at its regularly scheduled meeting and a similar action was taken by NEA's Representative Assembly in July, 1980, at its regularly scheduled meeting. These endorsements were publicized in the NEA journal, the NEA newsletter and in various other NEA documents that were published with treasury funds, but the distribution list for these documents consists almost exclusively (i.e., over 99%) of NEA members. Section 441b(b)(2)(A) of the Act provides that a labor organization may use treasury funds to make "communications ... to its members and their families on any subject" and the Commission has expressly indicated that this section authorizes a labor organization to "make partisan communications in connection with a Federal election to its members and their families." 11 C.F.R. §114.3.

In your letter of October 21, 1980, you suggest that "[w]here appropriate, statements should be submitted under oath." We believe that the facts set forth above are dispositive of Mr. Munyan's charge vis-a-vis NEA's use of treasury funds to endorse candidates for Federal office, and an affidavit affirming these facts is attached to this letter.

The other two points dealt with by Mr. Munyan in his letter have nothing whatsoever to do with Federal elections and may be disposed of summarily. The first concerns the alleged use by NEA of treasury funds "for efforts to enact, defeat, repeal or amend legislation only incidentally related to the terms and conditions of employment ...." This sentence is quoted almost verbatim from the recently enacted New Jersey agency shop statute, and is concerned with the right of a dissenting agency fee payer to obtain a "rebate" for certain types of lobbying activity undertaken by the exclusive collective bargaining agent. It clearly is outside the jurisdiction of the Commission. This also is true of the matter raised in the final paragraph of Mr. Munyan's letter. Even if there were some question about whether he has resigned from NEA and/or whether his employer should be deducting membership dues from his salary, the Commission surely is not the proper body to resolve it.

In sum, Mr. Munyan is displeased with certain activities undertaken by NEA and its affiliates and has chosen to express his displeasure in a "shotgun" letter to the Commission. He has, however, presented nothing to indicate that NEA has in any way violated the Act, and we respectfully submit that the Commission should close the file on this MUR.

If the Commission desires any additional information or has any further need to communicate with NEA regarding this MUR, please contact me directly.

Sincerely,

Robert H. Chanin

Robert H. Chanin
Attorney for the
National Education Association

RHC:gm
Enclosure

cc: Judy Thedford
Mike Herbert

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Complaint Filed by :
:
WILLIAM G. MUNYAN : MUR 1313
:
:

AFFIDAVIT OF DON CAMERON

CITY OF WASHINGTON)
)SS
DISTRICT OF COLUMBIA)

DON CAMERON, being duly sworn, deposes and says:

1. I am the Assistant Executive Director of the National Education Association (NEA) and in this capacity have supervised NEA's activities in connection with the 1980 Federal elections, including the administration of NEA's Political Action Committee (NEA-PAC).

2. NEA did not endorse Frank Thompson or any other candidate for election to Congress in 1980. Mr. Thompson was endorsed by NEA-PAC, but no NEA treasury funds were used to publicize this endorsement.

3. NEA endorsed Jimmy Carter for reelection as President. Specifically, the NEA Board of Directors endorsed Mr. Carter for the Democratic Party nomination for President at its regularly scheduled meeting in December, 1979, and the NEA Representative Assembly endorsed Mr. Carter both for the Democratic Party nomination and for election as President at NEA's regularly scheduled Annual Meeting in July, 1980.

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4. The endorsements of Mr. Carter by the NEA Board of Directors and Representative Assembly were publicized in Today's Education (the official NEA journal), the NEA Reporter (the official NEA newsletter) and other NEA documents. The distribution list for these documents, which are published with NEA treasury funds, consists almost exclusively (i.e., over 99%) of NEA members.

Don Cameron
DON CAMERON

Subscribed and sworn to
before me this 10th day of
November, 1980.

Sherrl D. Fitzpatrick
NOTARY PUBLIC

My Commission Expires August 31, 1983

VI pgs

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GCC# 3396

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November 18, 1980
156A Taylor Avenue
East Brunswick, New Jersey 08816

80 NOV 24 A11:02

RECEIVED
GENERAL COUNSEL

Mr. Charles H. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Dear Mr. Steele:

Your certified letter of October 21 regarding my complaint of October 7, reference MUR 1313, arrived just yesterday. I will respond with a few observations that may clarify my original letter of complaint.

When National Education Association, New Jersey Education Association, Middlesex County Education Association, and East Brunswick Education Association endorsed the reelection of President Carter and that of Congressman Frank Thompson; Jr., I submitted my formal resignation from all four groups. Neither I nor my colleagues, to my knowledge, had been polled as to our preferences and I myself could not agree politically with the associations' endorsements. Furthermore, I did not want money from my dues being used to support candidates against whose reelection I was actively opposed.

Because I had some years ago authorized dues deduction from my salary, I was later advised, New Jersey law N.J.S.A. 52:14-15.9e precluded my resignation until January 1, 1981. See letter from Rothbard, Harris & Oxfeld attached. I am reluctantly still a member, paying full dues. Also, please note that I was mistaken in regard the authority that prevents my resignation. The East Brunswick Board of Education should not be a respondent in this matter. Perhaps the State of New Jersey should.

Secondly, our new contract with the East Brunswick Board of Education contains an "agency shop" clause. Nonmembers are assessed an amount equal to 85 percent of the member's dues, as a representation fee. They may apply for a rebate of that amount of the fee used by the associations for political activity. Not realizing I was still a member, I applied for a rebate and was denied. I was told that, even were I a non-member, my request was premature. See again the letter from Rothbard, Harris & Oxfeld. Mr. David B. Rubin's letter to you in behalf of EBEA, dated November 5, is in error. Copy enclosed. It also seems to me to be nonresponsive to my complaint.

Even though the election is over and the candidates in question were defeated, the fact remains that my dues were used by the four named associations to support candidates of which I disapproved and which disapproval I had made known to the associations. That I may apply for a rebate once I resign in January should not obscure the use to which my money was put during the election campaign just ended.

ATTACHMENT VII pg1

That union monies were spent for the reelection of President Carter and Congressman Thompson is not at issue. The Rothbard, Harris, & Oxfeld letter concedes as much. Further, publications of all four associations were filled with pro-Carter and pro-Thompson publicity -- Today's Education, NEA Reporter, NJEA Review, NJEA Reporter, The Bulletin of MCEA, and EBEA Newsletter. Also, every member of NEA received a letter from the president of NEA urging Mr. Carter's reelection. None of this was identified as having been financed by NEA-PAC or NJEA-PAC or any other PAC.

Rothbard, Harris & Oxfeld inform me that I am not entitled to see the budgets of the organizations to which I belong(ed). I therefore have no way of assessing whether all their political expenditures were within the limits of federal or state election laws. They assure me they were, but until the letter of Rothbard, Harris, & Oxfeld, I was being told that all expenditures for political activity was coming from PAC contributions. I doubted that, since they asked last Spring for a dollar donation to PAC, and, less than half of my colleagues contributed.

Even if their expenses for political activity are legal, something here is terribly wrong. Legally, I may not resign until January 1, long after the election. Legally, I may not get a rebate. I may not even examine the budgets. I find it hard to believe that the lawmakers ever intended such an infringement of my Constitutional rights. They made it a condition of my employment as a teacher that I support, with my money at least, a candidate for President of the United States and a candidate for the Congress of the United States whom I did not wish to see in office.

Very truly yours,

William G. Munyan

William G. Munyan

Incl 1: Letter, Rothbard, Harris, & Oxfeld, Oct. 16, 1980
Incl 2: Letter, Rubin, Lerner, Rubin, Nov. 5, 1980
Incl 3: Letter, William G. Munyan, Oct. 7, 1980

Law Offices
Rothbard, Harris & Oxfeld

SAMUEL L. ROTHBARD (1934-1969)
EMIL OXFELD
HENRY HARRIS
SANFORD R. OXFELD

SIDNEY SHINBAUM
SEYMOUR W. PERLMAN
GENEVIEVE FLICKER
DOANE REGAN
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NANCY IRIS OXFELD
ARNOLD S. COHEN

National Newark Building
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Newark, N.J. 07102

TEL. (201) 642-0181

October 16, 1980

FILE NO. 80-447N

Mr. William G. Munyan
136A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

Rosalie Triozzi, President of the East Brunswick Education Association, has turned over to me the various letters which you have sent to the Association concerning resignation of membership, Agency Shop and the use of an Association lawyer

I would like to take this opportunity to attempt to respond to each one of your concerns indicated in your various communications.

Your first concern is apparently that, although you attempted to resign in August, you are not permitted to resign except on January 1st or July 1st. Please be advised that the Association is not responsible for the restrictions on your ability to end your dues check-off authorization. A statute passed by the New Jersey Legislature, N.J.S.A. 52:14-15.9e, states that a notice to halt dues deductions from ones salary can be effective only as of January 1st or July 1st on the dates preceeding the date on which the notice is received. This provision of the law is not the result of any agreement between the East Brunswick Education Association and the East Brunswick Board of Education.

In fact, even if we wanted to make it easier to end your dues withdrawal authorization, we would be unable to do so. We would be unable to do so because the law does not permit us to reach such an agreement.

Incl 1

V11 pg 3

You are also concerned because you believed your dues money has been used to support candidates such as President Carter and Congressman Thompson whom you do not wish to support. Please be advised that this is not the case.

The NEA, NJEA, MCEA and EBEA have always maintained very careful accounting procedure to assure that your dues money is not used for improper purposes. One reason we do this is because of our sensitivity to the concerns of yourself and other members that money which you contribute to us for purposes of collective negotiations and related matters not be used for political purposes of which you do not approve.

You have made a request that the Association, either because you are a member or because you are paying an 85% agency shop fee should provide you with an attorney to pursue a suit you have in mind against the East Brunswick Education Association , MCEA, NJEA, NEA and East Brunswick Board of Education.

There are certain obligations imposed upon the various Associations by the law concerning representation of our members and representation of all individuals, whether members or not, in the bargaining units which we represent.

We very faithfully abide by these legal requirements. However, there is no requirement that we provide you with an attorney whenever you feel you need an attorney or solely because one of the defendants in a case would be the Board of Education.

Under the law we must evaluate each case and reach a determination as to whether or not that case is a case which we should support. Many considerations can enter into our determination of why we should pursue a legal matter. One of the most important is that we cannot treat a member any differently from a dissident member or a non-member, we must provide this same type of legal services relating to terms and conditions of employment to all individuals that we represent.

However, this does not mean that we must take on any case that anyone wants us to take and, in fact, we certainly cannot be expected to pursue a matter which we determined to be against the best interest of the various associations. Certainly, nothing in the law would compel us to provide you with an attorney who would then proceed to file suit against us. Such a result would be ludicrous and beyond any standard expected of us by the law.

You have also demanded a rebate of that amount of your Agency Shop fee which is being used for political activity and/or member only benefits.

I hereby acknowledge that your request has been received. Please be advised that your communication requesting a rebate is inappropriate because you are not currently a non-member paying an Agency Shop fee, pursuant to N.J.S.A. 52:14-15.9e, you are still a full member on dues check off.

However, even if you are paying an Agency Shop fee, your request for rebate would be premature. The Association has not yet posted pursuant to its own procedure a notice as to whether or not there would be a preliminary rebate for this year and therefore, even if this provision applied to you, we would be unable to indicate to you the amount of the preliminary rebate if any. Further, we could not indicate to you an amount of final rebate until the end of the fiscal year in question at which point you would then have the right to challenge the amount of the rebate. I would refer you to the East Brunswick Education Association demand and return system which is posted in each school building and which will also, I believe, be included in the EBEA Newsletter to determine the correct procedures for when you become a non-member and seek a rebate pursuant to the Agency Shop Legislation.

Nothing in the law gives you a right to the certified budgets of all associations. However, even if you had a right to all those budgets, obviously a review of those budgets prior to the National Election next month would not reveal to you how money was spent during this year on elections. You would be unable to make such a determination until several months after the election.

I would like to reiterate that the EBEA, MCEA, NJEA and NEA have never used your dues money for illegal purposes and I am sorry that you have been mislead in this regard.

Very truly yours,
ROTHBARD, HARRIS & OXFELD
BY:

NANCY IRIS OXFELD

NIO:msw

CC: Rosalie Triozzi
CC: Arline Friscia
CC: John Warms

VII pg 5

RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
101 BAYARD STREET
NEW BRUNSWICK, N.J.

TELEPHONE 846-5500
AREA CODE 201

FRANK J. RUBIN
LAWRENCE LERNER
DAVID B. RUBIN

MAILING ADDRESS
P.O. BOX 381
NEW BRUNSWICK, N.J. 08903

FILE NO.

November 5, 1980

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463
ATTN: CHARLES N. STEELE, ESQ.

Re: MUR 1313

Dear Mr. Steele:

This office represents the East Brunswick Board of Education, which has received a complaint from an employee, William G. Munyan, pertaining to deduction of fees to the teachers' union from the salary of Mr. Munyan.

We enclose for your consideration a copy of a recent amendment to the New Jersey Employer-Employee Relations Act setting forth provisions for what is commonly known as an agency shop. As you will note, the law requires that provision be made for rebating to individual employees who are not members of the union monies devoted to political activities and other such matters. It is my understanding that the New Jersey Legislature attempted to shape this provision in deference to decisions of the United States Supreme Court pertaining to conflicts between agency shop provisions and the public sector and the First Amendment rights of public employees.

We are confident that your review of these materials will persuade you that no violation of law exists. We will cooperate fully with you in this investigation and will happily provide you with any further information you desire.

Very truly yours,

DAVID B. RUBIN

DBR:cm
Encl.
cc: William G. Munyan
Dr. Sweeney

Incl 2

VII pg 6

CERTIFIED MAIL

156A Taylor Avenue
East Brunswick, New Jersey 08816
October 7, 1980

Mrs. Rosalie Triozzi, President
East Brunswick Education Association
1 South Woodland Avenue
East Brunswick, New Jersey 08816

Dear Mrs. Triozzi:

Under the provisions of Ch. 477, P. L. 1975, I hereby request full rebate of all dues collected from my salary for membership in East Brunswick Education Association, Middlesex County Education Association, New Jersey Education Association, and National Education Association from September 1, 1980, until the present date, on the grounds that (1) I am not a member, having submitted formal resignation from aforenamed associations in August, 1980, by Mailgram, and (2) said dues, in contravention of appropriate federal and state laws, are being used for political activity, to wit:

1. the support of candidates for public office,
2. the determination and publicizing of an organizational preference for a candidate for public office, and
3. efforts to enact, defeat, repeal, or amend legislation only incidentally related to the terms and conditions of my employment by the East Brunswick public schools.

I hereby request that all dues for membership in the named associations which may be deducted from my salary after this date also be rebated to me for the same reasons stated above.

The following data is provided in accordance with Ch. 477, P. L. 1975:

1. I am not a member of said associations.
2. The basis for this request is detailed above.
3. Name: William G. Munyan
   Address: 156A Taylor Ave., East Brunswick NJ 08816
   Position: Teacher, East Brunswick High School

Your prompt attention to this matter will be appreciated.

Very truly yours,

William G. Munyan

William G. Munyan

cc: Ms Brenda Witt
File

Encl 3

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Thedford

3508

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4451
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
TERRY HERNDON, Executive Director

LEGAL SERVICES
OFFICE OF GENERAL COUNSEL 33

December 9, 1980

80 DEC 10 P2:22

GENERAL COUNSEL

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

RE: MUR 1313

Dear Mr. Steele:

On December 4, 1980 you sent us certain additional material that was submitted by Mr. Munyan, the complainant in the above MUR, and invited us to supplement our November 10, 1980 response. Since the additional material essentially reiterates the allegations contained in Mr. Munyan's October 17, 1980 letter, we do not believe lengthy supplementation is necessary. It may be helpful, however, to highlight a few points.

In his November 18, 1980 letter, Mr. Munyan reasserts that NEA treasury funds have been used in connection with elections to federal office and, in support of this assertion, refers once again to NEA's endorsement of Jimmy Carter for reelection and NEA's partisan communications to its members. As indicated in our November 10, 1980 letter, both of these activities are entirely proper under the Federal Election Campaign Act and Mr. Munyan still has failed to provide any "recitation of the facts which describe violation of a statute or regulation." 11 CFR §111.4(d)(3).

The remainder of Mr. Munyan's November 18, 1980 letter deals with his membership in NEA and its affiliates and his entitlement to a rebate under the New Jersey "agency shop" statute. Mr. Munyan referred to these matters in his October 17, 1980 letter and, on the basis of the rather cryptic comments contained in that letter, we concluded that these were state law questions as to which it would be inappropriate to debate the merits. Mr. Munyan's November 18, 1980 "clarification" leaves no doubt regarding the point:

ATTACHMENT VIII pg 1

these matters have nothing whatsoever to do with federal elections and clearly are outside the jurisdiction of the Federal Election Commission.

As indicated in the response to this MUR that was filed on October 30, 1980 on behalf of the New Jersey Education Association and the charged county and local associations, Mr. Munyan has been involved in a long-standing dispute with NEA and its affiliates regarding various state law questions. He now seeks, quite inappropriately, to involve the Federal Election Commission in that dispute and we once again urge the Commission to close the file on this MUR.

Sincerely,

Robert H. Chanin

Robert H. Chanin
General Counsel

RHC:gm

cc: Judy Thedford
Mike Herbert

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VIII pg 2

3561 Guilford 1313

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Thompson's People

3131 Princeton Pike
Lawrenceville, N.J. 08648

December 10, 1980

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

Dear Mr. Steele:

I have read the attachments to your letter of December 4, 1980. The complaints involved do not in any way affect Thompson's People and, accordingly, I have no additional responses other than that previously given.

Sincerely,

David A. Friedman,
Treasurer

80 DEC 15 P12:28

GENERAL COUNSEL

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Paid for by Thompson's People
David A. Friedman, Treasurer
3131 Princeton Pike
Lawrenceville, N.J. 08648

ATTACHMENT 1X

Yelford 911576 GCC 3567

RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
101 BAYARD STREET
NEW BRUNSWICK, N.J.

TELEPHONE 846-5500
AREA CODE 201

FILE NO.

FRANK J. RUBIN
LAWRENCE LERNER
DAVID B. RUBIN

MAILING ADDRESS
P.O. BOX 351
NEW BRUNSWICK, N.J. 08903

December 11, 1980

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

ATTN: CHARLES N. STEELE, General Counsel

RE: MUR 1313

Dear Mr. Steele:

I have received your letter of December 4, 1980, enclosing the complainant's most recent letter to you.

If I understand Mr. Munyan's letter correctly, he now acknowledges that if anyone is at fault it is not the East Brunswick Board of Education, but may in fact be the teachers' union of which he is a member. We are confident that the Commission will share our interpretation of that letter.

Very truly yours,

DAVID B. RUBIN

DBR:cm

cc: Dr. Sweeney
William G. Munyan

80 DEC 15 P12:28
FEC
GENERAL COUNSEL
3102374940

ATTACHMENT X

Thompson

GCC-3570

December 12, 1980

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

re: MUR 1313

Dear Mr. Steele:

Thank you for your letter of December 4, 1980, forwarding additional correspondence from the Complainant in this matter, and offering the Respondent Carter-Mondale Reelection Committee, Inc. (the Committee), a further opportunity to submit information to the Commission.

As you know, on November 7 we filed a Statement demonstrating that the original Complaint failed to state a violation of the Act, and requesting that it be dismissed and this matter be closed. This newest correspondence from the Complainant makes plain that the Commission should have dismissed this matter at that time, and must do so now, without further delay.

In his most recent correspondence, Complainant Munyan specifies a variety of "pro-Carter" communications to Association members as the touchstone of his Complaint. See Munyan letter, p. 2. But, these are precisely the type of partisan communications which, as our prior Statement noted, lawfully may be made by Associations and financed through PAC or Association Treasury funds. See Statement, pp. 6-7.

In addition, as our Statement also noted, Complainant Munyan has a right to obtain a refund of his contribution towards the cost of partisan communications, under the Supreme Court's Abood decision. See Statement, pp. 7-8. According to his most recent letter, he is, now, taking full advantage of that right.

Finally, we would note, again, that nowhere in the Complaint, or this newest letter, is any allegation made against the Committee. See Statement, pp. 5-6. Although we wish to be as helpful as possible to the Commission, and thus again are

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ATTACHMENT #1 pg1

118

responding to this latest invitation to comment, such continuing exchanges do not represent an effective utilization of limited resources. We trust that with this response, the Committee's "involvement" in this MUR will, at last, be brought to an end.

Very truly yours,

James A. Brodsky
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005
(202) 628-2000

Carol Darr
Of Counsel

Attorneys for Respondent

#6258A

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X | pg 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08861

Re: MUR 1313

Dear Mr. Munyan:

The Federal Election Commission has reviewed the allegations of your complaint dated October 7, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondents, that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Judy Thedford, at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Attachment XII pg 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Rubin
Rubin, Lerner & Rubin
P.O. Box 311
New Brunswick, New Jersey 08903

Re: MUR 1313

Dear Mr. Rubin:

On October 21, 1980, the Commission notified your client, East Brunswick Board of Education, of a complaint alleging that that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

XII pg 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

48

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert H. Chanin
National Education Association
Office of the General Counsel
1201 16th Street, NW
Washington, D.C. 20036

Re: MUR 1313

Dear Mr. Chanin:

On October 21, 1980, the Commission notified the National Education Association of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

XII pg 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael J. Herbert
Sterns, Herbert & Weinroth
186 West State Street
P.O. Box 1298
Trenton, New Jersey 08607

Re: MUR 1313

Dear Mr. Herbert:

On October 21, 1980, the Commission notified your clients, New Jersey Education Association, Middlesex County Education Association and East Brunswick Education Association, of a complaint alleging that they may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

XIII pg 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David A. Friedman, Treasurer
Thompson's People
3131 Princeton Pike
Lawrenceville, New Jersey 08648

Re: MUR 1313

Dear Mr. Friedman:

On October 21, 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

XII pg5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

N8

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Brodsky, Esquire
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005

Re: MUR 1313

Dear Mr. Brodsky:

On October 21, 1980, the Commission notified your client, Carter-Mondale Reelection Committee, Inc., of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

XII pg 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

88

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas F. Holt, Jr., Esquire
1850 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1313

Dear Mr. Holt:

On October 21, 1980, the Commission notified your client, Carter-Mondale Reelection Committee, Inc., of a complaint alleging that it may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

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XII pg 7

911573

ACC# 3570

December 12, 1980

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

re: MUR 1313

Dear Mr. Steele:

Thank you for your letter of December 4, 1980, forwarding additional correspondence from the Complainant in this matter, and offering the Respondent Carter-Mondale Reelection Committee, Inc. (the Committee), a further opportunity to submit information to the Commission.

As you know, on November 7 we filed a Statement demonstrating that the original Complaint failed to state a violation of the Act, and requesting that it be dismissed and this matter be closed. This newest correspondence from the Complainant makes plain that the Commission should have dismissed this matter at that time, and must do so now, without further delay.

In his most recent correspondence, Complainant Munyan specifies a variety of "pro-Carter" communications to Association members as the touchstone of his Complaint. See Munyan letter, p. 2. But, these are precisely the type of partisan communications which, as our prior Statement noted, lawfully may be made by Associations and financed through PAC or Association Treasury funds. See Statement, pp. 6-7.

In addition, as our Statement also noted, Complainant Munyan has a right to obtain a refund of his contribution towards the cost of partisan communications, under the Supreme Court's Abood decision. See Statement, pp. 7-8. According to his most recent letter, he is, now, taking full advantage of that right.

Finally, we would note, again, that nowhere in the Complaint, or this newest letter, is any allegation made against the Committee. See Statement, pp. 5-6. Although we wish to be as helpful as possible to the Commission, and thus again are

DEC 15 P12:28

responding to this latest invitation to comment, such continuing exchanges do not represent an effective utilization of limited resources. We trust that with this response, the Committee's "involvement" in this MUR will, at last, be brought to an end.

Very truly yours,

James A. Brodsky
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005
(202) 628-2000

Carol Darr
Of Counsel

Attorneys for Respondent

#6258A

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WITKOWSKI, WEINER, MCCAFFREY AND BRODSKY, P. C.
ATTORNEYS AT LAW
SUITE 350
1575 EYE STREET, N.W.
WASHINGTON, D.C. 20005

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Charles N. Steele, Esq.
General Counsel
Federal Electiob Commission
Washington, D.C. 20463

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RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
101 BAYARD STREET
NEW BRUNSWICK, N.J.

TELEPHONE 846-5500
AREA CODE 201

FRANK J. RUBIN
LAWRENCE LERNER
DAVID B. RUBIN

FILE NO.

MAILING ADDRESS
P.O. BOX 88
NEW BRUNSWICK, N.J. 08903

December 11, 1980

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

ATTN: CHARLES N. STEELE, General Counsel

RE: MUR 1313

Dear Mr. Steele:

I have received your letter of December 4, 1980, enclosing the complainant's most recent letter to you.

If I understand Mr. Munyan's letter correctly, he now acknowledges that if anyone is at fault it is not the East Brunswick Board of Education, but may in fact be the teachers' union of which he is a member. We are confident that the Commission will share our interpretation of that letter.

Very truly yours,

DAVID B. RUBIN

DBR:cm

cc: Dr. Sweeney
William G. Munyan

80 DEC 15 P12:28
GENERAL COUNSEL

31020349553

RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
101 BAYARD STREET
P.O. BOX 311
NEW BRUNSWICK, N.J. 08903

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

ATTN: CHARLES N. STEELE, ESQ.,
General Counsel

GCC# 3561 1313

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80 DEC 15 A9:31

Thompson's People
3131 Princeton Pike
Lawrenceville, N.J. 08648

December 10, 1980

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

80 DEC 15 P12:28

Dear Mr. Steele:

I have read the attachments to your letter of December 4, 1980. The complaints involved do not in any way affect Thompson's People and, accordingly, I have no additional responses other than that previously given.

Sincerely,

David A. Friedman,
Treasurer

Paid for by Thompson's People
David A. Friedman, Treasurer
3131 Princeton Pike
Lawrenceville, N.J. 08648

Thompson's People
3131 Princeton Pike
Lawrenceville, N.J. 08648

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

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LEGAL SERVICES 80 : 31
OFFICE OF GENERAL COUNSEL

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4451
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
TERRY HERNDON, Executive Director

December 9, 1980

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

RE: MUR 1313

Dear Mr. Steele:

On December 4, 1980 you sent us certain additional material that was submitted by Mr. Munyan, the complainant in the above MUR, and invited us to supplement our November 10, 1980 response. Since the additional material essentially reiterates the allegations contained in Mr. Munyan's October 17, 1980 letter, we do not believe lengthy supplementation is necessary. It may be helpful, however, to highlight a few points.

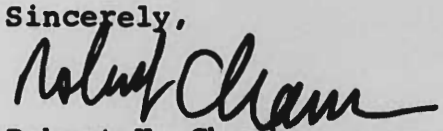
In his November 18, 1980 letter, Mr. Munyan reasserts that NEA treasury funds have been used in connection with elections to federal office and, in support of this assertion, refers once again to NEA's endorsement of Jimmy Carter for reelection and NEA's partisan communications to its members. As indicated in our November 10, 1980 letter, both of these activities are entirely proper under the Federal Election Campaign Act and Mr. Munyan still has failed to provide any "recitation of the facts which describe violation of a statute or regulation." 11 CFR §111.4(d)(3).

The remainder of Mr. Munyan's November 18, 1980 letter deals with his membership in NEA and its affiliates and his entitlement to a rebate under the New Jersey "agency shop" statute. Mr. Munyan referred to these matters in his October 17, 1980 letter and, on the basis of the rather cryptic comments contained in that letter, we concluded that these were state law questions as to which it would be inappropriate to debate the merits. Mr. Munyan's November 18, 1980 "clarification" leaves no doubt regarding the point:

these matters have nothing whatsoever to do with federal elections and clearly are outside the jurisdiction of the Federal Election Commission.

As indicated in the response to this MUR that was filed on October 30, 1980 on behalf of the New Jersey Education Association and the charged county and local associations, Mr. Munyan has been involved in a long-standing dispute with NEA and its affiliates regarding various state law questions. He now seeks, quite inappropriately, to involve the Federal Election Commission in that dispute and we once again urge the Commission to close the file on this MUR.

Sincerely,



Robert H. Chanin
General Counsel

RHC:gm

cc: Judy Thedford
Mike Herbert

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nea 801-E
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N.W.
Washington, D.C. 20036

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1980

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

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LEGAL SERVICES
OFFICE OF GENERAL COUNSEL 33

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4451
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
TERRY HERNDON, Executive Director

December 9, 1980

80 DEC 10 P2:22
GENERAL COUNSEL

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

RE: MUR 1313

Dear Mr. Steele:

On December 4, 1980 you sent us certain additional material that was submitted by Mr. Munyan, the complainant in the above MUR, and invited us to supplement our November 10, 1980 response. Since the additional material essentially reiterates the allegations contained in Mr. Munyan's October 17, 1980 letter, we do not believe lengthy supplementation is necessary. It may be helpful, however, to highlight a few points.

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Sincerely,

Robert H. Chanin
General Counsel

RHC:gm

cc: Judy Thedford
Mike Herbert

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nea 801-E
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N. W.
Washington, D. C. 20036

WASHINGTON, DC 200
PM
9 DEC
1980

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert H. Chanin
Office of the General Counsel
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1313

Dear Mr. Chanin:

Enclosed please find an additional letter with enclosures which was submitted to the Commission by the complainant in this matter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Please submit any response which you have to the additional information by Friday, December 19, 1980.

Please note that this matter will remain confidential in accordance with 2 U.S.C. § 437g(4)(B) and § 437g(a)(12)(A).

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
November 18, 1980 Letter (7 pages)

3 1 0 1 0 2 3 1 9 5 3

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 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:
   Robt H. Chanin

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947455	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Al Young

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)
   UCA

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977—0—249-595

1313 Chestnut

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Rubin
Rubin, Lerner & Rubin
P.O. Box 311
New Brunswick, New Jersey 08903

Re: MUR 1313

Dear Mr. Rubin:

Enclosed please find an additional letter with enclosures which was submitted to the Commission by the complainant in this matter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Please submit any response which you have to the additional information by Friday, December 19, 1980.

Please note that this matter will remain confidential in accordance with 2 U.S.C. § 437g(4)(B) and § 437g(a)(12)(A).

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
November 18, 1980 Letter (7 pages)

3 1 2 1 0 1 3 1 2 5 5

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

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- ☐ 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:
David B Rubin

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947454	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☑ Authorized agent

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—0—249-555

1313 Medford

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael J. Herbert
Sterns, Herbert & Weinroth
186 West State Street
P.O. Box 1298
Trenton, New Jersey 08607

Re: MUR 1313

Dear Mr. Herbert:

Enclosed please find an additional letter with enclosures which was submitted to the Commission by the complainant in this matter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Please submit any response which you have to the additional information by Friday, December 19, 1980.

Please note that this matter will remain confidential in accordance with 2 U.S.C. § 437g(4)(B) and § 437g(a)(12)(A).

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
November 18, 1980 Letter (7 pages)

3 1 0 1 0 2 3 1 1 9 5 7

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

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- ☐ 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:
Michael J Herbert

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947452	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
M. Santoro

4. DATE OF DELIVERY

POSTMARK
DEC 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

GPO: 1977—

1313 Chilhard

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Friedman, Treasurer
Thompson's People
3131 Princeton Pike
Lawrenceville, New Jersey 08648

Re: MUR 1313

Dear Mr. Friedman:

Enclosed please find an additional letter with enclosures which was submitted to the Commission by the complainant in this matter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Please submit any response which you have to the additional information by Friday, December 19, 1980.

Please note that this matter will remain confidential in accordance with 2 U.S.C. § 437g(4)(B) and § 437g(a)(12)(A).

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
November 18, 1980 Letter (7 pages)

3 1 0 1 0 2 3 1 9 5 9

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

SENDER: Complete items 1, 2, and 3.
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- ☐ 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:
David Friedman

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947457	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
K R Lewis (Secy)

4. DATE OF DELIVERY 12/8/80

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—0—249-565

1313 Hedford

947457

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas F. Holt, Jr., Esquire
1850 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1313

Dear Mr. Holt:

Enclosed please find an additional letter with enclosures which was submitted to the Commission by the complainant in this matter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Please submit any response which you have to the additional information by Friday, December 19, 1980.

Please note that this matter will remain confidential in accordance with 2 U.S.C. § 437g(4)(B) and § 437g(a)(12)(A).

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
November 18, 1980 Letter (7 pages)

31040274971

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

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- ☐ 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:
Thomas F. Hall, Jr.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94745 3	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—O—249-505

1313 Chestnut

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Brodsky, Esquire
Suite 350
1575 Eye Street, N.W.
Washington, D.C. 20005

Re: MUR 1313

Dear Mr. Brodsky:

Enclosed please find an additional letter with enclosures which was submitted to the Commission by the complainant in this matter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Please submit any response which you have to the additional information by Friday, December 19, 1980.

Please note that this matter will remain confidential in accordance with 2 U.S.C. § 437g(4)(B) and § 437g(a)(12)(A).

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
November 18, 1980 Letter (7 pages)

3 1 0 1 0 2 3 4 9 7 3

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

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   - ☐ 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 A. Brodsky

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947458	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent

D. Langness

4. DATE OF DELIVERY 12/8/80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—0—249-595

1313 Chedford

911351

RECEIVED
GCC# 3396
80 NOV 24 AM: 04

November 18, 1980
156A Taylor Avenue
East Brunswick, New Jersey 08816

80 NOV 24 AM: 02

RECEIVED
GENERAL COUNSEL

Mr. Charles H. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Dear Mr. Steele:

Your certified letter of October 21 regarding my complaint of October 7, reference MUR 1313, arrived just yesterday. I will respond with a few observations that may clarify my original letter of complaint.

When National Education Association, New Jersey Education Association, Middlesex County Education Association, and East Brunswick Education Association endorsed the reelection of President Carter and that of Congressman Frank Thompson, Jr., I submitted my formal resignation from all four groups. Neither I nor my colleagues, to my knowledge, had been polled as to our preferences and I myself could not agree politically with the associations' endorsements. Furthermore, I did not want money from my dues being used to support candidates against whose reelection I was actively opposed.

Because I had some years ago authorized dues deduction from my salary, I was later advised, New Jersey law N.J.S.A. 52:14-15.9e precluded my resignation until January 1, 1981. See letter from Rothbard, Harris & Oxfeld attached. I am reluctantly still a member, paying full dues. Also, please note that I was mistaken in regard the authority that prevents my resignation. The East Brunswick Board of Education should not be a respondent in this matter. Perhaps the State of New Jersey should.

Secondly, our new contract with the East Brunswick Board of Education contains an "agency shop" clause. Nonmembers are assessed an amount equal to 85 percent of the member's dues, as a representation fee. They may apply for a rebate of that amount of the fee used by the associations for political activity. Not realizing I was still a member, I applied for a rebate and was denied. I was told that, even were I a non-member, my request was premature. See again the letter from Rothbard, Harris & Oxfeld. Mr. David B. Rubin's letter to you in behalf of EBEA, dated November 5, is in error. Copy enclosed. It also seems to me to be nonresponsive to my complaint.

Even though the election is over and the candidates in question were defeated, the fact remains that my dues were used by the four named associations to support candidates of which I disapproved and which disapproval I had made known to the associations. That I may apply for a rebate once I resign in January should not obscure the use to which my money was put during the election campaign just ended.

911351

That union monies were spent for the reelection of President Carter and Congressman Thompson is not at issue. The Rothbard, Harris, & Oxfeld letter concedes as much. Further, publications of all four associations were filled with pro-Carter and pro-Thompson publicity -- Today's Education, NEA Reporter, NJEA Review, NJEA Reporter, The Bulletin of MCEA, and EBEA Newsletter. Also, every member of NEA received a letter from the president of NEA urging Mr. Carter's reelection. None of this was identified as having been financed by NEA-PAC or NJEA-PAC or any other PAC.

Rothbard, Harris & Oxfeld inform me that I am not entitled to see the budgets of the organizations to which I belong(ed). I therefore have no way of assessing whether all their political expenditures were within the limits of federal or state election laws. They assure me they were, but until the letter of Rothbard, Harris, & Oxfeld, I was being told that all expenditures for political activity was coming from PAC contributions. I doubted that, since they asked last Spring for a dollar donation to PAC, and, less than half of my colleagues contributed.

Even if their expenses for political activity are legal, something here is terribly wrong. Legally, I may not resign until January 1, long after the election. Legally, I may not get a rebate. I may not even examine the budgets. I find it hard to believe that the lawmakers ever intended such an infringement of my Constitutional rights. They made it a condition of my employment as a teacher that I support, with my money at least, a candidate for President of the United States and a candidate for the Congress of the United States whom I did not wish to see in office.

Very truly yours,

William G. Munyan

William G. Munyan

Incl 1: Letter, Rothbard, Harris, & Oxfeld, Oct. 16, 1980
Incl 2: Letter, Rubin, Lerner, Rubin, Nov. 5, 1980
Incl 3: Letter, William G. Munyan, Oct. 7, 1980

3 1 0 1 0 2 7 1 2 7 5

Law Offices
Rothbard, Harris & Oxfeld

SAMUEL L. ROTHBARD (1934-1969)
EMIL OXFELD
HENRY HARRIS
SANFORD R. OXFELD

SIDNEY SHINBAUM
SEYMOUR W. PERLMAN
GENEVIEVE FLICKER
DOANE REGAN
BARRY A. AISENSTOCK
NANCY IRIS OXFELD
ARNOLD S. COHEN

National Newark Building
7444 Broad Street
Newark, N.J. 07102

TEL. (201) 642-0181

October 16, 1980

FILE NO. 80-447N

Mr. William G. Munyan
136A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

Rosalie Triozzi, President of the East Brunswick Education Association, has turned over to me the various letters which you have sent to the Association concerning resignation of membership, Agency Shop and the use of an Association lawyer

I would like to take this opportunity to attempt to respond to each one of your concerns indicated in your various communications.

Your first concern is apparently that, although you attempted to resign in August, you are not permitted to resign except on January 1st or July 1st. Please be advised that the Association is not responsible for the restrictions on your ability to end your dues check-off authorization. A statute passed by the New Jersey Legislature, N.J.S.A. 52:14-15.9e, states that a notice to halt dues deductions from ones salary can be effective only as of January 1st or July 1st on the dates preceeding the date on which the notice is received. This provision of the law is not the result of any agreement between the East Brunswick Education Association and the East Brunswick Board of Education.

In fact, even if we wanted to make it easier to end your dues withdrawal authorization, we would be unable to do so. We would be unable to do so because the law does not permit us to reach such an agreement.

Incl. 1

You are also concerned because you believed your dues money has been used to support candidates such as President Carter and Congressman Thompson whom you do not wish to support. Please be advised that this is not the case.

The NEA, NJEA, MCEA and EBEA have always maintained very careful accounting procedure to assure that your dues money is not used for improper purposes. One reason we do this is because of our sensitivity to the concerns of yourself and other members that money which you contribute to us for purposes of collective negotiations and related matters not be used for political purposes of which you do not approve.

You have made a request that the Association, either because you are a member or because you are paying an 85% agency shop fee should provide you with an attorney to pursue a suit you have in mind against the East Brunswick Education Association , MCEA, NJEA, NEA and East Brunswick Board of Education.

There are certain obligations imposed upon the various Associations by the law concerning representation of our members and representation of all individuals, whether members or not, in the bargaining units which we represent.

We very faithfully abide by these legal requirements. However, there is no requirement that we provide you with an attorney whenever you feel you need an attorney or solely because one of the defendants in a case would be the Board of Education.

Under the law we must evaluate each case and reach a determination as to whether or not that case is a case which we should support. Many considerations can enter into our determination of why we should pursue a legal matter. One of the most important is that we cannot treat a member any differently from a dissident member or a non-member, we must provide this same type of legal services relating to terms and conditions of employment to all individuals that we represent.

However, this does not mean that we must take on any case that anyone wants us to take and, in fact, we certainly cannot be expected to pursue a matter which we determined to be against the best interest of the various associations. Certainly, nothing in the law would compel us to provide you with an attorney who would then proceed to file suit against us. Such a result would be ludicrous and beyond any standard expected of us by the law.

You have also demanded a rebate of that amount of your Agency Shop fee which is being used for political activity and/or member only benefits.

I hereby acknowledge that your request has been received. Please be advised that your communication requesting a rebate is inappropriate because you are not currently a non-member paying an Agency Shop fee, pursuant to N.J.S.A. 52:14-15.9e, you are still a full member on dues check off.

However, even if you are paying an Agency Shop fee, your request for rebate would be premature. The Association has not yet posted pursuant to its own procedure a notice as to whether or not there would be a preliminary rebate for this year and therefore, even if this provision applied to you, we would be unable to indicate to you the amount of the preliminary rebate if any. Further, we could not indicate to you an amount of final rebate until the end of the fiscal year in question at which point you would then have the right to challenge the amount of the rebate. I would refer you to the East Brunswick Education Association demand and return system which is posted in each school building and which will also, I believe, be included in the EBEA Newsletter to determine the correct procedures for when you become a non-member and seek a rebate pursuant to the Agency Shop Legislation.

Nothing in the law gives you a right to the certified budgets of all associations. However, even if you had a right to all those budgets, obviously a review of those budgets prior to the National Election next month would not reveal to you how money was spent during this year on elections. You would be unable to make such a determination until several months after the election.

I would like to reiterate that the EBEA, MCEA, NJEA and NEA have never used your dues money for illegal purposes and I am sorry that you have been mislead in this regard.

Very truly yours,
ROTHBARD, HARRIS & OXFELD
BY:

NANCY IRIS OXFELD

NIO:msw

CC: Rosalie Triozzi
CC: Arline Friscia
CC: John Warms

RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
101 BAYARD STREET
NEW BRUNSWICK, N.J.

TELEPHONE 846-5500
AREA CODE 201

FILE NO.

FRANK J. RUBIN
LAWRENCE LERNER
DAVID B. RUBIN

MAILING ADDRESS
P.O. BOX 351
NEW BRUNSWICK, N.J. 08903

November 5, 1980

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463
ATTN: CHARLES N. STEELE, ESQ.

Re: MUR 1313

Dear Mr. Steele:

This office represents the East Brunswick Board of Education, which has received a complaint from an employee, William G. Munyan, pertaining to deduction of fees to the teachers' union from the salary of Mr. Munyan.

We enclose for your consideration a copy of a recent amendment to the New Jersey Employer-Employee Relations Act setting forth provisions for what is commonly known as an agency shop. As you will note, the law requires that provision be made for rebating to individual employees who are not members of the union monies devoted to political activities and other such matters. It is my understanding that the New Jersey Legislature attempted to shape this provision in deference to decisions of the United States Supreme Court pertaining to conflicts between agency shop provisions and the public sector and the First Amendment rights of public employees.

We are confident that your review of these materials will persuade you that no violation of law exists. We will cooperate fully with you in this investigation and will happily provide you with any further information you desire.

Very truly yours,

DAVID B. RUBIN

DBR:cm
Encl.
cc: William G. Munyan
Dr. Sweeney

Incl. 2

CERTIFIED MAIL

156A Taylor Avenue
East Brunswick, New Jersey 08816
October 7, 1980

Mrs. Rosalie Triozzi, President
East Brunswick Education Association
1 South Woodland Avenue
East Brunswick, New Jersey 08816

Dear Mrs. Triozzi:

Under the provisions of Ch. 477, P. L. 1975, I hereby request full rebate of all dues collected from my salary for membership in East Brunswick Education Association, Middlesex County Education Association, New Jersey Education Association, and National Education Association from September 1, 1980, until the present date, on the grounds that (1) I am not a member, having submitted formal resignation from aforenamed associations in August, 1980, by Mailgram, and (2) said dues, in contravention of appropriate federal and state laws, are being used for political activity, to wit:

1. the support of candidates for public office,
2. the determination and publicizing of an organizational preference for a candidate for public office, and
3. efforts to enact, defeat, repeal, or amend legislation only incidentally related to the terms and conditions of my employment by the East Brunswick public schools.

I hereby request that all dues for membership in the named associations which may be deducted from my salary after this date also be rebated to me for the same reasons stated above.

The following data is provided in accordance with Ch. 477, P. L. 1975:

1. I am not a member of said associations.
2. The basis for this request is detailed above.
3. Name: William G. Munyan
   Address: 156A Taylor Ave., East Brunswick NJ 08816
   Position: Teacher, East Brunswick High School

Your prompt attention to this matter will be appreciated.

Very truly yours,

William G. Munyan

William G. Munyan

cc: Ms Brenda Witt
File

Encl 3

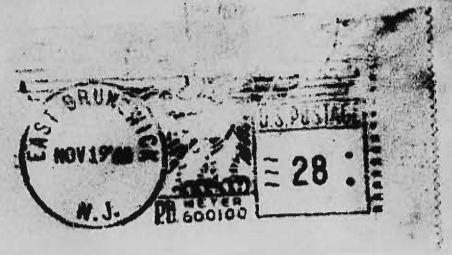
AFTER FIVE DAYS RETURN TO

William G. Munyan

156A Taylor Avenue

East Brunswick, NJ

ZIP CODE 08816



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

RECEIVED
80 NOV24 A10:04

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

FB3 Thankful

Mailgram

ACC# 3360

4-058195s322 11/17/80 ICS IPMMTZZ CSP WSHB
2012549840 MGM TDMT SOUTH RIVER NJ 71 11-17 0744P EST

CHARLES N STEELE
GENERAL COUNSEL FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

80 NOV 18 P2:27

DEAR MR STEELE

THANK YOU FOR YOUR CERTIFIED LETTER REGARDING MY COMPLAINT DATED OCTOBER 21 WHICH I RECEIVED TODAY. BECAUSE OF THE DELAY IN DELIVERY, I AM CONFUSED ABOUT THE TIME LINES MENTIONED IN THE ENCLOSURE. I WILL ADD TO MY COMPLAINT IN A LETTER WHICH FOLLOWS. THANK YOU AGAIN.

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

19:44 EST

MGMCOMP MGM

RECEIVED
80 NOV 18 P12:50

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

THIS MESSAGE WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

4 8 1 1 7

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4451
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
[illegible], Executive Director

LEGAL SERVICES
OFFICE OF GENERAL COUNSEL

971198
GCC #
3301

80 NOV 12 P2:20

November 10, 1980

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

Re: MUR 1313

Dear Mr. Steele:

On October 21, 1980 you wrote to the National Education Association (NEA) regarding the above MUR. This MUR is based upon an October 17, 1980 letter from William G. Munyan in which he challenges certain actions allegedly taken by NEA, the New Jersey Education Association, the Middlesex County Education Association and the East Brunswick Education Association. I have been authorized to represent NEA in connection with MUR 1313 and this response is submitted on its behalf. A separate response has been submitted to the Commission on behalf of the other associations referred to in Mr. Munyan's letter.

Mr. Munyan asserts first that NEA is "illegally using members' dues ... for the support of candidates for public office, namely, Jimmy Carter and Congressman Frank Thompson ..." He makes no attempt to develop this charge, however, and in the absence of at least some "recitation of the facts which describe a violation of a statute or regulation," 11 C.F.R. §111.4(d)(3), a detailed response is impossible. Suffice it to say any use of NEA treasury funds in connection with the 1980 Federal elections has been pursuant to the "exceptions" provided for in Section 441b(b)(2) of the Federal Election Campaign Act (Act).

Mr. Munyan next asserts that NEA used treasury funds "for the determination and publicizing of [its] preference for candidates for public office, namely President Carter and Congressman Thompson ...", and that this was illegal. He is wrong both on the facts and the law. NEA did not express a "preference" (i.e., endorse)

80 NOV 12 P2:20

Frank Thompson or any other candidate for Congress in the 1980 elections. Congressional endorsements are made by NEA's Political Action Committee (NEA-PAC) and no NEA treasury funds have been used to publicize these PAC endorsements. Mr. Munyan is correct when he states that NEA endorsed Jimmy Carter for reelection and that it used treasury funds to publicize this endorsement. He errs, however, in suggesting that these actions violated the Act.

Mr. Carter initially was endorsed by NEA's Board of Directors in December, 1979 at its regularly scheduled meeting and a similar action was taken by NEA's Representative Assembly in July, 1980, at its regularly scheduled meeting. These endorsements were publicized in the NEA journal, the NEA newsletter and in various other NEA documents that were published with treasury funds, but the distribution list for these documents consists almost exclusively (i.e., over 99%) of NEA members. Section 441b(b)(2)(A) of the Act provides that a labor organization may use treasury funds to make "communications ... to its members and their families on any subject" and the Commission has expressly indicated that this section authorizes a labor organization to "make partisan communications in connection with a Federal election to its members and their families." 11 C.F.R. §114.3.

In your letter of October 21, 1980, you suggest that "[w]here appropriate, statements should be submitted under oath." We believe that the facts set forth above are dispositive of Mr. Munyan's charge vis-a-vis NEA's use of treasury funds to endorse candidates for Federal office, and an affidavit affirming these facts is attached to this letter.

The other two points dealt with by Mr. Munyan in his letter have nothing whatsoever to do with Federal elections and may be disposed of summarily. The first concerns the alleged use by NEA of treasury funds "for efforts to enact, defeat, repeal or amend legislation only incidentally related to the terms and conditions of employment ...." This sentence is quoted almost verbatim from the recently enacted New Jersey agency shop statute, and is concerned with the right of a dissenting agency fee payer to obtain a "rebate" for certain types of lobbying activity undertaken by the exclusive collective bargaining agent. It clearly is outside the jurisdiction of the Commission. This also is true of the matter raised in the final paragraph of Mr. Munyan's letter. Even if there were some question about whether he has resigned from NEA and/or whether his employer should be deducting membership dues from his salary, the Commission surely is not the proper body to resolve it.

In sum, Mr. Munyan is displeased with certain activities undertaken by NEA and its affiliates and has chosen to express his displeasure in a "shotgun" letter to the Commission. He has, however, presented nothing to indicate that NEA has in any way violated the Act, and we respectfully submit that the Commission should close the file on this MUR.

If the Commission desires any additional information or has any further need to communicate with NEA regarding this MUR, please contact me directly.

Sincerely,

Robert H. Chanin

Robert H. Chanin
Attorney for the
National Education Association

RHC:gm
Enclosure

cc: Judy Thedford
Mike Herbert

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Complaint Filed by :
:
WILLIAM G. MUNYAN : MUR 1313
:
:

AFFIDAVIT OF DON CAMERON

CITY OF WASHINGTON)
)SS
DISTRICT OF COLUMBIA)

DON CAMERON, being duly sworn, deposes and says:

1. I am the Assistant Executive Director of the National Education Association (NEA) and in this capacity have supervised NEA's activities in connection with the 1980 Federal elections, including the administration of NEA's Political Action Committee (NEA-PAC).

2. NEA did not endorse Frank Thompson or any other candidate for election to Congress in 1980. Mr. Thompson was endorsed by NEA-PAC, but no NEA treasury funds were used to publicize this endorsement.

3. NEA endorsed Jimmy Carter for reelection as President. Specifically, the NEA Board of Directors endorsed Mr. Carter for the Democratic Party nomination for President at its regularly scheduled meeting in December, 1979, and the NEA Representative Assembly endorsed Mr. Carter both for the Democratic Party nomination and for election as President at NEA's regularly scheduled Annual Meeting in July, 1980.

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4. The endorsements of Mr. Carter by the NEA Board of Directors and Representative Assembly were publicized in Today's Education (the official NEA journal), the NEA Reporter (the official NEA newsletter) and other NEA documents. The distribution list for these documents, which are published with NEA treasury funds, consists almost exclusively (i.e., over 99%) of NEA members.

Don Cameron
DON CAMERON

Subscribed and sworn to
before me this 10th day of
November, 1980.

Sheryl D. Fitzpatrick
NOTARY PUBLIC

My Commission Expires August 31, 1983

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NATIONAL EDUCATION ASSOCIATION
1201 16th St., N.W.
Washington, D.C. 20036

WASHINGTON D.C. PM 14 NOV 1980

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

HAND DELIVERED

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GCC# 3297

LEGAL SERVICES
OFFICE OF GENERAL COUNSEL

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4451
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
TERRY HERNDON, Executive Director

November 10, 1980

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

Re: MUR 1313

Dear Mr. Steele:

On October 21, 1980 you wrote to the National Education Association (NEA) regarding the above MUR. This MUR is based upon an October 17, 1980 letter from William G. Munyan in which he challenges certain actions allegedly taken by NEA, the New Jersey Education Association, the Middlesex County Education Association and the East Brunswick Education Association. I have been authorized to represent NEA in connection with MUR 1313 and this response is submitted on its behalf. A separate response has been submitted to the Commission on behalf of the other associations referred to in Mr. Munyan's letter.

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Sincerely,

Robert H. Chanin
Attorney for the
National Education Association

RHC:gm
Enclosure

cc: Judy Thedford
Mike Herbert

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Complaint Filed by :
:
WILLIAM G. MUNYAN : MUR 1313
:
:

80 NOV 12 A9:50
GENERAL COUNSEL

AFFIDAVIT OF DON CAMERON

CITY OF WASHINGTON)
)SS
DISTRICT OF COLUMBIA)

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Don Cameron
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Subscribed and sworn to
before me this 10th day of
November, 1980.

Sheryl D. Fitzpatrick
NOTARY PUBLIC

My Commission Expires August 31, 1983

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NATIONAL EDUCATION ASSOCIATION
OF THE UNITED STATES
1201 Sixteenth Street, N. W.
Washington, D. C. 20036

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TRANS
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OFFICE OF GENERAL COUNSEL
NATIONAL EDUCATION ASSOCIATION

TO:

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

GCC# 3286

91116 5

RUBIN, LERNER & RUBIN
ATTORNEYS AT LAW
108 BAYARD STREET
NEW BRUNSWICK, N.J.
TELEPHONE 846-5500
AREA CODE 201

FILE NO.

FRANK J. RUBIN
LAWRENCE LERNER
DAVID B. RUBIN

MAILING ADDRESS
P.O. BOX 351
NEW BRUNSWICK, N.J. 08903

November 5, 1980

80 NOV 10 P2:00
GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463
ATTN: CHARLES N. STEELE, ESQ.

Re: MUR 1313

Dear Mr. Steele:

This office represents the East Brunswick Board of Education, which has received a complaint from an employee, William G. Munyan, pertaining to deduction of fees to the teachers' union from the salary of Mr. Munyan.

We enclose for your consideration a copy of a recent amendment to the New Jersey Employer-Employee Relations Act setting forth provisions for what is commonly known as an agency shop. As you will note, the law requires that provision be made for rebating to individual employees who are not members of the union monies devoted to political activities and other such matters. It is my understanding that the New Jersey Legislature attempted to shape this provision in deference to decisions of the United States Supreme Court pertaining to conflicts between agency shop provisions and the public sector and the First Amendment rights of public employees.

We are confident that your review of these materials will persuade you that no violation of law exists. We will cooperate fully with you in this investigation and will happily provide you with any further information you desire.

Very truly yours,

DAVID B. RUBIN

DBR:cm
Encl.
cc: William G. Munyan
Dr. Sweeney

31042331997

Tp. Ass'n of Educational Secretaries, 78 N.J. 1, 393 A.2d 207 (1978).

Fact that six of the seven original employees in collective bargaining unit represented by association of educational secretaries were no longer employed by the school board was not conclusive of the dissolution of the employee organization where six new people had been hired and given the same titles as the six departed employees; the association continued as the official majority representative of the employees presently holding positions contained within the negotiating unit. Id.

14. Violation of agreement

Where prior practice of school board had been to terminate school day on day before Thanksgiving at 1 p. m., board's adoption of school calendar scheduling the day before Thanksgiving as regular school day constituted violation of collective bargaining agreement which prohibited elimination or reduction of any teacher benefit, entitling teachers to compensation for time worked after 1 p. m. on day before Thanksgiving. Board of Ed. of Woodstown-Pilesgrove Regional School Dist. v. Woodstown-Pilesgrove Regional Ed. Ass'n, 164 N.J. Super. 106, 395 A.2d 884 (1978).

15. Time of impasse procedures

The legislature not only intended but expressly stated that the public employment relations commission was to issue rules to regulate impasse resolution procedures so that impasses between governmental units and their employees would be resolved through compulsory arbitration prior to required budget submission dates. New Jersey State Policemen's Benev. Ass'n, Local No. 16 v. City of East Orange, 164 N.J.Super. 436, 396 A.2d 1158 (1978).

Negotiations between governmental units and their employees in case of compulsory arbitration must be commenced at least 150 days before required budget submission date or 30 days earlier than date for commencing negotiations when voluntary negotiations prevail. Id.

Since completion of negotiations and resolution of impasses is mandated by this section prior to required budget submission dates, alternative time period of rule of public employment relations commission requiring negotiations for a new or successor contract to commence at least 120 days in advance of public employer's required submission date cannot be construed as permitting parties to agree on a time frame that will continue beyond required budget submission date. Id.

34:13A-5.5 Representation fee in lieu of dues; negotiation; agreement; amount; pro rata returns; grounds; proceedings

a. Notwithstanding any other provisions of law to the contrary, the majority representative and the public employer of public employees in an appropriate unit shall, where requested by the majority representative, negotiate concerning the subject of requiring the payment by all nonmember employees in the unit to the majority representative of a representation fee in lieu of dues for services rendered by the majority representative. Where agreement is reached it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.

b. The representation fee in lieu of dues shall be in an amount equivalent to the regular membership dues, initiation fees and assessments charged by the majority representative to its own members less the cost of benefits financed through the dues, fees and assessments and available to or benefitting only its members, but in no event shall such fee exceed 85% of the regular membership dues, fees and assessments.

c. Any public employee who pays a representation fee in lieu of dues shall have the right to demand and receive from the majority representative, under proceedings established and maintained in accordance with section 3 of this act, a return of any part of that fee paid by him which represents the employee's additional pro rata share of expenditures by the majority representative that is either in aid of activities or causes of a partisan political or ideological nature only incidentally related to the terms and conditions of employment or applied toward the cost of any other benefits available only to members of the majority representative. The pro rata share subject to refund shall not reflect, however, the costs of support of lobbying activities designed to foster policy goals in collective negotiations and contract administration or to secure for the employees represented advantages in wages, hours, and other conditions of employment in addition to those secured through collective negotiations with the public employer.

L.1979, c. 477, § 2, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

Title of Act:

An Act to amend and supplement the "New Jersey Employer-Employee Relations Act," approved April 30, 1941 (P. L.1941, c. 100, C. 34:13A-1 et seq.), as said short title was amended by P.L. 1968, c. 303. L.1979, c. 477.

34:13A-5.6 Payroll deduction; right of majority representative; conditions; demand and return system; board for appeals

Where a negotiated agreement is reached, pursuant to section 2 of this act,[1] a majority representative of public employees in an appropriate unit shall be entitled to a representation fee in lieu of dues by payroll deduction from the wages or salaries of the employees in such unit who are not members of a majority representative; provided, however, that membership in the majority representative is available to all employees in the unit on an equal basis and that the representation fee in lieu of dues shall be available only to a majority representative that has established and maintained a demand and return system which provides pro rata returns as described in section 2(c). The demand and return system shall include a provision by which persons who pay a representation fee in lieu of dues may obtain review of the amount returned through full and fair proceedings placing the burden of proof on the majority representative. Such proceedings shall provide for an appeal to a board consisting of three members to be appointed by the Governor, by and with the advice and consent of the Senate, who shall serve without compensation but shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties. Of such members, one shall be representative of public employers, one shall be representative of public employee organizations and one, as chairman, who shall represent the interest of the public as a strictly impartial member not having had more than a casual association or relationship with any public employers, public employer organizations or public employee organizations in the 10 years prior to appointment. Of the first appointees, one shall be appointed for 1 year, one for a term of 2 years and the chairman, for a term of 3 years. Their successors shall be appointed for terms of 2 years each and until their successors are appointed and qualified, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whose office has become vacant. Nothing herein shall be deemed to require any employee to become a member of the majority representative.

L.1979, c. 477, § 3, eff. July 1, 1980.

[1] Section 34:13A-5.5.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-5.7 Discrimination between nonmembers and members on basis of payment of fee; unfair practice

Any action engaged in by a public employer, its representatives or agents, or by an employee organization, its representatives or agents, which discriminates between nonmembers who pay the said representation fee and members with regard to the payment of such fee other than as allowed under this act, shall be treated as an unfair practice within the meaning of subsection 1(a) or subsection 1(b) of this act.

L.1979, c. 477, § 4, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-5.8 Payment to majority representative

Payment of the representation fee in lieu of dues shall be made to the majority representative during the term of the collective negotiation agreement affecting such nonmember employees and during the period, if any, between successive agreement so providing, on or after, but in no case sooner than the thirtieth day following the beginning of an employee's employment in a position included in the appropriate negotiations unit, and the tenth day following reentry into the appropriate unit for employees who previously served in a position included in the appropriate unit who continued in the employ of the public employer in an excluded position and individuals being reemployed in such unit from a reemployment list. For the purposes of this section, in-

dividuals employed on a 10-month basis or who are reappointed from year to year shall be considered to be in continuous employment.
L.1979, c. 477, § 5, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-5.9 Rules and regulations

The commission may promulgate rules or regulations to effectuate the purposes of this act.
L.1979, c. 477, § 6, eff. July 1, 1980.

Effective July 1, 1980, see note under § 34:13A-5.4.

34:13A-6. Powers and duties

(a) Upon its own motion, in an existing, imminent or threatened labor dispute in private employment, the board, through the Division of Private Employment Dispute Settlement, may, and, upon the request of the parties or either party to the dispute, must take such steps as it may deem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated or culminated in or threaten to precipitate or culminate in such labor dispute.

(b) Whenever negotiations between a public employer and an exclusive representative concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse. In the event of a failure to resolve the impasse by mediation the Division of Public Employment Relations is empowered to recommend or invoke fact-finding with recommendation for settlement, the cost of which shall be borne by the ~~parties equally~~ commission.

(c) The board in private employment, through the Division of Private Employment Dispute Settlement, and the commission in public employment, through the Division of Public Employment Relations, shall take the following steps to avoid or terminate labor disputes: (1) to arrange for, hold, adjourn or reconvene a conference or conferences between the disputants or one or more of their representatives or any of them; (2) to invite the disputants or their representatives or any of them to attend such conference and submit, either orally or in writing, the grievances of and differences between the disputants; (3) to discuss such grievances and differences with the disputants and their representatives; and (4) to assist in negotiating and drafting agreements for the adjustment in settlement of such grievances and differences and for the termination or avoidance, as the case may be, of the existing or threatened labor dispute.

(d) The commission, through the Division of Public Employment Relations, is hereby empowered to resolve questions concerning representation of public employees by conducting a secret ballot election or utilizing any other appropriate and suitable method designed to ascertain the free choice of the employees. The division shall decide in each instance which unit of employees is appropriate for collective negotiation, provided that, except where dictated by established practice, prior agreement, or special circumstances, no unit shall be appropriate which includes (1) both supervisors and nonsupervisors, (2) both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit or, (3) both craft and noncraft employees unless a majority of such craft employees vote for inclusion in such unit. All of the powers and duties conferred or imposed upon the division that are necessary for the administration of this subdivision, and not inconsistent with it, are to that extent hereby made applicable. Should formal hearings be required, in the opinion of said division to determine the appropriate unit, it shall

Last additions in text indicated by underline; last deletions by strikeouts

have the power to issue subpenas as described below, and shall determine the rules and regulations for the conduct of such hearing or hearings.

(e) For the purposes of this section the Division of Public Employment Relations shall have the authority and power to hold hearings, subpena, witnesses, compel their attendance, administer oaths, take the testimony or deposition of any person under oath, and in connection therewith, to issue subpenas duces tecum, and to require the production and examination of any governmental or other books or papers relating to any matter described above.

(f) In carrying out any of its work under this act, the board may designate one of its members, or an officer of the board to act in its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all the powers hereby conferred upon the board in connection with the discharge of the duty or duties so delegated. In carrying out any of its work under this act, the commission may designate one of its members or an officer of the commission to act on its behalf and may delegate to such designee one or more of its duties hereunder and, for such purpose, such designee shall have all of the powers hereby conferred upon the commission in connection with the discharge of the duty or duties so delegated.

(g) The board and commission may also appoint and designate other persons or groups of persons to act for and on its behalf and may delegate to such persons or groups of persons any and all of the powers conferred upon it by this act so far as it is reasonably necessary to effectuate the purposes of this act. Such persons shall serve without compensation but shall be reimbursed for any necessary expenses.

(h) The personnel of the Division of Public Employment Relations shall include only individuals familiar with the field of public employee-management relations. The commission's determination that a person is familiar in this field shall not be reviewable by any other body.
Amended by L.1968, c. 303, § 8, eff. July 1, 1968; L.1974, c. 123, § 5.

Effective date of L.1974, c. 123, see note under § 34:13A-5.4.

Administrative Code References

Description of organization, see N.J.A.C. 19:10-5.1.

Functions of the state board of mediation, see N.J.A.C. 12:105-2.1.

Hearing rules and regulations, see N.J.A.C. 12:105-5.1 et seq.

Law Review Commentaries

Compulsory arbitration of labor disputes in public fire and police departments. Robert H. Messerman (Fall 1977) 3 Seton Hall Legis.J. 49.

Compulsory binding arbitration for public safety employees. David Seliger and Mary L. Crangle (1978) 9 Rutgers-Camden L.J. 684.

Criteria of "public interest" for determination of appropriate bargaining units. (1974) 5 Seton Hall L.Rev. 937.

Factfinding: Finding public interest. Leonard Bierman (1978) 9 Rutgers-Camden L.J. 667.

Supplementary Index to Notes

Bargaining units 3
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Interim relief 10
Jurisdiction 5
Labor organization 8
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Subpoena 12
Supervisors 7

1. Construction and application

Dispute between employees of county prosecutor's office and county, relating to county's alleged failure to negotiate in good faith with regard to extension of employees' work day without additional compensation, should have been brought directly to public employment relations commission as matter of primary jurisdiction, even though statutory provisions relating to commission's powers in cases of unfair practices such as not negotiating in good faith were adopted after dispute arose, since such provisions have retroactive effect and apply to pending and unresolved charges of unfair practices. Apostolico v. Essex County, 142 N.J.Super. 296, 361 A.2d 545 (1976).

In vesting jurisdiction in Public Employment Relations Commission over questions of scope of negotiability, it was legislative intent that all issues relevant to scope of negotiations be determined in the one forum, rather than to require resort to another tribunal during their pendency. Board of Ed. of City of Englewood v. Englewood Teachers' Ass'n, 135 N.J.Super. 130, 342 A.2d 866 (1975), appeal after remand 150 N.J.Super. 265, 375 A.2d 669.

Although NLRB decisions and decisions of federal courts arising under the Labor Management Relations Act are not binding when state courts are called upon to decide cases in the area of labor relations, state court may properly look to those decisions for guidance in resolving questions arising in that area, particularly the question of what con-

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101 BAYARD STREET
P.O. BOX 381
NEW BRUNSWICK, N.J. 08903

1980

ZIP CODE

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

ATTN: CHARLES N. STEELE, ESQ.

CCC 3244

BEFORE THE
FEDERAL ELECTION COMMISSION

	*	
In the Matter of the Carter-Mondale Reelection Committee, Inc. Respondent	*	MUR 1313
	*	

RESPONDENT'S STATEMENT WHY THE COMPLAINT FAILS TO STATE A VIOLATION OF THE FEDERAL ELECTION CAMPAIGN ACT

Of Counsel:

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2000 L Street, N.W.
Washington, D.C. 20036
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1850 K Street, N.W.
Washington, D.C. 20006
(202) 828-5880

Attorneys for Respondent

80 NOV 7 P2:27

BEFORE THE
FEDERAL ELECTION COMMISSION

	*	
In the Matter of the Carter-Mondale Reelection Committee, Inc. Respondent	*	MUR 1313
	*	

RESPONDENT'S STATEMENT WHY THE COMPLAINT FAILS TO STATE A VIOLATION OF THE FEDERAL ELECTION CAMPAIGN ACT

Background

The Carter-Mondale Reelection Committee, Inc. (Respondent), through its attorneys, respectfully urges the Commission to take no action against it in response to the complaint it has received from Mr. William G. Munyan of East Brunswick, New Jersey.

The complaint, MUR 1313, alleges that the National Education Association, New Jersey Education Association, Middlesex County Education Association and East Brunswick Education Association are "illegally" using members' (including the complainant's) dues: (1) for the support of candidates President Carter and New Jersey Congressman Thompson; (2) for the determination and

publication of their preference for these candidates; and (3) for legislative efforts of an unspecified nature.*/

This complaint, a single paragraph long, makes no further factual allegations, offers no particular examples of any violations, cites no law, and makes no reference at all to the Respondent Committee.

On October 21, Commission General Counsel Steele, characterizing this complaint as one alleging that the Respondent Committee may have violated the FECA or Chapters 95 or 96 of Title 26 of the U.S. Code, invited this response.

For each of the following reasons, discussed in more detail below, the Respondent respectfully urges the Commission to take no further action on this complaint, which fails to state any violation of the Act:

(1) The Complaint is so vague as to preclude the Respondent from exercising effectively its right to respond to it;

(2) In any event, as the Respondent Committee is not named in the complaint and no allegations are made concerning its activities, it may not properly be the subject of this enforcement action;

---

*/ This third allegation of the Complaint, that these associations spend dues money "for efforts to enact, defeat, repeal or amend legislation only incidentally related to the terms and conditions of employment of the employees represented by the aforesaid associations," does not state a violation of any statute or regulation over which the Commission has jurisdiction.

(3) To the extent the complaint is understandable, it merely alleges perfectly lawful activities by the various educational associations it names; and

(4) Were the Commission to take any action in response to this complaint, it would seriously threaten the exercise by such named educational associations and their members, and the Respondent, of their constitutional rights of free speech, political advocacy, and petition.

Discussion

(1) The complaint is so vague as to preclude the Respondent from exercising effectively its right to respond to it.

The lack of specificity in the complaint deprives the Respondent of a fully meaningful opportunity to exercise its due process rights under the Constitution, the Federal Election Campaign Act of 1971, as amended, and the Commission's regulations, to make a complete response to it. How are we effectively to demonstrate to the Commission at this time that no action should be taken in this "matter," when we are unable to decipher just what the "matter" is that the Commission is reviewing?

Not only does the complaint fail to cite any specific section of the FECA or the regulations issued pursuant to it

which are said to have been violated, but it makes no reference to the Act at all.

And, because the complaint fails to state clearly and concisely any specific factual situations which describe any violations by the educational associations, it is not possible to discern from its purely conclusory language the nature and date of any violations, or the individuals involved. Nor is any documentation provided.

Because the complaint thus sheds absolutely no light on any of these or related legal or factual issues, we are faced with an unfair choice in properly responding to it. Either we must guess what particular factual and legal allegations the complainant may have in mind, on penalty that -- if we guess incorrectly -- the Commission may then proceed to the next step in the enforcement process by finding reason to believe a possible violation has occured which our guess did not address; or we must prepare an encyclopaedic response endeavoring to answer each conceivable legal and factual allegation, surely a wasteful, expensive, burdensome exercise which even a modicum of specificity in the complaint would make unnecessary.

Either choice is untenable. The fact is that unspecified, vague, generalized allegations of "illegality" and candidate "support," like these, even if sworn, may not be the foundation upon which the Commission proceeds. Until such time, if ever,

as a complaint is filed with the Commission which fairly raises issues under the FECA against this Respondent to which it is able to respond and which are comprehendable, no further action by the Commission is warranted or fair.

(2) In any event, as the Respondent Committee is not named in the complaint and no allegations are made concerning its activities, it may not properly be the subject of this enforcement action.

Nowhere does the Complaint name or refer to the Respondent Committee. Nowhere are any allegations made about the Respondent's actions, or failure to act, in connection with any steps the various educational associations are said to have taken in supporting candidates or engaging in legislative activities. Under the Commission's regulations, of course, the complainant must "clearly identify each person or entity who is alleged to have committed a violation." 11 C.R.F. 111.4(d)1.

For these reasons, it is difficult to understand the conclusion in the Commission General Counsel's letter of October 21, that the complaint alleges a Committee violation of the Act.

But even if such an allegation fairly may be inferred from the complaint, it is clear from what it actually does say that any incidental benefits the Respondent or President Carter may

have received, from whatever steps these various educational associations may have taken, are not the result of any claimed collaboration between the Respondent and the associations. There is no claim that the Respondent endorsed or participated in, or cooperated with, consented to, or even had knowledge of, any of the actions of the educational associations which form the basis of the complaint.

Accordingly, no further action may be taken against President Carter or the Respondent in this proceeding. See 11 C.F.R. 111.4(d)(3).

(3) To the extent the Complaint is understandable, it merely alleges perfectly lawful activities by the various educational associations it names

It is well established under the Act, 2 U.S.C. §441b, and the Commission's regulations, 11 C.F.R. 114, that associations, such as those named in the complaint, may engage in a wide range of political activities financed by member's dues and the association's treasury, without running afoul of the Act's legal proscriptions. Such associations, for example, have a clear right to expend an unlimited amount of association moneys or members' dues to make partisan communications to their members and their families in connection with a federal political

campaign, including advocating the election of specific candidates such as President Carter and Congressman Thompson.

It would appear from the complaint that this type of lawful activity is precisely that about which association member Munyon is complaining, when he alleges, as he does, that these associations have "publicized" their "preference" and "support" for the President, presumably to members such as the complainant. Obviously, such lawful activity, or other permissible voluntary activity by association employees or related actions by association political action committees, may not trigger any further enforcement action by the Commission in response to this complaint.

Finally, the complainant also makes reference to the fact that although he had resigned from the named associations in August, 1980, full dues are still being deducted from his salary, apparently under an "agency shop" agreement between his employer, the East Brunswick Board of Education, and the East Brusnwick Education Association acting for all the associations. If this is the true source of the complainant's grievance, however, it should be noted that the Supreme Court in Abood v. Detroit Board of Education, 431 U.S. 209, 234-5 (1977), specifically allowed labor organizations to collect service charges equal to dues from non-members under "agency shop" agreements, provided that such individuals could request a

refund of that portion of the service charge which represented their allowable share of the union's political education activities with which they disagreed.

Mr. Munyan makes no mention of having requested such a refund.

(4) Were the Commission to take any action in response to this complaint, it would seriously threaten the exercise by such named educational associations and their members, and the Respondents of their constitutional rights of free speech, political advocacy, and petition.

Were the Commission to pursue this complaint against these educational associations, whose only actionable conduct is said to have been the pursuit by them of certain unspecified legislative interests and their publicly stated support of certain candidates for federal office, that Commission effort would seriously threaten the exercise of the precious First Amendment rights of these associations, their members, and the Respondent. Any governmental action purporting so to limit these constitutional rights of free expression must be considered

> against the background of a profound national commitment to the principal they debate on public issues should be

> uninhibited, robust, and wide-open . . . . New York Times v. Sullivan, 376 U.S. 254, 270 (1964). See also Buckley v. Valeo, 424 U.S. 1 (1976); Mills v. Alabama, 384 U.S. 214 (1966).

As the only allegations found in this complaint implicate purely political speech and the related First Amendment freedoms of association and petition, further action in response to them by the Commission could not proceed without the most telling justification, if at all. Neither the Act nor the Commission's regulations could, or do, attempt to regulate such protected and fundamentally important activities of the Respondent or the named associations.

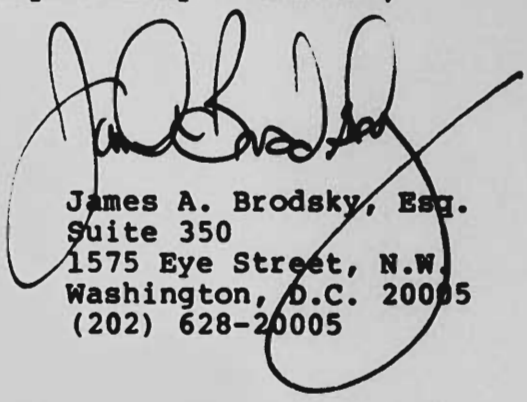
Conclusion

Although complainant Munyon's allegations are ambiguous, the Commission's response to them must not be. It is to the ballot and his various educational associations that Mr. Munyon must turn if he is unhappy with the stated candidate preferences or performance of either. The Commission, under this complaint and against this Respondent, simply cannot be of assistance to him.

For all of these reasons, then, the Respondent respectfully urge the Commission to take no further action on MUR 1313, as

it fails to state any violation of the Act. This complaint should be dismissed, and this matter closed.

Respectfully submitted,



James A. Brodsky, Esq.
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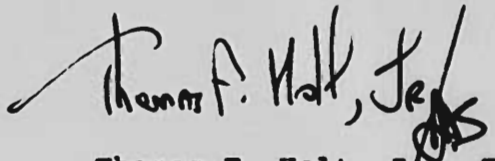

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Attorneys for Respondent

Of Counsel:

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2000 L Street, N.W.
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November 7, 1980

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October 30, 1980

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

Re: MUR 1313

Dear Ms. Thedford:

As I advised you over the telephone today, our firm is serving as counsel for the New Jersey Education Association (N.J.E.A.) as well as the Middlesex Education Association (M.C.E.A.) and the East Brunswick Education Association (E.B.E.A.) concerning the above-captioned complaint by William G. Munyan. I understand that Robert Chanin, General Counsel to the National Education Association (N.E.A.) will be appearing on behalf of that respondent. Pursuant to 11 C.F.R. 111.6, please accept this letter and the attached materials as the reasons why a complaint should not be issued by the Commission against our clients.

Mr. Munyan's complaint to the Commission came after he had expressed his personal views to the N.J.E.A. against the endorsement by the N.E.A. of President Carter as well as the endorsement of N.J.E.A. PAC for the re-election of Congressman Frank Thompson. I am enclosing a copy of Mr. Munyan's May 1st letter to the N.J.E.A. and the response of that organization to Mr. Munyan, as Exhibits A and B. The reading of those letters, along with Mr. Munyan's October 14th telegram to the Commission, make it clear that Mr. Munyan's chief complaint is the endorsement of federal candidates rather than any specific and concrete instances of alleged violation of the Federal Election Campaign Act of 1971, as amended. Nevertheless, it does appear that, however vague, Mr. Munyan has directed four specific criticisms against our clients to which we now respond.

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1. Support of Candidates for Public Office, Namely President Carter and Congressman Thompson - In February, 1973, the New Jersey Education Association Political Action Committee (N.J.E.A. P.A.C.) was established as a separate voluntary fund to support candidates for state and federal offices who are proven or potential friends of public education. At the same time, the N.J.E.A. Executive Committee adopted specific guidelines which have been constantly modified to adhere to applicable federal and state law, and the wishes of the N.J.E.A. membership through its constituent bodies, including the N.J.E.A. Delegate Assembly. A copy of those guidelines is attached as Exhibit C. Those guidelines specify that the N.J.E.A. P.A.C. will be administered by an operating committee chosen from among the membership of N.J.E.A. and also provide for the screening, selection and support of candidates, through local and county affiliates; and also provide for a strict accountability of all such funds.

In strict adherence to those guidelines, N.J.E.A. P.A.C. endorsed Congressman Thompson and the N.J.E.A. P.A.C. fund has provided campaign contributions to this candidate in conformance with the limitations established in Section 315 of the Act. In addition, members of N.J.E.A. and M.C.E.A. have volunteered their services to work on behalf of Congressman Thompson. As can be seen by the exchange between Mr. Munyan and the N.J.E.A. as well as can be gathered from the N.J.E.A. P.A.C. guidelines, our clients actively encourage the fullest participation of our members in the election process. We have not only abstained from deterring opposing points of view by our members, but we have actively encouraged the same.

President Carter was endorsed, first by the N.E.A., and then later by N.J.E.A. P.A.C. N.E.A.'s counsel will address the issues raised in this complaint as it relates to that national organization. However, as with Congressman Thompson, and other N.J.E.A. P.A.C. endorsed federal candidates, Republicans and Democrats alike, our clients have strictly adhered to the contribution limitations established by Section 315 of the Act, as well as the mandates that all contributions to such candidates be obtained and contributed to federal candidates through a separate, segregated fund, as required by Section 316 of the Act.

2. The Determination and Publicizing of Preferences for Candidates for Public Office, Namely President Carter and Congressman Thompson - As noted, our clients have selected both Republican and Democratic candidates for federal office, through the application of the most assiduous democratic processes, as provided in the N.J.E.A. P.A.C. guidelines. In addition, our clients have communicated to our members their preferences in federal elections, including President Carter and Congressman Thompson. However, those communications are sent only to N.J.E.A. members and their families, as allowed by Section 316(a)(2)(A) and 11 C.F.R. 114.3. These communications are principally contained in the N.J.E.A. Reporter, a monthly magazine sent to all N.J.E.A. members and in newsletters issued by county affiliates such as the M.C.E.A., all directed to the membership of the N.J.E.A. As an organization, the E.B.E.A. has not endorsed or participated in campaigning for either federal candidate.

3. Lobbying Activities - Mr. Munyan has complained to the Commission about our clients' efforts to "enact, defeat, repeal, or amend legislation only incidentally related to the terms and conditions of employment of the employees represented by the aforesaid associations". Since its foundation in 1915, the N.J.E.A. is proud of its record of lobbying for state legislation, as we believe it has a right to do under the First Amendment of the United States Constitution and Article I, Paragraph 1 of the New Jersey Constitution. In addition, our clients have and will continue to actively lobby for the passage of appropriate federal legislation on behalf of teachers and education generally. Obviously, the Commission does not have jurisdiction over such complaints of lobbying activity by our clients, and even if it had, the Supreme Court has made it clear that such activities are protected by the First and Fourteenth Amendments to the United States Constitution. See First National Bank of Boston v Bellotti, 435 U.S. 765 (1978).

4. Use of Dues Monies for Political Activities - Mr. Munyan has asserted that, even though he has resigned from the N.J.E.A. and its affiliates in August, 1980, full dues are still being deducted from his salary under an agreement with the East Brunswick Board of Education and the E.B.E.A., which are in turn being used for the above purposes. As noted previously, the N.J.E.A. P.A.C. guidelines prohibit dues monies from being utilized to provide political contributions to either federal or state candidates. The P.A.C. is financed through voluntary contributions, and not through dues or any other mandatory contributions of membership.

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Mr. Munyan's complaint about not being able to withdraw his membership from the N.J.E.A. and its affiliates has already been fully addressed in correspondence with the E.B.E.A. and its counsel, Nancy Iris Oxfeld. I am enclosing a copy of that correspondence as Exhibits D through K. As Ms. Oxfeld's letter of October 16th to Mr. Munyan correctly states, a New Jersey statute (N.J.S.A. 52:14-15.9(e)) provides that a notice to halt dues deduction from one's salary can be effective only as of January 1st or July 1st on the dates preceding the date on which the notice is received. Thus, the inability of Mr. Munyan to withdraw membership is the result of a state statute and not any agreement between the E.B.E.A. and the East Brunswick Board of Education, as he asserts.

On the basis of the above, we would hope that no complaint would issue against the respondents that we represent in the above matter. Also, please know that we are most anxious to answer any further questions you might have.

Very truly yours,

Michael J. Herbert

Michael J. Herbert

MJH:ks
encl.
cc: Walter O'Brien, Director of Government Relations, N.J.E.A.
Robert Chanin, Esq., N.E.A. General Counsel
Nancy Oxfeld, Esq., Counsel for E.B.E.A.
Mrs. Rosalie Triozzi, E.B.E.A., President
Ms. Maria C. Versocki, M.C.E.A., President

GOVERNMENT RELATIONS

May 1, 1980

MAY - 5 1980

156A Taylor Avenue
East Brunswick NJ 08816

NJEA-PAC
180 W. State Street
Trenton, NJ 08607

Dear Sirs:

Having read of your endorsement of Congressman Frank Thompson for reelection, I write to register my strongest objection. The man is under suspicion of a serious crime as a result of the ABSCAM investigation. I grant that he has not been found guilty, but your endorsement is certainly premature and could prove an embarrassment to NJEA should he subsequently be found to have done what is now only alleged.

Your endorsement and the flurry of letters to the local newspapers supporting the Congressman — all of which say essentially the same thing — suggest a concerted partisan effort to whitewash an act as serious as Watergate, in which greed for money was not at issue.

Similarly I protest NEA's endorsement of President Jimmy Carter. The man, through his incompetence, has caused an economic disaster far more harmful to the nation's teachers and to public education than his creation of the

EXHIBIT A

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njea

New Jersey Education Association • 180 W. State St. • P.O. Box 1211 • Trenton, New Jersey 08607 • Tel: (609) 599-4561

June 4, 1980

Mr. William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

We are in receipt of your letter of May 5 regarding NJEA PAC's endorsement of Congressman Frank Thompson and NEA's endorsement of President Jimmy Carter.

The NJEA PAC Operating Committee discussed the pros and cons of the endorsement of Congressman Frank Thompson who has always been a friend of education. He is foremost in support of a collective bargaining bill for public employees. He continues to support issues that deal with the welfare of teachers, children and schools. In light of this and in view of the fact that the congressman had not been proved guilty regarding his implication in the Abscam affair, the NJEA PAC Operating Committee, on March 21, chose to support Congressman Thompson in his re-election bid for the House of Representatives. That support was widespread among the members of the statewide NJEA PAC Operating Committee.

As far as your objection to NEA's endorsement of President Jimmy Carter, may I suggest that you bear in mind that was an endorsement of the NEA Board of Directors. NJEA PAC chose not to support any candidate in the New Jersey Primary.

The experience of the NJEA PAC endorsements will clearly indicate that NJEA PAC is a bipartisan operation. Over the past years, we have always had endorsements of Republican candidates. It is true that the number of Democratic candidates has been larger, but through a very intensive screening process conducted by NJEA members themselves, candidates have been recommended to the NJEA PAC Screening Committee for endorsement. As an NJEA member, you have every opportunity to participate in the political action functions of NJEA. Please contact your county association expressing your interests in the screening of candidates.

If you have any question, please do not hesitate to call my office.

Sincerely yours,

Dolores T. Corona
Associate Director
Government Relations

DTC-gab

EXHIBIT B

NJEA PAC Guidelines

NJEA PAC Guidelines were adopted by the NJEA PAC Operating Committee May 5, 1973 and amended by that committee on December 8, 1973, February 23, 1974, June 11, 1974, September 7, 1974, January 10, 1975, March 6, 1975, June 11, 1976, June 11, 1977, June 10, 1978, and September 9, 1978.

EXHIBIT C

GUIDELINES FOR NJEA PAC

NAME

The name shall be New Jersey Education Association Political Action Committee (NJEA PAC).

PREAMBLE

It is the purpose of NJEA PAC to support candidates for state and federal offices who are proven or potential friends of public education in order to achieve legislative decisions consistent with the efforts of the New Jersey Education Association to insure a quality education for each New Jersey child and to advance the teaching profession.

HISTORY

A Political Action Study Committee was established by the NJEA Delegate Assembly in November 1971 to explore the feasibility of political action by NJEA members to the extent of endorsing candidates and participating in political campaigns for their election to office. Reaching the conclusion that the NJEA should establish a political action committee closely allied to the NJEA structure, the Study Committee recommended an information program for the membership which was adopted by the NJEA Delegate Assembly in May 1972. NJEA Delegate Assembly approval at its November 1972 meeting signaled the beginning of organized political action for the teachers of New Jersey. In February 1973, the NJEA Executive Committee adopted general guiding principles and established the NJEA PAC Fund.

ORGANIZATION

NJEA PAC shall consist of:

I. Officers

Chairperson - NJEA President
Vice Chairperson - NJEA Vice President
Treasurer - NJEA Secretary - Treasurer
Assistant Treasurer – to be elected by a vote of the NJEA PAC Operating Committee.

II. A Board of Trustees composed of the members of the NJEA Executive Committee.

The NJEA PAC staff shall be employed by the NJEA, serve under the direction of the NJEA Executive Director, who serves as Executive Director of NJEA PAC, and include the NJEA Director of Government Relations and other NJEA lobbyists.

The Board of Trustees shall operate under the following guidelines:

A. The Chairperson of the Board of Trustees shall be the NJEA President.

B. The Vice Chairperson shall be the NJEA Vice President.

districts in behalf of endorsed candidates; one NJEA PAC Operating Committee member in each county should monitor PAC finances.

4. Development of support for endorsed candidates

5. Provide political information and stimulate teacher participation

6. Utilize all NJEA units (county and local associations, UniServ Coordinating Councils, etc.) in NJEA PAC operations and communications

E. The Operating Committee shall submit an annual report to the NJEA PAC Board of Trustees which report shall be included in the annual report of the Board of Trustees to the NJEA Delegate Assembly.

F. The Operating Committee shall meet annually and as necessary at the call of the Chairperson, or upon the written request of one-third (1/3) of its members.

G. Agenda for meetings shall be prepared by the Chairperson and the professional staff.

H. An Operating Committee member may send an alternate, providing the alternate has written credentials from the person to be replaced and submits them to the Chairperson; any alternate shall be a member of NJEA.

I. Minutes of Operating Committee meetings shall be distributed to all members of the NJEA PAC Operating Committee.

J. Members of the Operating Committee shall be the only official representatives of NJEA PAC in their respective counties. One of the Operating Committee members in each county should serve as "contact person" to expedite communications with NJEA PAC officers and staff.

K. Operating Committee members from the counties shall be responsible for candidate screening. They shall work in conjunction with the NJEA PAC Operating Committee members of other counties where legislative or congressional districts cross county lines (See VI. Candidate Screening, Selection and Support).

L. The NJEA PAC Operating Committee members will be responsible for filing a brief evaluative report on campaign activities for campaigns where there has been an NJEA PAC endorsement in their counties. The report shall indicate future prospects as a result of these activities and shall be submitted within 30 days after the election.

IV. Responsibilities of NJEA PAC Officers

A. The Chairperson shall preside at all meetings of the NJEA PAC Operating Committee and the Board of Trustees and shall perform such other duties as may be prescribed.

B. The Vice Chairperson shall assume the duties of the Chairperson in his/her absen

per year; and that the contributions shall be equal to each party in each year commencing September 1, 1978.

VI. Candidate Screening, Selection and Support

(In addition to Guidelines VI. A through VI. R inclusive, additional Guidelines for elections to the U.S. House of Representatives are included in VI. S.)

A. Requests for endorsement may be received from an "NJEA PAC Educators for —— Committee," a county or local association, a candidate, an individual NJEA member, or a political party. All such requests shall be made in writing to NJEA PAC at 180 West State Street, Trenton, New Jersey 08608.

B. All requests for endorsement and/or support shall be processed by an appropriate screening committee.

C. Screening committees shall provide in their delegations proportional representation in accordance with the population of the counties included in the legislative district. (See Appendices. County Member Representation on NJEA PAC Prime Screening Committees in N.J. Legislative Districts)

The members of the prime screening committee for each N.J. legislative district shall be composed of (1) NJEA PAC Operating Committee members representing the counties contained in the N.J. legislative district (See Exclusion in Section 6) and, if more members are needed, (2) the local presidents contained in the N.J. legislative district. The local presidents shall be appointed by the appropriate county president. The number of members in the prime screening committee for each legislative district shall be based on the following distribution system.

(1.) For the population of each N.J. legislative district the part of each county's population in that district shall be computed to the nearest hundredth and the result multiplied by ten.

(2.) Representation on the prime screening committee shall be based on that ratio rounded off to the nearest whole number with each county guaranteed a minimum of one member.

(3.) All members on the prime screening committee shall have one vote.

(4.) For the county allotted one or two members on a prime screening committee, NJEA PAC Operating Committee members of that county shall determine from among their number who shall represent their county on the prime screening committee.

(5.) The temporary chairpersons of all prime screening

C. The Treasurer shall be the NJEA Secretary–Treasurer

D. The Board shall oversee the total operation of NJEA PAC and may act for the Operating Committee between meetings of that Committee. However, such actions shall not be in conflict with established NJEA PAC policy.

E. The Board shall act as trustees of the NJEA PAC Fund.

F. The Board shall establish an annual budget for NJEA PAC.

G. The Board shall submit an annual informational report to the NJEA Delegate Assembly.

H. The Board shall meet annually and as necessary at the call of the Chairperson, or upon the written request of one-third (1/3) of its members.

I. Agenda for Board meetings shall be prepared by the Chairperson and the professional staff.

J. Provision for alternates shall be made consistent with provisions established for the NJEA Executive Committee.

K. Minutes of Board meetings shall be distributed to all members of the NJEA PAC Operating Committee.

III. An Operating Committee consisting of the NJEA Officers, the NJEA Executive Committee, the NJEA Legislative Committee, the County Association Presidents, the President of the Student NJEA, a representative of the N.J. Retired Educators Association and an NJEA Associate member appointed by the NJEA PAC Chairperson and approved by the NJEA PAC Board of Trustees.

The staff shall be the same as for the Board of Trustees.

The N.J. members of the NEA Board of Directors shall act as consultants to the NJEA PAC Operating Committee.

The Operating Committee shall function under the following guidelines:

A. The Chairperson of the Operating Committee shall be the NJEA President.

B. The Vice Chairperson shall be the NJEA Vice President.

C. The Treasurer shall be the NJEA Secretary-Treasurer.

D. The responsibilities of the NJEA PAC Operating Committee members shall include:

1. Candidate screening and selection

2. Fund raising

3. Accountability for expenditures within legislative or Congressional

C. The Treasurer shall perform such duties as are customarily performed by treasurers, and shall file all reports required by law and the Internal Revenue Service. The Treasurer shall be custodian of all NJEA PAC funds. He/she shall receive all contributions to NJEA PAC, and shall dist all monies in accordance with authorized expenditures. He/she shall see tha full and accurate accounts are kept, that financial statements are presented, and that reports to governmental authorities as required by law are kept and filed over his/her signature.

V. NJEA PAC Fund

A. The NJEA PAC Fund shall be financed from voluntary and separate contributions.

B. The Fund shall be used to pay all necessary operating expenses of NJEA PAC including, but not limited to, promotion materials, expenses of meetings, candidate support programs, reasonable expenses of Operating Committee members for NJEA PAC related activities within their respective counties up to $50.00 per annum as vouchered. There shall be an NJEA PAC account separate from all other NJEA accounts.

C. The Board of Trustees shall direct and receive an annual audit of the NJEA PAC Fund. When there is involvement in elections where specific accounting procedures are required, appropriate laws shall be followed in all cases. No PAC accounts shall become a part of the budget or general accounts of state, county, or local associations.

D. There shall be kept, in the possession of state, county, and local associations or whichever unit is responsible for the collection, a permanent record of NJEA PAC contributors and amounts given.

E. Disbursements from the NJEA PAC Fund shall not be made directly to endorsed candidates. Up to $500.00 may be disbursed upon written request and submission of a plan to an appropriate committee working on behalf of an endorsed candidate for the New Jersey Legislature. The NJEA PAC Board of Trustees may, by 2/3 vote, approve an additional disbursement when deemed appropriate. Endorsement of a candidate may be made without a monetary commitment.

F. Expenditures on behalf of endorsed candidates shall be reported as directed by the NJEA PAC Operating Committee. A final report of expenses on behalf of endorsed candidates shall be filed with the NJEA PAC Operating Committee not later than 60 days after the expenses were incurred. All balances shall be returned to the NJEA PAC Operating Committee with the final report.

G. After consultation with and approval from the NJEA PAC Operating Committee of the concerned county(ies), and the approval of the NJEA PAC Officers, the NJEA PAC Officers shall be authorized to purchase tickets, with appropriate discretion, for fund raising or testimonial functions for legislators, elected state officials or endorsed candidates.

H. The NJEA PAC Board of Trustees may authorize contributions to the N.J. Democratic Party and the N.J. Republican Party providing that the grand total of such contributions shall not exceed $10,000

committees shall be appointed by the NJEA PAC Chairperson or his/her designee and approved by the NJEA PAC Trustees.

(6.) Where one N.J. legislative district is contained within one county, the number of members on the prime screening committee may be limited to five. In this case at least one PAC Operating Committee member shall be a member of the screening committee.

(7.) At any meeting of the NJEA PAC Operating Committee at which endorsement of candidates is proposed, members representing a N.J. legislative district(s) shall be bound by the vote of the respective N.J. legislative district screening committee(s).

A Gubernatorial or U.S. Senatorial screening committee of seven (7) members shall be composed of the NJEA PAC officers and four (4) members to be selected by the NJEA PAC Board of Trustees from the NJEA PAC Operating Committee representing geographic areas of the state and the major political parties within the state. NJEA PAC staff shall act in its capacity as resource personnel.

D. The screening committee shall act as an ad hoc committee for the purpose of reviewing candidates.

All screening committees shall complete their screening process and come to a conclusion fourteen (14) days before the commencement of each school year.

Endorsement of outstanding incumbent candidates may be made at the June meeting of the NJEA PAC Operating Committee following appropriate screening.

E. Every reasonable effort shall be made to screen all candidates seeking the office for which an endorsement has been requested. Where an endorsement has been requested on behalf of a candidate in a legislative or congressional district, all other candidates for the same position shall be contacted by the chairperson of the screening committee; such contact shall be by certified letter affording those candidates the opportunity to meet with the screening committee. Interested candidates will be asked to respond in writing.

A personal interview with candidates is a desirable part of the screening process. If, however, a personal interview for whatever reason is not possible, an endorsement may still be given in that district. The screening committee shall use whatever information it has available to it (i.e., written response to questionnaire, etc.) in making a determination with regard to endorsement or any other action.

Every candidate screened shall be notified of the decision of the screening committee and the NJEA PAC Operating Committee.

F. Every reasonable effort shall be made to ascertain the reactions of local education associations within the legislative or congressional district.

These reactions shall be reflected in the screening committee's report to the NJEA PAC Operating Committee.

G. The NJEA PAC Operating Committee shall not endorse or approve support of any candidate without the recommendation or approval of an appropriate screening committee.

H. Endorsement of candidates for the State Legislature or U.S. House of Representatives shall be by majority vote of those members of the NJEA PAC Operating Committee as a whole present and voting.

I. Endorsement of a candidate for Governor or U.S. Senate shall be by a 2/3 vote of those members of the NJEA PAC Operating Committee as a whole present and voting.

J. Public endorsement shall be made only with a candidate's written consent.

K. Endorsement may take the form of:

(1.) A public statement of support;

(2.) Encouragement of "NJEA PAC Educator Committees" of volunteer teachers working for approved candidates which committees should be broadly representative of teacher members within the legislative or congressional district.

(3.) Financial assistance to "NJEA PAC Educator Committees" working for approved candidates.

(4.) Other appropriate activity as may be determined by the NJEA PAC Operating Committee.

(5.) Where no "NJEA PAC Educators for ---Committee" exists, and when an endorsement is given to a candidate the state PAC Committee be able to initiate – as a minimum effort – a mailing to the teachers of the district the endorsed candidate represents.

L. Endorsement of more than one candidate for the same seat is discouraged, because it is counter-productive.

M. The selection of candidates to receive NJEA PAC endorsement and assistance shall be determined on the following priority basis:

(1.) Races in which consistent and proven supporters and "friends" of education are facing difficulty in returning to office.

(2.) Races in which consistent adversaries are opposed by a candidate who is in agreement with NJEA goals and positions and who has a good possibility of winning.

(3.) Races in which consistent and proven supporters and "friends" of education face no serious opposition in returning to office.

(4.) Races where there is no incumbent and in which one candidate is clearly more in agreement with NJEA goals and positions, and has a reasonable possibility of winning.

(5.) Other races in which NJEA PAC may have an interest.

N. Criteria for early endorsement of an incumbent candidate may include:

(1.) Outstanding record.

(2.) Electability.

(3.) Opposing candidates seeking the office.

(4.) Political sensitivity.

(5.) Demonstrated support for major issues even though they may not have come to a vote.

(6.) Previous endorsement.

(7.) NJEA membership sensitivity in the district.

(8.) A friend in trouble.

O. Each local education association is expected to have a local contact with the NJEA PAC Operating Committee members within its county

P. All materials to be distributed in behalf of an NJEA PAC endorsed candidate shall have prior approval of the NJEA PAC Chairperson or his/her designee before being sent to all or any part of the NJEA mailing list.

Q. If a candidate for the New Jersey Senate receives the endorsement of NJEA PAC, his/her opponent(s) within the legislative district shall not be provided the NJEA mailing list or other NJEA resources. If a candidate (or candidates, provided not more than two for any one legislative district) for the New Jersey General Assembly receives the endorsement of NJEA PAC, his/her (their) opponents shall not be provided the NJEA mailing list or other NJEA resources. In a gubernatorial election where no NJEA PAC endorsement is made or in an election within a legislative district where no NJEA PAC endorsement is made, the NJEA policy with regard to the use of NJEA mailing lists shall govern.

R. Teacher candidates requesting NJEA PAC support shall be evaluated on the same basis as any other candidate seeking endorsement.

S. Any complaints concerning the operations of NJEA PAC by either candidates or members shall be made in writing to the NJEA PAC Chairperson.

3 1 0 4 0 2 3 5 0 2 6

T. Screening, Local Involvement, Endorsement and Campaigning in Elections for the U.S. House of Representatives

(1.) Screening – The members in the prime screening committee for each congressional district shall be selected from (1) NJEA PAC Operating Committee members representing the counties contained in the congressional district and, if additional members are needed, (2) the local presidents of the school districts contained in the congressional district. The local presidents shall be appointed by the appropriate county president. The number of members in the prime screening committee for each congressional district shall be based on the following distribution system:

(a.) For the population of each congressional district (as based upon latest U.S. census figures), the part of each county's population in that district shall be computed to the nearest hundredth and the result multiplied by ten.

(b.) Representation on the prime screening committee shall be based on that ratio rounded off to the nearest whole number with each county guaranteed a minimum of one member.

(c.) All members on the prime screening committee shall have one vote. (See Appendices: County Member Representation on NJEA PAC Prime Screening Committees in U.S. Congressional Districts.

(d.) For the county allotted one or two members on a prime screening committee, NJEA PAC Operating Committee members of that county shall determine from among their number who shall represent their county on the prime screening committee.

(e.) The chairpersons of all prime screening committees shall be appointed by the NJEA PAC Chairperson or his/her designee and approved by the NJEA PAC Trustees.

(f.) At any meeting of the NJEA PAC Operating Committee at which endorsement of candidates is proposed, members representing a congressional district(s) shall be bound by the vote of the respective congressional district screening committee(s).

(2.) Local involvement – The local presidents of each school district contained in the congressional district shall be invited to meet with the screening committee following the completion of interviews with candidates. The local presidents or their representatives shall be provided with three information components: (1) a screening committee report, (2) an NJEA assessment, and (3) an NEA assessment The local presidents, after consideration of the three information components, may advise the NJEA PAC Operating Committee members on what recommendation to make to the state NJEA PAC Operating Committee.

(3.) Endorsement – As with endorsements of candidates for the State Legislature, the NJEA PAC Operating Committee as a whole shall consider recommendations for endorsements of congressional candidates.

(4.) Campaigns – Endorsement of a congressional candidate implies that there will be a committee of "NJEA PAC Educators for --- Committee." The committee will have a chairperson and treasurer. There will be ample assistance from NJEA PAC and NEA PAC required to make the effort meaningful.

VII. Endorsement of Public Questions

A. Initial requests for endorsement may be received from a county or local association, an NJEA Committee, or an individual NJEA member and shall be accompanied by supporting documentation.

B. All members of the Operating Committee shall receive written notification of the request for endorsement at least 15 days prior to the meeting.

C. Endorsement of public questions shall be by majority vote of those members of the NJEA PAC Operating Committee as a whole present and voting.

VIII. Training for Political Action

A. The NJEA PAC Operating Committee will provide stimulation, guidance, and information in cooperation with the NJEA Leadership Committee and the NJEA staff Leadership Unit toward a total NJEA effort to train members for effective participation in the political process.

B. Training for effective political action will include but not be limited to:

(1.) Governmental and political structures
(2.) Voter information
(3.) Candidate screening techniques
(4.) Working with news media
(5.) Election campaigning
(6.) Fund raising
(7.) Working cooperatively with other groups
(8.) Procedures for getting out the vote on election day

C. The NJEA PAC Operating Committee shall be responsible for a program to train leaders for organizing PAC at the local level.

NJEA PAC Guidelines shall be mailed to local education association presidents during the first week of May each year.

New county presidents, NJEA Executive Committee members and NJEA Legislative Committee members shall be trained for PAC responsibilities.

IX. Register and Vote

A. The NJEA PAC Operating Committee will provide stimulation, guidance and information in cooperating with the NJEA Leadership Committee and the NJEA staff Leadership Unit toward a total NJEA effort to inform and encourage members to register and vote.

B. Activities to sensitize members to the importance of registration and voting should be included as a part of the NJEA Summer Leadership Training Conferences and at other appropriate times and places during the year.

C. The NJEA PAC Operating Committee should encourage cooperation with other organizations such as the New Jersey Congress of Parents and Teachers and the League of Women Voters in register-and-vote efforts.

X. Quorums

A. Board of Trustees – A quorum for the purpose of conducting the business of the NJEA PAC Board of Trustees shall be a majority of the total eligible membership.

B. Operating Committee – A quorum for the purpose of conducting the business of the NJEA PAC Operating Committee shall be a majority of the total eligible membership.

XI. Amendments

These guidelines may be amended by a 2/3 vote of the NJEA PAC Operating Committee at any regular or special meeting. All members of the Operating Committee shall receive written notification of proposed changes at least 15 days prior to the meeting.

XII. Rules of Order

Roberts Rules of Order, Revised, shall govern the meeting of the Operating Committee and the Board of Trustees insofar as those rules are not inconsistent with these guidelines.

XIII. Dissolution

Should NJEA PAC be dissolved, any funds remaining in its treasury shall be disbursed at the discretion of the NJEA PAC Board of Trustees.

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
1	Cape May	60,000	.33	3.3	3	3
	Cumberland	121,000	.67	6.7	7	7
		181,000			10	
2	Atlantic	175,000	.97	9.7	10	10
	Burlington	2,000	.01	.1	1	1
	Ocean	3,000	.02	.2	1	1
		180,000			12	
3	Salem	60,000	.34	3.4	3	3
	Gloucester	117,000	.66	6.6	7	7
		177,000			10	
4	Gloucester	56,000	.31	3.1	3	3
	Camden	121,000	.67	6.7	7	7
	Burlington	3,000	.02	.2	1	1
		180,000			11	
5	Camden	178,000	1.00	10.0	10	10
6	Camden	158,000	.89	8.9	9	9
	Burlington	20,000	.11	1.1	1	1
		178,000			10	

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest Hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
7	Burlington	178,000	1.00	10.0	10	10
8	Burlington	118,000	.66	6.6	7	7
	Ocean	10,000	.06	.6	1	1
	Monmouth	5,000	.03	.3	1	1
	Mercer	47,000	.26	2.6	3	3
		180,000			12	
9	Ocean	175,000	.97	9.7	10	10
	Burlington	2,000	.01	.1	1	1
	Monmouth	3,000	.02	.2	1	1
		180,000			12	
10	Monmouth	157,000	.88	8.8	9	9
	Ocean	21,000	.12	1.2	1	1
		178,000			10	
11	Monmouth	180,000	1.00	10.0	10	10
12	Monmouth	118,000	.66	6.6	7	7
	Middlesex	62,000	.34	3.4	3	3
		180,000			10	

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
13	Mercer	184,000	1.00	10.0	10	10
14	Mercer	73,000	.41	4.1	4	4
	Hunterdon	62,000	.35	3.5	4	4
	Morris	40,000	.22	2.2	2	2
	Middlesex	4,000	.02	.2	1	1
		179,000			11	
15	Sussex	78,000	.43	4.3	4	4
	Warren	74,000	.41	4.1	4	4
	Passaic	28,000	.16	1.6	2	2
		180,000			10	
16	Somerset	155,000	.86	8.6	9	9
	Hunterdon	8,000	.04	.4	1	1
	Morris	17,000	.09	.9	1	1
		180,000			11	
17	Middlesex	136,000	.76	7.6	8	8
	Somerset	43,000	.24	2.4	2	2
		179,000			10	
18	Middlesex	179,000	1.00	10.0	10	10

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
19	Middlesex	180,000	1.00	10.0	10	10
20	Union	178,000	1.00	10.0	10	10
21	Union Middlesex	156,000 23,000 179,000	.87 .13	8.7 1.3	9 1 10	9 1
22	Union Morris	172,000 8,000 180,000	.96 .04	9.6 .4	10 1 11	10 1
23	Morris	181,000	1.00	10.0	10	10
24	Morris Union Passaic	115,000 37,000 28,000 180,000	.64 .21 .16	6.4 2.1 1.6	6 2 2 10	6 2 2
25	Essex Morris Passaic	106,000 23,000 49,000 178,000	.60 .13 .28	6.0 1.3 2.8	6 1 3 10	6 1 3

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest Hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
26	Essex	178,000	1.00	10.0	10	10
27	Essex	178,000	1.00	10.0	10	10
28	Essex	178,000	1.00	10.0	10	10
29	Essex	178,000	1.00	10.0	10	10
30	Hudson Essex	65,000 114,000 179,000	.36 .64	3.6 6.4	4 6 10	4 6
31	Hudson	181,000	1.00	10.0	10	10
32	Hudson	181,000	1.00	10.0	10	10
33	Hudson	181,000	1.00	10.0	10	10
34	Passaic	179,000	1.00	10.0	10	10

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN N.J. LEGISLATIVE DISTRICTS

L.D.	County	Population Rounded Off to the Near-est Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied By Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
35	Passaic	177,000	1.00	10.0	10	10
36	Bergen	179,000	1.00	10.0	10	10
37	Bergen	181,000	1.00	10.0	10	10
38	Bergen	178,000	1.00	10.0	10	10
39	Bergen	180,000	1.00	10.0	10	10
40	Bergen	179,000	1.00	10.0	10	10

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN U.S. CONGRESSIONAL DISTRICTS

C.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
1	Camden	305,000	.64	6.4	6	6
	Gloucester	173,000	.36	3.6	4	4
		478,000			10	10
2	Atlantic	173,000	.36	3.6	4	4
	Burlington	4,000	.01	.1	1	1
	Cape May	60,000	.13	1.3	1	1
	Cumberland	121,000	.25	2.5	3	3
	Ocean	58,000	.12	1.2	1	1
	Salem	60,000	.13	1.3	1	1
		478,000			11	10
3	Monmouth	432,000	.91	9.1	9	9
	Ocean	46,000	.10	1.0	1	1
		478,000			10	10
4	Burlington	97,000	.20	2.0	2	2
	Mercer	224,000	.47	4.7	5	5
	Middlesex	127,000	.27	2.7	3	3
	Monmouth	30,000	.06	.6	1	1
		478,000			11	11

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN U.S. CONGRESSIONAL DISTRICTS

C.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
5	Essex	51,000	.11	1.1	1	1
	Mercer	32,000	.07	.7	1	1
	Middlesex	22,000	.05	.5	1	1
	Morris	174,000	.36	3.6	4	4
	Somerset	198,000	.41	4.1	4	4
		478,000			11	
6	Burlington	223,000	.48	4.8	5	5
	Camden	151,000	.32	3.2	3	3
	Ocean	104,000	.22	2.2	2	2
		478,000			10	
7	Bergen	478,000	1.00	10.0	10	10
8	Bergen	41,000	.09	.9	1	1
	Passaic	437,000	.91	9.1	9	9
		478,000			10	
9	Bergen	360,000	.75	7.5	8	8
	Hudson	118,000	.25	2.5	3	3
		478,000			11	
10	Essex	466,000	.98	9.8	10	10
	Hudson	12,000	.03	.3	1	1
		478,000			11	

*Not less than one

COUNTY MEMBER REPRESENTATION ON NJEA-PAC PRIME SCREENING COMMITTEES

IN U.S. CONGRESSIONAL DISTRICTS

C.D.	County	Population Rounded Off to the Nearest Thousand	County Ratio of District Population (Nearest hundredth)	County Ratio Multiplied by Ten	*Rounded Off Representation on Prime Screening C.	Vote By Counties
11	Bergen	18,000	.04	.4	1	1
	Essex	415,000	.87	8.7	9	9
	Passaic	23,000	.05	.5	1	1
	Union	22,000	.05	.5	1	1
		478,000			12	
12	Union	478,000	1.00	10.0	10	10
13	Hunterdon	70,000	.15	1.5	2	2
	Mercer	47,000	.10	1.0	1	1
	Morris	210,000	.44	4.4	4	4
	Sussex	78,000	.16	1.6	2	2
	Warren	74,000	.15	1.5	2	2
		478,000			11	
14	Hudson	478,000	1.00	10.0	10	10
15	Middlesex	434,000	.91	9.1	9	9
	Union	44,000	.09	.9	1	1
		478,000			10	

*Not less than one

PERFORMANCE GUIDE FOR NJEA PAC OPERATING COMMITTEE MEMBERS

Members of the NJEA PAC Operating Committee shall be the only official representatives of NJEA PAC in their respective counties. NJEA PAC Operating Committee members are expected to maintain a nonpartisan posture when participating in official activities of the NJEA Political Action Committee.

NJEA PAC Operating Committee members should:

- Attend meetings of the NJEA PAC Operating Committee.
- Be responsible for candidate screening working in conjunction with the NJEA PAC Operating Committee members of other counties where legislative or congressional districts cross county lines.
- Be knowledgeable of NJEA PAC Guidelines and monitor compliance with said guidelines.
- Consult with local presidents regarding candidates for public office.
- Act as resource person and assist in establishing an "Educators for — Committee" for each endorsed candidate.
- Develop support for endorsed candidates.
- Monitor the expenditures within legislative or congressional districts in behalf of endorsed candidates.
- Be responsible for filing a brief evaluative report on campaign activities for campaigns where there has been an NJEA PAC endorsement in their counties.
- Make a financial contribution to NJEA PAC.
- Support and participate in NJEA PAC fund-raising efforts.
- Keep NJEA members in county informed of the operation of NJEA PAC.
- Encourage the conduct of local and county workshops in political action.
- Encourage NJEA members to attend NJEA-sponsored workshops on political action, i.e., Princeton Summer Leadership Workshop.

WILLIAM G MUNYAN
156-A TAYLOR AVE
EAST BRUNSWICK NJ [redacted]16

Mailgram

1-0546608296 10/22/80 ICS IPMMTZZ CSP NWKT
2012498027 MGM TDMT EAST BRUNSWICK NJ 87 10-22 0638P EST

MRS ROSALIE TRIOZZI
CARE EAST BRUNSWICK
EDUCATION ASSN
1 NORTH WOODLAND
EAST BRUNSWICK NJ 08816

I AM APPALLED THAT NEA AND NJEA WILL FIGHT FOR THE RIGHTS OF A GAY ACTIVIST IN PARAMUS AND YET WILL DENY MY RIGHTS AS A CITIZEN BY USING MY DUES MONEY, AGAINST MY WILL, TO SUPPORT POLITICAL CANDIDATES NOT OF MY CHOICE WHILE, AT THE SAME TIME, REFUSING ME THE RIGHT TO RESIGN MY MEMBERSHIP. THIS IS HOW HITLER CAME TO POWER. I HAVE JUST BEGUN TO FIGHT.
WILLIAM G MUNYAN

20:54 EST

MGMCOMP

EXHIBIT D

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

7. [illegible]

October 20, 1980
156A Taylor Avenue
East Brunswick NJ 08816

Ms. Nancy Iris Oxfeld
Rothbard, Harris & Oxfeld
744 Broad Street
Newark NJ 07102

File: 80-447N

Dear Ms. Oxfeld:

Thank you for your letter of October 16, 1980. We met a year or so ago. Your letter reflects your attention for detail that I came to admire then. I could only wish you were on my side of the argument this time.

Whether it's the law or your interpretation, I cannot resign from NEA, NJEA, NCEA, or EBEA until January 1, 1981. In the meantime, per your admission, dues monies are being spent this year on elections. And the associations are, by their admission, supporting candidates I cannot abide. Moreover, even if I could resign, 85 percent of my dues would still be spent on elections and other activities. All of this may be legal, but I am sure this is an anomaly never intended. It has become a condition of my employment that I support with my money President Carter and Congressman Thompson.

I suggest that, if what you tell me is correct, the laws are in error. Surely you can see the violation of Constitutional rights here.

I have sent a copy of your letter to Mr. Tom Farr of the National Right-to-Work Legal Foundation. He has requested other documents, which request I have conveyed to Mrs. Triozzi. I trust you will advise her I am within my rights in requesting same and advise her to comply.

Very truly yours,

William G. Munyan

William G. Munyan

cc: Mrs. Triozzi
Arline Friscia
John Warms
Tom Farr

EXHIBIT E

3 1 0 1 0 2 3 3 0 4 1

Law Offices
Rothbard, Harris & Oxfeld

SAMUEL L. ROTHBARD (1924-1966)
EMIL OXFELD
HENRY HARRIS
SANFORD R. OXFELD

SIDNEY SIRNBAUM
SEYMOUR W. PERLMAN
GENEVIEVE FLICKER
DOANE REGAN
BARRY A. AISENSTOCK
NANCY IRIS OXFELD
ARNOLD S. COHEN

National Newark Building
7444 Broad Street
Newark, N.J. 07102

TEL. (201) 642-0161

October 16, 1980

FILE NO. 80-447N

Mr. William G. Munyan
136A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

Rosalie Triozzi, President of the East Brunswick Education Association, has turned over to me the various letters which you have sent to the Association concerning resignation of membership, Agency Shop and the use of an Association lawyer

I would like to take this opportunity to attempt to respond to each one of your concerns indicated in your various communications.

Your first concern is apparently that, although you attempted to resign in August, you are not permitted to resign except on January 1st or July 1st. Please be advised that the Association is not responsible for the restrictions on your ability to end your dues check-off authorization. A statute passed by the New Jersey Legislature, N.J.S.A. 52:14-15.9e, states that a notice to halt dues deductions from one's salary can be effective only as of January 1st or July 1st on the dates preceeding the date on which the notice is received. This provision of the law is not the result of any agreement between the East Brunswick Education Association and the East Brunswick Board of Education.

In fact, even if we wanted to make it easier to end your dues withdrawal authorization, we would be unable to do so. We would be unable to do so because the law does not permit us to reach such an agreement.

EXHIBIT F

You are also concerned because you believed your dues money has been used to support candidates such as President Carter and Congressman Thompson whom you do not wish to support. Please be advised that this is not the case.

The NEA, NJEA, MCEA and EBEA have always maintained very careful accounting procedure to assure that your dues money is not used for improper purposes. One reason we do this is because of our sensitivity to the concerns of yourself and other members that money which you contribute to us for purposes of collective negotiations and related matters not be used for political purposes of which you do not approve.

You have made a request that the Association, either because you are a member or because you are paying an 85% agency shop fee should provide you with an attorney to pursue a suit you have in mind against the East Brunswick Education Association , MCEA, NJEA, NEA and East Brunswick Board of Education.

There are certain obligations imposed upon the various Associations by the law concerning representation of our members and representation of all individuals, whether members or not, in the bargaining units which we represent.

We very faithfully abide by these legal requirements. However, there is no requirement that we provide you with an attorney whenever you feel you need an attorney or solely because one of the defendants in a case would be the Board of Education.

Under the law we must evaluate each case and reach a determination as to whether or not that case is a case which we should support. Many considerations can enter into our determination of why we should pursue a legal matter. One of the most important is that we cannot treat a member any differently from a dissident member or a non-member, we must provide this same type of legal services relating to terms and conditions of employment to all individuals that we represent.

However, this does not mean that we must take on any case that anyone wants us to take and, in fact, we certainly cannot be expected to pursue a matter which we determined to be against the best interest of the various associations. Certainly, nothing in the law would compel us to provide you with an attorney who would then proceed to file suit against us. Such a result would be ludicrous and beyond any standard expected of us by the law.

You have also demanded a rebate of that amount of your Agency Shop fee which is being used for political activity and/or member only benefits.

I hereby acknowledge that your request has been received. Please be advised that your communication requesting a rebate is inappropriate because you are not currently a non-member paying an Agency Shop fee, pursuant to N.J.S.A. 52:14-15.9e, you are still a full member on dues check off.

However, even if you are paying an Agency Shop fee, your request for rebate would be premature. The Association has not yet posted pursuant to its own procedure a notice as to whether or not there would be a preliminary rebate for this year and therefore, even if this provision applied to you, we would be unable to indicate to you the amount of the preliminary rebate if any. Further, we could not indicate to you an amount of final rebate until the end of the fiscal year in question at which point you would then have the right to challenge the amount of the rebate. I would refer you to the East Brunswick Education Association demand and return system which is posted in each school building and which will also, I believe, be included in the EBEA Newsletter to determine the correct procedures for when you become a non-member and seek a rebate pursuant to the Agency Shop Legislation.

Nothing in the law gives you a right to the certified budgets of all associations. However, even if you had a right to all those budgets, obviously a review of those budgets prior to the National Election next month would not reveal to you how money was spent during this year on elections. You would be unable to make such a determination until several months after the election.

I would like to reiterate that the EBEA, MCEA, NJEA and NEA have never used your dues money for illegal purposes and I am sorry that you have been mislead in this regard.

Very truly yours,
ROTHBARD, HARRIS & OXFELD
BY: Nancy Iris Oxfeld
NANCY IRIS OXFELD

NIO:msw

CC: Rosalie Triozzi
CC: Arline Friscia
CC: John Warms

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

Mailgram

4-0509508283 10/09/80 ICS IPMMTZZ CSP NWKT
2012549640 MGM TDMT SOUTH RIVER NJ 177 10-09 0549P EST

MRS ROSALIE TRIOZZI
PRESIDENT EAST BRUNSWICK EDUCATION ASSN
1 NORTH WOODLAND AVE
EAST BRUNSWICK NJ 08816

DEAR MRS TRIOZZI,

LOU HODE, MEMBERSHIP CHAIRMAN OF EBEA ET AL, TELLS ME I CANNOT RESIGN UNTIL JANUARY 1, 1981. YOU TELL ME I AM STILL A FULL MEMBER. THE FACT THAT I AM STILL PAYING FULL DUES FROM MY PAY CONVINCES ME I AM STILL A FULL MEMBER, DESPITE MY RESIGNATION FROM ALL ASSOCIATIONS IN AUGUST. THEREFORE, I WILL RECLAIM FULL MEMBERSHIP AND DEMAND (1) A LAWYER TO REPRESENT ME IN MY CASE AGAINST ALL ASSOCIATIONS AND (2) CERTIFIED BUDGETS OF ALL ASSOCIATIONS BEFORE THE NATIONAL ELECTION NEXT MONTH. I HAVE NOT WAIVED MY RIGHT TO DEMAND REBATE PER CERTIFIED LETTER NOR WILL I RETRACT MY ALLEGATIONS TO FEDERAL ELECTION COMMISSION, BUT IF YOU CAN HAVE THINGS BOTH WAYS, SO CAN I. TIME IS OF THE ESSENCE. THE ELECTION IS 3 WEEKS AWAY AND MY FUNDS, I CONTEND, ARE STILL BEING USED ILLEGALLY. THAT IS WHY I RESIGNED IN AUGUST.

CC-NEWARK STAR-LEDGER, EAST BRUNSWICK BOARD OF EDUCATION.
WILLIAM G MUNYAN

17:49 EST

MGMCOMP

EXHIBIT G

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

CERTIFIED MAIL

156A Taylor Avenue
East Brunswick, New Jersey 08816
October 7, 1980

Mrs. Rosalie Triozzi, President
East Brunswick Education Association
1 South Woodland Avenue
East Brunswick, New Jersey 08816

Dear Mrs. Triozzi:

Under the provisions of Ch. 477, P. L. 1975, I hereby request full rebate of all dues collected from my salary for membership in East Brunswick Education Association, Middlesex County Education Association, New Jersey Education Association, and National Education Association from September 1, 1980, until the present date, on the grounds that (1) I am not a member, having submitted formal resignation from aforenamed associations in August, 1980, by Mailgram, and (2) said dues, in contravention of appropriate federal and state laws, are being used for political activity, to wit:

1. the support of candidates for public office,
2. the determination and publicizing of an organizational preference for a candidate for public office, and
3. efforts to enact, defeat, repeal, or amend legislation only incidentally related to the terms and conditions of my employment by the East Brunswick public schools.

I hereby request that all dues for membership in the named associations which may be deducted from my salary after this date also be rebated to me for the same reasons stated above.

The following data is provided in accordance with Ch. 477, P. L. 1975:

1. I am not a member of said associations.
2. The basis for this request is detailed above.
3. Name: William G. Munyan
   Address: 156A Taylor Ave., East Brunswick NJ 08816
   Position: Teacher, East Brunswick High School

Your prompt attention to this matter will be appreciated.

Very truly yours,

William G. Munyan

William G. Munyan

cc: Ms Brenda Witt
File

EXHIBIT H

WILLIAM MUNYAN
136-A TAYLOR AVE
EAST BRUNSWICK NJ 08816

Mailgram

1-0526698274 09/30/80 ICS IPMMTZZ CSP NWKT
2012549840 MGM TDMT SOUTH RIVER NJ 61 09-30 0534P EST

ROSALIE TRIOZZI
PRES EAST BRUNSWICK EDUCATION ASSN
2 NORTH WOODLAND DR
EAST BRUNSWICK NJ 08816

DEAR ROSALIE

I AM NO LONGER A MEMBER BUT, UNDER THE 85 PERCENT RULE, I AM ENTITLED TO FULL COVERAGE. THEREFORE I REQUEST A LAWYER TO PURSUE MY SUIT AGAINST NEA, NJEA, NCEA, EBEA, AND THE EAST BRUNSWICK BOARD OF EDUCATION.

PLEASE ADVISE,
WILLIAM G MUNYAN

17:35 EST

MGMCOMP

EXHIBIT I

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

WILLIAM G MUNYAN
156 A TAYLOR AVE
EAST BRUNSWICK NJ 08816

Western Union Mailgram

4-0678128224 08/11/80 ICS IPMMTZZ CSP NWKT
2012498027 MGM TDMT EAST BRUNSWICK NJ 62 08-11 0930P EST

ROSALIE TRIOZZI
EAST BRUNSWICK EDUCATION ASSN
2 NORTH WOODLAND
EAST BRUNSWICK NJ 08816

HEREWITH MY FORMAL RESIGNATION FROM NEA, NJEA, MCEA, AND EBEA. PLEASE ADVISE NEA AND NJEA MY ACTION IS COMPELLED BY THEIR SUPPORT RESPECTIVELY OF PRESIDENT CARTER AND CONGRESSMAN FRANK THOMPSON. MY LEAVING MCEA AND EBEA IS OF COURSE REQUIRED UNDER UNIFICATION. I SHALL ADVISE PERSONNEL OFFICE.
WILLIAM G MUNYAN

21:31 EST

MGMCOMP

EXHIBIT J

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

Western Union Mailgram

4-0299768213 07/31/80 ICS IPMMTZZ CSP NWKT
2012549840 MGM TDMT SOUTH RIVER NJ 154 07-31 0117P EST

MRS ROASLIE TRIOZZI PRESIDENT
EAST BRUNSWICK EDUCATION ASSN
2 WOODLAND DR
EAST BRUNSWICK NJ 08816

THE CONTINUED ENDORSEMENT AND FINANCIAL SUPPORT FOR PRESIDENT CARTER BY NEA AND THE ENDORSEMENT OF CONGRESSMAN FRANK THOMPSON BY NJEA MAKE IT IMPOSSIBLE FOR ME TO CONTINUE MY MEMBERSHIP IN THESE ORGANIZATIONS. UNFORTUNATELY BECAUSE OF UNIFICATION I MUST ALSO RESIGN FROM EBEA.

THE POLICIES OF THESE MEN HAVE CREATED THE VERY ECONOMIC SITUATIONS WHICH YOU WILL ASK ME TO HELP RESOLVE BY SUPPORTING A STRIKE IN SEPTEMBER. I FEEL LIKE A DOG CHASING ITS TAIL. FURTHERMORE I BELIEVE THAT CARTER'S DEMONSTRATED INCOMPETENCE IS A THREAT TO THE NATION AND NEA'S SUPPORT IS A CLASSIC CASE OF POLITICS BEFORE PRINCIPLE, A THREAT IN ITSELF TO THE WELL BEING OF THIS COUNTRY. WHAT KIND OF PEOPLE DO THEY THINK WE ARE? I SHALL WHITHHOLD FORMAL ACTION UNTIL THE DEMOCRATIC CONVENTION. IF CARTER SELF-DESTRUCTS, THIS QUESTION MAY BECOME MOOT.
WILLIAM G MUNYAN

13:19 EST

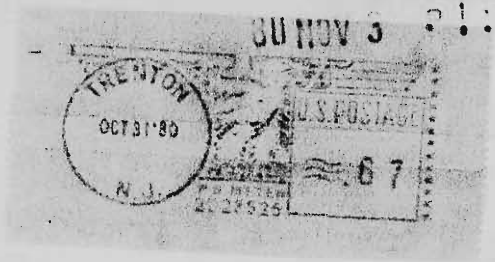
MGMCOMP

EXHIBIT K

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

STERNS, HERBERT & WEINROTH
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
186 WEST STATE STREET
P. O. BOX 1298
TRENTON, NEW JERSEY 08607



80 NOV 3 P1:54

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

911072

RECEIVED
GCC #2318
80 NOV 3 P1:55

Thompson's People

3131 Princeton Pike
Lawrenceville, N.J. 08648

October 30, 1980

80 NOV 3 P2:56

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

Re: MUR 1313

Dear Commissioners:

In accordance with the procedures established in 11 CFR 111.6 and as Treasurer of Thompson's People, the principal campaign committee of Congressman Frank Thompson, I am filing this letter in response to the complaint filed by William G. Munyan. For the reasons specified below, I believe no further action should be taken with respect to Frank Thompson or any other respondent on the basis of this complaint.

1. The complaint fails to allege that either Frank Thompson, any authorized committee of Frank Thompson or any representative of Frank Thompson, engaged in any conduct which would constitute a violation of the Federal Election Campaign Act.

2. The complaint fails to allege any fact or set of facts which, standing alone, would constitute a violation of the Federal Election Campaign Act by any person. Complainant alleges that the National Education Association, the New Jersey Education Association, the Middlesex County Education Association and the East Brunswick Education Association have illegally used members dues to support candidates, but fails to specify the conduct which the complainant considers to be illegal. Since the legality of the conduct would depend on the nature of support purportedly given, the complainant is under an obligation to specify the conduct he considers to be illegal. Absent such specific factual allegations, the Commission would have no reason to believe a violation of law has taken place.

3. The complaint fails to confirm to the standards set forth for complaints in 11 CFR 111.4, in that (a) the complaint does not clearly identify Frank Thompson, any authorized committee of Frank Thompson or any representative of Frank Thompson as having violated any provision of the law; (b) the complaint does not identify the source of information upon which the complainant relies; (c) the complaint does not recite facts which describe a violation of a statute or regulation over which the Commission has jurisdiction and (d) the complaint is not accompanied by

Paid for by Thompson's People
David A. Friedman, Treasurer
3131 Princeton Pike
Lawrenceville, N.J. 08648

Office of General Counsel
Federal Election Commission

any documentation supporting the claims made. The complete failure of the complaint to comply with any of the standards for complaints in 11 CFR 111.4 demonstrates the inadequacy of the complaint itself, both with respect to Frank Thompson and any other respondent.

Commission procedures provide for the dismissal of a complaint where a complaint fails to provide a reason to believe a violation of law has occurred. On its face the instant complaint provides no basis from which the Commission could conclude that there is reason to believe a violation of law has taken place. In order to proceed with a complaint, the Commission needs more than a bare allegation of misdoing. There must be an allegation of sufficient facts which, if proven true, would constitute a violation of Federal Election Campaign Act. The instant complaint fails to recite such facts and should be dismissed with respect to Frank Thompson.

Sincerely,

David A. Friedman,
Treasurer, Thompson's People

Thompson's People
3131 Princeton Pike
Lawrenceville, N.J. 08648

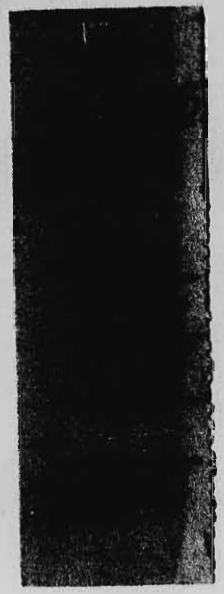
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Mr. Charles N. Steele
General Counsel

RETURN RECEIPT REQUESTED

CERTIFIED
No. 848479
MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



30 NOV 12 P12:11

NEW BRUNSWICK, N.J.
NOV 8
1980
08903

POSTAGE AND FEES PAID

ALWAYS USE
YOUR ZIP CODE

RETURNED TO SENDER

UNCLAIMED
REMOVAL EXPIRED
UNKNOWN
INITIALS

William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08816

CERTIFIED
946978

20

3 1 7 Received 11-12-80

PS Form 3811, Aug. 1978

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. . . . . ____¢
- ☐ 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:
William G. Morgan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	826766	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY — POSTMARK
NOV 18 1980 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: UNCLAIMED

CLERK'S INITIALS
NB

GPO: 1979-279-565

1313 Shedford

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1980

MEMORANDUM TO: THE FILE

FROM: JUDY THEDFORD

SUBJECT: MUR 1313 - UNCLAIMED LETTER

The unclaimed letter addressed to William G. Munyan should be re-sent to Mr. Munyan via the attached envelope.

8 1 0 2 2 3 0 3 5 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Munyan
156A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

This letter is to acknowledge receipt of your complaint of October 7, 1980, against National Education Association, New Jersey Education Associaion, Middlesex County Education Association, East Brunswick Education Association, East Brunswick Board of Education, Thompson's People, the Honorable Frank Thompson, Carter/Mondale Reelection Committee, Inc., and the President which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint 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

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 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:
William G. Murgan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947276	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. William G. Murgan

DATE OF DELIVERY NOV 17 1980

POSTMARK
NOV 17 1980
U.S.P.O.

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977-0-249-595

13 3 Sheafor

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Timothy G. Smith, General Counsel
Carter/Mondale Reelection Committee, Inc.
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1313

Dear Mr. Smith:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. 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.

8 1 0 4 0 2 7 5 0 5 9

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

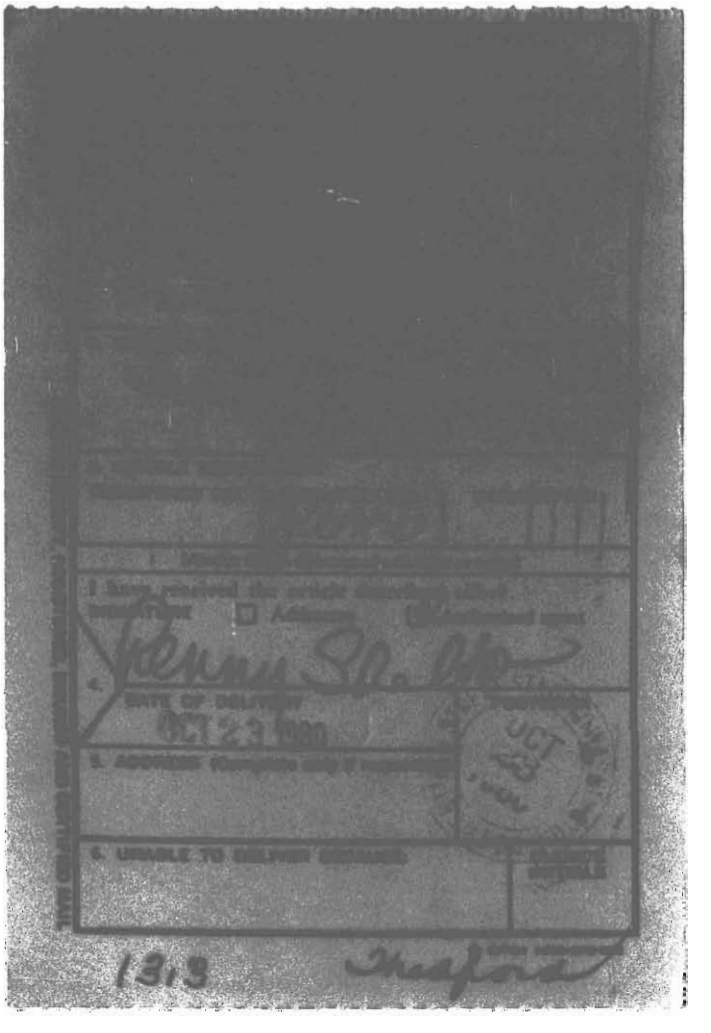
Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

cc: The President



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Friedman, Treasurer
Thompson's People
3131 Princeton Pike
Lawrenceville, New Jersey 08648

Re: MUR 1313

Dear Mr. Friedman:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. Please refer to this number in all future correspondence.

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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.

8 1 0 1 0 2 3 5 0 6 1

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

cc: The Honorable Frank Thompson, Jr.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

East Brunswick Board of Education
22 Milltown Road
East Brunswick, New Jersey 08816

Re: MUR 1313

Dear Madam or Sir:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. 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.

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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.

9 1 0 4 0 2 3 5 2 4 3

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

8 1 0 4 0 2 3 5 0 5 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

East Brunswick Education Association
1 South Woodland Avenue
East Brunswick, New Jersey 08816

Re: MUR 1313

Dear Madam or Sir:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. Please refer to this number in all future correspondence.

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

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

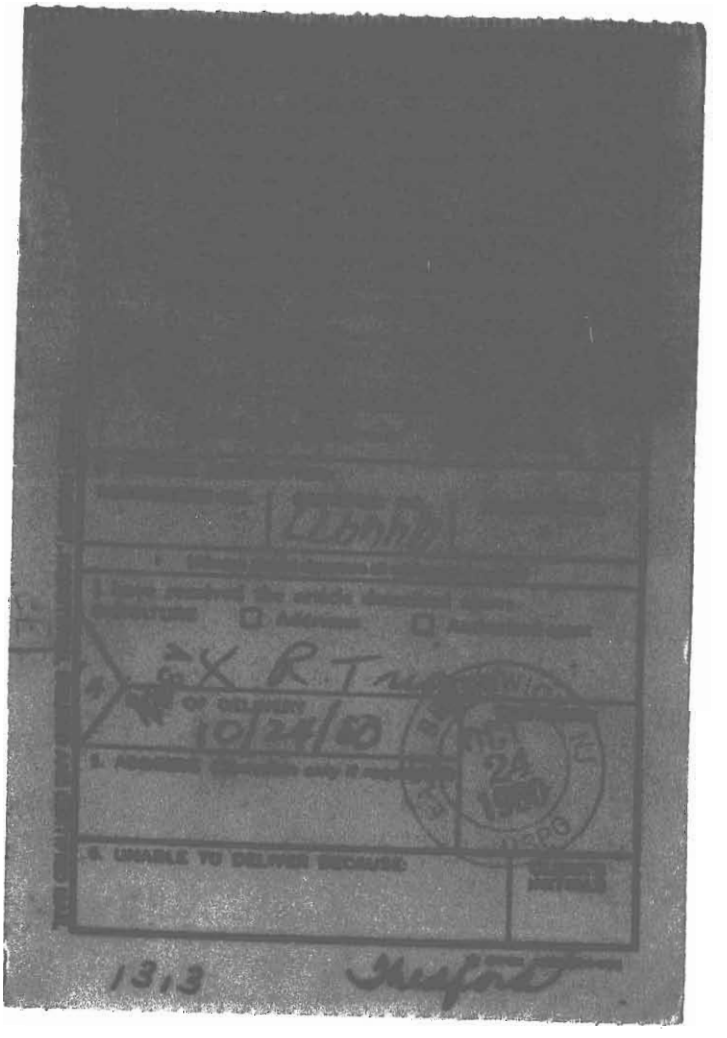
If you have any questions, please contact Judy Thedford, the staff member assigned to this matter at (202) 523-4057. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Middlesex County Education Association
1014 Livingston Avenue
North Brunswick, New Jersey 08902

Re: MUR 1313

Dear Madam or Sir:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. 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.

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8 1 0 1 0 2 3 5 0 6 7

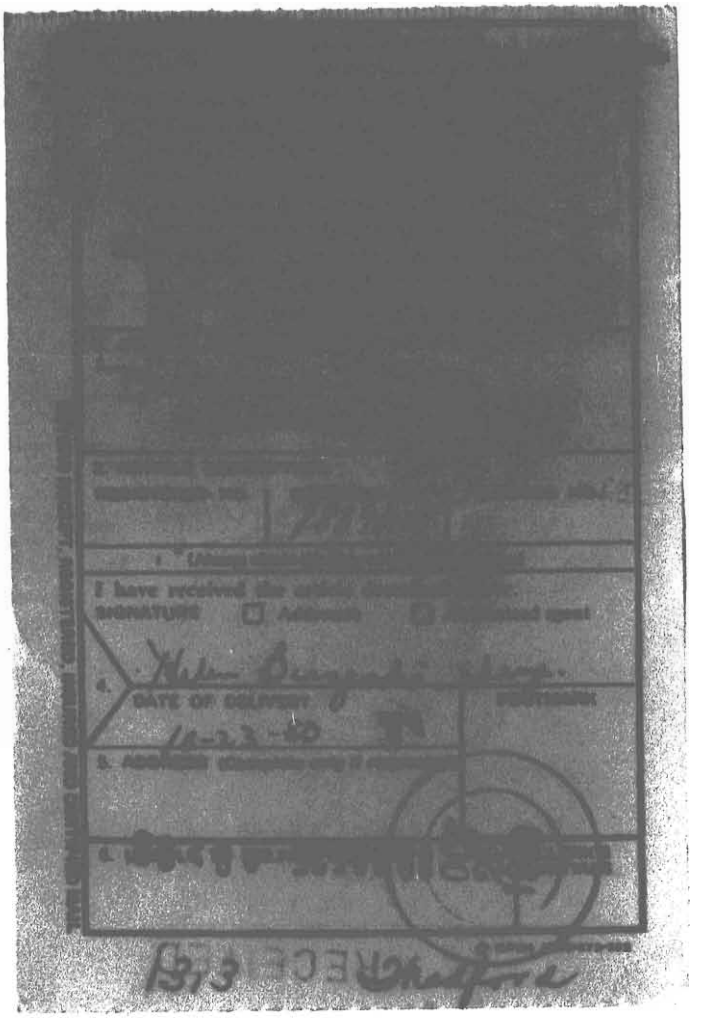
If you have any questions, please contact Judy Thedford, the staff member assigned to this matter at (202) 523-4057. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

New Jersey Education Association
180 West State Street
Trenton, New Jersey 08607

Re: MUR 1313

Dear Madam or Sir:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. 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.

8 1 0 1 0 2 7 5 3 6 9

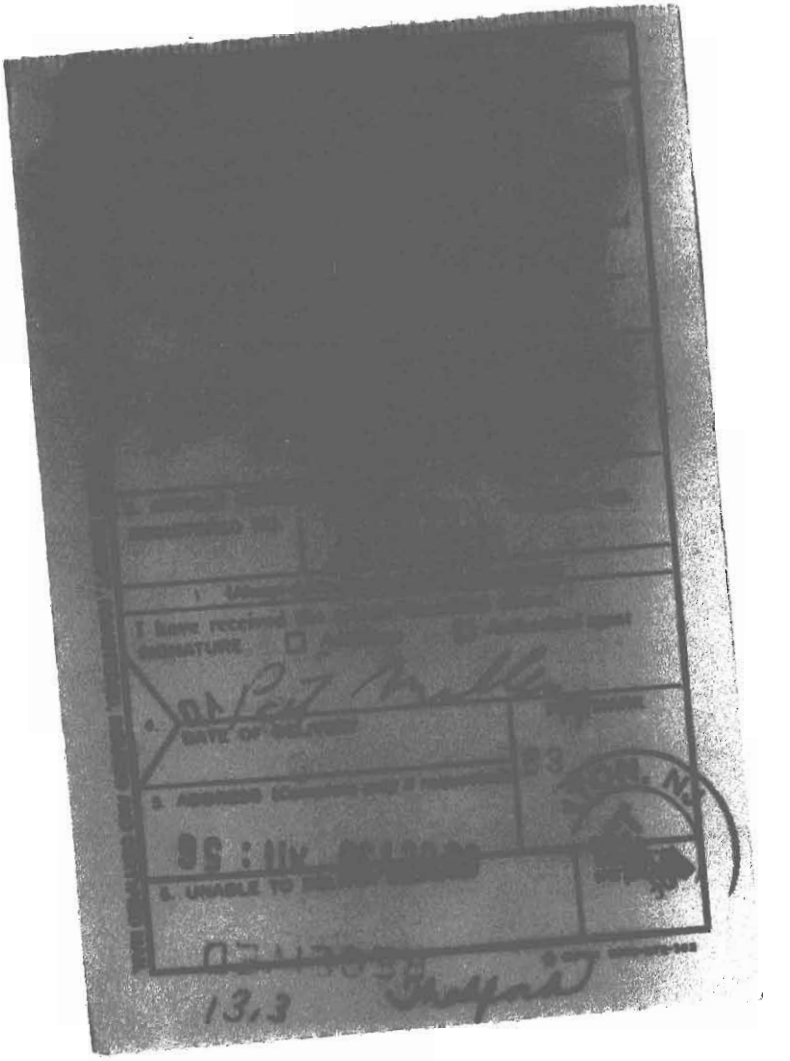
If you have any questions, please contact Judy Thedford, the staff member assigned to this matter at (202) 523-4057. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1313

Dear Madam or Sir:

This letter is to notify you that on October 17, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1313. 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.

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8 1 0 1 0 2 3 5 0 7 1

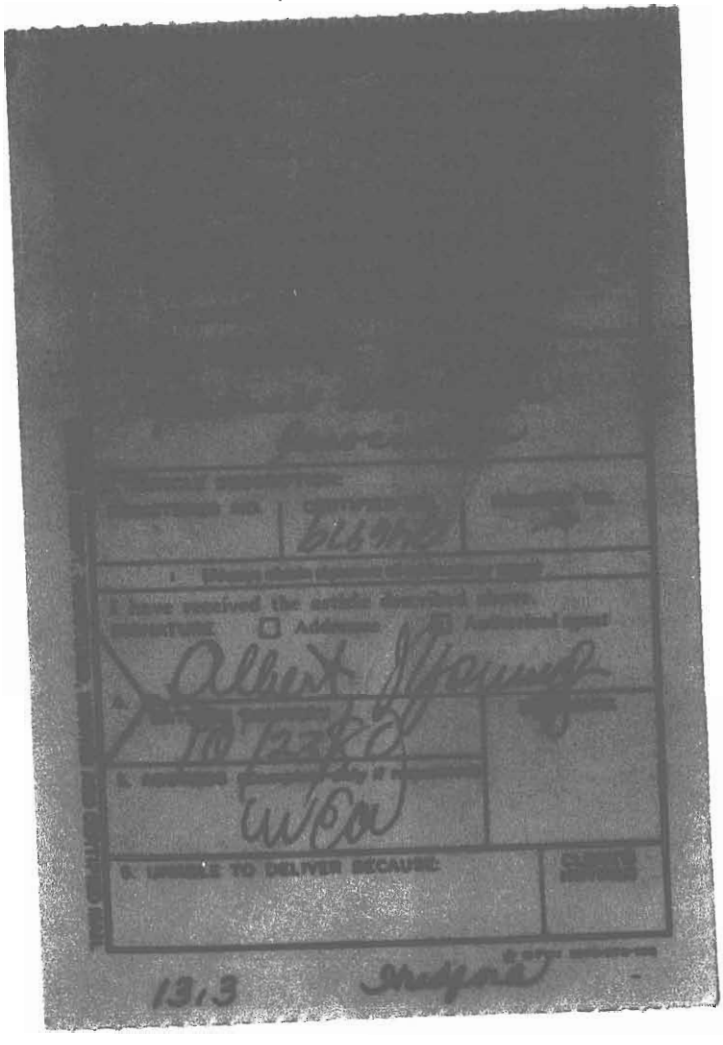
If you have any questions, please contact Judy Thedford, the staff member assigned to this matter at (202) 523-4057. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



MUR 1310 3

2991

RECEIVED

80 OCT 17 A 6: 45

CERTIFIED MAIL

156A Taylor Avenue
East Brunswick, New Jersey 08816
October 7, 1980

Federal Election Commission
Office of General Counsel
1325 K Street NW
Washington DC 20463

Gentlemen:

This letter is to confirm my Mailgram of October 6, 1980, and to charge that National Education Association, 1201 16th St. NW, Washington DC 20036; New Jersey Education Association, 180 W. State St., Trenton NJ 08607; Middlesex County Education Association, 1014 Livingston Ave., North Brunswick NJ 08902; and East Brunswick Education Association, 1 South Woodland Ave., East Brunswick NJ 08816, are illegally using members' dues (1) for the support of candidates for public office, namely President Jimmy Carter and Congressman Frank Thompson; (2) for the determination and publicizing of said organizations' preference for candidates for public office, namely President Carter and Congressman Thompson; and (3) for efforts to enact, defeat, repeal or amend legislation only incidentally related to the terms and conditions of employment of the employees represented by the aforesaid associations.

Further, although I resigned from the aforesaid associations in August, 1980, because of their political activity on behalf of candidates and issues I cannot support, full dues to all the aforesaid associations are still being deducted from my salary, under agreement between my employer, East Brunswick Board of Education, 22 Milltown Road, East Brunswick NJ 08816, and East Brunswick Education Association, acting for all the associations. And said dues are being used presently as I have charged.

The allegations I have made above are true to my best knowledge and belief.

Respectfully,

William G. Munyan

William G. Munyan

ELIZABETH M. KANDUR
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires August 4, 1985

Elizabeth M Kandur

8 1 0 4 0 2 3 5 0 7 3

AFTER FIVE DAYS RETURN TO

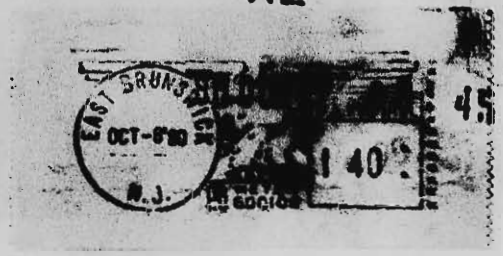
William G. Manyan

156A Tayler Avenue

East Brunswick, NJ 08816

ZIP CODE

8 1 0 1 0 2 1 5 0 7 4



Federal Election Commission
Office of General Counsel
1325 K Street N. W.
Washington DC 20463

RETURN RECEIPT
REQUESTED

CERTIFIED
P28 2968195
MAIL

WILLIAM G MUNYAN
[illegible] TAYLOR AVE
EAST BRUNSWICK NJ 08816

Mailgram

910529 GCC #2963

4-0285748285 10/11/80 ICS IPMRNCZ CSP WSMB
2012549840 MGM TDRN SOUTH RIVER NJ 270 10-11 0854P EST

GCC 2891

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
1325 K ST NW
WASHINGTON DC 20005

REGARDING YOUR UNDATED CERTIFIDE LETTER I RESPOND WTH THE FOLLOWING;
1. YOU DID NOT READ MY MAILGRAM OF OCTOBER 6 OR, IF YOU DID YOU DID NOT UNDERSTAND IT.
2. I FOLLOWED UP MY WIRE WITH A CERTIFIDE LETTER PER INSTRUCTIONS I RECEIVED AFTER I PHONED YOUR OFFICE OCTOBER 6 WITH MY COMPLAINT.
3. THIS IS THE SAME KIND OF CATCH-22 RUNAROUND I GOT DEALING WITH THE ASSOCIATIONS I NAMED IN MY COMPLAINT.
4. THAT YOU WOULD REJECT MY WIRE, SEND ME A CERTIFIDE LETTER, AND AT THE SAME TIME TIP OFF WITH CARBON COPIES THOSE I COMPLAINED AGAINST- AS IF MY ORIGINAL COMPLAINT WERE CREDIBLE- LEAVES ME TO BELIEVE I SHOULD INCLUDE YOUR OFFICE IN MY NEXT COMPLAINT.
5. I SHALL COMPLY WITH YOUR LETTER, BUT IT WILL TAKE ME A FEW DAYS AND MORE MONEY TO DO IT. (I AM A POOR SCHOOL TEACHER AND CANNOT AFFORD $20,000 LEGAL FEES TO FIGHT THIS.)
6. THE ELECTION IS THREE WEEKS AWAY SO TIME IS OF THE ESSENCE. I SUBMIT THAT YOU SHOULD ORDER A CEASE AND DESIST ORDER PENDING AN IMMEDIATE INVESTIGATION OF MY COMPLAINT.
7. COPIES OF THIS WIRE ARE BEING SENT TO A. PRESIDENT JIMMY CARTER B. CONGRESSMAN FRANK THOMPSON C. NATIONAL EDUCATION ASSOCIATION D. NEW JERSEY EDUCATION ASSOCIATION E. MIDDLESEX COUNTY EDUCATION ASSOCIATION F. EAST BRUNSWICK EDUCATION ASSOCIATION G. EAST BRUNSWICK BOARD OF EDUCATION AND H. ROBERT BRAUN, NEWARK STAR LEDGER.
8. THIS IS COSTING ME A FORTUNE, BUT WHAT KIND OF PEOPLE DO YOU ALL THINK WE ARE.
WILLIAM G MUNYAN

20:54 EST

MGMCOMP MGM

80 OCT 15 A8:47

80 OCT 15 A10:25

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

Mailgram

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

8 1 0 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October , 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William G. Munyan
136A Taylor Avenue
East Brunswick, New Jersey 08816

Dear Mr. Munyan:

We have received your letter of October 6 , 1980, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended (the "Act").

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

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

(1) must contain the full name and address of the person making the complaint;

(2) should clearly identify as a respondent each person or entity who is alleged to have committed a violation;

(3) should identify the source of information upon which the complaint is based;

8 1 0 1 0 2 3 2 7 7

(4) should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction; and

(5) should be accompanied by supporting documentation if known and available to the person making the complaint.

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

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

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

Sincerely,

Charles N. Steele
General Counsel

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

Enclosure

cc: President Jimmy Carter
Carter/Mondale Presidential Committee
Congressman Frank Thompson, Jr.
National Education Association
New Jersey Education Association
Middlesex County Education Association
East Brunswick Education Association

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

OCT 20 P12:43

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:
The Honorable Frank Thompson, Jr.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946287	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
Freda Smolka

4. DATE OF DELIVERY
10-15-80

POSTMARK
OCT 15 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1978-272-362

GCC#2891

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

RECEIVED
OCT 14 P2:00

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:
Middlesex County Education Association

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946280	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
L. Maggio

4. DATE OF DELIVERY
10-10-80

POSTMARK
OCT 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

GCC#2891

☆ GPO: 1978-272-365

PS Form 3811, Aug. 1978

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 ____¢
- ☐ 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:
East Brunswick Education Association

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 946781 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
D. Sternberg

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
OCT 1 1980
EAST BRUNSWICK, N.J.

CLERK'S INITIALS

☆ GPO: 1979-272-301

OCC#2891

PS Form 3811, Aug. 1978

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 ____¢
- ☐ 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:
New Jersey Education Association

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 946784 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
OCT 9 1980
TRENTON, N.J.

CLERK'S INITIALS

☆ GPO: 1979-272-303

OCC #2891

WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

Mailgram

Gact
3891

W-0529758280 10/06/80 ICS IPMMTZZ CSP WSMB
2012549840 MGM TDMT SOUTH RIVER NJ 111 10-06 0528P EST

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
1325 K ST NORTHWEST
WASHINGTON DC 20463

DEAR SIR
I WILL CHARGE A NOTARIZED LETTER (3 COPIES) TO FOLLOW THAT.
NATIONAL EDUCATION ASSN
NEW JERSEY EDUCATION ASSN
MIDDLESEX COUNTY EDUCATION ASSN
AND EAST BRUNSWICK EDUCATION ASSN
ARE;
1. ILLEGALLY USING MEMBERS DUES TO HELP RE-ELECT PRESIDENT CARTER AND CONGRESSMAN THOMPSON AND,
2. USING MY DUES FOR THE SAME PURPOSE EVEN THOUGH I FORMALLY RESIGNED MY MEMBERSHIP IN THOSE ORGANIZATIONS IN AUGUST 1980. MY DUES IN FULL ARE STILL BEING DEDUCTED FROM MY PAY BY EAST BRUNSWICK BOARD OF EDUCATION. THEY MAY BE CULPABLE TOO.
WILLIAM G MUNYAN
156A TAYLOR AVE
EAST BRUNSWICK NJ 08816

17128 EST

MGMCOMP MGM

80 OCT 7 P4:20

RECEIVED
80 OCT 7 A11:41

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

RECEIVED

80 OCT 7 AM : 41

Mailgram

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1313

Date Filmed 3-26-81 Camera No. --- 2

Cameraman GRC

8 1 0 1 0 2 7 7 2 9 3