



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF TMR # 1369

Date Filmed 8-11-81 Camera No. --- 2

Cameraman SAC

11040291903

11040291903

10010001001

MUR 1369

Kevin

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:
Mr. Charles O. Bishop
3000 2 St, N.W.
D.C. 20036

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	755824	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

S. Sullivan

4. DATE OF DELIVERY: 7/16/81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

★EFO: 1070-000-000

7-13-81

MUR 1369

Kevin

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:
Mr. James Carey
985 Broadway
Bangor, ME 04401

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	555824	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

J. Carlson

4. DATE OF DELIVERY: 7-17-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

★EFO: 1070-000-000



7-13-81

11010131307

MUR 1369 *Letter*

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

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:
Mr. W.M. McEwen
35 Community House
Annanta, Maryland 20730

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>165924</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ADDRESS DATE OF DELIVERY

x James McEwen

4. DATE OF DELIVERY: *7/18/81*

5. ADDRESS (Complete only if requested):
21:110 12700 18

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

REC'D
7-13-81

MUR 1369 *Letter*

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

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:
Mr. Robert A. Charis
1201-16th St, N.W.
D.C. 20004

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>KE5954</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ADDRESS DATE OF DELIVERY

Al Young

4. DATE OF DELIVERY: _____

5. ADDRESS (Complete only if requested):
WCA

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

7-13-81



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Newbert:

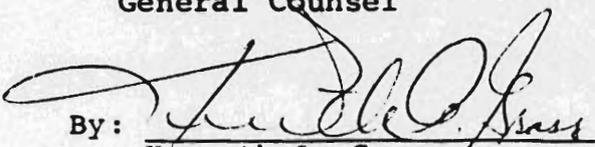
The Federal Election Commission has reviewed the allegations of your complaint dated December 13, 1980, and received February 20, 1981, and has determined that on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

By: 

Kenneth A. Gross
Associate General Counsel

11040291908



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Newbert:

The Federal Election Commission has reviewed the allegations of your complaint dated December 13, 1980, and received February 20, 1981, and has determined that on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

BN
7/9/81

31040291909



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. James Corey
Past President
Bangor Education Association
885 Broadway
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Corey:

On February 25, 1981, the Commission notified you of a complaint alleging that you and the Association had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291910



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. James Corey
Past President
Bangor Education Association
885 Broadway
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Corey:

On February 25, 1981, the Commission notified you of a complaint alleging that you and the Association had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

CS
7/9/81

11619291911



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. Charles O. Bishop
Carter-Mondale Re-Election Committee
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Mr. Bishop:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291912



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Charles O. Bishop
Carter-Mondale Re-Election Committee
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Mr. Bishop:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

RBW
7/9/81

11040291913



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. Robert H. Chanin
General Counsel
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Mr. Chanin:

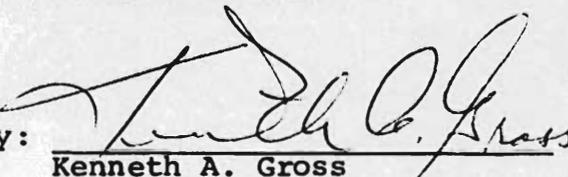
On February 25, 1981, the Commission notified you of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291914



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Robert H. Chanin
General Counsel
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Mr. Chanin:

On February 25, 1981, the Commission notified you of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBN
7/9/81

11040291915



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. John Marvin
Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Marvin:

On February 25, 1981, the Commission notified you of a complaint alleging that you and the Association had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross".

Kenneth A. Gross
Associate General Counsel

01040291916



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. John Marvin
Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Marvin:

On February 25, 1981, the Commission notified you of a complaint alleging that you and the Association had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBN
7/9/81

11040291917



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. Leroy Lambert
Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Lambert:

On February 25, 1981, the Commission notified you of a complaint alleging that you and your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

11010291918



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Leroy Lambert
Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Lambert:

On February 25, 1981, the Commission notified you of a complaint alleging that you and your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBN
7/9/81

11040291919



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 13, 1981

Ms. Carol C. Darr
Deputy Counsel
Carter-Mondale Re-Election Committee, Inc.
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Ms. Darr:

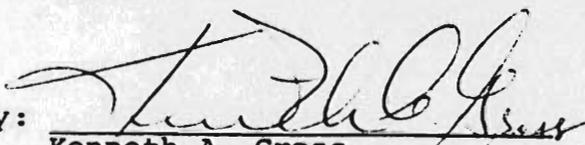
On February 25, 1981, the Commission notified you of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291920



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ms. Carol C. Darr
Deputy Counsel
Carter-Mondale Re-Election Committee, Inc.
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Ms. Darr:

On February 25, 1981, the Commission notified you of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBN
7/9/81

11040291921



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 13, 1981

Mr. Robert Bourgault
Associate Executive Director, MTA
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Bourgault:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291922



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Robert Bourgault
Associate Executive Director, MTA
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Bourgault:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBS
7/9/81

11040291923



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. Richard Mersereau
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Mersereau:

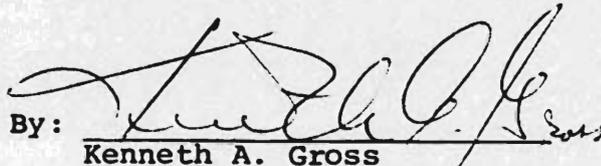
On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291924



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Richard Mersereau
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Mersereau:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBN
7/9/81

1040291925



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Ms. Beth Supranovich
President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Ms. Supranovich:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:

Kenneth A. Gross
Associate General Counsel

11040291926



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ms. Beth Supranovich
President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Ms. Supranovich:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

NBN
7/9/81

11040291927



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1981

Mr. William McGary
Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. McGary:

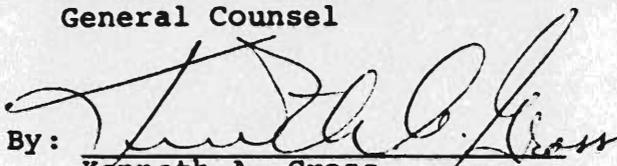
On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

By:


Kenneth A. Gross
Associate General Counsel

11040291928



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. William McGarry
Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. McGarry:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

*WBS
7/9/81*

11040391929

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Maine Teachers' Association,)
et al.)

MUR 1369

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on June 30, 1981, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1369:

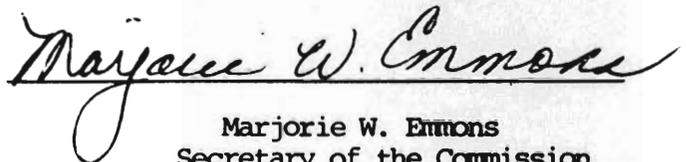
1. Find no reason to believe that the National Education Association violated 2 U.S.C. §441b in connection with this matter.
2. Find no reason to believe that the Carter-Mondale Reelection Committee violated the FECA in connection with this matter.
3. Find no reason to believe that the Maine Teachers' Association violated 2 U.S.C. §441b in connection with this matter.
4. Find no reason to believe that the Bangor Education Association violated 2 U.S.C. §441b in connection with this matter.
5. Find no reason to believe that John Marvin, Robert Bourgault, Richard Mersereau, Beth Supranovich, William McGarry, James Corey, Leroy Lambert or Charles Bishop violated the FECA in connection with this matter.
6. CLOSE THE FILE and send the latters attached to the General Counsel's First Report.

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

Attest:

7-2-81

Date



Marjorie W. Emmons
Secretary of the Commission

1040291930



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwa*

FROM: MARJORIE W. EMMONS / JODY CUSTER *JC*
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: JUNE 23, 1981

SUBJECT: ADDITIONAL OBJECTION - MUR 1369 First General
Counsel's Report, dated 6-19-81; Received
in OCS, 6-19-81, 10:31

You were notified previously of an objection by
Commissioner Aikens.

Commissioner Thomson submitted an additional objection
at 3:18, June 23, 1981.

This matter will be discussed in executive session
on Tuesday, June 30, 1981. A copy of Commissioner Thomson's
vote sheet with comments is attached.

Attachment:
Vote sheet

11040291931

SENSITIVE

MIN. SECRETARY



FEDERAL ELECTION COMMISSION

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

81 JUN 23 P 3: 18

Date and Time Transmitted: FRIDAY, 6-19-81,

2:00

Commissioner McGARRY, AIKENS, TIERNAN, THOMSON, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: TUESDAY, JUNE 23, 1981,

2:00

MUR No. 1369 First General Counsel's Report, received 6-19-81

() I approve the recommendation

() I object to the recommendation

DISCUSSION

COMMENTS: THE NAME WILLIAM MCGARRY IS MISPELLED IN
SEVERAL PLACES. LTR. TO MR. MCGARRY SHOULD, AT
LEAST, BE CORRECTED.

Date: 6-23-81 Signature: T. W. Thomson

A DEFINITE VOTE IS REQUIRED AND ALL SHEETS SIGNED AND DATED.
PLEASE RETURN ONLY THE VOTE SHEETS TO THE OFFICE OF THE
COMMISSION SECRETARY NO LATER THAN THE DATE AND TIME SHOWN
ABOVE.



1049221932



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/JODY CUSTER *jc*
DATE: JUNE 23, 1981
SUBJECT: OBJECTION - MUR 1369 First General Counsel's
Report, dated 6-19-81; Received in OCS,
6-19-81, 10:31

The above-named document was circulated on a 48
hour vote basis at 2:00, June 19, 1981.

Commissioner Aikens submitted an objection at 3:05,
June 23, 1981.

This matter will be placed on the Executive Session
Agenda for Tuesday, June 30, 1981.

11040291933

June 19, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1369

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

Thank you.

Attachment

cc: Nathan

1040291934

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

81 JUN 19 A10: 31

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR # 1369
DATE COMPLAINT RECEIVED
BY OGC February 20, 1981
STAFF MEMBER(S)
Nancy B. Nathan

COMPLAINANT'S NAME: Ralph R. Newbert

RESPONDENTS' NAMES: Maine Teachers' Association; John Marvin, Executive Director, Robert Bourgault, Associate Executive Director, Richard Mersereau, Director of Research, Beth Supranovich, President, and William McGray, Past-President, all of the Maine Teachers' Association; James Corey, Past President, Bangor Education Association; Leroy Lambert, Chairperson, Political Action Conference of Educators of the Maine Teachers' Association; and Charles O. ("Chip") Bishop, Maine Coordinator, Carter-Mondale Presidential Campaign

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

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

In a complaint filed by Ralph R. Newbert (Attachment 1), it was alleged that various past and present officers of the Maine Teachers' Association ("MTA"), the Bangor Education Association ("BEA"), the Political Action Conference of Educators ("PACE") OF MTA, and the National Education Association ("NEA"), as well as a Carter-Mondale ("C-M") Presidential Campaign coordinator in Maine, violated certain Federal Election Campaign Act ("the Act") prohibitions against campaign involvement by labor unions. In addition, the complaint detailed certain other practices of MTA and PACE that the complainant asserted might be illegal.

In summary, complainant alleged that abuses have occurred in the use of membership dues by MTA and NEA to support the Carter-Mondale 1980 Presidential campaign; that MTA provided administrative support to the Carter-Mondale campaign and that MTA staff worked on the campaign during work hours; and that the relationship between MTA and PACE is irregular.

11040291935

Letters were sent notifying all persons named in the complaint of the filing of the complaint. Responses were received from: John H. Marvin, Executive director, Maine Teachers' Association (stating that NEA would represent MTA in the matter); the Carter-Mondale Reelection Committee and Charles O. ("Chip") Bishop; and from the National Education Association, attaching affidavits of John H. Marvin and Don Cameron. (Attachments 2, 3, and 4.) The Carter-Mondale response is limited to allegations one, three and four of the complaint; the committee states that none of the other allegations arguably could involve C-M or Mr. Bishop.

FACTUAL AND LEGAL ANALYSIS

Complainant's first allegation asserts that membership dues paid by members of both NEA and MTA were used to run "internal and external" campaigns for 1980 Presidential and Vice-Presidential candidates. The sources of complainant's information to support the allegation are said to be publications of NEA and MTA directed to their members, financial reports of the associations, and "additional information...obtained by talking to members of the MTA Executive Committee."

The NEA response contends that any expenditures of NEA or MTA dues were in the "internal" campaign (which NEA interprets to mean that directed solely to union members), and were made under the exceptions provided for in 2 U.S.C. § 441b(b)(2). NEA notes that the complainant's listed sources for the allegation include several NEA and MTA publications directed at their membership. NEA says over 99% of those publications are distributed to union members. See, affidavits of John H. Marvin, Executive Director of MTA, and of Don Cameron, Assistant Executive Director of MTA, appended to attachment 4.

On the question of use of dues in an "external" campaign (which NEA interprets to mean one directed at the general public), NEA asserts that "a detailed response is not possible" without a recitation of facts describing the alleged violation, as required by 11 C.F.R. § 111.4(d)(3). NEA further asserts it is unable to respond to complainant's reference to information obtained in conversations with MTA Executive Committee members, since the nature of that information was not given by complainant.

With regard to the charges of an "external" campaign using membership dues, the C-M response is that it has and had no knowledge of any such campaign. With respect to "internal" campaigning, the C-M response noted that the membership publications cited by complainant make it plain the activity complained of is permissible under § 441b(b)(2)(A)'s exception for communications to union members. The C-M response asserts that the allegation, even if it were to state a violation of the Act, would not state a violation by C-M or by Charles ("Chip") Bishop.

11040291936

Neither NEA's nor C-M's response directly addresses the complainant's reference to information garnered from financial reports of MTA and NEA. While C-M does not mention the reports, NEA groups them with general membership publications in terming them communications to members. It is uncertain from the face of the complaint whether complainant, in part, based his first allegation regarding illegal use of membership dues on figures contained in union financial reports, or whether he alleged that those published reports contained campaign messages similar to those contained in the general membership publications listed. Copies of the financial reports were not provided by complainant.

Complainant's second allegation was that administrative support of specified kinds was given to PACE by MTA, by use of membership dues, without the knowledge of the MTA membership. The same information sources for the first allegation, supra, again were cited by complainant, as well as statements by respondent James Corey to the BEA Executive Board, and to the Bangor Daily News.

This allegation does not constitute a violation of the Act, in the General Counsel's view. NEA's response noted that, while PACE has occasionally endorsed candidates for federal office, it has not contributed to candidates for federal office, is not a political action committee, and therefore is beyond the Commission's jurisdiction. See affidavit of John Marvin, Attachment 4.

Complainant's third allegation is that MTA provided free office space, use of telephones and secretarial support to C-M in a brief period before the 1980 Maine caucuses. Conversations held by complainant with a named state representative and with respondent Robert Bourgault of MTA were cited as sources for the allegation.

The response received from C-M, together with an affidavit submitted by respondent "Chip" Bishop, indicates that C-M reimbursed MTA for the use of space and telephones, based on its "commercially reasonable" value. That value was assessed by determining the one-day rental cost of the permanent headquarters later occupied by C-M. A copy of C-M's draft paid to MTA in the amount of \$90 was presented with the Committee's response, and is appended to Attachment 3.

The C-M response denies that secretarial services were furnished with the exception of "minimal" answering of incoming calls by MTA's receptionist.

NEA's response as to the second allegation refers to, and incorporates by reference, the C-M response and Mr. Bishop's affidavit. The affidavit of John Marvin, Attachment 1, confirms the C-M explanation of the reimbursement.

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Complainant's fourth allegation is that MTA staff participated in setting up political caucuses throughout Maine, during regular work hours. Cited in particular is respondent Richard Mersereau, who complainant charges recruited him to arrange caucuses in Penobscot County and offered him use of MTA telephone facilities in that effort. The complaint charges that Mr. Mersereau's activities are known to respondent Bishop and other C-M staff, including Mr. Bishop's deputy, Gregory Nadeau.

The Carter-Mondale Committee's response relies upon 2 U.S.C. § 441b(b)(2)(A), which exempts communications to members from the definition of expenditure/contribution. The affidavit submitted by respondent Bishop states that care was taken that MTA staff limit communications made during work hours to union members and their families. C-M states that it has and had no knowledge of communications to non-union members during salaried union hours, including complainant's own alleged organizational activity.

NEA's response, and Mr. Marvin's affidavit, Attachment 4, say complainant's allegations as to Richard Mersereau's activities on union time are correct, but assert that all contacts were with union members and therefore not violative of the Act. In addition, NEA says Mr. Mersereau's conversations with complainant regarding complainant's own organizational work during union work hours took place, but did not violate the Act because complainant was to contact union members only.

NEA's response, and Mr. Marvin's affidavit, do not deal with complainant's more general charge regarding organizational activities of "MTA staff" during work hours.

The NEA response groups allegations numbered five through thirteen (as well as number two) together, since they deal with structure and operation of PACE. PACE, MTA's political action committee, uses members' voluntary contributions to support state and local candidates only, a limitation made clear to contributors. Because PACE has not contributed to candidates for federal office it does not appear to be a "political committee" under the Act and is not within the Commission's jurisdiction.

RECOMMENDATION

1. Find no reason to believe that the National Education Association violated 2 U.S.C. § 441b in connection with this matter.
2. Find no reason to believe that the Carter-Mondale Reelection Committee violated the Act in connection with this matter.

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3. Find no reason to believe that the Maine Teachers' Association violated 2 U.S.C. § 441b in connection with this matter.

4. Find no reason to believe that the Bangor Education Association violated 2 U.S.C. § 441b in connection with this matter.

5. Find no reason to believe that John Marvin, Robert Bourgault, Richard Mersereau, Beth Supranovich, William McGary, James Corey, Leroy Lambert or Charles Bishop violated the Act in connection with this matter.

6. Close the file and send the attached letters.

Attachments

1. Complaint
2. Response of Maine Teachers' Association
3. Response of Carter-Mondale Reelection Committee
4. Response of National Education Association
5. Proposed letters

11040291939

156 Garland Street
Bangor, Maine 04401
October 25, 1980

Charles N. Steele
Deputy General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

Dear Mr. Steele,

It is my understanding that various federal laws prohibit labor organizations from making direct or indirect contributions or expenditures in connection with any federal election. This prohibition also precludes labor organizations from becoming involved in primary elections, caucuses and political conventions held to select candidates for federal office.

From personal experience, although I am not an attorney, it seems that the above-mentioned prohibitions have been violated in that the National Education Association (NEA) and its affiliates, the Maine Teachers' Association (MTA) and the Bangor Education Association (BEA), have been actively involved in the 1980 federal election, including the 1980 Maine caucuses. In addition, there are irregularities in the manner in which the Maine Teachers' Association and its political action committee, known as the Political Action Conference For Educators (PACE), operate. This involvement by the National Education Association and its affiliates, and the irregularities of the Maine Teachers' Association and the Political Action Conference of Educators may violate federal law.

The activities and irregularities of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association are specifically, but not limited to:

- 1). Membership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice-President of the United States in 1980.
- 2). The Maine Teachers' Association uses membership dues, without informing membership, to pay for the administrative costs of PACE. These costs include, but are not limited to, staff time, stamps, phones, stationery, mileage costs, meals of the Political Action Conference for Educators, its appointed Board of Directors, and all appointed delegates.

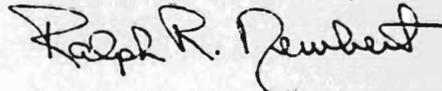
- 11040291941
- 3). Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter-Mondale Campaign:
 - a). Office space at MTA headquarters in Augusta, without charge.
 - b). Free access to telephones, including Wide Area Telephone Service (WATS line).
 - c). An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.
 - 4). Maine Teachers' Association staff, during their regular MTA-salaried workday, became involved in setting up political caucuses in towns all over the State of Maine. One individual so involved was Richard Mersereau.
 - 5). The Bangor Education Association dismissed a member from its Executive Board for not joining the Political Action Conference for Educators, membership in which is supposedly voluntary.
 - 6). The Political Action Conference for Educators has no restrictions on who may contribute.
 - 7). Delegates to the Political Action Conference For Educators, and members of its Board of Directors are appointed to their positions, not elected by membership. Therefore, contributors to FACE are not represented on the Board of Directors, nor is the membership of MTA whose dues monies are used to pay for administrative and organizational costs.
 - 8). Three employees of the Maine Teachers' Association serve on the Board of Directors of the Political Action Conference for Educators.
 - 9). The Board of Directors of the Political Action Conference of Educators is actively involved in shaping the policies and actions of the Maine Teachers' Association through the development and submission of resolutions to the Representative Assembly of the Maine Teachers' Association (1980).
 - 10). There is coercion on the part of the Maine Teachers' Association towards its members in that members must join FACE, if they wish to rise in the organization, e.g. the President of MTA is automatically on the FACE Board of Directors, according to FACE bylaws (Refer to Complaint #5).

Charles N. Steele
Federal Election Commission
October 25, 1980
Page 3

- 11). The PACE Board of Directors, the NTA Executive Committee and NTA employees are functionally integrated to such a degree that segregation of the factors is impossible. This interlocking is the basis for substantive control of political endorsements, particularly on the federal level.
- 12). The Board of Directors of the Political Action Conference for Educators has never developed a consistent set of guidelines for the endorsement of political candidates. Therefore fairness in the endorsement of candidates is a function of the appointed delegates who are in attendance, and does not necessarily reflect the belief systems of either contributors to PACE or the membership of NTA, whose monies are utilized to pay administrative/organizational costs of PACE.
- 13). In violation of the Bylaws of the Political Action Conference for Educators, the Board of Directors has endorsed and provided funding for political candidates.

Based on the aforementioned, and other activities, of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association, I ask as a member of the NEA/NTA/BEA that the Federal Election Commission conduct an immediate investigation to determine if federal laws have been violated.

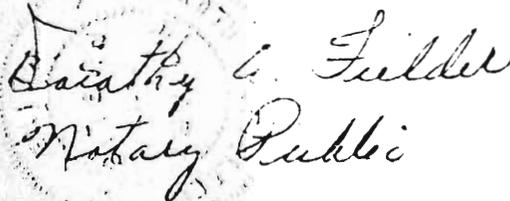
Sincerely yours,



Ralph R. Newbert

February 18, 1981

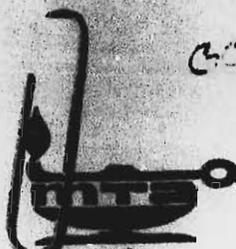
I swear, under penalty of law, that statements made to the Federal Election Commission are true to the best of my knowledge.



Dorothy C. Fuller
Notary Public

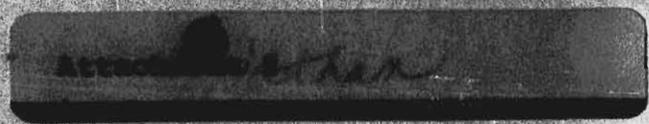
My commission expires February 6, 1988





maine teachers association

35 COMMUNITY DRIVE, AUGUSTA, MAINE 04330 • TELEPHONE 207 622-5866



March 2, 1981

President:
Beth Supranovich
Bangor

NEA Director:
Catherine R. Sullivan
Westbrook

Vice-president:
Wesley R. Day
Waterville

Executive Director:
John H. Marvin

Executive Committee:

Sandra E. Berry
Thomaston

Peter A. Brawn
Cape Elizabeth

Sharon Bresler
Portland

James Corey
Bangor

Robert East
Strong

Richard G. Ford
Berwick

Barbara K. Fredericks
Farmington

Michael E. Gosselin
Waterville

Steven G. Harnois
Westbrook

Allen N. Harvie
Auburn

Nancy R. Hutchinson
Monticello

Janice M. Jacobs
East Machias

Richard Mahany
Cumberland

Nancy L. Marrone
Westbrook

William W. McGary
Caribou

Bernard A. Paradis
Fort Kent

Elissa T. Garr
Docket Chief
Federal Election Commission
Washington, D. C. 20436

Dear Ms. Garr:

This letter is in response to yours of February 25. The Maine Teachers Association, the Bangor Education Association, John Marvin, Robert Bourgault, Richard Mersereau, Beth Supranovich, William McGary, James Corey, the NEA, and Leroy Lambert will all be represented by Robert H. Chanin who may be reached through the NEA at 1201 Sixteenth Street NW, Washington, D. C. 20036. The only person or organization among the defendants named in MUR 1369 is Chip Bishop, Coordinator of the Carter-Mondale campaign. We do not know who will represent him.

Sincerely,

John H. Marvin
John H. Marvin
Executive Director

JHM/lr

1040291913

Affiliated with the
National
Education
Association

44-1076
**CARTER/MONDALE
RE-ELECTION
COMMITTEE, INC.**

ROBERT F. BURNS, Chairman
Tim Kraft, National Campaign Manager
S. Lee Kling, Treasurer

2000 L STREET, N.W., WASHINGTON, D.C. 20036

(202) 887-4700

March 16, 1981

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

Dear Mr. Steele:

This letter constitutes the response of the Carter/Mondale Re-election Committee (the "Committee") and its employee, Charles ("Chip") Bishop, to your letter of February 25, 1981, which enclosed a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). This complaint was designated MUR 1369.

Of the thirteen separately captioned allegations of the complaint, the first, third, and fourth are the only ones which could arguably involved the Committee and Mr. Bishop.*

Allegation One states that

Membership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice President of the United States in 1980.

In his subsequent letter of December 13, 1980, the complainant states that this allegation is based on

publications of the National Education Association and the Maine Teachers' Association, including but not limited to The Maine Teacher, 1979-1980 issues; NEA Reporter, 1979-1980; Political Action Conference of Educators Chairperson's Report and Treasurer's Report, 1979-1980; Maine Teachers' Association Financial Reports, 1978, 1979. Additional information was obtained by talking to members of the Maine Teachers' Association Executive Committee.

* We, of course, reserve the right to respond to any allegations of violations by the Committee or Mr. Bishop that may arise during the handling of the other allegations.

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Charles N. Steele
March 16, 1981
Page 2.

As a threshold issue, the Committee notes that the mere recitation of names of publications or statement that there have been conversations with officials of a respondent committee does not comply with the requirement of 11 CFR 11.4(d)(3) that a complaint "contain a clear and concise recitation of the facts which describe a violation."

With regard to the substance of the allegation, 2 U.S.C. 441b(b)(3)(A) specifically exempts communications on any subject by a labor organization to its members and their families from the Act's definition of "contribution" or "expenditure." Given the titles of the publications Mr. Newbert has cited and his characterization of them as "publications of the National Education Association and the Maine Teachers' Association," his allegation appears to concern internal communications by the NEA and MTA. Consequently, his allegation does not state a violation of the Act, and in any event would not state a violation by the Committee or Mr. Bishop.

With regard to the alleged "external campaign" run by these organizations, the Committee notes that such a conclusory allegation, without any explanation or corroborating evidence whatsoever, also fails to meet the requirements of 11 CFR 11.4(d)(3) that the complaint "contain a clear and concise recitation of the facts which describe a violation."

If such an "external campaign" was in fact conducted, it was without the knowledge or cooperation of the Committee or its agents. For these reasons, the Committee is unable to address the substance of the allegation.

Allegation Three states

Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter/Mondale Campaign:

- a. Office space at MTA headquarters in Augusta, without charge.
- b. Free access to telephones, including Wide Area Telephone Service (WATS line).
- c. An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.

11040291945

Charles N. Steele, Esq.
March 16, 1981
Page 3.

In his letter of December 13, 1980, the complainant states that this allegation is based on

conversations with State Representative John Diamond and Robert Bourgault, Associate Executive Director, Maine Teachers' Association.

As the accompanying affidavit of the Committee's former Maine state coordinator, Chip Bishop, indicates, the Committee reimbursed MTA for the use for several days of the conference room and telephone of the Maine Teachers Association.

The amount of reimbursement was based on the length of stay and commercially reasonable value of the space. Mr. Bishop and John Marvin, Executive Director of MTA, agreed to use the rental charge of the permanent headquarters as a basis for determining the "usual and normal" charge for MTA's facilities. The lease for the permanent headquarters was \$250 per month for three rooms,* which amounts to \$83.00 per room per month. The cost per room per month of \$83.00 was then further divided to determine the per diem value, which amounted to \$2.75. These amounts include utilities.

Based on this reasonable estimate of the value of a comparable room, per diem of \$2.75, Mr. Bishop and Mr. Marvin agreed that a charge of \$10.00 per day would be a fair reimbursement for the use of MTA's conference room and telephone, and any other incidental or overhead costs, including the minimal services of the MTA receptionist. It should be noted that MTA's overhead costs were in no way increased by the presence of Mr. Bishop and several volunteers in MTA's conference room for several days, and we believe that the Carter/Mondale committee's payment of \$90** to MTA indicates a scrupulous effort to abide by the federal election laws.

As Mr. Bishop's affidavit also indicates, the Committee never had an MTA staff secretary placed at its service without charge, as Mr. Newbert alleged. At no time during Mr. Bishop's brief stay was the Committee provided with typing, stenography, photocopying, filing or other services normally associated with the duties of a secretary. Because of Mr. Bishop's location in the conference room, incoming calls were referred to him by the MTA receptionist but those services were minimal, and included in the overall reimbursement, as noted above.

* See Attachment 2, copies of Carter/Mondale checks for first and second months rent of permanent headquarters.

** See Attachment 3, xerox copy of carbon copy of Carter/Mondale draft for \$90 to Maine Teachers' Association.

11040291946

Charles N. Steele, Esq.
March 16, 1981
Page 4.

Allegation Four states:

Maine Teachers' Association staff, during the regular MTA-salaried workday, became involved in setting up political caucuses in towns all over the State of Maine. One individual so involved was Richard Mersereau.

In his letter of December 13, 1980, the complainant states that this allegation is based on

personal experience with Mr. Mersereau, who recruited me to arrange caucuses in Penobscot County. He offered me the use of an MTA WATS line to facilitate arrangements. Mr. Mersereau's activities are common knowledge among Carter/Mondale workers, including Charles Bishop (Chip), State Coordinator for the Carter/Mondale Re-Election Committee, and Gregory Nadeau, Deputy State Coordinator.

Again, the Committee notes that 2 U.S.C. 441b(b) ² (A) specifically exempts communications on any subject by a labor organization to its members and their families from the Act's definition of "contribution" or "expenditure." As Mr. Bishop's affidavit also indicates, care was taken to ensure that all MTA officials, members and employees limited these communications while on union time to union members and their families, and, to the best of the Committee's knowledge, there were no violations of this provision. To the extent that the complainant bases this allegation on his own failure to observe the Act, the Committee states that it was not aware of such non-compliance.

For the above-stated reasons, the Committee respectfully requests that the complaint insofar as it relates to the Committee be dismissed.

Respectfully,



Carol C. Darr
Deputy Counsel

11040291947

Affidavit of)
Charles O. Bishop, Jr.) MUR 1369
)
)
)
)
)

I, Charles O. ("Chip") Bishop, Jr., being sworn, depose and say:

My name is Chip Bishop. My address is 901 Sixth Street, S.W., Washington, D.C. I was the State Coordinator for Maine for the Carter/Mondale Re-Election Committee in the primary campaign.

The following statements are made in response to the complaint numbered MUR 1369 filed with the Federal Election Commission by Mr. Ralph Newbert.

1. On or about November 15, 1979, I arrived in Maine and attempted to find an office to be used as a campaign headquarters. Finding nothing immediately that was suitable or affordable, I decided to secure temporary space until a permanent headquarters could be rented. In this regard, I contacted John Marvin, Executive Director of the Maine Teachers Association, for advice and assistance. He expressed a willingness to allow me to use a part of a conference room at their headquarters until I could secure permanent space. I discussed his offer with staff of the national Carter/Mondale headquarters in Washington. It was agreed that I could accept his offer, provided that Carter/Mondale reimburse MTA at the usual and normal rate for rent, telephones and overhead. Mr. Marvin and I then agreed that when I secured a permanent headquarters, which would provide a basis for estimating commercially reasonable value of the temporary space, Carter/Mondale would pay MTA an amount to be mutually decided, based on length of stay and value of the space.

2. With this understanding, I used the MTA conference room for nine days. During that time, several volunteers whom I had recruited also used this room.

Immediately prior to December 15, I negotiated with Kenneth Cobb for the lease of a permanent headquarters at 112 State Street in Augusta, Maine. The original lease* was for three rooms at a cost of \$250.00 per month, including utilities.

3. During the course of our stay there, I used MTA telephone lines, including the MTA's in-state WATS line occasionally. Mr. Marvin and I had agreed that the charge for these services would be included in the larger agreement.

An MTA staff secretary was never placed at the service of our campaign, as stated by Mr. Newbert in Allegation #3. This simply was not necessary since I had adequate volunteer staff providing what few secretarial duties were necessary at this early stage of the campaign. At no time did any MTA employee provide us with typing, stenography, photocopying or filing services or any other services normally associated with the duties of a secretary.

Because of our location in the conference room, it was necessary for in-coming calls to be answered by a person staffing the MTA switchboard and referred to me. At times when no Carter/Mondale person was at MTA, the receptionist also took messages for calls to be returned. But these services--minimal as they were--were also part of the reimbursement agreement which Mr. Marvin and I had concluded.

4. In Allegation #4, Mr. Newbert states that Mr. Richard Mersereau and other MTA staff were involved in setting up political caucuses in Maine.

It is my understanding that MTA did in fact identify its members who were Carter/Mondale supporters in the hundreds of small communities in Maine, mainly in far northern Aroostook County. These supporters, according to MTA's plan, would be asked to attend their municipal caucuses or actually host them

* The campaign later leased two additional rooms in the same building at a cost of \$75.00 per room per month.

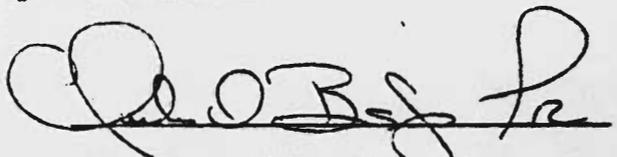
should the regular Democratic leader in the community not be willing or able to do so.

In many of these small towns, the number of registered and eligible Democrats is very small, sometimes less than ten. Since every town has citizens who are teachers, Mr. Mersereau contacted teachers who were members of MTA in rural communities to identify those who were Carter/Mondale supporters. It was understood between us that Federal election laws required that MTA staff limit their activities while on union time to communications with MTA members and their families.

I swear, under penalty of law, that the above statements are true to the best of my knowledge and belief.

3-17-81

Date



Charles ("Chip") Bishop, Jr.

Carla D. Cooke,
Notary Public

My Commission Expires Dec. 31, 1983

1 5 6 1 6 2 9 1 9 5 1

WASHINGTON BANK OF THE NORTH
WASHINGTON, D.C.

RETURN TO NATIONAL OFFICE WITH DOCUMENTATION

AUTHORIZED SIGNATURE

NON NEGOTIABLE

X 2 9

Post: Rent - Telephone

NINETY

DOLLARS \$

90.00

ADDRESS

Hughes ME

ADDRESS

35 Community Drive

Pay To

MARINE TRUCKERS ASSOC.

NOT VALID FOR MORE THAN \$100.00

Date

10 DEC 79

P.O. Box 500, Washington, D.C. 20044

CARTER/MONDALE PRESIDENTIAL COMMITTEE, INC.

501206

15-7
540

MUST BE NEGOTIATED WITHIN 10 DAYS OF ISSUE

Attachment #3 - MUR 1369

2 5 6 1 6 2 0 4 0 1 1

THE WASHINGTON BANK OF WASHINGTON Washington, D.C.

PAY TO THE ORDER OF
PAY \$250.00
 \$ 250.00
 December 14, 1979
 15-7 20
 540
 No 3963
 CARTER-MONDALE PRESIDENTIAL
 COMMITTEE, INC.
 OPERATING ACCOUNT
 Kenneth A. Cobb
 112 State Street
 Augusta, ME 04330
 #003963# :054000072: 1063 06 5#
 #0000025000#
Donna F. Simpson

THE WASHINGTON BANK OF WASHINGTON Washington, D.C.

PAY TO THE ORDER OF
PAY \$250.00
 \$ 250.00
 January 15, 1980
 15-7 20
 540
 4585
 CARTER-MONDALE PRESIDENTIAL
 COMMITTEE, INC.
 OPERATING ACCOUNT
 Kenneth A. Cobb
 112 State Street
 Augusta, ME 04330
 #004585# :054000072: 1063 06 5#
 #0000025000#
Donna F. Simpson

Attachment #2 - MUR 1369

Handwritten signature

52-7250 52-7250 52-7250

PAY ANY BANK
P. E. G.
SAVINGS
SOCIATION
MAINE

BANK OF MAINE, N. A.
AUGUSTA, MAINE
52-57
52-7250
AUGUSTA AND LOAN ASSN
AUGUSTA, MAINE
P. E. G.
SAVINGS
ASSOCIATION
AUGUSTA, MAINE
PAID
JAN 21 1980

9080 @ 883

TELLER NO. 2
P. E. G.
AUGUSTA SAVINGS & LOAN ASSN
AUGUSTA, MAINE
52-7250
52-7250
52-7250

JAN 21 1980

BANK OF MAINE, N. A.
AUGUSTA, MAINE
52-57
52-7250
AUGUSTA AND LOAN ASSN
AUGUSTA, MAINE
P. E. G.
SAVINGS
ASSOCIATION
AUGUSTA, MAINE
PAID
JAN 21 1980
52-7250
52-7250
52-7250

RECEIVED
FEB 1 1980
F. B. BALTIMORE



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

**LEGAL SERVICES
 OFFICE OF GENERAL COUNSEL**

TERRY HERNDON, Executive Director

April 1, 1981

91 APR 2 P2:51

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

Re: MUR 1369

Dear Mr. Steele:

On February 25, 1981, you wrote to the National Education Association (NEA) regarding the above MUR. This MUR is based upon an October 25, 1980 letter from Ralph R. Newbert to the Federal Election Commission (Commission), in which he charged NEA, the Maine Teachers Association (MTA), the Maine Teachers Association Political Action Conference of Educators (PACE), and/or the Bangor Education Association (BEA) with 13 alleged violations of the Federal Election Campaign Act of 1971, as amended (Act). The Commission informed Mr. Newbert that his October 25, 1980 letter did not comply with the procedural requirements for filing a charge and, on December 13, 1980 he sent a second letter to the Commission, in which he provided "additional information" and specifically named as respondents NEA, MTA, PACE and BEA; various individuals associated with those entities; and Charles O. ("Chip") Bishop, Jr., Coordinator for Maine for the Carter/Mondale Re-Election Committee. I have been authorized to represent NEA, MTA, PACE and BEA and the various individuals associated with those entities in connection with MUR 1369 and this response is submitted on their behalf. Mr. Bishop is being represented separately, and a response on his behalf was submitted to the Commission on March 16, 1981.

For purposes of analysis, the 13 allegations in Mr. Newbert's October 25, 1980 letter may be divided into two groups. Allegations 1, 3 and 4 are based on activities that Mr. Newbert contends were engaged in by NEA and MTA in connection with the 1980 election

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April 1, 1981

for President and Vice-President of the United States. The remaining allegation (i.e., allegations 2 and 5 through 13) deal with what Mr. Newbert asserts to be the structure and operation of PACE. Our response to the two groups of allegations is generically quite different and, accordingly, we deal with each separately below.

A. Allegations 1, 3 and 4

Allegation 1. Mr. Newbert alleges that "[m]embership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice-President of the United States in 1980." In his follow-up letter of December 13, 1980, he states that this allegation is based upon publications of NEA and MTA and cites specifically certain issues of the Maine Teacher, the NEA Reporter, the PACE Chairperson's Report and Treasurer's Report, and the MTA Financial Reports.

Mr. Newbert does not indicate precisely what he means when he refers to "internal and external campaigns", but we assume he is attempting to draw a distinction between a "member-only" and a "general public" campaign. Using this distinction, the documents that he cites are all "internal" -- i.e., they are distributed almost exclusively (i.e., over 99%) to MTA/NEA members -- and, accordingly, the fact that they are produced with treasury funds does not constitute a violation of the Act. 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 CFR §114.3.

Mr. Newbert cites nothing that in any way supports his allegation regarding an "external" campaign, and in the absence of at least some "recitation of the facts which describe a violation of a statute or regulation," 11 CFR §111.4(d)(3), a detailed response is not possible. We similarly are unable to respond to Mr. Newbert's further assertion that "[a]dditional information was obtained by talking to members of the Maine Teachers' Association Executive Committee", since he does not indicate the nature of this information. Suffice it to say that any use of NEA or MTA treasury funds in connection with the 1980 Presidential and Vice-Presidential election was pursuant to the "exceptions" provided for in §441b(b)(2) of the Act.

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April 1, 1981

Allegation 3. Mr. Newbert contends that MTA provided various support services (i.e., office space, telephones, secretarial assistance) to the Carter/Mondale Re-Election Committee without charge. A detailed response to this allegation is provided on page 3 of the March 16, 1981 letter sent to the Commission on behalf of the Carter/Mondale Re-Election Committee and in paragraphs 1, 2 and 3 of the accompanying affidavit of Mr. Bishop. The information contained in the aforesaid documents is accurate and is incorporated by reference as our response to this allegation by Mr. Newbert.

Allegation 4. Mr. Newbert asserts that MTA staff "during their regular MTA-salaried work day, became involved in setting up political caucuses in towns all over the State of Maine," and refers specifically to Richard Mersereau. In his December 13, 1980 follow-up letter, he states that "Mr. Mersereau ... recruited [him] to arrange caucuses in Penobscot County" and in this connection "offered [him] the use of the MTA WATS line to facilitate arrangements." He adds that Mr. Mersereau's "activities are common knowledge among Carter-Mondale workers including Charles Bishop"

Mr. Newbert is correct when he states that Mr. Mersereau was involved in setting up political caucuses and that he did so on MTA working-time. He errs, however, in suggesting that this violated the Act, since in performing these functions, Mr. Mersereau dealt only with MTA members. Specifically, Mr. Mersereau (1) contacted MTA members who were Carter/Mondale supporters; (2) provided information to these members regarding the nature and operation of the Maine political caucus system; and (3) encouraged them to attend and/or host such caucuses.

Mr. Newbert's recollection of his discussion with Mr. Mersereau vis-a-vis a political caucus in Penobscot County also is essentially correct, but the request and offer made by Mr. Mersereau were entirely legal: Mr. Newbert was and is an MTA member and, in accordance with the MTA program, the WATS line would have been made available to him only to contact other MTA members.

Since Mr. Mersereau's activities were conducted openly and above-board, they probably were, as Mr. Newbert suggests, "common knowledge among Carter-Mondale workers." As Mr. Bishop's affidavit indicates, however, the common knowledge that they had was that Mr. Mersereau was involved in an entirely legal member-only communication program.

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April 1, 1981

Although not referred to in Mr. Newbert's letters, there is one additional piece of related information that, in the interest of completeness, we feel it is appropriate to mention. Mr. Mersereau was himself a candidate for Congress until April 1, 1980, when he withdrew. In connection with his own candidacy, Mr. Mersereau did have contacts with the general public, but these contacts did not take place on MTA working-time and did not involve the use of MTA facilities or supportive services. In order to devote adequate time to his campaign, Mr. Mersereau took vacation from December 9 through December 22, 1979, and at various other times between December 22, 1979, and April 1, 1980.

B. Allegations 2 and 5 - 13.

These allegations all relate to the structure and/or operation of PACE. Although we find significant factual distortions in most of them and are tempted to "set the record straight", it is unnecessary to do so for purposes of the present MUR. MTA has functioned as an agent for the collection of contributions to the NEA Political Action Committee (NEA-PAC), which were used by NEA-PAC in connection with Federal elections, but PACE did not in 1980 or in any prior year contribute money to a candidate for Federal office. Accordingly, it is not now nor has it ever been a political action committee within the meaning of the Act, and its structure and operation clearly are outside the jurisdiction of the Commission. Indeed, Mr. Newbert's only reference to "funding for political candidates" appears in allegation #13 and in support of this allegation he refers the Commission in his December 13, 1980 letter to an election to state office: to wit, the campaign of Frederick Gautschi, III, who was a candidate for the Maine legislature in 1980 and whose "campaign finance report specifying contributions is on file at the Secretary of State's Office, Statehouse, Augusta, ME 04333."

One additional comment is appropriate in regard to allegation #11, since Mr. Newbert makes reference to "political endorsements, particularly on the federal level." (Emphasis added.) Although PACE does not make contributions to candidates for Federal office, it does on occasion endorse such candidates and did so in connection with the 1980 Presidential and Congressional elections. Moreover, MTA treasury funds were utilized to publicize these PACE endorsements, but as noted previously with reference to the endorsements made by MTA, this is permitted by the Act.

In your letter of February 25, 1981, you suggest that "[w]here appropriate, statements should be submitted under oath," and two affidavits affirming the facts set forth in this letter are attached. These facts demonstrate that no action should be taken against my clients in connection with this MUR and we respectfully submit that the Commission should close the file.

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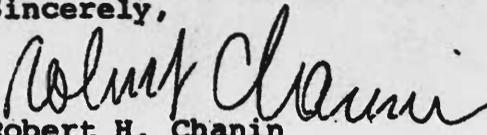
Charles N. Steele

5.

April 1, 1981

If the Commission desires any additional information or has any further need to communicate with NEA, MTA, PACE or BEA, or the individuals associated with these entities, please contact me directly.

Sincerely,


Robert H. Chanin
General Counsel

RHC:gm
Enclosures

cc: John Marvin
Robert Bourgault
Richard Mersereau
Beth Supranovich
William McGary
James Corey
Leroy Lambert
Maine Teachers Association
Bangor Education Association
Charles Bishop

11040291958

4. PACE, which is MTA's political action committee, collects voluntary contributions from MTA members and uses these contributions to help elect friends of education to state and local office. This state and local office limitation is clearly set forth in all materials used to solicit PACE contributions and MTA members are informed that no part of their PACE contributions will be used in connection with elections to Federal office.

5. PACE did not in 1980 or in any prior year contribute money to a candidate for Federal office. Accordingly, PACE is not now nor has it ever been registered with the Federal Election Commission as a political action committee under the Federal Election Campaign Act of 1971, as amended.

6. PACE does on occasion endorse candidates for Federal office and it did so in connection with the 1980 Presidential and Congressional elections. These endorsements were made by the PACE Board of Directors at its regularly scheduled meetings and were publicized in the Maine Teacher and other MTA and PACE documents. These documents, which are published with MTA treasury funds, are distributed almost exclusively (i.e., over 99%) to MTA members.

7. Richard Mersereau is employed as MTA's Director of Research. During MTA's 1979-80 membership year, Mr. Mersereau was involved in,

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among other things, the establishment of political caucuses for selecting delegates from Maine to the 1980 Democratic National Nominating Convention. Specifically, Mr. Mersereau's functions in this regard were to:

- a. identify MTA members who were Carter/Mondale supporters;
- b. provide these members with information regarding the nature and operation of the Maine political caucus system; and
- c. encourage them to attend their local political caucuses or to host such caucuses if the regular Democratic leader in the community did not plan to do so.

Mr. Mersereau performed the above functions on MTA working-time.

8. Mr. Mersereau was himself a candidate for Congress in the 1980 election until April 1, 1980, when he withdrew. In connection with his own candidacy, Mr. Mersereau found it necessary to have contacts with the general public, but I specifically instructed him that such contacts could not be made on MTA working-time and could not involve the use of MTA's facilities or support services. To the best of my knowledge, Mr. Mersereau fully complied with my instructions. In order to devote adequate time to his campaign, Mr. Mersereau took vacation from December 9 through December 22, 1979, and at various other times between December 22, 1979 and April 1, 1980.

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9. I have reviewed the affidavit of Charles O. ("Chip") Bishop, Jr., that was submitted to the Commission in connection with this MUR. In paragraphs 1, 2 and 3 of his affidavit, Mr. Bishop speaks to Mr. Newbert's allegation that MTA provided the Carter/Mondale Re-Election Committee with office space, telephone service, and secretarial assistance without charge. I am personally familiar with the facts set forth by Mr. Bishop in these paragraphs, except for his reference to a discussion that he had with Carter/Mondale headquarters in Washington, D.C., to which I was not privy. These facts accurately describe the arrangements between MTA and the Carter/Mondale Re-Election Committee in regard to office space, telephone service and secretarial assistance.

11040291962

John Marvin

 JOHN MARVIN

Subscribed and sworn to
 before me this 1st day of
 April, 1981.

Sheryl D. Fitzpatrick

 NOTARY PUBLIC

My Commission Expires August 11, 1983

4. NEA supported the Carter/Mondale ticket in other documents that were published with NEA treasury funds, but these documents likewise were distributed almost exclusively (i.e., over 99%) to NEA members.

Don Cameron
DON CAMERON

Subscribed and sworn to
before me this 1st day of
April, 1981.

Sheryl D. Fitzpatrick
NOTARY PUBLIC

My Commission Expires August 31, 1983

11040291964



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Newbert:

The Federal Election Commission has reviewed the allegations of your complaint dated December 13, 1980, and received February 20, 1981, and has determined that on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

11040291965



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. James Corey
Past President
Bangor Education Association
885 Broadway
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Corey:

On February 25, 1981, the Commission notified you of a complaint alleging that you and the Association had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

11040291966



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Charles O. Bishop
Carter-Mondale Re-Election Committee
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Mr. Bishop:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

11040291957



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Robert H. Chanin
General Counsel
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Mr. Chanin:

On February 25, 1981, the Commission notified you of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

11040221958



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. John Marvin
Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Marvin:

On February 25, 1981, the Commission notified you of a complaint alleging that you and the Association had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

31040291969



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Leroy Lambert
Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Lambert:

On February 25, 1981, the Commission notified you of a complaint alleging that you and your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

11040291970



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Ms. Carol C. Darr
Deputy Counsel
Carter-Mondale Re-Election Committee, Inc.
2000 L Street, N.W.
Washington, D.C. 20036

Re: MUR 1369

Dear Ms. Darr:

On February 25, 1981, the Commission notified you of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

11040291971



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Robert Bourgault
Associate Executive Director, MTA
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Bourgault:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

31040291972



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Richard Mersereau
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Mersereau:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

31040291973



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Ms. Beth Supranovich
President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Ms. Supranovich:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

11040291974



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. William McGarry
Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. McGarry:

On February 25, 1981, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele
General Counsel

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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

April 1, 1981

81 APR 2 P2:51

GENERAL COUNSEL

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

Re: MUR 1369

Dear Mr. Steele:

On February 25, 1981, you wrote to the National Education Association (NEA) regarding the above MUR. This MUR is based upon an October 25, 1980 letter from Ralph R. Newbert to the Federal Election Commission (Commission), in which he charged NEA, the Maine Teachers Association (MTA), the Maine Teachers Association Political Action Conference of Educators (PACE), and/or the Bangor Education Association (BEA) with 13 alleged violations of the Federal Election Campaign Act of 1971, as amended (Act). The Commission informed Mr. Newbert that his October 25, 1980 letter did not comply with the procedural requirements for filing a charge and, on December 13, 1980 he sent a second letter to the Commission, in which he provided "additional information" and specifically named as respondents NEA, MTA, PACE and BEA; various individuals associated with those entities; and Charles O. ("Chip") Bishop, Jr., Coordinator for Maine for the Carter/Mondale Re-Election Committee. I have been authorized to represent NEA, MTA, PACE and BEA and the various individuals associated with those entities in connection with MUR 1369 and this response is submitted on their behalf. Mr. Bishop is being represented separately, and a response on his behalf was submitted to the Commission on March 16, 1981.

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for President and Vice-President of the United States. The remaining allegation (i.e., allegations 2 and 5 through 13) deal with what Mr. Newbert asserts to be the structure and operation of PACE. Our response to the two groups of allegations is generically quite different and, accordingly, we deal with each separately below.

A. Allegations 1, 3 and 4

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Mr. Newbert does not indicate precisely what he means when he refers to "internal and external campaigns", but we assume he is attempting to draw a distinction between a "member-only" and a "general public" campaign. Using this distinction, the documents that he cites are all "internal" -- i.e., they are distributed almost exclusively (i.e., over 99%) to MTA/NEA members -- and, accordingly, the fact that they are produced with treasury funds does not constitute a violation of the Act. 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 CFR §114.3.

Mr. Newbert cites nothing that in any way supports his allegation regarding an "external" campaign, and in the absence of at least some "recitation of the facts which describe a violation of a statute or regulation," 11 CFR §111.4(d)(3), a detailed response is not possible. We similarly are unable to respond to Mr. Newbert's further assertion that "[a]dditional information was obtained by talking to members of the Maine Teachers' Association Executive Committee", since he does not indicate the nature of this information. Suffice it to say that any use of NEA or MTA treasury funds in connection with the 1980 Presidential and Vice-Presidential election was pursuant to the "exceptions" provided for in §441b(b)(2) of the Act.

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Allegation 3. Mr. Newbert contends that MTA provided various support services (i.e., office space, telephones, secretarial assistance) to the Carter/Mondale Re-Election Committee without charge. A detailed response to this allegation is provided on page 3 of the March 16, 1981 letter sent to the Commission on behalf of the Carter/Mondale Re-Election Committee and in paragraphs 1, 2 and 3 of the accompanying affidavit of Mr. Bishop. The information contained in the aforesaid documents is accurate and is incorporated by reference as our response to this allegation by Mr. Newbert.

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Mr. Newbert's recollection of his discussion with Mr. Mersereau vis-a-vis a political caucus in Penobscot County also is essentially correct, but the request and offer made by Mr. Mersereau were entirely legal: Mr. Newbert was and is an MTA member and, in accordance with the MTA program, the WATS line would have been made available to him only to contact other MTA members.

Since Mr. Mersereau's activities were conducted openly and above-board, they probably were, as Mr. Newbert suggests, "common knowledge among Carter-Mondale workers." As Mr. Bishop's affidavit indicates, however, the common knowledge that they had was that Mr. Mersereau was involved in an entirely legal member-only communication program.

31010201073

April 1, 1981

Although not referred to in Mr. Newbert's letters, there is one additional piece of related information that, in the interest of completeness, we feel it is appropriate to mention. Mr. Mersereau was himself a candidate for Congress until April 1, 1980, when he withdrew. In connection with his own candidacy, Mr. Mersereau did have contacts with the general public, but these contacts did not take place on MTA working-time and did not involve the use of MTA facilities or supportive services. In order to devote adequate time to his campaign, Mr. Mersereau took vacation from December 9 through December 22, 1979, and at various other times between December 22, 1979, and April 1, 1980.

B. Allegations 2 and 5 - 13.

11040291979

These allegations all relate to the structure and/or operation of PACE. Although we find significant factual distortions in most of them and are tempted to "set the record straight", it is unnecessary to do so for purposes of the present MUR. MTA has functioned as an agent for the collection of contributions to the NEA Political Action Committee (NEA-PAC), which were used by NEA-PAC in connection with Federal elections, but PACE did not in 1980 or in any prior year contribute money to a candidate for Federal office. Accordingly, it is not now nor has it ever been a political action committee within the meaning of the Act, and its structure and operation clearly are outside the jurisdiction of the Commission. Indeed, Mr. Newbert's only reference to "funding for political candidates" appears in allegation #13 and in support of this allegation he refers the Commission in his December 13, 1980 letter to an election to state office: to wit, the campaign of Frederick Gautschi, III, who was a candidate for the Maine legislature in 1980 and whose "campaign finance report specifying contributions is on file at the Secretary of State's Office, Statehouse, Augusta, ME 04333."

One additional comment is appropriate in regard to allegation #11, since Mr. Newbert makes reference to "political endorsements, particularly on the federal level." (Emphasis added.) Although PACE does not make contributions to candidates for Federal office, it does on occasion endorse such candidates and did so in connection with the 1980 Presidential and Congressional elections. Moreover, MTA treasury funds were utilized to publicize these PACE endorsements, but as noted previously with reference to the endorsements made by MTA, this is permitted by the Act.

In your letter of February 25, 1981, you suggest that "[w]here appropriate, statements should be submitted under oath," and two affidavits affirming the facts set forth in this letter are attached. These facts demonstrate that no action should be taken against my clients in connection with this MUR and we respectfully submit that the Commission should close the file.

Charles N. Steele

5.

April 1, 1981

If the Commission desires any additional information or has any further need to communicate with NEA, MTA, PACE or BEA, or the individuals associated with these entities, please contact me directly.

Sincerely,


Robert H. Chanin
General Counsel

RHC:gm
Enclosures

cc: John Marvin
Robert Bourgault
Richard Mersereau
Beth Supranovich
William McGary
James Corey
Leroy Lambert
Maine Teachers Association
Bangor Education Association
Charles Bishop

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Complaint Filed by :
 :
 RALPH R. NEWBERT : MUR 1369
 :
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 _____ :
 :

AFFIDAVIT OF JOHN MARVIN

CITY OF WASHINGTON)
) ss.:
 DISTRICT OF COLUMBIA)

JOHN MARVIN, being duly sworn, deposes and says:

1. I am the Executive Director of the Maine Teachers Association (MTA) and in this capacity supervise the day-to-day activities of all MTA employees. I also am a member of the Board of Directors of the MTA Political Action Conference of Educators (PACE) and in this capacity am familiar with its structure and operation. By virtue of the above positions, I have personal knowledge of the activities undertaken by MTA and PACE in connection with the 1980 Federal elections.

2. The MTA Executive Committee endorsed Jimmy Carter for re-election as President in 1980 at its regularly scheduled meeting in December, 1979.

3. The endorsement of Mr. Carter by the MTA Executive Committee was publicized in the Maine Teacher and other MTA documents. These documents, which are published with MTA treasury funds, are distributed almost exclusively (i.e., over 99%) to MTA members.

11040291931

2.

4. PACE, which is MTA's political action committee, collects voluntary contributions from MTA members and uses these contributions to help elect friends of education to state and local office. This state and local office limitation is clearly set forth in all materials used to solicit PACE contributions and MTA members are informed that no part of their PACE contributions will be used in connection with elections to Federal office.

5. PACE did not in 1980 or in any prior year contribute money to a candidate for Federal office. Accordingly, PACE is not now nor has it ever been registered with the Federal Election Commission as a political action committee under the Federal Election Campaign Act of 1971, as amended.

6. PACE does on occasion endorse candidates for Federal office and it did so in connection with the 1980 Presidential and Congressional elections. These endorsements were made by the PACE Board of Directors at its regularly scheduled meetings and were publicized in the Maine Teacher and other MTA and PACE documents. These documents, which are published with MTA treasury funds, are distributed almost exclusively (i.e., over 99%) to MTA members.

7. Richard Mersereau is employed as MTA's Director of Research. During MTA's 1979-80 membership year, Mr. Mersereau was involved in,

11040221992

3.

among other things, the establishment of political caucuses for selecting delegates from Maine to the 1980 Democratic National Nominating Convention. Specifically, Mr. Mersereau's functions in this regard were to:

- a. identify MTA members who were Carter/Mondale supporters;
- b. provide these members with information regarding the nature and operation of the Maine political caucus system; and
- c. encourage them to attend their local political caucuses or to host such caucuses if the regular Democratic leader in the community did not plan to do so.

Mr. Mersereau performed the above functions on MTA working-time.

8. Mr. Mersereau was himself a candidate for Congress in the 1980 election until April 1, 1980, when he withdrew. In connection with his own candidacy, Mr. Mersereau found it necessary to have contacts with the general public, but I specifically instructed him that such contacts could not be made on MTA working-time and could not involve the use of MTA's facilities or support services. To the best of my knowledge, Mr. Mersereau fully complied with my instructions. In order to devote adequate time to his campaign, Mr. Mersereau took vacation from December 9 through December 22, 1979, and at various other times between December 22, 1979 and April 1, 1980.

31040291993

9. I have reviewed the affidavit of Charles O. ("Chip") Bishop, Jr., that was submitted to the Commission in connection with this MUR. In paragraphs 1, 2 and 3 of his affidavit, Mr. Bishop speaks to Mr. Newbert's allegation that MTA provided the Carter/Mondale Re-Election Committee with office space, telephone service, and secretarial assistance without charge. I am personally familiar with the facts set forth by Mr. Bishop in these paragraphs, except for his reference to a discussion that he had with Carter/Mondale headquarters in Washington, D.C., to which I was not privy. These facts accurately describe the arrangements between MTA and the Carter/Mondale Re-Election Committee in regard to office space, telephone service and secretarial assistance.



 JOHN MARVIN

Subscribed and sworn to
 before me this 1st day of
 April, 1981.



 NOTARY PUBLIC

My Commission Expires August 31, 1983

31040291984

2.

4. NEA supported the Carter/Mondale ticket in other documents that were published with NEA treasury funds, but these documents likewise were distributed almost exclusively (i.e., over 99%) to NEA members.

Don Cameron
DON CAMERON

Subscribed and sworn to
before me this 1st day of
April, 1981.

Sheryl D. Fitzpatrick
NOTARY PUBLIC

My Commission Expires August 31, 1983

310100201935

RECEIVED

81 APR 2 AM : 48

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

TRANS URBAN

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

3100291987

3104031939

CARTER/MONDALE RE-ELECTION COMMITTEE, INC.

Robert S. Strauss, Chairman
Tim Kraft, National Campaign Manager
S. Lee Kling, Treasurer

2000 L STREET, N.W., WASHINGTON, D.C. 20036

(202) 887-4700

March 16, 1981

10:41:01
MAR 17 1981
RECEIVED

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

Dear Mr. Steele:

This letter constitutes the response of the Carter/Mondale Re-election Committee (the "Committee") and its employee, Charles ("Chip") Bishop, to your letter of February 25, 1981, which enclosed a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). This complaint was designated MUR 1369.

Of the thirteen separately captioned allegations of the complaint, the first, third, and fourth are the only ones which could arguably involved the Committee and Mr. Bishop.*

Allegation One states that

Membership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice President of the United States in 1980.

In his subsequent letter of December 13, 1980, the complainant states that this allegation is based on

publications of the National Education Association and the Maine Teachers' Association, including but not limited to The Maine Teacher, 1979-1980 issues; NEA Reporter, 1979-1980; Political Action Conference of Educators Chairperson's Report and Treasurer's Report, 1979-1980; Maine Teachers' Association Financial Reports, 1978, 1979. Additional information was obtained by talking to members of the Maine Teachers' Association Executive Committee.

* We, of course, reserve the right to respond to any allegations of violations by the Committee or Mr. Bishop that may arise during the handling of the other allegations.

Charles N. Steele
March 16, 1981
Page 2.

As a threshold issue, the Committee notes that the mere recitation of names of publications or statement that there have been conversations with officials of a respondent committee does not comply with the requirement of 11 CFR 11.4(d)(3) that a complaint "contain a clear and concise recitation of the facts which describe a violation."

With regard to the substance of the allegation, 2 U.S.C. 441b(b)(3)(A) specifically exempts communications on any subject by a labor organization to its members and their families from the Act's definition of "contribution" or "expenditure." Given the titles of the publications Mr. Newbert has cited and his characterization of them as "publications of the National Education Association and the Maine Teachers' Association," his allegation appears to concern internal communications by the NEA and MTA. Consequently, his allegation does not state a violation of the Act, and in any event would not state a violation by the Committee or Mr. Bishop.

With regard to the alleged "external campaign" run by these organizations, the Committee notes that such a conclusory allegation, without any explanation or corroborating evidence whatsoever, also fails to meet the requirements of 11 CFR 11.4(d)(3) that the complaint "contain a clear and concise recitation of the facts which describe a violation."

If such an "external campaign" was in fact conducted, it was without the knowledge or cooperation of the Committee or its agents. For these reasons, the Committee is unable to address the substance of the allegation.

Allegation Three states

Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter/Mondale Campaign:

- a. Office space at MTA headquarters in Augusta, without charge.
- b. Free access to telephones, including Wide Area Telephone Service (WATS line).
- c. An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.

31040221989

Charles N. Steele, Esq.
March 16, 1981
Page 3.

In his letter of December 13, 1980, the complainant states that this allegation is based on

conversations with State Representative John Diamond and Robert Bourgault, Associate Executive Director, Maine Teachers' Association.

As the accompanying affidavit of the Committee's former Maine state coordinator, Chip Bishop, indicates, the Committee reimbursed MTA for the use for several days of the conference room and telephone of the Maine Teachers Association.

The amount of reimbursement was based on the length of stay and commercially reasonable value of the space. Mr. Bishop and John Marvin, Executive Director of MTA, agreed to use the rental charge of the permanent headquarters as a basis for determining the "usual and normal" charge for MTA's facilities. The lease for the permanent headquarters was \$250 per month for three rooms,* which amounts to \$83.00 per room per month. The cost per room per month of \$83.00 was then further divided to determine the per diem value, which amounted to \$2.75. These amounts include utilities.

Based on this reasonable estimate of the value of a comparable room, per diem of \$2.75, Mr. Bishop and Mr. Marvin agreed that a charge of \$10.00 per day would be a fair reimbursement for the use of MTA's conference room and telephone, and any other incidental or overhead costs, including the minimal services of the MTA receptionist. It should be noted that MTA's overhead costs were in no way increased by the presence of Mr. Bishop and several volunteers in MTA's conference room for several days, and we believe that the Carter/Mondale committee's payment of \$90** to MTA indicates a scrupulous effort to abide by the federal election laws.

As Mr. Bishop's affidavit also indicates, the Committee never had an MTA staff secretary placed at its service without charge, as Mr. Newbert alleged. At no time during Mr. Bishop's brief stay was the Committee provided with typing, stenography, photocopying, filing or other services normally associated with the duties of a secretary. Because of Mr. Bishop's location in the conference room, incoming calls were referred to him by the MTA receptionist but those services were minimal, and included in the overall reimbursement, as noted above.

* See Attachment 2, copies of Carter/Mondale checks for first and second months rent of permanent headquarters.

** See Attachment 3, xerox copy of carbon copy of Carter/Mondale draft for \$90 to Maine Teachers' Association.

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Charles N. Steele, Esq.
March 16, 1981
Page 4.

Allegation Four states:

Maine Teachers' Association staff, during the regular MTA-salaried workday, became involved in setting up political caucuses in towns all over the State of Maine. One individual so involved was Richard Mersereau.

In his letter of December 13, 1980, the complainant states that this allegation is based on

personal experience with Mr. Mersereau, who recruited me to arrange caucuses in Penobscot County. He offered me the use of an MTA WATS line to facilitate arrangements. Mr. Mersereau's activities are common knowledge among Carter/Mondale workers, including Charles Bishop (Chip), State Coordinator for the Carter/Mondale Re-Election Committee, and Gregory Nadeau, Deputy State Coordinator.

Again, the Committee notes that 2 U.S.C. 441b(b)(3)(A) specifically exempts communications on any subject by a labor organization to its members and their families from the Act's definition of "contribution" or "expenditure." As Mr. Bishop's affidavit also indicates, care was taken to ensure that all MTA officials, members and employees limited these communications while on union time to union members and their families, and, to the best of the Committee's knowledge, there were no violations of this provision. To the extent that the complainant bases this allegation on his own failure to observe the Act, the Committee states that it was not aware of such non-compliance.

For the above-stated reasons, the Committee respectfully requests that the complaint insofar as it relates to the Committee be dismissed.

Respectfully,



Carol C. Darr
Deputy Counsel

31040231991

Affidavit of Charles O. Bishop, Jr.) MUR 1369

I, Charles O. ("Chip") Bishop, Jr., being sworn, depose and say:

My name is Chip Bishop. My address is 901 Sixth Street, S.W., Washington, D.C. I was the State Coordinator for Maine for the Carter/Mondale Re-Election Committee in the primary campaign.

The following statements are made in response to the complaint numbered MUR 1369 filed with the Federal Election Commission by Mr. Ralph Newbert.

1. On or about November 15, 1979, I arrived in Maine and attempted to find an office to be used as a campaign headquarters. Finding nothing immediately that was suitable or affordable, I decided to secure temporary space until a permanent headquarters could be rented. In this regard, I contacted John Marvin, Executive Director of the Maine Teachers Association, for advice and assistance. He expressed a willingness to allow me to use a part of a conference room at their headquarters until I could secure permanent space. I discussed his offer with staff of the national Carter/Mondale headquarters in Washington. It was agreed that I could accept his offer, provided that Carter/Mondale reimburse MTA at the usual and normal rate for rent, telephones and overhead. Mr. Marvin and I then agreed that when I secured a permanent headquarters, which would provide a basis for estimating commercially reasonable value of the temporary space, Carter/Mondale would pay MTA an amount to be mutually decided, based on length of stay and value of the space.

2. With this understanding, I used the MTA conference room for nine days. During that time, several volunteers whom I had recruited also used this room.

Immediately prior to December 15, I negotiated with Kenneth Cobb for the lease of a permanent headquarters at 112 State Street in Augusta, Maine. The original lease* was for three rooms at a cost of \$250.00 per month, including utilities.

3. During the course of our stay there, I used MTA telephone lines, including the MTA's in-state WATS line occasionally. Mr. Marvin and I had agreed that the charge for these services would be included in the larger agreement.

An MTA staff secretary was never placed at the service of our campaign, as stated by Mr. Newbert in Allegation #3. This simply was not necessary since I had adequate volunteer staff providing what few secretarial duties were necessary at this early stage of the campaign. At no time did any MTA employee provide us with typing, stenography, photocopying or filing services or any other services normally associated with the duties of a secretary.

Because of our location in the conference room, it was necessary for in-coming calls to be answered by a person staffing the MTA switchboard and referred to me. At times when no Carter/Mondale person was at MTA, the receptionist also took messages for calls to be returned. But these services--minimal as they were--were also part of the reimbursement agreement which Mr. Marvin and I had concluded.

4. In Allegation #4, Mr. Newbert states that Mr. Richard Mersereau and other MTA staff were involved in setting up political caucuses in Maine.

It is my understanding that MTA did in fact identify its members who were Carter/Mondale supporters in the hundreds of small communities in Maine, mainly in far northern Aroostook County. These supporters, according to MTA's plan, would be asked to attend their municipal caucuses or actually host them

* The campaign later leased two additional rooms in the same building at a cost of \$75.00 per room per month.

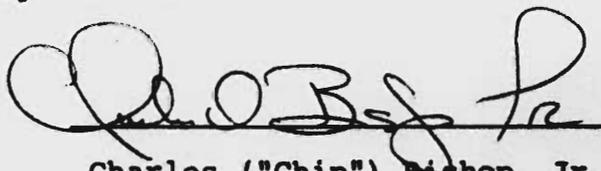
should the regular Democratic leader in the community not be willing or able to do so.

In many of these small towns, the number of registered and eligible Democrats is very small, sometimes less than ten. Since every town has citizens who are teachers, Mr. Mersereau contacted teachers who were members of MTA in rural communities to identify those who were Carter/Mondale supporters. It was understood between us that Federal election laws required that MTA staff limit their activities while on union time to communications with MTA members and their families.

I swear, under penalty of law, that the above statements are true to the best of my knowledge and belief.

3-17-81

Date



Charles ("Chip") Bishop, Jr.

Carla D. Cooke,
Notary Public

My Commission Expires Mar. 31, 1983

Attachment #3 - MUR 1369

CARTER/MONDALE PRESIDENTIAL COMMITTEE, INC.
P.O. Box 500, Washington, D.C. 20044

501206

15-7
540

Pay To MAINE TEACHERS ASSOC

Date 10 DEC 79

35 COMMUNITY DRIVE
ADDRESS

NOT VALID FOR MORE
THAN \$100.00

AUGUSTA ME
ADDRESS

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NINETY

_____ DOLLARS \$ 90⁰⁰

Purpose RENT + TELEPHONE

NON NEGOTIABLE

X 29

RETURN TO NATIONAL OFFICE WITH DOCUMENTATION
AUTHORIZED SIGNATURE

MUST BE NEGOTIATED
WITHIN 10 DAYS OF ISSUE

The National
BANK OF
WASHINGTON Washington, D.C.

CARTER-MONDALE PRESIDENTIAL
COMMITTEE, INC.
OPERATING ACCOUNT

4585 ✓

January 15 1980

15-720
546

PAY
TO THE ORDER OF

PAY \$25000 CTS

\$ 250.00

Kenneth A. Cobb
112 State Street
Augusta, ME 04330

⑆004585⑆ 02025102 2009 1⑆ 054000072⑆ 1063 06 5⑆ 0000025000⑆



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2199

CARTER-MONDALE PRESIDENTIAL
COMMITTEE, INC.
OPERATING ACCOUNT

No 3963

December 14 1979

15-720
546

PAY
TO THE ORDER OF

PAY \$25000 CTS

\$ 250.00

Kenneth A. Cobb
112 State Street
Augusta, ME 04330

⑆003963⑆ 0203316 2596 0⑆ 054000072⑆ 1063 06 5⑆ 0000025000⑆



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2199

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Carter/Mondale
Re-Election
Committee, Inc.
2000 L Street, N.W.
Washington, D.C. 20036

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

912511

300#
4158



LEGAL SERVICES 52
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

March 12, 1981

Nancy Nathan
Staff Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1369

Dear Ms. Nathan:

Pursuant to my conversation with Scott Thomas on March 9, 1981, and with you on March 10, 1981, I am submitting in writing my request for an extension of time for Robert H. Chanin, General Counsel, National Education Association, to respond to MUR 1369. Mr. Chanin has been authorized to represent the Maine Teachers Association, the Bangor Education Association, John Marvin, Robert Bourgault, Richard Mersereau, Beth Supranovich, William McGary, James Corey, Leroy Lambert and the National Education Association in this matter. The extension is requested because of the need to collect information from respondents located in both Maine and D.C. and because for the last two weeks, Mr. Chanin has been on business outside of D.C. involving, among other things, appearances in several cases.

I appreciate your cooperation.

Sincerely,

Joy Koletsky
Staff Counsel

JK:ew

MAR 13 11:59 AM

RECEIVED
OFFICE OF
GENERAL COUNSEL

31010:31799

31040292000



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



Nancy Nathan
Staff Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

maine teachers association

**35 COMMUNITY DRIVE
AUGUSTA, MAINE 04330**



**Elissa T. Garr
Docket Chief
Federal Election Commission
Washington, D. C. 20036**



United Teaching Profession in Maine

3 0 1 2 2 7 2 0 0 2

Feb. 20, 1981

Nancy Nathan
2/24

MUR # 1369

DATE 2/25/81

523-4060

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

John Marvin, Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Robert Bourgault, Associate Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Richard Mercereau, Director of Research
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Beth Supranovich, President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

William McGary, Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

National Education Association
1201 16th Street
Washington, D.C. 20036

Leroy Lambert, Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Chip Bishop, Coordinator
Carter-Mondale Campaign
~~Present address unknown~~

Re-election Committee
2000 L St. NW
Washington, D.C. 20036

Bangor Education Ass'n
Box 48
Country Park
RFD #4
Bangor ME 04401

*all respondents
file for permanent
complaints*

*Complaint #4:
Ralph R. Newbert
156 Garland St.
Bangor, Maine 04401*

31040292003

2000 L St. N.W.
Washington, D.C. 20036

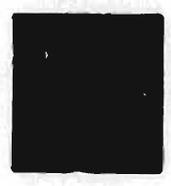
Bangor Education Ass'n
Box 48
Country Park
RFD #4
Bangor ME 04401

~~National Education Ass'n~~

Maine Teachers' Ass'n
35 Community Drive
Augusta, ME 04330

Carter/Mondale ~~Re-election~~ Re-election Committee
2000 L St. N.W.
Washington, D.C. 20036

31940292004





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Marvin, Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Marvin:

This letter is to notify you that on February 20, 1981, 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 1369. 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.

31040292005

John Marvin, Executive Director
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292006

The image shows a dark, rectangular stamp or form, likely a return receipt or tracking label. It contains several fields and a circular postmark. The text is mostly illegible due to the dark background, but some elements are visible: a date stamp "3-2-81", a circular postmark from "U.S. MAIL" dated "MAR 2 1981", and a handwritten address "1369 Nathan" at the bottom. There are also some checkboxes and lines for text, but the content is mostly obscured.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Mersereau, Director of Research
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Mersereau:

This letter is to notify you that on February 20, 1981, 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 1369. 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.

3104022007

Richard Mersereau
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292008

TO: <i>Richard Mersereau</i>	
FROM: <i>Elissa T. Garr</i>	
ADDRESS: <i>35 Community Dr. Baltimore, Md. 21206</i>	
REGISTERED MAIL	POSTAGE PAID
12546	
(Always obtain signature of recipient or agent)	
I have received the article described above.	
SIGNATURE: <i>Thomas L. H.</i>	
DATE OF DELIVERY	MAIL ONLY
<i>3-2-81</i>	<i>MAR 2 1981</i>
REASON FOR RETURN: <i>1369 Nathan</i>	
DATE: <i>2-2-81</i>	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Bourgault, Associate
Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Bourgault:

This letter is to notify you that on February 20, 1981, 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 1369. 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.

31040292009

Robert Bourgault
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292010

The stamp contains the following information:
- A list of checkboxes at the top, mostly illegible.
- Handwritten address: "New York, NY", "Community", "10011".
- A box with the number "792110".
- A signature: "Thomas [illegible]".
- A date: "5-2-88".
- A circular postmark: "MAY 2 1988".
- A box with the number "1369".
- The name "Nathan" written at the bottom.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Beth Supranovich, President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Ms. Supranovich:

This letter is to notify you that on February 20, 1981, 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 1369. 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.

31040292011

Beth Supranovich
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292012

1. TO (Name and address of addressee)	
2. ARTICLE DESCRIPTION	
3. RECEIVED NO.	CERTIFIED NO.
4. DATE OF DELIVERY	
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER REASON:	

1369 Nathan



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William McGary, Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. McGary:

This letter is to notify you that on February 20, 1981, 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 1369. 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.

31040292013

William McGary
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292014

REGISTERED NO.		CUSTOMER NO.	RECEIVED
		89214	
I have received the article described above.			
SIGNATURE: <u>James R. Nathan</u>			
DATE OF DELIVERY: <u>3-5-81</u>			
ADDRESS: <u>1367 Nathan</u>			
NAME TO DELIVER ESCALATOR: <u>Nathan</u>			

MAR 5 1981



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

Re: MUR 1369

Dear Mr. Corey:

This letter is to notify you that on February 20, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. Please refer to this number in all future correspondence.

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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.

31740292015

James Corey
Page Two

If you have any questions, please contact Nancy Nathan, the attorney assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292016

TO: JAMES COREY 175 Fruit Street Bangor, Maine 04401	
ARTICLE NUMBER	124516
I have received the article described above.	
DATE OF DELIVERY	3/20/81
UNABLE TO DELIVER BECAUSE:	

3-18-81

To: Samanda
From: Nancy B. Nathan
Re: MUR 1369

The two ^{returned} certified letters,
notifying respondents of the
complaint, filed in MUR 1369,
should be redirected as
follows:

- 1) Bangor Education Association
c/o Ann Marston, President
Bangor High School
885 Broadway
Bangor, ME 04401

- 2) James Corey, Past President
Bangor Education Association
c/o Fruit ~~Street~~ Street School
175 Fruit St.
Bangor, ME 04401

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



Official Business

Penalty for Private Use \$300



REASON CHECKED

Not claimed Refused _____
Attempted - Not known _____
Insufficient Address _____
No such street _____ number _____
No such office in state _____
Do not remain in this envelope

CLAIM CHECK
118513

DATE 4/18/89

LET NOTICE
RETURNS 3/15

~~Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401~~

Some NO ORDER W.D.

CERTIFIED

948271

31026701018

31040292019

Accounting
memo



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use \$300

118512
9/15
RETURN

TO MEMBER
MAILING CHECKED
Delivered / Refused
Return to sender
No cash value
Do not remove from this envelope

POSTAGE AND FEES PAID



James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. 44
Bangor, Maine 04401

See
NO ORDER
W.D.

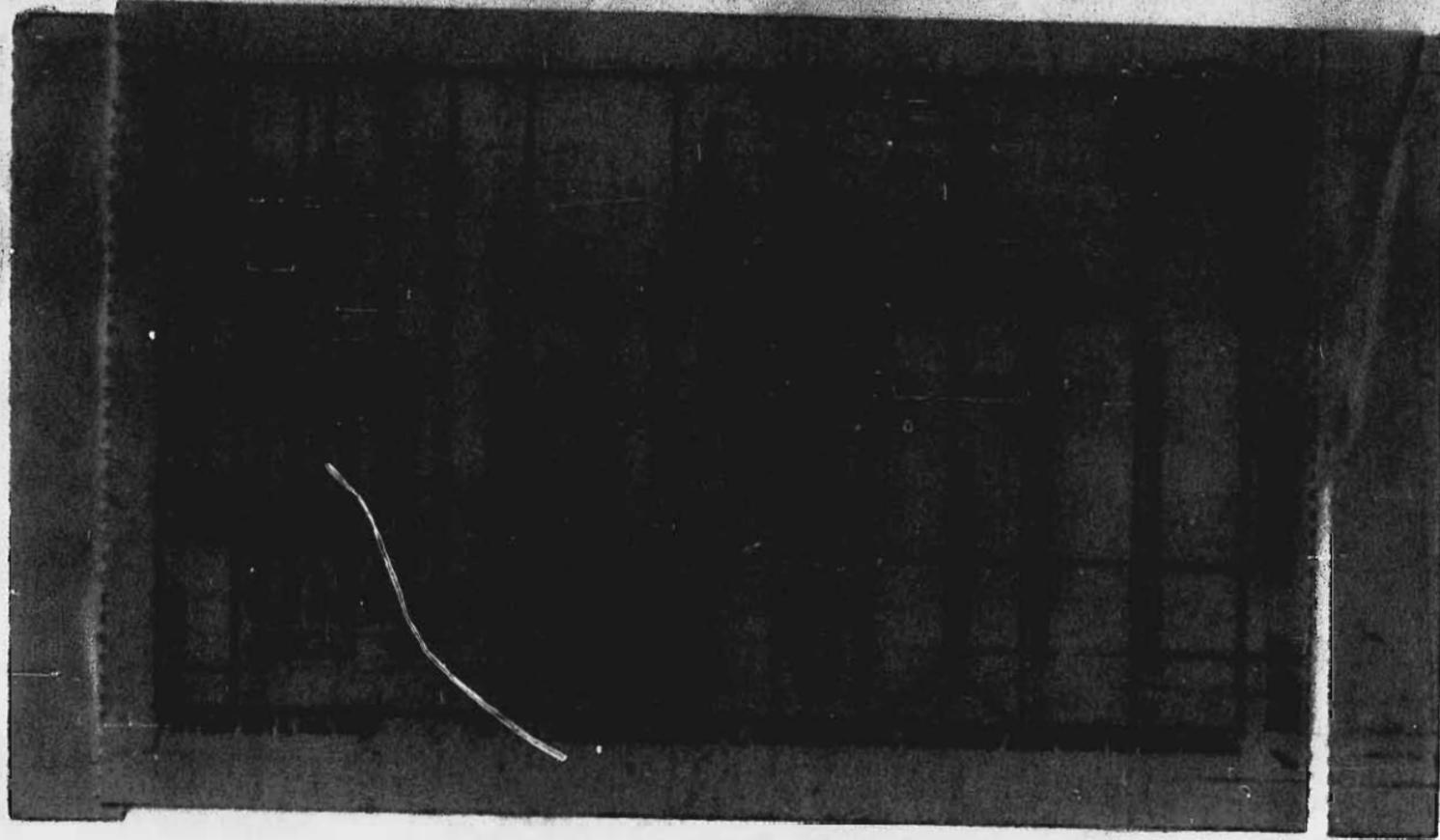
CERTIFIED

948270

31040392001

3101032001

Procting
name





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leroy Lambert, Chairperson
Political Action Conference
of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Mr. Lambert:

This letter is to notify you that on February 20, 1981 the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. 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.

31010022

Leroy Lambert
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292023

The document is a dark, rectangular form with several sections. At the top, there are several checkboxes, some of which are marked. Below this, there is a section for 'ARTICLE DESCRIPTION' with a handwritten number '69020'. A section for 'DATE OF DELIVERY' has the handwritten date '3-2-84'. A circular stamp is visible on the right side of the form. At the bottom, there is a handwritten address '1369 Nathan'.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chip Bishop, Coordinator
Carter-Mondale Re-election Committee
2000 L Street, N.W.
Washington, D. C. 20036

Re: MUR 1369

Dear Mr. Bishop:

This letter is to notify you that on February 20, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. 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.

31040292024

Chip Bishop
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

1369 Nathan

TO: [illegible]	
FROM: [illegible]	
DATE: [illegible]	
SUBJECT: [illegible]	
RECEIVED BY: [illegible]	
DATE OF DELIVERY: 3/2/81	
SIGNATURE: [illegible]	
ADDRESS: [illegible]	
UNABLE TO DELIVER BECAUSE: [illegible]	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Education Association
1201 16th Street, N.W.
Washington, D. C. 20036

Re: MUR 1369

Dear Sir or Madam:

This letter is to notify you that on February 20, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. Please refer to this number in all future correspondence.

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3101026:01016

National Education Association
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

1369 Washen

1. RETURN TO: (Check one) <input type="checkbox"/> Return to sender, no postage necessary if mailed in the United States. <input type="checkbox"/> Return to sender, postage guaranteed. <input type="checkbox"/> Return to addressee, postage guaranteed. <input type="checkbox"/> Return to addressee, no postage necessary if mailed in the United States.		
2. ADDRESSEE'S NAME AND ADDRESS: Nat. Education Assn. 1201 16th St. NW Wash, DC 20036		
3. RETURNED REASON:	4. RETURNED DATE:	5. RETURNED BY:
I have examined the article described above. Signature: <u>Elissa T. Garr</u> Name: _____ Address: _____ City: _____ State: _____ Zip: _____		
6. ADDRESS (Complete only if necessary)		7. RETURNED REASON
<u>copy</u>		
8. UNABLE TO DELIVER REASON:		9. RETURNED DATE:



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

Re: MUR 1369

Dear Sir or Madam:

This letter is to notify you that on February 20, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. 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.

31010208

Bangor Education Association
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292029

NO. 120

TO: Bangor Education Assoc.
885 Broadway
Bangor, Maine 04401

POSTAGE WILL BE PAID BY ADDRESSEE

949930

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: Elissa T. Garr

DATE OF DELIVERY: 3-20-81

ADDRESS Complete only if changed

UNABLE TO DELIVER REASON:

BANGOR
ME
U.S.

3-18-81



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Re: MUR 1369

Dear Sir or Madam:

This letter is to notify you that on February 20, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. 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.

31010292030

Maine Teachers's Association
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292031

TO: <i>Elissa T. Garr</i>	
FROM: <i>Richard</i>	
ADDRESS: <i>Maine Teachers' Assn. 35 Community Dr. Augusta, Maine 04330</i>	
CITY: <i>Augusta</i>	
STATE: <i>ME</i>	
ZIP: <i>04330</i>	
I have received the article described above.	
DATE OF DELIVERY: <i>3-2-81</i>	
UNABLE TO DELIVER BECAUSE:	
1369 Nathan	



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carter-Mondale Re-election Committee
2000 L Street, N.W.
Washington, D. C. 20036

Re: MUR 1369

Dear Sir or Madam:

This letter is to notify you that on February 20, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1369. 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.

31710292032

Carter-Mondale Re-election Committee
Page Two

If you have any questions, please contact Nancy Nathan,
the attorney assigned to this matter at (202) 523-4060. For
your information, we have attached a brief description of the
Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

by: Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosures

1. Complaint
2. Procedures

31040292033

TO: [REDACTED]		
FROM: [REDACTED]		
SUBJECT: [REDACTED]		
CARTER-MONDALE RE-ELECTION COMMITTEE 3000 L ST, NW WASH. DC 20036		
ARTICLE DESCRIPTION HANDPIECED NO. [REDACTED] SERIALIZED NO. [REDACTED] INDEXED NO. [REDACTED]		
I have examined the article described above. INDEXED [] CLASSIFIED []		
DATE OF INDEXING 2/24/81	DATE OF SERIALIZATION 2/25	FEB 27 1981 FBI - WASHINGTON
UNABLE TO DELIVER ENCLOSES		

1309 Nathan



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Dear Mr. Newbert:

31040292034

This letter is to acknowledge receipt of your complaint of February 20, 1981, against the National Education Association, Maine Teachers' Association, Bangor Education Association and the Political Action Conference of Educators 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

by:

Elissa T. Garr
Elissa T. Garr
Docket Chief

Enclosure

3 1 7 4 0 2 9 2 0 3 58

2-26-51

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

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:
Ralph R. Nubert
156 Garland St.
Bangor, Maine 04401

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 _____ *592946* _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Address Date Agent

Ralph Nubert

4. DATE OF DELIVERY _____ POSTMARK _____

5. ADDRESS (Required only if requested)

6. UNABLE TO DELIVER BECAUSE:

1369 Nathan



MUR 1369
9/225

COO#4050

81 FEB 20 11:00

156 Garland Street
Bangor, Maine 04401
December 13, 1980

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

Dear Mr. Gross:

This letter is in response to your letter of October 30, 1980, in which you requested additional information in reference to my complaint against the National Education Association, Maine Teachers' Association, Bangor Education Association and the Political Action Conference of Educators. In order to be as precise as possible, I will outline the additional information in a manner similar to your letter of October 30.

1). The complainant is:

Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401 Telephone: (207) 942-8740

2). The respondents, specifically but not limited to, are:

John Marvin, Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Robert Bourgault, Associate Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Richard Mersereau, Director of Research
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Beth Supranovich, President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

31747292036

90:2 d 02 033 1

RECEIVED
FEB 20 1981

Kenneth A. Gross
December 13, 1980
Page 2

William McGary, Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

National Education Association
1201 16th Street
Washington, D.C. 20036

Leroy Lambert, Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Chip Bishop, Coordinator
Carter-Mondale Campaign
Present address unknown.

- 3). Information for Complaint #1 is derived from publications of the National Education Association and the Maine Teachers' Association, including but not limited to The Maine Teacher, 1979-1980 issues; NEA Reporter, 1979-1980; Political Action Conference of Educators Chairperson's Report and Treasurer's Report, 1979-1980; Maine Teachers' Association Financial Reports, 1978, 1979. Additional information was obtained by talking to members of the Maine Teachers' Association Executive Committee.

Information for Complaint #2 derives from the same sources as Complaint #1. Additionally, I obtained information while serving as a delegate to PACE Conferences and as a member of the Representative Assembly of the Maine Teachers' Association. Also, James Corey stated that the Maine Teachers' Association uses membership dues to pay administrative/organizational costs of the Political Action Conference of Educators (PACE) at the September and October, 1980, meetings of the Bangor Education Association Executive Board Meeting. President Corey then repeated his statements to Wayne Reilly, news reporter for the Bangor Daily News (491 Main St., Bangor, Me. 04401) who then had the information

31040292057

Kenneth A. Gross
December 13, 1980
Page 3

printed in the Bangor Daily News of October 4, 1980.

Information for Complaint #3 comes from conversations with the State Representative John Diamond and Robert Bourgault, Associate Executive Director, Maine Teachers' Association. (Mr. Diamond's address is: 818 Ohio Street, Bangor, Maine 04401).

Information for Complaint #4 is based on personal experience with Mr. Mersereau, who recruited me to arrange caucuses in Penobscot County. He offered me the use of the MTA WATS line to facilitate arrangements. Mr. Mersereau's activities are common knowledge among Carter-Mondale workers including Charles Bishop (CHIP), area coordinator for the Carter-Mondale Re-Election Committee, and Gregory Nadeau, State coordinator. (Representative Gregory Nadeau can now be reached at the State house, Augusta, Maine 04333.)

Complaint #5 derives from my dismissal from the Bangor Education Association Executive Board by President James Corey. Mr. Corey dismissed me for refusing to join the Political Action Conference of Educators. This dismissal occurred at the October Executive Board Meeting, and was witnessed by all present, including Allen L. Harrington (66 Penobscot Street, Orono, Me. 04473) and Arthur Miles, (RFD #1, Box 206A, Orrington, Me.)

Information for Complaint #6 is found in the Bylaws of the Political Action Conference of Educators

Information for Complaints #7 and #8 are also found in the Bylaws of the Political Action Conference of Educators.

Information for Complaint #9 can be found in the resolutions presented to the 1980 Representative Assembly of the Maine Teachers' Association.

Complaint #10 can be ascertained by surveying current and prior officers of the Maine Teachers' Association, and by reading the Bylaws of the Political Action Conference of Educators.

The basis for Complaint #11 is that President James Corey and other members of the PACE Board of Directors also serve on the Executive Committee of the MTA. For further information, see PACE Bylaws.

Complaint #12 is based on personal experience as a delegate to PACE. Further information may be obtained from Representative Edward Kelleher, State House, Augusta, Maine 04333; and David Bustin, Commissioner of Personnel, State House, Augusta, Me. 04333.

3104022333

Kenneth A. Jross
December 13, 1980
Page 4

The source of information for Complaint #13 is an endorsement of Frederick Gautschi, III by the PACE Board of Directors. Mr. Gautschi's address is: 103 Poplar Street, Bangor, Me. 04401. A record of his campaign finance report specifying contributions is on file at the Secretary of State's Office, State House, Augusta, Me. 04333.

The Political Action Conference of Educators was held at several places, including the Holiday Inn, Waterville, Me. Since there has been a sharp reduction in the past few years in PACE contribution, I believe that the PACE conferences were were paid by MTA funds comprised of membership dues.

Enclosed are copies of supporting documents that I currently have. Please contact me if you have any further questions.

Sincerely,

Ralph R. Newbert

February 18, 1981

I swear, under penalty of law, that statements made to the Federal Election Commission are true to the best of my knowledge.

Wendy A. Fielder
Notary Public

My commission expires February 6, 1988

Ralph Newbert

156 Garland Street
Bangor, Maine 04401
October 25, 1980

Charles N. Steele
Deputy General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

Dear Mr. Steele,

It is my understanding that various federal laws prohibit labor organizations from making direct or indirect contributions or expenditures in connection with any federal election. This prohibition also precludes labor organizations from becoming involved in primary elections, caucuses and political conventions held to select candidates for federal office.

From personal experience, although I am not an attorney, it seems that the above-mentioned prohibitions have been violated in that the National Education Association (NEA) and its affiliates, the Maine Teachers' Association (MTA) and the Bangor Education Association (BEA), have been actively involved in the 1980 federal election, including the 1980 Maine caucuses. In addition, there are irregularities in the manner in which the Maine Teachers' Association and its political action committee, known as the Political Action Conference For Educators (FACE), operate. This involvement by the National Education Association and its affiliates, and the irregularities of the Maine Teachers' Association and the Political Action Conference of Educators may violate federal law.

The activities and irregularities of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association are specifically, but not limited to:

- 1). Membership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice-President of the United States in 1980.
- 2). The Maine Teachers' Association uses membership dues, without informing membership, to pay for the administrative costs of FACE. These costs include, but are not limited to, staff time, stamps, phones, stationary, mileage costs, meals of the Political Action Conference for Educators, its appointed Board of Directors, and all appointed delegates.

- 3). Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter-Mondale Campaign:
- a). Office space at MTA headquarters in Augusta, without charge.
 - b). Free access to telephones, including Wide Area Telephone Service (WATS line).
 - c). An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.
- 4). Maine Teachers' Association staff, during their regular MTA-salaried workday, became involved in setting up political caucuses in towns all over the State of Maine. One individual so involved was Richard Mersereau.
- 5). The Bangor Education Association dismissed a member from its Executive Board for not joining the Political Action Conference for Educators, membership in which is supposedly voluntary.
- 6). The Political Action Conference for Educators has no restrictions on who may contribute.
- 7). Delegates to the Political Action Conference For Educators, and members of its Board of Directors are appointed to their positions, not elected by membership. Therefore, contributors to FACE are not represented on the Board of Directors, nor is the membership of MTA whose dues monies are used to pay for administrative and organizational costs.
- 8). Three employees of the Maine Teachers' Association serve on the Board of Directors of the Political Action Conference for Educators.
- 9). The Board of Directors of the Political Action Conference of Educators is actively involved in shaping the policies and actions of the Maine Teachers' Association through the development and submission of resolutions to the Representative Assembly of the Maine Teachers' Association (1980).
- 10). There is coercion on the part of the Maine Teachers' Association towards its members in that members must join FACE, if they wish to rise in the organization, e.g. the President of MTA is automatically on the FACE Board of Directors, according to FACE bylaws (Refer to Complaint #5).

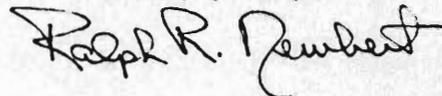
11010292041

Charles N. Steele
Federal Election Commission
October 25, 1980
Page 3

- 11). The PACE Board of Directors, the NTA Executive Committee and NTA employees are functionally integrated to such a degree that segregation of the factors is impossible. This interlocking is the basis for substantive control of political endorsements, particularly on the federal level.
- 12). The Board of Directors of the Political Action Conference for Educators has never developed a consistent set of guidelines for the endorsement of political candidates. Therefore fairness in the endorsement of candidates is a function of the appointed delegates who are in attendance, and does not necessarily reflect the belief systems of either contributors to PACE or the membership of NTA, whose monies are utilized to pay administrative/organizational costs of PACE.
- 13). In violation of the Bylaws of the Political Action Conference for Educators, the Board of Directors has endorsed and provided funding for political candidates.

Based on the aforementioned, and other activities, of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association, I ask as a member of the NEA/NTA/BEA that the Federal Election Commission conduct an immediate investigation to determine if federal laws have been violated.

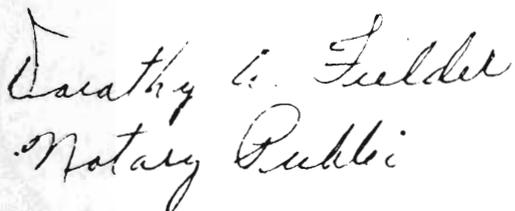
Sincerely yours,



Ralph R. Newbert

February 18, 1981

I swear, under penalty of law, that statements made to the Federal Election Commission are true to the best of my knowledge.



Dorothy G. Fielder
Notary Public

My commission expires February 6, 1988



K. NEWBOTT
156 Garland St.
Bangor, ME 04401

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

CERTIFIED
P31 7007901
MAIL

01 FEB 63

RETURN RECEIPT
REQUESTED

COHEN

912074

United States Senate

WASHINGTON, D.C. 20510

February 4, 1981

Please reply to:
P.O. Box 1384
Bangor, Maine 04401

Gary Christian, Congressional Liaison Officer
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

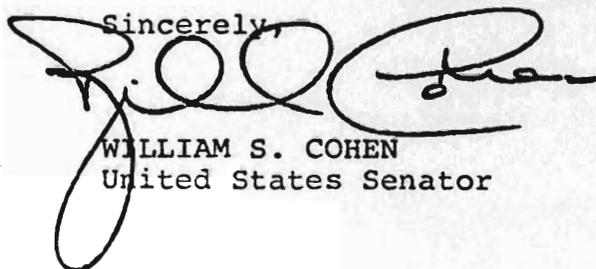
Dear Mr. Christian:

I am writing in behalf of Mr. Ralph Newbert of
Bangor, Maine.

Mr. Newbert has sent the enclosed material to the
Commission concerning a complaint. He has brought
the matter to my attention, and I am writing to
indicate my interest in the subject and to request
a prompt and thorough review of Mr. Newbert's
comments. I will look forward to hearing from you.

With best regards, I am

Sincerely,



WILLIAM S. COHEN
United States Senator

WSC:rst

Enclosures

31010292014

2/2/81

KAG. Goy

I typed 2 page #2's for
this improper. One if you
want the CC's to go to the
organizations, the other if
you want the CC's to go to
everyone mentioned.

George



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Dear Mr. Newbert:

We have received your letter of December 13, 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;

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- (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.

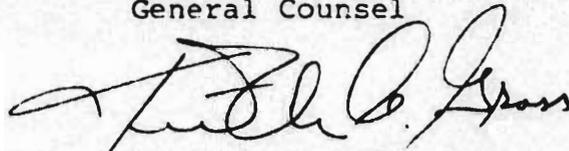
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

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: John Marvin
Robert Bourgault
Richard Mersereau
Beth Supranovich
William McGary
James Corey
National Education Association
Leroy Lambert
Carter/Mondale Reelection Committee
Maine Teachers' Association
Bangor Education Association
Chip Bishop

310403017

9/19/14

156 Garland Street
Bangor, Maine 04401
December 13, 1980

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

Dear Mr. Gross:

This letter is in response to your letter of October 30, 1980, in which you requested additional information in reference to my complaint against the National Education Association, Maine Teachers' Association, Bangor Education Association and the Political Action Conference of Educators. In order to be as precise as possible, I will outline the additional information in a manner similar to your letter of October 30.

1). The complainant is:

Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401 Telephone: (207) 942-8740

2). The respondents, specifically but not limited to, are:

John Marvin, Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Robert Bourgault, Associate Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Richard Mersereau, Director of Research
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Beth Supranovich, President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

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RECEIVED
GENERAL COUNSEL

Kenneth A. Gross
December 13, 1980
Page 2

William McGary, Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

National Education Association
1201 16th Street
Washington, D.C. 20036

Leroy Lambert, Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Chip Bishop, Coordinator
Carter-Mondale Campaign
Present address unknown.

- 31040292019
- 3). Information for Complaint #1 is derived from publications of the National Education Association and the Maine Teachers' Association, including but not limited to The Maine Teacher, 1979-1980 issues; NEA Reporter, 1979-1980; Political Action Conference of Educators Chairperson's Report and Treasurer's Report, 1979-1980; Maine Teachers' Association Financial Reports, 1978, 1979. Additional information was obtained by talking to members of the Maine Teachers' Association Executive Committee.

Information for Complaint #2 derives from the same sources as Complaint #1. Additionally, I obtained information while serving as a delegate to FACE Conferences and as a member of the Representative Assembly of the Maine Teachers' Association. Also, James Corey stated that the Maine Teachers' Association uses membership dues to pay administrative/organizational costs of the Political Action Conference of Educators (FACE) at the September and October, 1980, meetings of the Bangor Education Association Executive Board Meeting. President Corey then repeated his statements to Wayne Reilly, news reporter for the Bangor Daily News (491 Main St., Bangor, Me. 04401) who then had the information

printed in the Bangor Daily News of October 4, 1980.

Information for Complaint #3 comes from conversations with State Representative John Diamond and Robert Bourgault, Associate Executive Director, Maine Teachers' Association. (Mr. Diamond's address is: 818 Chio Street, Bangor, Maine 04401).

Information for Complaint #4 is based on personal experience with Mr. Mersereau, who recruited me to arrange caucuses in Penobscot County. He offered me the use of the MTA WATS line to facilitate arrangements. Mr. Mersereau's activities are common knowledge among Carter-Mondale workers including Charles Bishop (CHIF), area coordinator for the Carter-Mondale Re-Election Committee, and Gregory Nadeau, State coordinator. (Representative Gregory Nadeau can now be reached at the State House, Augusta, Maine 04333.)

Complaint #5 derives from my dismissal from the Bangor Education Association Executive Board by President James Corey. Mr. Corey dismissed me for refusing to join the Political Action Conference of Educators. This dismissal occurred at the October Executive Board Meeting, and was witnessed by all present, including Allen L. Harrington (66 Penobscot Street, Crono, Me. 04473) and Arthur Miles, (RFD #1, Box 206A, Crrington, Me.)

Information for Complaint #6 is found in the Bylaws of the Political Action Conference of Educators

Information for Complaints #7 and #8 are also found in the Bylaws of the Political Action Conference of Educators.

Information for Complaint #9 can be found in the resolutions presented to the 1980 Representative Assembly of the Maine Teachers' Association.

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The basis for Complaint #11 is that President James Corey and other members of the FACE Board of Directors also serve on the Executive Committee of the MTA. For further information, see FACE Bylaws.

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310400292030

Kenneth A. Gross
December 13, 1980
Page 4

The source of information for Complaint #13 is an endorsement of Frederick Gautschi, III by the FACE Board of Directors. Mr. Gautschi's address is: 103 Poplar Street, Bangor, Me. 04401. A record of his campaign finance report specifying contributions is on file at the Secretary of State's Office, State House, Augusta, Me. 04333.

The Political Action Conference of Educators was held at several places, including the Holiday Inn, Waterville, Me. Since there has been a sharp reduction in the past few years in FACE contribution, I believe that the FACE conferences were were paid by MTA funds comprised of membership dues.

Enclosed are copies of supporting documents that I currently have. Please contact me if you have any further questions.

Sincerely,

Ralph R. Newbert

Ralph R. Newbert

Jan 16, 1981

Jacqueline E. Palmer, Notary Public

My Commission Expires June 20, 1987

117102051

156 Garland Street
Bangor, Maine 04401
October 25, 1980

Charles N. Steele
Deputy General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

Dear Mr. Steele,

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Charles N. Steele
Federal Election Commission
October 25, 1980
Page 2

- 3). Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter-Mondale Campaign:
 - a). Office space at MTA headquarters in Augusta, without charge.
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 - c). An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.
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- 10). There is coercion on the part of the Maine Teachers' Association towards its members in that members must join FACE, if they wish to rise in the organization, e.g. the President of MTA is automatically on the FACE Board of Directors, according to FACE bylaws (Refer to Complaint #5).

31040292033

Charles N. Steele
Federal Election Commission
October 25, 1980
Page 3

- 11). The FACE Board of Directors, the NEA Executive Committee and NEA employees are functionally integrated to such a degree that segregation of the factors is impossible. This interlocking is the basis for substantive control of political endorsements, particularly on the federal level.
- 12). The Board of Directors of the Political Action Conference for Educators has never developed a consistent set of guidelines for the endorsement of political candidates. Therefore fairness in the endorsement of candidates is a function of the appointed delegates who are in attendance, and does not necessarily reflect the belief systems of either contributors to FACE or the membership of NEA, whose monies are utilized to pay administrative/organizational costs of FACE.
- 13). In violation of the Bylaws of the Political Action Conference for Educators, the Board of Directors has endorsed and provided funding for political candidates.

Based on the aforementioned, and other activities, of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association, I ask as a member of the NEA/NEA/PEA that the Federal Election Commission conduct an immediate investigation to determine if federal laws have been violated.

Sincerely yours,

Ralph R. Newbert

Ralph R. Newbert

31710292034

October 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Dear Mr. Newbert:

We have received your letter of October 25, 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;

117022055

Leader line

by William McGary
President of MTA



President Carter kept his promise to education

The NEA and the MTA have taken the unusual step of declaring support for President Carter in the primaries. Their action recognizes that the man who was endorsed by the NEA in the 1976 election has delivered for education. With his backing, the separate Department of Education became a reality, federal funding for schools has been increased, and tuition tax credits which would have diverted money from the public schools have been defeated. The President has set an example of confidence in public education by enrolling his daughter in the Washington, D.C. schools.

The expression of support for President Carter's candidacy was voted at a joint session of the MTA Executive Committee and the PACE Board of Directors. The roll call vote was unanimous. The action was taken after much discussion and consultation with UniServ Councils in a series of meetings held in November and December. The vote which recognizes President Carter's support for public schools was based entirely on education issues. Executive Committee and PACE members voted without reference to their personal political positions.

This is the first time that associations, both national and state, have been faced with the

question of primary support for an incumbent president. The NEA position was adopted by vote of the Board of Directors and a number of other state associations have also expressed support for the President.

The statement of support for Carter in Maine does not mean that MTA-PACE money will be expended in the primary effort. Such funds can be involved only in state level elections when an endorsement has been made according to PACE rules which require wide membership involvement.

After both parties have made nominations this summer the regular process will be used by the NEA to determine which, if either, candidate the delegates to the 1980 NEA Representative Assembly will endorse. Action now by the NEA and MTA has reference only to the Democratic primary contest involving President Carter, Senator Kennedy, and Governor Brown.

President Carter's steadfast support has benefitted education at a time when the public schools have been under heavy attack. The vote of PACE and the Executive Committee brings to the attention of members the President's record of sensitivity to the interests of teachers and his continuing support for education.

31040392057

SARANDO P. GIFTOS
PUBLIC ACCOUNTANT

10 Congress Square
Portland, Maine 04101

September 26, 1979

207/775-0074

Maine Teachers Association
35 Community Drive
Augusta, Maine 04330

Dear Members:

I have made an examination of the books and records of the Maine Teachers Association for the fiscal year ended August 31, 1979, and present herewith the following financial report:

Exhibit A Comparative Statement of Financial
Condition as at August 31, 1979 and 1978

Schedule 1 Statement of Restricted Fund Balances

Exhibit B Statement of Operations for the Fiscal
Year Ended August 31, 1979

Exhibit C Comparison of the Budget and Actual In-
come and Expenses for the Fiscal Year
Ended August 31, 1979

Exhibit D Condensed Comparative Statement of Opera-
tions for the Past Five (5) Fiscal Years

During the past fiscal year, the association received net operating income of \$1,269,241.85, and had net operating expenses of \$1,252,472.41 including interest of \$20,011.13 on the headquarters building mortgage. This resulted in net income from operations of \$6,769.44. In addition, \$7,777.27 was spent to reduce the building mortgage resulting in an excess of expenditures over income for the fiscal year of \$1,007.63.

Included in income for the fiscal year is \$35,456.24 received from Union Mutual Insurance Company as a promotional allowance, and \$99,000.00 from the MEA toward the expense of staffing and operating the association's UNISERV ten offices.

Exhibit A is a comparative statement of financial condition for the fiscal periods ended August 31, 1979 and 1978. It includes only the general fund assets and liabilities of the association. It does not include balances of the various employee retirement plans existing prior to the present association retirement plan. The association's restricted funds are shown in Schedule 1. The new building is not being depreciated because it is the

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intention of the association to fund future building replacement from sources other than current income. Furniture, fixtures and equipment are purchases being financed from the general fund and are expensed when purchased.

Exhibit C is a comparison of the budgeted and actual items of income and expense for the fiscal year ended August 31, 1979.

Exhibit D is a condensed comparative statement of operations for the past five fiscal periods. Detail of each of the reported income and expense classifications can be ascertained by referring to the financial reports of each fiscal year.

My examination was conducted in accordance with generally accepted principles of auditing and included verification of the cash balances and other funds and accounts of the association. The accompanying exhibits reflect, in my opinion, the results of the operation of the association for the fiscal period ended August 31, 1979.

Respectfully submitted,

Sarando P. Giftos
Accountant and Auditor

SPG/h

31040292039

Exhibit A (Cont)

<u>Long Term Liability</u>			
Mortgage Payable	<u>212,064.68</u>	<u>219,841.95</u>	<u>(7,777.27)</u>
Total Liabilities	311,360.48	368,517.91	(57,157.43)
Net Worth	<u>267,615.43</u>	<u>260,845.99</u>	<u>6,769.44</u>
TOTAL LIABILITIES AND NET WORTH	<u>578,975.91</u>	<u>629,363.90</u>	<u>(50,387.99)</u>

31740292061

MAINE TEAC: IES ASSOCIATION
Statement of Restricted Fund Balances
August 31, 1979

MIA GROUP INSURANCE TRUST FUND

Balance, September 1, 1978 113,418.53

Receipts or Earnings During Year

Union Mutual Life Insurance Co.

* Dividend for year ending 9/1/78
plus interest (on Premium
Stabilization Reserve) to 3/30/79

170,751.00

Interest on Savings Account

4,948.80

Interest on Savings Certificates

2,771.29

Total

178,471.09

Balance, August 31, 1979

291,889.62

Augusta Savings and Loan Association

5.25% Savings Account # 35922

14,767.33

Union Mutual Life Insurance Co.

Premium Stabilization Reserve

(earning 8.69%) - Initial Deposit

43,600.00

Additional

170,751.00

214,351.00

Depositors Trust Co. - Savings Certificate

Series T - #3597 due 12/25/79 @ 8.873%

62,771.29

Balance, August 31, 1979

291,889.62

CLYDE RUSSELL PERMANENT FUND

Balance, September 1, 1978

5,668.79

Receipts During Year

Interest Earned

290.45

Total

5,959.24

Disbursed During Year

Scholarships

450.00

Balance, August 31, 1979

5,509.24

Augusta Savings and Loan Association

5.25% Savings Account #33448

5,509.24

310102052

MAINE TEACHERS ASSOCIATION
Statement of Operations
For the Fiscal Year Ended August 31, 1979

<u>Net Operating Income From</u>		
Membership Dues		1,094,932.72
<u>Other Income</u>		
NEA - UNISERV Contribution	99,000.00	
NEA Membership Promotion	6,401.68	
NEA Legal Allowance	8,534.36	
Maine Retired Teachers Dues	12,485.50	
Union Mutual - Promotional Allowance	35,456.24	
Washington Nat'l Ins. Co. Contribution for Conference	4,000.00	
Interest on Savings Account	.60	
Miscellaneous	4,430.75	<u>170,309.13</u>
TOTAL NET OPERATING INCOME		<u><u>1,265,241.85</u></u>
<u>Net Operating Expenses for Headquarters Expense:</u>		
Office Equipment, Furnishings and Service	5,429.15	
Postage	26,729.83	
Office and Other Supplies	16,961.42	
Telephone and Telegraph	22,515.19	71,635.59
<u>Headquarters Building</u>		
Electricity	6,156.76	
Municipal Tax, Sewer and Water Charges	10,055.60	
Fuel	4,877.20	
Insurance	1,513.00	
Service - Maintenance	8,956.97	
Repairs	7,781.63	39,341.16
<u>Salaries and Staff Benefits</u>		
Headquarters Staff and Clerical Salaries	282,647.93	
MTA Cost of Retirement, Social Security, Unemployment Taxes, Hospitalization, Workmen's Compensation and Other Insurance, President's Housing Allowance, and Other Fringe Benefits	71,004.53	353,652.46
<u>UNISERV Offices and Higher Education</u>		
Salaries	280,192.45	
Fringe Benefits	59,602.52	
Office Rental and Utilities	27,040.89	
Telephone	28,317.45	
Travel - In State	64,895.28	
Travel - Outside of State (less NEA reimbursed)	4,463.66	
Council Meetings	10,266.55	
Office Equipment	13,348.43	
Office Supplies	20,375.87	
Publications	6,737.43	515,240.78

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MAINE TEACHER ASSOCIATION
Comparison of the Budget and Actual Income and Expenses
For the Fiscal Year Ended August 31, 1979

<u>Income</u>	<u>Budget</u>	<u>Actual</u>	<u>Over (Under)</u>
MTA Dues	1,091,458.00	1,094,932.72	13,474.72
Retired Teachers	14,400.00	12,485.50	(1,914.50)
NEA Legal Allowance	10,000.00	8,534.36	(1,465.24)
NEA Membership Promotion and Unified Special Services	7,500.00	6,401.68	(1,098.32)
Insurance Administration Allowance	24,000.00	35,456.24	11,456.24
Washington National Reimbursement of Promotional Expense	4,000.00	4,000.00	- 0 -
ESANE Contribution to Convention Expense	3,000.00	- 0 -	(3,000.00)
UNISERV - NEA	99,000.00	99,000.00	- 0 -
Miscellaneous	3,000.00	4,431.35	1,431.35
Total	<u>1,246,358.00</u>	<u>1,265,241.85</u>	<u>18,883.85</u>
 <u>Expenses</u>			
<u>Committees</u>			
Executive	13,000.00	7,091.45	(5,908.55)
Other Committees	9,000.00	4,985.00	(4,015.00)
Professional Conferences	18,000.00	14,295.87	(3,704.13)
NEA Convention	6,000.00	7,443.96	1,443.96
Headquarters	91,775.00	110,976.75	19,201.75
Publications	26,000.00	25,713.25	(2,286.75)
Personnel and Travel	422,020.00	409,722.17	(12,297.83)
Professional Relations	1,900.00	1,943.45	43.45
NEA Convention	6,660.00	8,463.20	1,803.20
Public Relations	3,000.00	2,866.30	(131.70)
Representative Assembly	9,000.00	9,603.55	603.55
Processing Members - NEA	6,720.00	6,002.85	(717.15)
Liability Insurance	2,700.00	2,432.50	(267.50)
<u>Supplementary</u>			
Contingency and Fact Finding	27,504.00	18,394.30	(9,109.70)
Research	2,000.00	2,718.32	718.32
Bank Services and Loan Interest	5,000.00	3,704.23	(1,295.77)
Legal Counsel	80,000.00	85,655.02	5,655.02
Maine Retired Teachers	4,000.00	1,176.53	(2,823.67)
UNISERV and HED	432,291.00	515,240.78	32,949.78
Total	<u>1,218,570.00</u>	<u>1,238,461.28</u>	<u>19,891.28</u>
Net Income Before Mortgage Payment	<u>27,788.00</u>	<u>26,780.57</u>	<u>(1,007.43)</u>
 <u>Less Mortgage Payment</u>			
Interest		20,011.13	
Principal		7,777.27	
Total	<u>27,788.00</u>	<u>27,788.40</u>	<u>40</u>
 EXCESS OF EXPENSE OVER INCOME		 <u>(1,007.83)</u>	 <u>(1,007.83)</u>

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FACE REPORT OF TREASURER 4/1/79 - 3/31/80

Cash on hand as of 3/31/79 Report \$5,232.45

Receipts

Via payroll deductions for 1978-79	\$4,013.37	
Via payroll deductions for 1979-80	3,666.88	
Cash received from individual contributions	45.00	
		<u>7,725.25</u>

TOTAL CASH AVAILABLE \$12,957.70

Expenditures

Candidates 1978-79 void contribution	(\$35.80)	
Expenses re Directors	482.54	
Bank service charge and interest on loan		
anticipating dues collections	872.17	
* To NEA for 1978-79 campaign	6,190.30	
		<u>7,509.21</u>
		\$5,448.49

Where is it?

Bank of Maine Checking Account	\$5,448.49
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1979-80 Receipts

Approximately 1,990 contributions receivable		
2/3 x \$9,725.55	\$6,000.00
Already received above		\$3,666.88

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MAINE TEACHERS ASSOCIATION
Condensed Comparative Statement of Operation

	1979	A u g u s t 1978	3 1 1977	1976*	June 30 1975
Net Operating Income From					
Membership Dues	1,094,932.72	978,311.79	934,249.81	881,267.58	810,733.98
NEA Processing	- 0 -	- 0 -	- 0 -	1,721.55	1,740.30
NEA for UNISERV	99,000.00	81,000.00	81,000.00	76,500.00	76,500.00
Union Mutual - Promotional Allowance	35,456.24	31,456.29	29,723.34	20,004.34	16,032.30
Other Income	35,852.89	58,716.76	30,871.07	36,051.43	23,253.70
TOTAL NET OPERATING INCOME	<u>1,265,241.85</u>	<u>1,149,484.84</u>	<u>1,075,844.22</u>	<u>1,015,544.90</u>	<u>928,260.28</u>
Net Operating Expenditures for					
Headquarters Expense	71,635.59	58,985.68	56,343.04	72,838.94	46,178.96
Headquarters Building	39,341.16	23,976.00	28,453.48	30,046.83	26,708.99
Salaries and Staff Benefits	353,652.46	330,562.33	318,788.44	345,485.04	256,544.51
UNISERV Offices and HED	515,240.78	445,725.40	417,715.44	459,470.22	333,509.91
Annual MTA Convention	7,443.96	4,670.86	8,272.12	8,990.47	7,558.72
Committees and Activities	38,844.17	42,539.86	50,572.00	50,249.81	52,397.53
NEA Convention	8,463.20	8,419.09	6,952.58	18,669.23	6,550.01
Travel Expenses	53,762.20	43,080.90	48,616.70	54,162.86	40,491.72
Other Expenses	170,083.89	166,788.90	135,800.78	164,633.65	129,314.33
TOTAL NET OPERATING EXPENDITURES	<u>1,258,472.41</u>	<u>1,129,749.02</u>	<u>1,072,041.58</u>	<u>1,204,552.05</u>	<u>899,254.75</u>
NET OPERATING INCOME (LOSS) FOR FISCAL YEAR	<u>6,769.44</u>	<u>19,735.82</u>	<u>3,799.64</u>	<u>(189,007.15)</u>	<u>29,005.53</u>

*14 months

Political Action Conference of Educators (MTA-PACE)

This has been a year of considerable political activity for the Maine Teachers Association Association. First, there was the massive teacher lobby effort last fall on the retirement issue. Because of this, a non-partisan study of the entire Maine State Retirement System was ordered by the special session of the legislature. The results of this study are still of key political and personal concern to members of the MTA.

Secondly, the Maine Teachers Association became the focus of national attention for its efforts in the February Maine Democratic Party Caucuses in behalf of President Carter. The MTA has been credited by many as giving to Carter his narrow margin of victory in Maine.

In spite of all this political activity by MTA members and the promise of more to come, contributions to PACE approached an all time low of only 15% of membership this year. The primary reason for this drop is a Federal Elections Commission ruling forcing teacher associations to change their methods of collecting funds for political action. The PACE Board of Directors has met concerning this problem and new approaches are being investigated as ways to improve our rate of contribution.

Finally, plans are being made for possible PACE involvement in the June primary. In addition, the PACE Board of Directors will institute the Revised Procedures of Endorsing Legislative Candidates. This will include candidate interviews, meetings of the PACE Board of Directors for selection of a slate of candidates for recommendation, and informational and business meetings of the full Political Action Conference of Educators this fall.

Report of the PACE treasurer is on the reverse side of this report.

Leroy Lambert, Chairperson

CONSTITUTION OF THE MAINE POLITICAL ACTION CONFERENCE OF EDUCATORS

(Adopted 1/20/79)

ARTICLE I: Name and definition

The name of this organization is the Maine Political Action Conference of Educators (hereinafter referred to as PACE). It is a voluntary, nonprofit unincorporated committee of individual educators and interested citizens, and it is not affiliated with any political party. PACE is an autonomous statewide organization.

ARTICLE II: Purpose

The purposes of PACE are:

1. To support and strengthen the commitment of the citizens and the government of the State of Maine to excellence in public education at all levels.
2. To promote and work for the improvement of the public schools by encouraging educators and others to take a more active part in governmental affairs pertaining to public education.
3. To encourage educators and other citizens to know and understand the nature and actions of their government and the important political issues as they pertain to public education.
4. To assist educators and other citizens in organizing themselves for more effective political action in carrying out their civic responsibilities.
5. To engage in activities to achieve the purposes stated above.

ARTICLE III: Contributions

Biennial contributions may be received from MEA members, or other individuals, or from institutions or groups other than corporations. The PACE Board of Directors shall reserve the right to refuse contributions.

ARTICLE IV: Board of Directors

Section 1. Authority and Duties

The Board of Directors shall have the general supervision and control over the affairs and funds of PACE. The preceding notwithstanding, the Board shall:

1. Authorize the employment of such personnel that it seems necessary to carry out its responsibilities.
2. Adopt, review and otherwise maintain the PACE budget.
3. Make annual reports to the contributors.
4. Study matters affecting the public schools and institutions of higher learning.

Section 2. Composition

The Board of Directors shall be composed of active members of the unified profession and PACE. Its composition shall be as follows:

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1. The person from each UniServ district who shall serve for a 1-year term. The MTA president and the chairperson of PACE shall make the nomination and the UniServ Council shall vote to accept or to reject that name. In the event of rejection the MTA president and the chairperson of PACE shall nominate another person.

2. Six persons at-large appointed by the president of the MTA for three-year terms to commence on January 1.

3. The vice-president and president of the MTA. The vice-president shall become a member of the board at the time that other duties are assumed. The immediate past president shall serve until January 1 after leaving the office of president.

4. The executive director of the MTA.

5. An MTA professional staff member named by the executive director.

{ Dick
Mersereau }

6. The assistant treasurer of the MTA.

{ Majorie Tribo }

Section 3. Records

Written records of all meetings of the PACE Board of Directors and of the PACE conferences shall be kept by the executive director or a designee.

ARTICLE V: Officers

Section 1. Elections and Terms

The officers of the PACE Board of Directors shall be a chairperson, vice-chairperson, secretary and treasurer. The chairperson and vice-chairperson shall be elected by the Board of Directors at its biennial meeting and each shall serve for a term of two years. The treasurer shall be the assistant treasurer regularly employed by the MTA. The secretary shall be the executive director of the MTA. The elected officers shall not be MTA staff members.

Section 2. Chairperson

The chairperson shall preside at the meetings of the Board of Directors and shall perform such other duties as the board may prescribe.

Section 3. Vice-chairperson

The vice-chairperson shall preside at the meetings of the board in the absence of the chairperson and shall perform such other duties as the board may prescribe.

Section 4. Secretary

The secretary shall perform such duties as are customarily performed by a secretary and perform such other duties as the board may prescribe.

Section 5. Treasurer

The treasurer shall be the custodian of the funds of PACE, receive all contributions of PACE, disburse all monies of PACE in accordance with the

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instructions of the board, keep full and accurate accounts, present financial statements as requested by the board, prepare, sign and file all reports to government authorities as required by law or directed to be filed by the board.

ARTICLE VI: Meetings

Section 1. Board of Directors

Regular meetings of the board shall be held at such time and place as may be fixed by the board. Special meetings of the board may be called by the chairperson or secretary of PACE or by petition of not less than seven members of the board.

Section 2. Biennial Meeting

A biennial meeting of PACE shall be held in each odd-numbered year at a time and place designated by the chairperson. Said meeting shall include a membership report, audited treasurer's report, secretary's report, and a chairperson's report.

Section 3. Notice of Regular Meetings

Written notice of the time and place of regular meetings of the board and any other meeting of the board shall be mailed at least seven days prior to the date set for the meetings.

Section 4. Quorum

Eleven directors shall constitute a quorum at any meeting of the Board of Directors. Actions taken by a majority of those present at a board meeting shall be valid.

Section 5. Notice of Special Meetings

The transactions of any special meeting of the board, however, called and noticed, shall be valid if a quorum be present provided every reasonable effort is made to notify each board member.

ARTICLE VII: Records

Section 1. Board and Records

The PACE treasurer shall keep correct and complete books and records of accounts which shall be audited once each year.

Section 2. Deposits

The funds of PACE shall be deposited in such banks or other depositories as the board of PACE may direct.

ARTICLE VIII: Amendments

This constitution may be amended or revised at any regular meeting of the board by the affirmative vote of not less than two-thirds of the members present following a reading of the proposed amendment(s) at a previous regular meeting prior to the meeting at which such amendment(s) is voted upon provided that the amendment(s) is mailed to all board members prior to the second regular meeting.

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BEA official

loses post in dispute

By Wayne Reilly
NEWS Education Writer

A dispute over the political activities of the Maine Teachers Association has led to the firing of a Bangor Education Association official from his union post.

Ralph Newbert, who was chairman of the BEA's legislative affairs committee and a member of the 35-member executive board until Wednesday, has complained that MTA dues are used for political activities, including the campaign to re-elect President Carter, and most members don't know it. He said MTA officials, who deny part of the allegation, have refused to answer questions about the use of the money.

He and his wife, Virginia, who represents Bangor High School on the BEA's executive committee, have urged that members of the MTA's political action arm, PACE, be elected rather than appointed to ensure more democratic representation. MTA members donate money to PACE separately from their union dues. The money is used to support the campaigns of candidates favorable to MTA causes.

See MTA on Page 3

MTA political activities disputed

1 from page 1

James Corey, president of the BEA, said he removed Newbert from the chairmanship because he no longer trusted him. He said that Newbert has refused to join PACE, the MTA's political action arm, and that he refused at the last minute to attend a PACE meeting in September at which delegates heard candidates' views before endorsing them later in the month. He said that Newbert also tried to convince other delegates from Bangor not to attend.

Newbert said he did not go because Corey demanded he take "an oath of secrecy." Newbert had told Rep. Edward Kelleher, D-Bangor, two years ago after a PACE convention that some BEA members were trying to "stab him in the back." Kelleher was finally endorsed.

Corey said the request for confidentiality came from MTA president Beth Supranovitch, former president of the BEA, and was directed at all delegates in the state.

Corey defeated Newbert for an elective position on the MTA's executive committee last spring.

The Newberts apparently have some backing on the BEA's executive board. A motion by Virginia Newbert Wednesday to have a "neutral panel" present information to BEA members about the MTA's political activities and ask them if they wished to question officials at MTA headquarters in Augusta was defeated 9-8 with several abstentions.

Al Harrington, an executive committee representative from Bangor High School, said some members planned to ask for Newbert's reinstatement when a new president is elected. He said that he and some other members agreed with Newbert's views.

Newbert said a sharp drop in PACE membership is attributable to disillusionment with the organization. But MTA officials said a decline from 50 percent to 15 percent of the membership was caused by a change in collection procedures under new federal regulations. PACE only collected \$6,000 this year from its 13,500 members, said John Marvin, MTA executive director.

The Newberts, identifying themselves as Carter Democrats, said most MTA members are not aware that some of their dues goes to MTA political activities. They said efforts to get President Carter renominated, including campaign buttons, letters to teachers urging them to vote for Carter in caucuses, phone calls and staff time, were funded by union dues.

They noted that MTA dues pay the salaries of three members of the PACE board of directors. They also said that the MTA had donated \$100 to the Greater Bangor National Organization for Women, of which Virginia Newbert is a member.

The Newberts said the PACE board should be elected. But a motion by Newbert to do that was overwhelmingly defeated last spring at a meeting of the state representative assembly, which sets MTA policy. PACE members are either appointed or nominated by the MTA president subject to approval by regional boards.

"I'm not opposed to the MTA being involved in political

activity. What I want is for them to inform the membership what is going on and how much it costs and to listen to membership input," said Newbert.

Newbert said that appointing members results in "a narrow point of view" that does not reflect the political diversity within the MTA.

John Marvin, executive director of the MTA, said dues cannot be used legally for political action unless the goal is to communicate internally with members. For example, he said wearing the Carter buttons could be construed as an example of teachers communicating with other teachers, although he said that is "a gray area." He said the MTA allots \$50,000 in its \$1.4 million budget for lobbying activities, mainly in the Legislature, but that little went toward the incidental costs of the Carter campaign.

He denied that MTA dues are being used to pay for PACE incidental expenses such as travel and stationery, an allegation of the Newberts. Corey, a member of the PACE executive board, said he interprets that dues are being used for PACE activity if one includes the organizational efforts of paid MTA staffers and the making of phone calls and other incidentals.

"The (MTA) leadership is aware that the (PACE) program is the least understood by the membership and engenders the most controversy. But they stand solidly behind it," said Marvin.

RESOLUTIONS COMMITTEE REPORT 1979-80

As directed by last year's Representative Assembly, the Resolutions Committee began the year by holding hearings in each UniServ District. These "hearings" provided the committee with the opportunity to explain MTA structure as well as the process of effecting changes in policy and program to local association representatives. The hearing process as a method of generating resolutions from the grass roots was not successful for several reasons: first, local representatives lacked the knowledge of the resolutions process to be effectively involved in it; and secondly, the UniServ representatives (mostly local presidents) are extremely busy organizing the local and preparing for negotiations and elections during the first part of the year. We do feel that the educational program is important and that the committee should continue to explain MTA structure and effecting change to local presidents either by meeting with UniServ councils at a regular meeting or by offering a track at presidents' conference, but that the hearings as such should not be repeated.

The resolutions this year are organized by the goal areas of the platform, rather than by standing committees as in the past. This change was necessitated by the demise of some of the standing committees and by the variety of sources from which the committee received resolutions. We hope this change will encourage other groups and more members to submit resolutions. Further, the change sets up a desirable organization whereby the platform lists the purposes and philosophical goals of the MTA and the resolutions list the proposed programs to implement the goal areas. So that the Representative Assembly can tell from what source the committee received each resolution or change in the platform, credit is given following each item including whether the proposal is new, a repeat, or a revision of one presented last year.

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Several pairs of resolutions presented this year cover similar topics from different approaches. The requests came to the committee from different groups, and whereas we only have power to edit a proper resolution, (or refer an improper recommendation) both are presented to the RA for consideration. However, the committee feels that the time has come when the RA should properly give the committee more direction in dealing with illegal, conflicting, or similar resolutions. Also, because of the widespread distribution of the proposed resolutions, some consideration should be given to dealing with controversial resolutions that may be presented by an individual or group that many may feel are not in the best interest of the Association.

The committee regrets that resolutions presented by some committees are simply repeats from last year and therefore, may simply reflect the current work of the committee instead of looking for creative approaches to attaining the goals of the Association. If a committee chooses to resubmit the same resolutions with little discussion this committee has no alternative but to present them as requested.

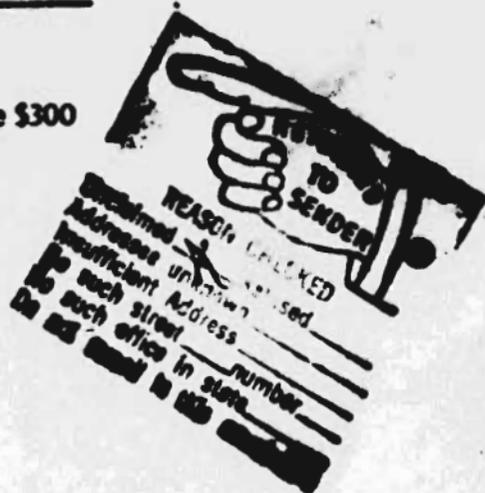
The committee feels that the Association needs to establish a vehicle for developing legislative resolutions. Last year's list of legislative resolutions is repeated (minus one) this year as the PACE and Resolutions Committees had no other way to fill the void. It would, however, seem that it would be in the best interest of the Association if the Representative Assembly, as the highest legislative body of the Association, had a chance to deal with what should become the legislative goals and programs of the Association.

We are also presenting to the Representative Assembly a report listing the activities the MIA has developed during the year to implement each of last year's resolutions. This report, we realize, is by no means complete or really a final statement of accomplishment. It should, however, provide information

1700074

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use \$300



POSTAGE AND FEES PAID



91

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

CERTIFIED

948097

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

GOC #3779

POSTAGE AND FEES PAID



Official Business
Penalty for Private Use \$300

RETURNED TO
SENDER
ATTEMPTED NOT KNOWN

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

31740200
3/9/81
MR 1369
Nathan



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 4, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Dear Mr. Newbert:

We have received your letter of December 13, 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;

317102073

600# 3779

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:
Beth Supranovich

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 948090

(Always obtain signature of addressee or agent)

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

DATE OF DELIVERY
 2-9-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

31010201013

600# 3779

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:
Chip Bishop

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 948099

(Always obtain signature of addressee or agent)

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

DATE OF DELIVERY
 2-9-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO : 1975-282-048

600# 3779

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:
Maine Teachers' Assn

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 948100

(Always obtain signature of addressee or agent)

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

DATE OF DELIVERY
 2-9-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

600# 3779

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:
Robert Bourgeois

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 948101

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Lucia K. Neenan

DATE OF DELIVERY
 2-9-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO : 1975-282-048

600#3777

Form 3811, Jan. 1978

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

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Carter/Mondak Pres. Cont.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	948102	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Address Authorized agent

4. DATE OF DELIVERY: *2/6/81* POSTMARK: *11000*

5. ADDRESS (Complete only if requested):
04 7101178

6. UNABLE TO DELIVER BECAUSE:

01

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★GPO: 1978-288-848

600#3777

Form 3811, Jan. 1978

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

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
William McGary

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	850846	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Address Authorized agent

4. DATE OF DELIVERY: *2-9-81* POSTMARK: *11000*

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★GPO: 1978-288-848

600#3777

Form 3811, Jan. 1978

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Richard Mirarean

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	948091	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Address Authorized agent

4. DATE OF DELIVERY: *2-9-81* POSTMARK: *FEB 9 1981*

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★GPO: 1978-288-848

600#3777

Form 3811, Jan. 1978

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Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Leroy Lambert

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	948095	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Address Authorized agent

4. DATE OF DELIVERY: *2-9-81* POSTMARK: *FEB 9 1981*

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★GPO: 1978-288-848

1 3 0 0 2 2 0 3 1

600 # 3777

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:
John Marvin

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	998092	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent
John R. Marvin

4. DATE OF DELIVERY
2-9-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK: ALBANY, N.Y. FEB 10 1981

Form 3811, Jan. 1979

600 # 3779

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:
Bayer Education Assoc.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	998096	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent
E. Dunning Fruit

4. DATE OF DELIVERY
2-9-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK: BAYONNE, N.J. FEB 10 1981

Form 3811, Jan. 1979

600 # 3779

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:
Ralph R Newbert

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	998094	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent
Ralph R Newbert

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
D.R.

POSTMARK: ALBANY, N.Y. FEB 14 1981

Form 3811, Jan. 1979

600 # 3779

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:
National Education Assoc.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	998093	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent
Clippinger

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK: WASHINGTON, D.C. FEB 11 1981

Form 3811, Jan. 1979

- (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.

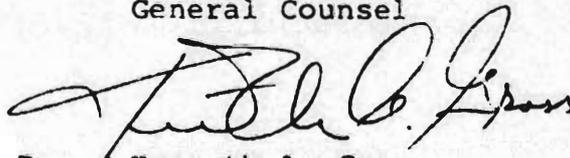
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

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: John Marvin
Robert Bourgault
Richard Mersereau
Beth Supranovich
William McGary
James Corey
National Education Association
Leroy Lambert
Carter/Mondale Reelection Committee
Maine Teachers' Association
Bangor Education Association
Chip Bishop

3 1 7 4 0 2 0 9 2

9/19/14

81 JAN 21 P 1: 22

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3779

156 Garland Street
Bangor, Maine 04401
December 13, 1980

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

Dear Mr. Gross:

This letter is in response to your letter of October 30, 1980, in which you requested additional information in reference to my complaint against the National Education Association, Maine Teachers' Association, Bangor Education Association and the Political Action Conference of Educators. In order to be as precise as possible, I will outline the additional information in a manner similar to your letter of October 30.

1). The complainant is:

Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401 Telephone: (207) 942-8740

2). The respondents, specifically but not limited to, are:

John Marvin, Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Robert Bourgault, Associate Executive Director
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Richard Mersereau, Director of Research
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Beth Supranovich, President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

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RECEIVED
GENERAL COUNSEL

Kenneth A. Gross
December 13, 1980
Page 2

William McGary, Past President
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

James Corey, Past President
Bangor Education Association
Box 48 Country Park
R.F.D. #4
Bangor, Maine 04401

National Education Association
1201 16th Street
Washington, D.C. 20036

Leroy Lambert, Chairperson
Political Action Conference of Educators
Maine Teachers' Association
35 Community Drive
Augusta, Maine 04330

Chip Bishop, Coordinator
Carter-Mondale Campaign
Present address unknown.

- 3). Information for Complaint #1 is derived from publications of the National Education Association and the Maine Teachers' Association, including but not limited to The Maine Teacher, 1979-1980 issues; NEA Reporter, 1979-1980; Political Action Conference of Educators Chairperson's Report and Treasurer's Report, 1979-1980; Maine Teachers' Association Financial Reports, 1978, 1979. Additional information was obtained by talking to members of the Maine Teachers' Association Executive Committee.

Information for Complaint #2 derives from the same sources as Complaint #1. Additionally, I obtained information while serving as a delegate to FACE Conferences and as a member of the Representative Assembly of the Maine Teachers' Association. Also, James Corey stated that the Maine Teachers' Association uses membership dues to pay administrative/organizational costs of the Political Action Conference of Educators (FACE) at the September and October, 1980, meetings of the Bangor Education Association Executive Board Meeting. President Corey then repeated his statements to Wayne Reilly, news reporter for the Bangor Daily News (491 Main St., Bangor, Me. 04401) who then had the information

31040292084

Kenneth A. Gross
December 13, 1980
Page 3

printed in the Bangor Daily News of October 4, 1980.

Information for Complaint #3 comes from conversations with ~~the~~ State Representative John Diamond and Robert Bourgault, Associate Executive Director, Maine Teachers' Association. (Mr. Diamond's address is: 818 Ohio Street, Bangor, Maine 04401).

Information for Complaint #4 is based on personal experience with Mr. Mersereau, who recruited me to arrange caucuses in Penobscot County. He offered me the use of the MTA WATS line to facilitate arrangements. Mr. Mersereau's activities are common knowledge among Carter-Mondale workers including Charles Bishop (CHIP), area coordinator for the Carter-Mondale Re-Election Committee, and Gregory Nadeau, State coordinator. (Representative Gregory Nadeau can now be reached at the State House, Augusta, Maine 04333.)

Complaint #5 derives from my dismissal from the Bangor Education Association Executive Board by President James Corey. Mr. Corey dismissed me for refusing to join the Political Action Conference of Educators. This dismissal occurred at the October Executive Board Meeting, and was witnessed by all present, including Allen L. Harrington (66 Penobscot Street, Crono, Me. 04473) and Arthur Miles, (RFD #1, Box 206A, Orrington, Me.)

Information for Complaint #6 is found in the Bylaws of the Political Action Conference of Educators

Information for Complaints #7 and #8 are also found in the Bylaws of the Political Action Conference of Educators.

Information for Complaint #9 can be found in the resolutions presented to the 1980 Representative Assembly of the Maine Teachers' Association.

Complaint #10 can be ascertained by surveying current and prior officers of the Maine Teachers' Association, and by reading the Bylaws of the Political Action Conference of Educators.

The basis for Complaint #11 is that President James Corey and other members of the FACE Board of Directors also serve on the Executive Committee of the MTA. For further information, see FACE Bylaws.

Complaint #12 is based on personal experience as a delegate to FACE. Further information may be obtained from Representative Edward Kelleher, State House, Augusta, Maine 04333; and David Bustin, Commissioner of Personnel, State House, Augusta, Me. 04333.

31040292035

Kenneth A. Gross
December 13, 1980
Page 4

The source of information for Complaint #13 is an endorsement of Frederick Gautschi, III by the PACE Board of Directors. Mr. Gautschi's address is: 103 Poplar Street, Bangor, Me. 04401. A record of his campaign finance report specifying contributions is on file at the Secretary of State's Office, State House, Augusta, Me. 04333.

The Political Action Conference of Educators was held at several places, including the Holiday Inn, Waterville, Me. Since there has been a sharp reduction in the past few years in FACE contribution, I believe that the PACE conferences were were paid by MTA funds comprised of membership dues.

Enclosed are copies of supporting documents that I currently have. Please contact me if you have any further questions.

Sincerely,

Ralph R. Newbert

Ralph R. Newbert

Jan 16, 1981

Jeanette E. Potter, Notary Public

My Commission Expires June 20, 1987

3104023086

156 Garland Street
Bangor, Maine 04401
October 25, 1980

Charles N. Steele
Deputy General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

Dear Mr. Steele,

It is my understanding that various federal laws prohibit labor organizations from making direct or indirect contributions or expenditures in connection with any federal election. This prohibition also precludes labor organizations from becoming involved in primary elections, caucuses and political conventions held to select candidates for federal office.

From personal experience, although I am not an attorney, it seems that the above-mentioned prohibitions have been violated in that the National Education Association (NEA) and its affiliates, the Maine Teachers' Association (MTA) and the Bangor Education Association (BEA), have been actively involved in the 1980 federal election, including the 1980 Maine caucuses. In addition, there are irregularities in the manner in which the Maine Teachers' Association and its political action committee, known as the Political Action Conference For Educators (FACE), operate. This involvement by the National Education Association and its affiliates, and the irregularities of the Maine Teachers' Association and the Political Action Conference of Educators may violate federal law.

The activities and irregularities of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association are specifically, but not limited to:

- 1). Membership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice-President of the United States in 1980.
- 2). The Maine Teachers' Association uses membership dues, without informing membership, to pay for the administrative costs of FACE. These costs include, but are not limited to, staff time, stamps, phones, stationary, mileage costs, meals of the Political Action Conference for Educators, its appointed Board of Directors, and all appointed delegates.

31040292097

Charles N. Steele
Federal Election Commission
October 25, 1980
Page 2

- 3). Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter-Mondale Campaign:
 - a). Office space at MTA headquarters in Augusta, without charge.
 - b). Free access to telephones, including Wide Area Telephone Service (WATS line).
 - c). An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.
- 4). Maine Teachers' Association staff, during their regular MTA-salaried workday, became involved in setting up political caucuses in towns all over the State of Maine. One individual so involved was Richard Mersereau.
- 5). The Bangor Education Association dismissed a member from its Executive Board for not joining the Political Action Conference for Educators, membership in which is supposedly voluntary.
- 6). The Political Action Conference for Educators has no restrictions on who may contribute.
- 7). Delegates to the Political Action Conference For Educators, and members of its Board of Directors are appointed to their positions, not elected by membership. Therefore, contributors to PACE are not represented on the Board of Directors, nor is the membership of MTA whose dues monies are used to pay for administrative and organizational costs.
- 8). Three employees of the Maine Teachers' Association serve on the Board of Directors of the Political Action Conference for Educators.
- 9). The Board of Directors of the Political Action Conference of Educators is actively involved in shaping the policies and actions of the Maine Teachers' Association through the development and submission of resolutions to the Representative Assembly of the Maine Teachers' Association (1980).
- 10). There is coercion on the part of the Maine Teachers' Association towards its members in that members must join PACE, if they wish to rise in the organization, e.g. the President of MTA is automatically on the PACE Board of Directors, according to PACE bylaws (Refer to Complaint #5).

31740292038

Charles N. Steele
Federal Election Commission
October 25, 1980
Page 3

- 11). The FACE Board of Directors, the MTA Executive Committee and MTA employees are functionally integrated to such a degree that segregation of the factors is impossible. This interlocking is the basis for substantive control of political endorsements, particularly on the federal level.
- 12). The Board of Directors of the Political Action Conference for Educators has never developed a consistent set of guidelines for the endorsement of political candidates. Therefore fairness in the endorsement of candidates is a function of the appointed delegates who are in attendance, and does not necessarily reflect the belief systems of either contributors to PACE or the membership of MTA, whose monies are utilized to pay administrative/organizational costs of PACE.
- 13). In violation of the Bylaws of the Political Action Conference for Educators, the Board of Directors has endorsed and provided funding for political candidates.

Based on the aforementioned, and other activities, of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association, I ask as a member of the NEA/MTA/BEA that the Federal Election Commission conduct an immediate investigation to determine if federal laws have been violated.

Sincerely yours,

Ralph R. Newbert

Ralph R. Newbert

Ralph R. Newbert
January 16, 1981

Jeanette E. Patten, Notary Public

My Commission Expires June 20, 1987

31040232089



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Dear Mr. Newbert:

We have received your letter of October 25, 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;

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- (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.

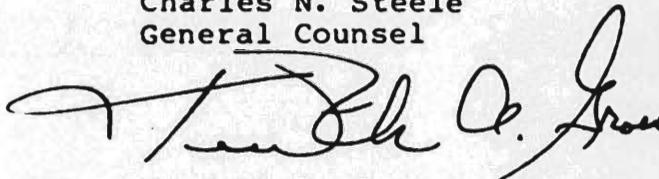
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

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: National Education Association
Political Action Conference for Educators
Maine Teachers' Association
Bangor Education Association
Carter/Mondale Re-Election Committee, Inc.

31740292091

Leader line

by William McGary
President of MTA



President Carter kept his promise to education

The NEA and the MTA have taken the unusual step of declaring support for President Carter in the primaries. Their action recognizes that the man who was endorsed by the NEA in the 1976 election has delivered for education. With his backing, the separate Department of Education became a reality, federal funding for schools has been increased, and tuition tax credits which would have diverted money from the public schools have been defeated. The President has set an example of confidence in public education by enrolling his daughter in the Washington, D.C. schools.

The expression of support for President Carter's candidacy was voted at a joint session of the MTA Executive Committee and the PACE Board of Directors. The roll call vote was unanimous. The action was taken after much discussion and consultation with UniServ Councils in a series of meetings held in November and December. The vote which recognizes President Carter's support for public schools was based entirely on education issues. Executive Committee and PACE members voted without reference to their personal political positions.

This is the first time that associations, both national and state, have been faced with the

question of primary support for an incumbent president. The NEA position was adopted by vote of the Board of Directors and a number of other state associations have also expressed support for the President.

The statement of support for Carter in Maine does not mean that MTA-PACE money will be expended in the primary effort. Such funds can be involved only in state level elections when an endorsement has been made according to PACE rules which require wide membership involvement.

After both parties have made nominations this summer the regular process will be used by the NEA to determine which, if either, candidate the delegates to the 1980 NEA Representative Assembly will endorse. Action now by the NEA and MTA has reference only to the Democratic primary contest involving President Carter, Senator Kennedy, and Governor Brown.

President Carter's steadfast support has benefitted education at a time when the public schools have been under heavy attack. The vote of PACE and the Executive Committee brings to the attention of members the President's record of sensitivity to the interests of teachers and his continuing support for education.

SARANDO P. GIFTOS
PUBLIC ACCOUNTANT

10 Congress Square
Portland, Maine 04101

September 26, 1979

207/775-0074

Maine Teachers Association
35 Community Drive
Augusta, Maine 04330

Dear Members:

I have made an examination of the books and records of the Maine Teachers Association for the fiscal year ended August 31, 1979, and present herewith the following financial report:

Exhibit A Comparative Statement of Financial Condition as at August 31, 1979 and 1978

Schedule 1 Statement of Restricted Fund Balances

Exhibit B Statement of Operations for the Fiscal Year Ended August 31, 1979

Exhibit C Comparison of the Budget and Actual Income and Expenses for the Fiscal Year Ended August 31, 1979

Exhibit D Condensed Comparative Statement of Operations for the Past Five (5) Fiscal Years

During the past fiscal year, the association received net operating income of \$1,269,241.85, and had net operating expenses of \$1,258,472.41 including interest of \$20,011.13 on the headquarters building mortgage. This resulted in net income from operations of \$6,769.44. In addition, \$7,777.27 was spent to reduce the building mortgage resulting in an excess of expenditures over income for the fiscal year of \$1,007.83.

Included in income for the fiscal year is \$35,456.24 received from Union Mutual Insurance Company as a promotional allowance, and \$99,000.00 from the NEA toward the expense of staffing and operating the association's UNISERV ten offices.

Exhibit A is a comparative statement of financial condition for the fiscal periods ended August 31, 1979 and 1978. It includes only the general fund assets and liabilities of the association. It does not include balances of the various employee retirement plans existing prior to the present association retirement plan. The association's restricted funds are shown in Schedule 1. The new building is not being depreciated because it is the

intention of the association to fund future building replacement from sources other than current income. Furniture, fixtures and equipment are purchases being financed from the general fund and are expensed when purchased.

Exhibit C is a comparison of the budgeted and actual items of income and expense for the fiscal year ended August 31, 1979.

Exhibit D is a condensed comparative statement of operations for the past five fiscal periods. Detail of each of the reported income and expense classifications can be ascertained by referring to the financial reports of each fiscal year.

My examination was conducted in accordance with generally accepted principles of auditing and included verification of the cash balances and other funds and accounts of the association. The accompanying exhibits reflect, in my opinion, the results of the operation of the association for the fiscal period ended August 31, 1979.

Respectfully submitted,

Sarando P. Giftos
Accountant and Auditor

SPG/h

31010:03024

MAINE TEACHERS ASSOCIATION
Comparative Statement of Financial Condition

Exhibit A

<u>ASSETS</u>	<u>August 31</u>		<u>Increase</u>
	<u>1979</u>	<u>1978</u>	<u>(Decrease)</u>
<u>Current Assets</u>			
Cash - Checking Account	(16,603.92)	2,234.67	(18,838.59)
MTA Dues Receivable (At 90% Net)	70,013.70	90,134.02	(20,120.32)
NEA Dues Receivable	46,679.00	45,774.32	904.68
Local Dues Receivable	8,990.00	4,890.69	4,099.31
MTA Credit Union Shares	10.98	10.38	.60
Other Receivables		<u>2,820.55</u>	<u>(2,820.55)</u>
Total	<u>109,089.76</u>	<u>145,864.63</u>	<u>(36,774.87)</u>
<u>Other Assets</u>			
Due from MTLISA	3,368.07	4,656.22	(1,288.15)
Due from MTLISA	10,967.00	11,080.85	(113.85)
* Due for PAC	<u>3,778.00</u>	<u>14,608.72</u>	<u>(10,830.72)</u> *
Total	<u>18,113.07</u>	<u>30,345.79</u>	<u>(12,232.72)</u>
<u>Fixed Assets and Investments</u>			
New Headquarters Building	440,615.48	440,615.48	- 0 -
Educators Fund Management Corp.	- 0 -	10,000.00	(10,000.00)
Teachers Services Corp.	- 0 -	900.00	(900.00)
Total	<u>440,615.48</u>	<u>451,515.48</u>	<u>(10,900.00)</u>
<u>Deferred Charges</u>			
Unexpired Insurance	3,513.00	1,638.00	1,875.00
Municipal Taxes	7,644.60	- 0 -	7,644.60
Total	<u>11,157.60</u>	<u>1,638.00</u>	<u>9,519.60</u>
TOTAL ASSETS	<u>578,975.91</u>	<u>629,363.90</u>	<u>(50,387.99)</u>
<u>LIABILITIES AND NET WORTH</u>			
<u>Current Liabilities</u>			
Accounts Payable	1,350.00	- 0 -	1,350.00
Employees Payroll Taxes	2,506.40	1,764.41	741.99
Employees Retirement and Other Net Deductions	16,946.96	13,957.75	2,989.21
NEA Dues Payable	60,989.34	86,063.53	(25,074.19)
Local Dues Payable	1,008.80	6,723.93	(5,715.13)
Notes Payable - Depositors Trust Co.	10,000.00	15,000.00	(5,000.00)
Dues - Subsequent Year	6.30	3,760.00	(3,753.70)
Total	<u>92,807.80</u>	<u>127,269.62</u>	<u>(34,461.82)</u>
<u>Other Liabilities and Unexpended Funds</u>			
Due to MTLISA	555.00	8,917.06	(8,362.06)
* Due PAC	4,807.00	11,273.23	(6,466.23)
Building Fund Contributions	1,126.00	1,126.00	- 0 -
Past Presidents Building Fund	- 0 -	90.05	(90.05)
Total	<u>6,488.00</u>	<u>21,406.34</u>	<u>(14,918.34)</u>

MAINE TEACHERS ASSOCIATION
Statement of Restricted Fund Balances
August 31, 1979

MTA GROUP INSURANCE TRUST FUND

Balance, September 1, 1978 113,418.53

Receipts or Earnings During Year

Union Mutual Life Insurance Co.

Dividend for year ending 9/1/78

plus interest (on Premium
Stabilization Reserve) to 3/30/79 170,751.00

Interest on Savings Account 4,948.80

Interest on Savings Certificates 2,771.29

Total 178,471.09

Balance, August 31, 1979 291,889.62

Augusta Savings and Loan Association

5.25% Savings Account # 35922

14,767.33

Union Mutual Life Insurance Co.

Premium Stabilization Reserve

(earning 8.69%) - Initial Deposit 43,600.00

Additional 170,751.00 214,351.00

Depositors Trust Co. - Savings Certificate

Series T - #3597 due 12/25/79 @ 8.873%

62,771.29

Balance, August 31, 1979 291,889.62

CLYDE RUSSELL PERMANENT FUND

Balance, September 1, 1978 5,668.79

Receipts During Year

Interest Earned 290.45

Total 5,959.24

Disbursed During Year

Scholarships 450.00

Balance, August 31, 1979 5,509.24

Augusta Savings and Loan Association

5.25% Savings Account #33448

5,509.24

MAINE TEACHERS ASSOCIATION
Statement of Operations
For the Fiscal Year Ended August 31, 1979

Net Operating Income From
Membership Dues 1,094,932.72

Other Income

NEA - UNISERV Contribution	99,000.00	
NEA Membership Promotion	6,401.68	
NEA Legal Allowance	8,534.36	
Maine Retired Teachers Dues	12,485.50	
* Union Mutual - Promotional Allowance	35,456.24	
* Washington Nat'l Ins. Co. Contribution for Conference	4,000.00	
Interest on Savings Account	.60	
Miscellaneous	4,430.75	<u>170,309.13</u>

TOTAL NET OPERATING INCOME 1,265,241.85

Net Operating Expenses for Headquarters Expense:

Office Equipment, Furnishings and Service	5,429.15	
Postage	26,729.83	
Office and Other Supplies	16,961.42	
Telephone and Telegraph	22,515.19	71,635.59

Headquarters Building

Electricity	6,156.76	
Municipal Tax, Sewer and Water Charges	10,055.60	
Fuel	4,877.20	
Insurance	1,513.00	
Service - Maintenance	8,956.97	
Repairs	7,781.63	39,341.16

Salaries and Staff Benefits

Headquarters Staff and Clerical Salaries	282,647.93	
MTA Cost of Retirement, Social Security, Unemployment Taxes, Hospitalization, Workmen's Compensation and Other Insurance, President's Housing Allowance, and Other Fringe Benefits	<u>71,004.53</u>	353,652.46

UNISERV Offices and Higher Education:

Salaries	280,192.45	
Fringe Benefits	59,602.52	
Office Rental and Utilities	27,040.89	
Telephone	28,317.45	
Travel - In State	64,895.28	
Travel - Outside of State (less NEA reimbursed)	4,463.86	
Council Meetings	10,266.55	
Office Equipment	13,348.48	
Office Supplies	20,375.87	
Publications	6,737.43	515,240.78

Committees and Activities

Executive Committee	7,091.45	
Legislative	1,350.79	
Other Committees	3,634.21	
* Professional Conferences	14,295.87	
Representative Assembly	9,603.55	
Public Relations	<u>2,868.30</u>	38,844.17
MTA Convention, Departments and Institutes		7,443.96
NEA Convention		8,463.20
Travel Expenses - Staff		53,762.20
<u>Other Expenses</u>		
Teachers Liability Insurance	2,432.50	
The Maine Teacher	22,967.92	
Miscellaneous Publications and Printing	2,745.33	
Dues in Professional Organizations	1,943.45	
Auditing	1,317.51	
Retired Teachers	1,176.33	
Officer Substitutes	990.00	
Research Materials	2,718.32	
Legal Services	85,685.02	
Payroll Computer Charges	1,205.23	
NEA Fee - Membership Processing	6,002.85	
Interest Charges	2,499.00	
Interest Expense - Building Mortgage	20,011.13	
Fact Finding	9,386.97	
Supplementary - Contingencies	<u>9,007.33</u>	<u>170,088.89</u>
TOTAL NET OPERATING EXPENDITURES		<u>1,258,472.41</u>
NET OPERATING INCOME FOR FISCAL YEAR		6,769.44
Less Mortgage Reduction		<u>7,777.27</u>
EXCESS OF EXPENDITURES OVER INCOME		<u>(1,007.83)</u>

MAINE TEACHER ASSOCIATION
Comparison of the Budget and Actual Income and Expenses
For the Fiscal Year Ended August 31, 1979

<u>Income</u>	<u>Budget</u>	<u>Actual</u>	<u>Over (Under)</u>
MTA Dues	1,081,458.00	1,094,932.72	13,474.72
Retired Teachers	14,400.00	12,485.50	(1,914.50)
NEA Legal Allowance	10,000.00	8,534.36	(1,465.24)
NEA Membership Promotion and Unified Special Services	7,500.00	6,401.68	(1,098.32)
Insurance Administration Allowance	24,000.00	35,456.24	11,456.24
Washington National Reimbursement of Promotional Expense	4,000.00	4,000.00	- 0 -
ESANE Contribution to Convention Expense	3,000.00	- 0 -	(3,000.00)
UNISERV - NEA	99,000.00	99,000.00	- 0 -
Miscellaneous	3,000.00	4,431.35	1,431.35
Total	<u>1,246,358.00</u>	<u>1,265,241.85</u>	<u>18,883.85</u>
 <u>Expenses</u>			
<u>Committees</u>			
Executive	13,000.00	7,091.45	(5,908.55)
Other Committees	9,000.00	4,985.00	(4,015.00)
Professional Conferences	18,000.00	14,295.87	(3,704.13)
MTA Convention	6,000.00	7,443.96	1,443.96
Headquarters	91,775.00	110,976.75	19,201.75
Publications	28,000.00	25,713.25	(2,286.75)
Personnel and Travel	422,020.00	409,722.17	(12,297.83)
Professional Relations	1,900.00	1,943.45	43.45
NEA Convention	6,650.00	8,463.20	1,803.20
Public Relations	3,000.00	2,868.30	(131.70)
Representative Assembly	9,000.00	9,603.55	603.55
Processing Members - NEA	6,720.00	6,002.85	(717.15)
Liability Insurance	2,700.00	2,432.50	(267.50)
<u>Supplementary</u>			
Contingency and Fact Finding	27,504.00	18,394.30	(9,109.70)
Research	2,000.00	2,718.32	718.32
Bank Services and Loan Interest	5,000.00	3,704.23	(1,295.77)
Legal Counsel	80,000.00	85,685.02	5,685.02
Maine Retired Teachers	4,000.00	1,176.33	(2,823.67)
UNISERV and HED	432,291.00	515,240.78	32,949.78
Total	<u>1,218,570.00</u>	<u>1,238,461.28</u>	<u>19,891.28</u>
 Net Income Before Mortgage Payment	 <u>27,788.00</u>	 <u>26,780.57</u>	 <u>(1,007.43)</u>
 <u>Less Mortgage Payment</u>			
Interest		20,011.13	
Principal		7,777.27	
Total	<u>27,788.00</u>	<u>27,788.40</u>	<u>40</u>
 EXCESS OF EXPENSE OVER INCOME		 <u>(1,007.83)</u>	 <u>(1,007.83)</u>

PACE REPORT OF TREASURER 4/1/79 - 3/31/80

Cash on hand as of 3/31/79 Report \$5,232.45

Receipts

Via payroll deductions for 1978-79	\$4,013.37	
Via payroll deductions for 1979-80	3,666.88	
Cash received from individual contributions	45.00	
		<u>7,725.25</u>

TOTAL CASH AVAILABLE \$12,957.70

Expenditures

Candidates 1978-79 void contribution	(\$35.80)	
Expenses re Directors	482.54	
Bank service charge and interest on loan		
anticipating dues collections	872.17	
* To NEA for 1978-79 campaign	6,190.30	
		<u>7,509.21</u>
		\$5,448.49

Where is it?

Bank of Maine Checking Account	\$5,448.49
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1979-80 Receipts

Approximately 1,990 contributions receivable		
2/3 x \$9,725.55	\$6,000.00
Already received above		\$3,666.88

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Exhibit D

MAINE TEACHERS ASSOCIATION
Condensed Comparative Statement of Operation

	1979	A u g u s t 1978	3 1 1977	1976*	June 30 1975
<u>Net Operating Income From</u>					
Membership Dues	1,094,932.72	978,311.79	934,249.81	881,267.58	810,733.98
NEA Processing	- 0 -	- 0 -	- 0 -	1,721.55	1,740.30
NEA for UNISERV	99,000.00	81,000.00	81,000.00	76,500.00	76,500.00
Union Mutual - Promotional Allowance	35,456.24	31,456.29	29,723.34	20,004.34	16,032.30
Other Income	<u>35,852.89</u>	<u>58,716.76</u>	<u>30,871.07</u>	<u>36,051.43</u>	<u>23,253.70</u>
TOTAL NET OPERATING INCOME	<u>1,265,241.85</u>	<u>1,149,484.84</u>	<u>1,075,844.22</u>	<u>1,015,544.90</u>	<u>928,260.28</u>
<u>Net Operating Expenditures for</u>					
Headquarters Expense	71,635.59	58,985.68	56,343.04	72,838.94	46,178.96
Headquarters Building	39,341.16	23,976.00	28,453.48	30,046.83	26,708.99
Salaries and Staff Benefits	353,652.46	330,562.33	318,788.44	345,485.04	256,544.51
UNISERV Offices and HED	515,240.78	445,725.40	417,715.44	459,470.22	333,509.91
Annual MTA Convention	7,443.96	4,670.86	8,272.12	8,990.47	7,558.72
Committees and Activities	38,844.17	42,539.86	50,572.00	50,249.81	52,397.53
NEA Convention	8,463.20	8,419.09	6,952.58	18,669.23	6,550.01
Travel Expenses	53,762.20	43,080.90	48,646.70	54,162.86	40,491.72
Other Expenses	<u>170,088.89</u>	<u>166,788.90</u>	<u>135,800.78</u>	<u>164,638.65</u>	<u>129,314.33</u>
TOTAL NET OPERATING EXPENDITURES	<u>1,258,472.41</u>	<u>1,129,749.02</u>	<u>1,072,044.58</u>	<u>1,204,552.05</u>	<u>899,254.75</u>
NET OPERATING INCOME (LOSS) FOR FISCAL YEAR	<u>6,769.44</u>	<u>19,735.82</u>	<u>3,799.64</u>	<u>(189,007.15)</u>	<u>29,005.53</u>

*14 months

Political Action Conference of Educators (MTA-PACE)

This has been a year of considerable political activity for the Maine Teachers Association Association. First, there was the massive teacher lobby effort last fall on the retirement issue. Because of this, a non-partisan study of the entire Maine State Retirement System was ordered by the special session of the legislature. The results of this study are still of key political and personal concern to members of the MTA.

Secondly, the Maine Teachers Association became the focus of national attention for its efforts in the February Maine Democratic Party Caucuses in behalf of President Carter. The MTA has been credited by many as giving to Carter his narrow margin of victory in Maine.

In spite of all this political activity by MTA members and the promise of more to come, contributions to PACE approached an all time low of only 15% of membership this year. The primary reason for this drop is a Federal Elections Commission ruling forcing teacher associations to change their methods of collecting funds for political action. The PACE Board of Directors has met concerning this problem and new approaches are being investigated as ways to improve our rate of contribution.

Finally, plans are being made for possible PACE involvement in the June primary. In addition, the PACE Board of Directors will institute the Revised Procedures of Endorsing Legislative Candidates. This will include candidate interviews, meetings of the PACE Board of Directors for selection of a slate of candidates for recommendation, and informational and business meetings of the full Political Action Conference of Educators this fall.

Report of the PACE treasurer is on the reverse side of this report.

Leroy Lambert, Chairperson

CONSTITUTION OF THE MAINE POLITICAL ACTION CONFERENCE OF EDUCATORS

(Adopted 1/20/79)

ARTICLE I: Name and definition

The name of this organization is the Maine Political Action Conference of Educators (hereinafter referred to as PACE). It is a voluntary, nonprofit unincorporated committee of individual educators and interested citizens, and it is not affiliated with any political party. PACE is an autonomous statewide organization.

ARTICLE II: Purpose

The purposes of PACE are:

1. To support and strengthen the commitment of the citizens and the government of the State of Maine to excellence in public education at all levels.
2. To promote and work for the improvement of the public schools by encouraging educators and others to take a more active part in governmental affairs pertaining to public education.
3. To encourage educators and other citizens to know and understand the nature and actions of their government and the important political issues as they pertain to public education.
4. To assist educators and other citizens in organizing themselves for more effective political action in carrying out their civic responsibilities.
5. To engage in activities to achieve the purposes stated above.

ARTICLE III: Contributions

Biennial contributions may be received from MTA members, or other individuals, or from institutions or groups other than corporations. The PACE Board of Directors shall reserve the right to refuse contributions.

ARTICLE IV: Board of Directors

Section 1. Authority and Duties

The Board of Directors shall have the general supervision and control over the affairs and funds of PACE. The preceding notwithstanding, the board shall:

1. Authorize the employment of such personnel that it deems necessary to carry out its responsibilities.
2. Adopt, review and otherwise maintain the PACE budget.
3. Make annual reports to the contributors.
4. Study matters affecting the public schools and institutions of higher learning.

Section 2. Composition

The Board of Directors shall be composed of active members of the unified profession and PACE. Its composition shall be as follows:

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1. One person from each UniServ district who shall serve for a 3-year term. The MTA president and the chairperson of PACE shall make the nomination and the UniServ Council shall vote to accept or to reject that name. In the event of rejection the MTA president and the chairperson of PACE shall nominate another person.

2. Six persons at-large appointed by the president of the MTA for three-year terms to commence on January 1.

3. The vice-president and president of the MTA. The vice-president shall become a member of the board at the time that other duties are assumed. The immediate past president shall serve until January 1 after leaving the office of president.

4. The executive director of the MTA.

5. An MTA professional staff member named by the executive director.

{ Dick
Mersereau }

6. The assistant treasurer of the MTA.

{ Majorie Tribo }

Section 3. Records

Written records of all meetings of the PACE Board of Directors and of the PACE conferences shall be kept by the executive director or a designee.

ARTICLE V: Officers

Section 1. Elections and Terms

The officers of the PACE Board of Directors shall be a chairperson, vice-chairperson, secretary and treasurer. The chairperson and vice-chairperson shall be elected by the Board of Directors at its biennial meeting and each shall serve for a term of two years. The treasurer shall be the assistant treasurer regularly employed by the MTA. The secretary shall be the executive director of the MTA. The elected officers shall not be MTA staff members.

Section 2. Chairperson

The chairperson shall preside at the meetings of the Board of Directors and shall perform such other duties as the board may prescribe.

Section 3. Vice-chairperson

The vice-chairperson shall preside at the meetings of the board in the absence of the chairperson and shall perform such other duties as the board may prescribe.

Section 4. Secretary

The secretary shall perform such duties as are customarily performed by a secretary and perform such other duties as the board may prescribe.

Section 5. Treasurer

The treasurer shall be the custodian of the funds of PACE, receive all contributions of PACE, disburse all monies of PACE in accordance with the

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instructions of the board, keep full and accurate accounts, present financial statements as requested by the board, prepare, sign and file all reports to government authorities as required by law or directed to be filed by the board.

ARTICLE VI: Meetings

Section 1. Board of Directors

Regular meetings of the board shall be held at such time and place as may be fixed by the board. Special meetings of the board may be called by the chairperson or secretary of PACE or by petition of not less than seven members of the board.

Section 2. Biennial Meeting

A biennial meeting of PACE shall be held in each odd-numbered year at a time and place designated by the chairperson. Said meeting shall include a membership report, audited treasurer's report, secretary's report, and a chairperson's report.

Section 3. Notice of Regular Meetings

Written notice of the time and place of regular meetings of the board and any other meeting of the board shall be mailed at least seven days prior to the date set for the meetings.

Section 4. Quorum

Eleven directors shall constitute a quorum at any meeting of the Board of Directors. Actions taken by a majority of those present at a board meeting shall be valid.

Section 5. Notice of Special Meetings

The transactions of any special meeting of the board, however, called and noticed, shall be valid if a quorum be present provided every reasonable effort is made to notify each board member.

ARTICLE VII: Records

Section 1. Board and Records

The PACE treasurer shall keep correct and complete books and records of accounts which shall be audited once each year.

Section 2. Deposits

The funds of PACE shall be deposited in such banks or other depositories as the board of PACE may direct.

ARTICLE VIII: Amendments

This constitution may be amended or revised at any regular meeting of the board by the affirmative vote of not less than two-thirds of the members present following a reading of the proposed amendment(s) at a previous regular meeting prior to the meeting at which such amendment(s) is voted upon provided that the amendment(s) is mailed to all board members prior to the second regular meeting.

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Oct. 4, 1980

BEA official loses post in dispute

**By Wayne Reilly
NEWS Education Writer**

A dispute over the political activities of the Maine Teachers Association has led to the firing of a Bangor Education Association official from his union post.

Ralph Newbert, who was chairman of the BEA's legislative affairs committee and a member of the 35-member executive board until Wednesday, has complained that MTA dues are used for political activities, including the campaign to re-elect President Carter, and most members don't know it. He said MTA officials, who deny part of the allegation, have refused to answer questions about the use of the money.

He and his wife, Virginia, who represents Bangor High School on the BEA's executive committee, have urged that members of the MTA's political action arm, PACE, be elected rather than appointed to ensure more democratic representation. MTA members donate money to PACE separately from their union dues. The money is used to support the campaigns of candidates favorable to MTA causes.

See MTA on Page 3

MTA political activities disputed

from page 1

James Corey, president of the BEA, said he removed Newbert from the chairmanship because he no longer trusted him. He said that Newbert has refused to join PACE, the MTA's political action arm, and that he refused at the last minute to attend a PACE meeting in September at which delegates heard candidates' views before endorsing them later in the month. He said that Newbert also tried to convince other delegates from Bangor not to attend.

Newbert said he did not go because Corey demanded he take "an oath of secrecy." Newbert had told Rep. Edward Kelleher, D-Bangor, two years ago after a PACE convention that some BEA members were trying to "stab him in the back." Kelleher was finally endorsed.

Corey said the request for confidentiality came from MTA president Beth Supranovitch, former president of the BEA, and was directed at all delegates in the state.

Corey defeated Newbert for an elective position on the MTA's executive committee last spring.

The Newberts apparently have some backing on the BEA's executive board. A motion by Virginia Newbert Wednesday to have a "neutral panel" present information to BEA members about the MTA's political activities and ask them if they wished to question officials at MTA headquarters in Augusta was defeated 9-8 with several abstentions.

Al Harrington, an executive committee representative from Bangor High School, said some members planned to ask for Newbert's reinstatement when a new president is elected. He said that he and some other members agreed with Newbert's views.

Newbert said a sharp drop in PACE membership is attributable to disillusionment with the organization. But MTA officials said a decline from 50 percent to 15 percent of the membership was caused by a change in collection procedures under new federal regulations. PACE only collected \$6,000 this year from its 13,500 members, said John Marvin, MTA executive director.

The Newberts, identifying themselves as Carter Democrats, said most MTA members are not aware that some of their dues goes to MTA political activities. They said efforts to get President Carter renominated, including campaign buttons, letters to teachers urging them to vote for Carter in caucuses, phone calls and staff time, were funded by union dues.

They noted that MTA dues pay the salaries of three members of the PACE board of directors. They also said that the MTA had donated \$100 to the Greater Bangor National Organization for Women, of which Virginia Newbert is a member.

The Newberts said the PACE board should be elected. But a motion by Newbert to do that was overwhelmingly defeated last spring at a meeting of the state representative assembly, which sets MTA policy. PACE members are either appointed or nominated by the MTA president subject to approval by regional boards.

"I'm not opposed to the MTA being involved in political

activity. What I want is for them to inform the membership of what is going on and how much it costs and to listen to membership input," said Newbert.

Newbert said that appointing members results in "a narrow point of view" that does not reflect the political diversity within the MTA.

John Marvin, executive director of the MTA, said dues cannot be used legally for political action unless the goal is to communicate internally with members. For example, he said wearing the Carter buttons could be construed as an example of teachers communicating with other teachers, although he said that is "a gray area." He said the MTA allots \$50,000 in its \$1.4 million budget for lobbying activities, mainly in the Legislature, but that little went toward the incidental costs of the Carter campaign.

He denied that MTA dues are being used to pay for PACE incidental expenses such as travel and stationery, an allegation of the Newberts. Corey, a member of the PACE executive board, said he interprets that dues are being used for PACE activity if one includes the organizational efforts of paid MTA staffers and the making of phone calls and other incidentals.

"The (MTA) leadership is aware that the (PACE) program is the least understood by the membership and engenders the most controversy. But they stand solidly behind it," said Marvin.

RESOLUTIONS COMMITTEE REPORT 1979-80

As directed by last year's Representative Assembly, the Resolutions Committee began the year by holding hearings in each UniServ District. These "hearings" provided the committee with the opportunity to explain MTA structure as well as the process of effecting changes in policy and program to local association representatives. The hearing process as a method of generating resolutions from the grass roots was not successful for several reasons: first, local representatives lacked the knowledge of the resolutions process to be effectively involved in it; and secondly, the UniServ representatives (mostly local presidents) are extremely busy organizing the local and preparing for negotiations and elections during the first part of the year. We do feel that the educational program is important and that the committee should continue to explain MTA structure and effecting change to local presidents either by meeting with UniServ councils at a regular meeting or by offering a track at presidents' conference, but that the hearings as such should not be repeated.

The resolutions this year are organized by the goal areas of the platform, rather than by standing committees as in the past. This change was necessitated by the demise of some of the standing committees and by the variety of sources from which the committee received resolutions. We hope this change will encourage other groups and more members to submit resolutions. Further, the change sets up a desirable organization whereby the platform lists the purposes and philosophical goals of the MTA and the resolutions list the proposed programs to implement the goal areas. So that the Representative Assembly can tell from what source the committee received each resolution or change in the platform, credit is given following each item including whether the proposal is new, a repeat, or a revision of one presented last year.

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Several pairs of resolutions presented this year cover similar topics from different approaches. The requests came to the committee from different groups, and whereas we only have power to edit a proper resolution, (or refer an improper recommendation) both are presented to the RA for consideration. However, the committee feels that the time has come when the RA should properly give the committee more direction in dealing with illegal, conflicting, or similar resolutions. Also, because of the widespread distribution of the proposed resolutions, some consideration should be given to dealing with controversial resolutions that may be presented by an individual or group that many may feel are not in the best interest of the Association.

The committee regrets that resolutions presented by some committees are simply repeats from last year and therefore, may simply reflect the current work of the committee instead of looking for creative approaches to attaining the goals of the Association. If a committee chooses to resubmit the same resolutions with little discussion this committee has no alternative but to present them as requested.

The committee feels that the Association needs to establish a vehicle for developing legislative resolutions. Last year's list of legislative resolutions is repeated (minus one) this year as the PACE and Resolutions Committees had no other way to fill the void. It would, however, seem that it would be in the best interest of the Association if the Representative Assembly, as the highest legislative body of the Association, had a chance to deal with what should become the legislative goals and programs of the Association.

We are also presenting to the Representative Assembly a report listing the activities the MTA has developed during the year to implement each of last year's resolutions. This report, we realize, is by no means complete or really a final statement of accomplishment. It should, however, provide information

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Garland St
Bangor, ME 04401

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Charles N. Steele
Associate General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

CERTIFIED
P14 5854953
MAIL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401

Dear Mr. Newbert:

We have received your letter of October 25, 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;

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- (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.

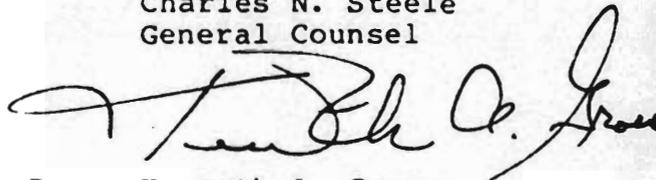
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

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: National Education Association
Political Action Conference for Educators
Maine Teachers' Association
Bangor Education Association
Carter/Mondale Re-Election Committee, Inc.

31010:92113

31040292114

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:
Maine Teachers Association

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947100	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Louise Morrin

4. DATE OF DELIVERY: *11-5-80* POSTMARK: *MAINE NOV 5 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS: *OC*

800 # 3151

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:
Ralph R. Newbert

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947116	

(Always obtain signature of addressee or agent)

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SIGNATURE Addressee Authorized agent

Ralph R. Newbert

4. DATE OF DELIVERY: *11-5-80* POSTMARK: *MAINE NOV 5 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS: *OC*

800 # 3151

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:
Maine Teachers Association

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947116	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Louise Morrin

4. DATE OF DELIVERY: *11-5-80* POSTMARK: *MAINE NOV 5 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS: *OC*

800 # 3151

Teachers' Association
of the City of New York
for the Education of the
Children of the City of New York

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NEW YORK, N.Y.

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GCC# 3151

80 OCT 29 P 1: 15

156 Garland Street
Bangor, Maine 04401
October 25, 1980

Charles N. Steele
Deputy General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

Dear Mr. Steele,

It is my understanding that various federal laws prohibit labor organizations from making direct or indirect contributions or expenditures in connection with any federal election. This prohibition also precludes labor organizations from becoming involved in primary elections, caucuses and political conventions held to select candidates for federal office.

From personal experience, although I am not an attorney, it seems that the above-mentioned prohibitions have been violated in that the National Education Association (NEA) and its affiliates, the Maine Teachers' Association (MTA) and the Bangor Education Association (BEA), have been actively involved in the 1980 federal election, including the 1980 Maine caucuses. In addition, there are irregularities in the manner in which the Maine Teachers' Association and its political action committee, known as the Political Action Conference For Educators (PACE), operate. This involvement by the National Education Association and its affiliates, and the irregularities of the Maine Teachers' Association and the Political Action Conference of Educators may violate federal law.

The activities and irregularities of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association are specifically, but not limited to:

- 1). Membership dues (NEA and MTA) have been utilized to run internal and external campaigns for candidates for President and Vice-President of the United States in 1980.
- 2). The Maine Teachers' Association uses membership dues, without informing membership, to pay for the administrative costs of PACE. These costs include, but are not limited to, staff time, stamps, phones, stationary, mileage costs, meals of the Political Action Conference for Educators, its appointed Board of Directors, and all appointed delegates.

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- 3). Preceding the Maine caucuses in 1980, the Maine Teachers' Association provided to the Carter-Mondale Campaign:
 - a). Office space at MTA headquarters in Augusta, without charge.
 - b). Free access to telephones, including Wide Area Telephone Service (WATS line).
 - c). An MTA staff secretary was placed at the service of the Carter-Mondale staff without charge.
- 4). Maine Teachers' Association staff, during their regular MTA-salaried workday, became involved in setting up political caucuses in towns all over the State of Maine. One individual so involved was Richard Mersereau.
- 5). The Bangor Education Association dismissed a member from its Executive Board for not joining the Political Action Conference for Educators, membership in which is supposedly voluntary.
- 6). The Political Action Conference for Educators has no restrictions on who may contribute.
- 7). Delegates to the Political Action Conference For Educators, and members of its Board of Directors are appointed to their positions, not elected by membership. Therefore, contributors to PACE are not represented on the Board of Directors, nor is the membership of MTA whose dues monies are used to pay for administrative and organizational costs.
- 8). Three employees of the Maine Teachers' Association serve on the Board of Directors of the Political Action Conference for Educators.
- 9). The Board of Directors of the Political Action Conference of Educators is actively involved in shaping the policies and actions of the Maine Teachers' Association through the development and submission of resolutions to the Representative Assembly of the Maine Teachers' Association (1980).
- 10). There is coercion on the part of the Maine Teachers' Association towards its members in that members must join PACE, if they wish to rise in the organization, e.g. the President of MTA is automatically on the PACE Board of Directors, according to PACE bylaws (Refer to Complaint #5).

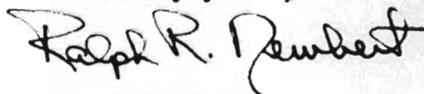
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Charles N. Steele
Federal Election Commission
October 25, 1980
Page 3

- 11). The FACE Board of Directors, the MTA Executive Committee and MTA employees are functionally integrated to such a degree that segregation of the factors is impossible. This interlocking is the basis for substantive control of political endorsements, particularly on the federal level.
- 12). The Board of Directors of the Political Action Conference for Educators has never developed a consistent set of guidelines for the endorsement of political candidates. Therefore fairness in the endorsement of candidates is a function of the appointed delegates who are in attendance, and does not necessarily reflect the belief systems of either contributors to FACE or the membership of MTA, whose monies are utilized to pay administrative/organizational costs of FACE.
- 13). In violation of the Bylaws of the Political Action Conference for Educators, the Board of Directors has endorsed and provided funding for political candidates.

Based on the aforementioned, and other activities, of the National Education Association, the Maine Teachers' Association, the Political Action Conference for Educators and the Bangor Education Association, I ask as a member of the NEA/MTA/BEA that the Federal Election Commission conduct an immediate investigation to determine if federal laws have been violated.

Sincerely yours,



Ralph R. Newbert

31010292117

Ralph R. Newbert
156 Garland Street
Bangor, Maine 04401



ALWAYS USE
ZIP CODE

OCT 29 P 1:15

Mr. Charles W. Steele
Deputy General Counsel
Federal Election Commission
Franklin Square Building
1325 K Street
Washington, D.C. 20463

RETURN RECEIPT REQUESTED



CERTIFIED
P14 5854771
MAIL

81010292118



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1369

Date Filmed 8-11-81 Camera No. --- 2

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