



FEDERAL ELECTION COMMISSION

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

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THIS IS THE END OF MUR # 1702

Date Filmed 9/26/84 Camera No. --- 4

Cameraman JRL

FEDERAL ELECTION COMMISSION

- ① All routing slips
- ② ~~List of addresses of respondents (to Docket)~~
- ③ ~~12 Day Report and all comment sheets~~
- ④ ~~Commissioner objection memos and comments~~
- ⑤ Memo from RAD re: RFAI
- ⑥ Motion to Strike filed by Mondale for President Committee

(Filed) 3 Murs, 2 of which are not closed - the motion should be put on public record upon the closing of the above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act; 5 U.S.C. Section 552(b):

- | | | | |
|-------------------------------------|---|--------------------------|--|
| <input type="checkbox"/> | (1) Classified Information | <input type="checkbox"/> | (6) Personal privacy |
| <input type="checkbox"/> | (2) Internal rules and practices | <input type="checkbox"/> | (7) Investigatory files |
| <input checked="" type="checkbox"/> | (3) Exempted by other statute 2 U.S.C. § 437g(a)(12)(A) | <input type="checkbox"/> | (8) Banking Information |
| <input type="checkbox"/> | (4) Trade secrets and commercial or financial information | <input type="checkbox"/> | (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> | (5) Internal Documents | | |

84040480055

Signed Marybeth Tanant
 date 9/20/84

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Second District Mondale) MUR 1702
Delegate Committee,)
et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 11, 1984, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1702:

1. Find no reason to believe that the following Respondents violated the Act: Second District Mondale Delegate Committee and Sheila Rivers, as treasurer; United Steelworkers of America, Local 65; AFL-CIO COPE PCC and Thomas R. Donahue, as treasurer; AFL-CIO; United Steelworkers of America Political Action Fund and Frank S. Mc Kee, as treasurer; and Mondale for President Committee, Inc. and Michael S. Berman, as treasurer.
2. CLOSE THE FILE.
3. Send the letters attached to the General Counsel's report dated August 28, 1984.

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

Attest:

9-11-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

84040480056



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

Sheila A. Rivers, Treasurer
Second Congressional District
Delegates for Mondale
11151 South King Drive
Chicago, Illinois 60628

Re: MUR 1702

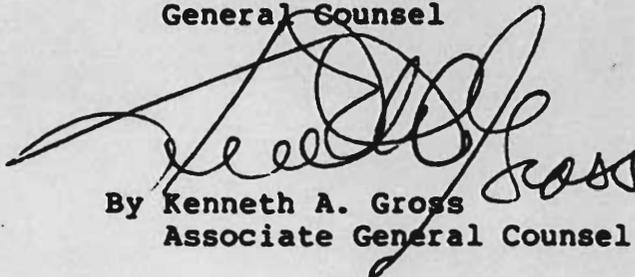
Dear Ms. Rivers:

On May 29, 1984, the Commission notified the Second Congressional District Delegates for Mondale and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 11, 1984, determined that on the basis of the information in the complaint, and information provided by the other respondents, 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

Enclosure
General Counsel's Report

84040480057



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

Ralph Martin Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Re: MUR 1702
United Steelworkers of
America, Local 65 et al.

Dear Mr. Hettinga:

The Federal Election Commission has reviewed the allegations of your complaint received on May 18, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

84040480058



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

William H. Schmelling, Assistant General Counsel
United Steelworkers of America
One East Wacker Drive
Suite 1910
Chicago, Illinois 60601-1980

Re: MUR 1702
United Steelworkers of
America, Local 65
United Steelworkers of
America Political Action
Fund and Frank S. McKee,
as treasurer

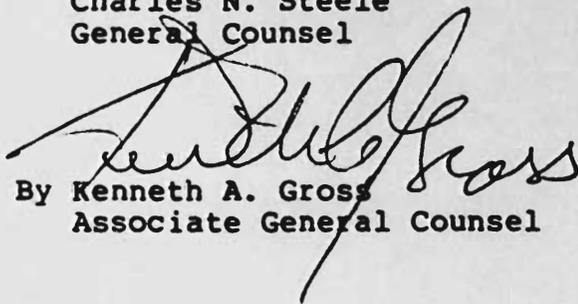
Dear Mr. Schmelling:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 11, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

84040480059



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
Legal Department
815 - 16th Street, N.W.
Washington, D.C. 20006

RE: MUR 1702
AFL-CIO
AFL-CIO COPE PCC and
Thomas R. Donahue, as treasurer

Dear Ms. McCormick:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 11, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

84040480060



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1702
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 11, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

84040480061



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

William A. Wilson, Vice President
The National Right To Work Committee
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

Re: MUR 1702
United Steelworkers of
America, Local 65 et al.

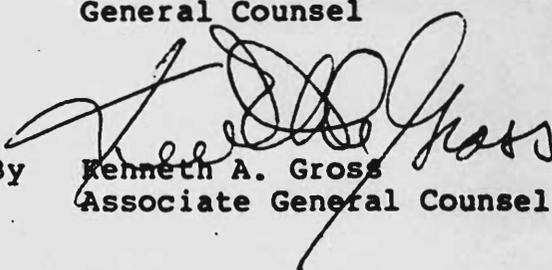
Dear Mr. Wilson:

The Federal Election Commission has reviewed the allegations of your complaint received on May 18, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a) (8).

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

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

84040480062



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sheila A. Rivers, Treasurer
Second Congressional District
Delegates for Mondale
11151 South King Drive
Chicago, Illinois 60628

Re: MUR 1702

Dear Ms. Rivers:

On May 29, 1984, the Commission notified the Second Congressional District Delegates for Mondale and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the other respondents, 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

Enclosure
General Counsel's Report

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9/13/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ralph Martin Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Re: MUR 1702
United Steelworkers of
America, Local 65 et al.

Dear Mr. Hettinga:

The Federal Election Commission has reviewed the allegations of your complaint received on May 18, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

MT
9/13/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William H. Schmelling, Assistant General Counsel
United Steelworkers of America
One East Wacker Drive
Suite 1910
Chicago, Illinois 60601-1980

Re: MUR 1702
United Steelworkers of
America, Local 65
United Steelworkers of
America Political Action
Fund and Frank S. McKee,
as treasurer

Dear Mr. Schmelling:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

MT
9/13/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
Legal Department
815 - 16th Street, N.W.
Washington, D.C. 20006

RE: MUR 1702
AFL-CIO
AFL-CIO COPE PCC and
Thomas R. Donahue, as treasurer

Dear Ms. McCormick:

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The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

MT
9/13/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1702
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

MT
9/13/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William A. Wilson, Vice President
The National Right To Work Committee
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

Re: MUR 1702
United Steelworkers of
America, Local 65 et al.

Dear Mr. Wilson:

The Federal Election Commission has reviewed the allegations of your complaint received on May 18, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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9/13/84

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FEDERAL ELECTION COMMISSION
 WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *Cat*
 DATE: August 29, 1984
 SUBJECT: MUR 1702 - General Counsel's Report

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

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CIRCULATIONS

48 Hour Tally Vote]
 Sensitive]
 Non-Sensitive]
 24 Hour No Objection]
 Sensitive]
 Non-Sensitive]
 Information]
 Sensitive]
 Non-Sensitive]
 Other]

DISTRIBUTION

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

RECEIVED
COMMISSION SECRETARY

URGENT

In the Matter of

84 AUG 29 AIO: 18

Second District Mondale
 Delegate Committee and
 Sheila Rivers, as treasurer
 United Steelworkers of America,
 Local 65
 AFL-CIO Committee on Political
 Education/Political Contributions
 Committee and Thomas R. Donahue,
 as treasurer
 American Federation of Labor and
 Congress of Industrial Organizations
 United Steelworkers of America Political
 Action Fund and Frank S. McKee,
 as treasurer
 Mondale for President Committee, Inc.
 and Michael S. Berman, as treasurer

MUR 1702

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Ralph Martin (Bud) Hettinga, Jr. and the National Right to Work Committee filed a complaint alleging that:

- 1) AFL-CIO Committee on Political Education/Political Contributions Committee ("AFL-CIO COPE PCC") failed to report the distribution of campaign material supporting Mondale as either an in-kind contribution to, or an independent expenditure on behalf of, the Mondale for President Committee, Inc. ("MPC") in violation of 2 U.S.C. § 434(b)(4)(H);
- 2) United Steelworkers of America, Local 65 ("Local 65") made in-kind contributions (in the form of warehousing and distributing pamphlets) to the Second District Mondale Delegate Committee ("Delegate Committee") in violation of 2 U.S.C. § 441b; and

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3) Local 65 distributed campaign material to the general public which failed to state who authorized and/or paid for the material, in violation of 2 U.S.C. § 441d.

On June 11, 1984, a request for an extension was received from counsel representing MPC and Michael Berman. The Office of the General Counsel granted an extension until July 2, 1984. On June 12, 1984, a request for an extension was received from counsel representing AFL-CIO, AFL-CIO COPE PCC and Thomas R. Donahue, as treasurer. The Office of the General Counsel granted an extension until July 2, 1984. On June 13, 1984, a request for an extension was received from counsel representing Local 65. The Office of the General Counsel granted an extension until July 6, 1984. On June 15, 1984, a request for an extension was received from counsel representing the United Steelworkers of America Political Action Fund and Frank S. McKee, as treasurer. The Office of the General Counsel granted an extension until July 3, 1984. With the exception of the Delegate Committee, which has not responded, all of the responses have now been filed.

II. FACTUAL AND LEGAL ANALYSIS

The complaint is based on a affidavit of a private investigator named Marlene Delegarza. See Attachment I. According to Ms. Delegarza, on March 19, 1984, she went to Local 65's union hall seeking volunteer work on behalf of presidential candidate, Walter Mondale. She had been told to get in touch with Lupe Valadez, Local 65's Financial Secretary. According to

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Ms. Delegarza, Mr. Valadez told her that she was not needed on the phone banks but could be helpful in distributing pamphlets.

Ms. Delegarza stated that Mr. Valadez went into an office and brought back two stacks of pamphlets (containing approximately 500 copies each). She was told to distribute them in the area of 103rd Street and "the way he put it, I understood him to mean either to hand them out door to door or to stand on the street corners and distribute them."

The one pamphlet was entitled "Why Mondale? Here's Why" and stated it was an AFL-CIO COPE publication 312c. See Attachment II. The second pamphlet was entitled "Walter Mondale ... the Experience to Know ... Make It Happen" and endorsed both Mondale and those delegates who supported Mondale in the 2nd District including Lupe Valadez. See Attachment III. The pamphlet stated that it was paid for by the Delegate Committee. Inside this second pamphlet was a small insert which read "Vote for Labor's Candidate for Delegate to the Democratic National Convention - Lupe Valadez - Punch 60 - (Labor Donated)." See Attachment IV.

Both the AFL-CIO 1/ and Local 65 included in their responses affidavits from Lupe Valadez and Edward L. Robinson, staff representative of the Illinois State AFL-CIO. See Attachments V and VI. According to Mr. Valadez, he was one of 8 persons on

1/ A response was filed on behalf of AFL-CIO, AFL-CIO COPE PCC and Thomas R. Donahue, as treasurer.

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a slate of ██████████ pledged to Walter Mondale from the 2nd congressional district in Illinois. In early March 1984, he obtained from the Illinois for Mondale office 2 or 3 cartons of leaflets which were similar to those referred to as Exhibit 2 in Ms. Delegarza's affidavit. See Attachment III.

According to Mr. Valadez, he felt that the names of the delegates were not prominently displayed in these leaflets and, therefore, with the help of family and friends, made, copied and inserted into these leaflets, an insert endorsing his candidacy. See Attachment IV. Subsequently, friends and family helped to distribute the delegate leaflet (with the insert) in the residential areas of Chicago's 7th Ward. Mr. Valadez stated that these delegate flyers were for distribution by the delegate candidates in their respective areas and that the delegate candidates had met once or twice to divide up the leaflets.

Generally, Mr. Valadez kept his supply of leaflets in his car. However, he stated it was possible from time to time he kept a supply in his office at Local 65's union hall. With regard to the other pamphlet referred to by Ms. Delegarza (see Attachment II), Mr. Valadez claimed not to be familiar with such a document and did not recall ever using the document in connection with his delegate campaign or in any other matter. Mr. Valadez did state, however, that there is a table near the entrance of Local 65's union hall on which a variety of union literature is kept including AFL-CIO COPE publications. In

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addition, he stated that he had attended a workshop put on by the Illinois State AFL-CIO which dealt with voter education and get-out-the-vote activities that were to be aimed at AFL-CIO members and their families only. Finally, Mr. Valadez claims to have no recollection of having any discussions with or meeting anyone who identified herself as Marlene Delegarza.

In his affidavit, Mr. Robinson attested to the fact that Lupe Valadez attended a workshop led by him and that at each of these workshops, the local union representatives were told that AFL-CIO COPE literature may only be distributed to AFL-CIO members and their families and may not be distributed to the general public. In addition, Mr. Robinson verified the fact that by the entrance of Local 65's union hall is a table on which copies of AFL-CIO COPE publications and other union literature are kept.

Based on these affidavits, the AFL-CIO claims that its COPE publication was not given to Ms. Delegraza and that it was not distributed to the general public. In addition, their response suggests that Ms. Delegarza obtained copies of the COPE publication from Local 65's information table. The response further states that assuming arguendo that copies of the COPE publication were given to Ms. Delegarza, that since she did not distribute them but rather handed them over to the National Right to Work Committee, there was no public distribution except to

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Ms. Delegarza. 2/ Accordingly, they assert that such a distribution would be de minimis and, therefore, not violative of the Act pursuant to Advisory Opinions 1980-39 and 1979-50. In addition, the AFL-CIO claims that "best efforts" were applied to ensure that its publications were not distributed to the public by conducting workshops and putting the local union organizations on notice of such a policy and practice.

Local 65's response reiterates the AFL-CIO's position in addition to stating that Ms. Delegarza's affidavit only establishes that one member of Local 65, Lupe Valadez, provided her with approximately 500 copies of the delegate leaflet. According to counsel, if Mr. Valadez kept any of these leaflets in Local 65's offices, such storage was occasional, isolated and incidental and clearly could not have increased the overhead or operating costs of Local 65 in maintaining the building and, therefore, such storage would be permissible pursuant to 11 C.F.R. § 114.9(b). Further, counsel claims that there was no expenditure made for Lupe Valadez's insert because it was made up and distributed by volunteers. Since there was no expenditure, a section 44ld disclaimer was not required. Even if, however, it

2/ It should be noted that Ms. Delegarza states in her affidavit (paragraph 4) that Mr. Valadez told her that a lot of the pamphlets had already been distributed. However, it is not clear what pamphlets he might have been referring to (according to Mr. Valadez, he only distributed the delegate pamphlet) and to whom these pamphlets were distributed.

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were found to be an expenditure, the insert which was 3"x 7" would fall under the exception provided for in 11 C.F.R. § 110.11(a)(2) for bumper stickers and similar small items.

The United Steelworkers of America Political Action Fund ("USWA PAF") and Frank S. McKee, as treasurer, responded by stating that neither are named as respondents in the complaint and that even if the statements made in Ms. Delegarza's affidavit are credible, there is not a sufficient basis for a reason to believe finding that the USWA PAF and Frank S. McKee violated the Act. See Attachment VII. In addition, a response filed on behalf of MPC and Michael Berman, as treasurer, claimed that MPC and Michael Berman should not be considered respondents in this MUR as the complaint neither names MPC as a respondent, nor alleges that MPC engaged in actions which violated the Act. Accordingly, it is their position that nothing in the complaint provides a basis for a finding of reason to believe that MPC violated any provision of the Act or regulations. See Attachment VIII.

Count I of the complaint alleges that the AFL-CIO COPE PCC violated 2 U.S.C. § 434(b)(4)(H)(i) and (iii) by failing to report, either as a contribution or an independent expenditure, the value of campaign material that supported Walter Mondale and which was paid for by the AFL-CIO COPE and distributed by Local 65. The complainants, however, failed to realize that the AFL-CIO COPE is not the same as the AFL-CIO COPE PCC which is a political committee registered with the Commission. The AFL-CIO

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COPE is a committee of the AFL-CIO, not a separate segregated fund, and its account consists of union treasury money, not voluntary funds. The pamphlet in question (see Attachment II) states that it is an AFL-CIO COPE publication and, according to the AFL-CIO and Local 65, it is a membership voter education leaflet designed by the AFL-CIO and meant to be a partisan communication to AFL-CIO members and their families, allowable under 2 U.S.C. § 441b(b)(2)(A) and 11 C.F.R. § 114.3. 3/ As the AFL-CIO COPE PCC did not pay for this pamphlet and apparently was not involved in its publication, there was no reporting responsibility on its part, nor any reporting responsibility on the part of MPC.

The Act makes it unlawful for a labor organization to make a contribution or expenditure in connection with a federal election. 2 U.S.C. § 441b. It defines "contribution" and "expenditure" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift or money, or any services, or anything of value ... to any candidate, campaign committee, or political party or organization, in connection

3/ Pursuant to 11 C.F.R. § 114.3(b), disbursements for partisan communications are required to be reported "to the extent required by 11 C.F.R. §§ 100.8(b)(4) and 104.6." These regulations require the reporting of such disbursements if: (1) the costs of the communication exceed \$2,000 for any election; and (2) the partisan communication is not part of a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate. See 2 U.S.C. § 431(9)(B)(iii); 11 C.F.R. §§ 100.8(b)(4) and 104.6. If such disbursements are reportable, they are to be reported to the Commission on FEC Form 7. See 11 C.F.R. § 104.6. On its April 15, 1984, Quarterly Report of Communication Costs, the AFL-CIO reported disbursements of \$58,711.64 between 3/5/84 and 3/31/84 for pamphlets and brochures which supported Walter Mondale.

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with ..." any federal election. 2 U.S.C. § 441b(b)(2). The Act excludes from this definition "communications by a ... labor organization to its members and their families on any subject." 2 U.S.C. § 441b(b)(2)(A). Pursuant to 11 C.F.R. § 114.3(a)(1), a labor organization may make partisan communications to its members and executive or administrative personnel, and their families, but it may not make contributions or expenditures for partisan communications to the general public in connection with a federal election.

The complainants have alleged that the pamphlet in question was distributed to the general public, therefore, the question arises as to whether a violation of 2 U.S.C. § 441b has occurred. The allegations in the complaint are based on the statements contained in Ms. Delegarza's affidavit that she was given a stack of AFL-CIO COPE pamphlets by Mr. Valadez and was told to distribute them on a certain street. According to Mr. Valadez he is not familiar with the pamphlet in question and does not recall using the document in connection with the campaign.

Both the AFL-CIO and Local 65 suggest in their responses that Ms. Delegarza obtained the COPE pamphlets from Local 65's information table where such copies were kept. In addition, the respondents state that, assuming arguendo, Ms. Delegarza was given copies of the COPE publication, she did not distribute them and, therefore, she is the only non-member to have received the publication. Accordingly, they argue the distribution outside of

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class is de minimus and not violative of the Act, pursuant to Advisory Opinions 1980-39 and 1979-50. 4/

Ms. Delegarza has stated that she was given the pamphlet in question by Mr. Valadez to distribute. Mr. Valadez has stated that he does not recall the pamphlet. Although these are conflicting statements, even if Ms. Delegarza was given the pamphlet, it is apparent that she did not distribute any pamphlets. It, therefore, appears that she was the only person outside the membership to receive it. In Advisory Opinion 1984-23, the Commission allowed a trade association to publish information about its presidential endorsement in its newsletter which is sent to 17,000 members and 125 non-members. Because distribution of the newsletter outside the restricted class was incidental to its distribution to the class and a de minimus distribution outside the class, disbursement of funds for the communication did not constitute a violation of 2 U.S.C. § 441b. See also Advisory Opinions 1978-97 and 1978-18. Although, in her affidavit Ms. Delegarza stated that Mr. Valadez said that a lot of the pamphlets had already been distributed, there is no evidence that Mr. Valadez was referring to the COPE pamphlets. 5/

4/ In these Advisory Opinions, the Commission held that the percentage and number of persons receiving a newspaper/solicitation outside the permitted class (15% and 10% of those receiving it) was not de minimus and, therefore, not permissible under the Act and the Commission regulations.

5/ Mr. Valadez seems to recall only the delegate pamphlet as being distributed. See Attachment III.

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In addition, Mr. Valadez had been instructed that COPE publications were not to be distributed to non-members. In light of the foregoing, this Office recommends that the Commission find no reason to believe that the AFL-CIO, AFL-CIO COPE/PCC and Thomas R. Donahue, as treasurer, and MPC and Michael S. Berman, as treasurer, violated the Act.

Count II of the complaint alleges that Local 65 violated 2 U.S.C. § 441b by warehousing and distributing to the general public pamphlets which were paid for by the Delegate Committee. Again the allegations are based on statements contained in Ms. Delegarza's affidavit that Mr. Valadez went into an office in Local 65's union hall and brought back two stacks of pamphlets, each containing approximately 500 copies, and told Ms. Delegarza to distribute them on a certain street. According to Ms. Delegarza, one of the stacks contained pamphlets paid for by the Delegate Committee. See Attachment III.

The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a federal election and are required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are

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increased. 11 C.F.R. § 114.9(b)(1). "Occasional, isolated, or incidental use" is described to mean - 1) when used by employees during working hours, an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period; or 2) when used by members other than employees during the working period, such use does not interfere with the labor organization in carrying out its normal activities; but any such activity which does not exceed one hour per week or four hours per month is considered as occasional, isolated, or incidental use of the labor organization facilities. 11 C.F.R. §§ 114.9(b)(1)(i), (ii), and (iii). If occasional, isolated, or incidental use is exceeded, the individual must reimburse the labor organization within a commercially reasonable time for the normal and usual rental charge for the use of such facilities. 11 C.F.R. § 114.9(b)(2).

According to Mr. Valadez, he generally kept his supply of the delegate literature in his car, but it is possible that from time to time he had some of the leaflets in his office. It appears from Mr. Valadez's statements that the storage of these pamphlets was "occasional, isolated and incidental" and could not have increased the overhead or operating costs of Local 65 in

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maintaining the building. In addition, Mr. Valadez stated that the only persons distributing the delegate material containing the insert were two of his friends and seven of his children, and that the leaflets were mainly distributed the weekend of March 10 and 11, 1984. It is apparent that all of these people were volunteers working on their own time. Pursuant to 11 C.F.R. § 100.7(b)(3), the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution. The complainants have provided no evidence that union members on union time were distributing the leaflets. Moreover, there is no evidence that Mr. Valadez is paid by the union and, for that matter, that he was distributing the leaflets at all. Ms. Delegarza claimed to see a lot of people at the union hall on the day she went there. According to Mr. Valadez, on Mondays, which is the day Ms. Delegarza went to the union hall, there are usually meetings of the laid off Local 65 members. If anything, it was probably the unemployed members of Local 65 who were doing volunteer work. In light of the foregoing, this Office recommends that the Commission find no reason to believe that Local 65, USWA PAF and Frank S. McKee, as treasurer, and the Delegate Committee and Sheila Rivers, as treasurer, violated the Act.

In Count II, the complainants also state that there was a union campaign of communicating with the general public in an

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effort to encourage members of the general public to vote for Mondale in the Illinois primary, in violation of 2 U.S.C. § 441b. As the pamphlet in question (see Attachment III) stated it was paid for by the Delegate Committee, it could be distributed to the general public because it was not union literature. Therefore, this Office recommends the Commission find no reason to believe the respondents violated the Act.

Count III of the complaint alleges that Local 65 violated 2 U.S.C. § 441d by distributing campaign materials which did not bear the proper disclaimer. The material in question was an insert that only supported Lupe Valadez's candidacy for delegate. The material merely stated it was "Labor Donated."

Pursuant to 2 U.S.C. § 441d, whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election of a clearly identified candidate, such communication must clearly state whether it was paid for and/or authorized by the candidate, an authorized political committee of a candidate, or its agents. Pursuant to 2 U.S.C. § 431(2), the term "candidate" means an individual who seeks nomination for election, or election, to a federal office. As Mr. Valadez was not running for a federal office, there was no need for a disclaimer on the insert. The fact that the insert was enclosed in a brochure that supported Walter Mondale does not in any way change the situation as the brochure stated that it was paid for by the Delegate Committee. In light of the above facts, this Office recommends that the Commission find no reason to believe that Local 65 violated the Act.

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III. RECOMMENDATIONS

1. Find no reason to believe that the following Respondents violated the Act: Second District Mondale Delegate Committee and Sheila Rivers, as treasurer, United Steelworkers of America, Local 65, AFL-CIO COPE PCC and Thomas R. Donahue, as treasurer, AFL-CIO, United Steelworkers of America Political Action Fund and Frank S. McKee, as treasurer, and Mondale for President Committee, Inc. and Michael S. Berman, as treasurer.
2. Close the file.
3. Send the attached letters.

Charles N. Steele
General Counsel

August 28, 1984
Date

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

Attachments

- I. Affidavit of Marlene Delegarza (pp. 1-3)
- II. AFL-CIO COPE pamphlet (pp. 4-5)
- III. Delegate Committee pamphlet (pp.6-7)
- IV. Valadez insert (p. 8)
- V. Response of AFL-CIO (pp. 9-18)
- VI. *Response of Local 65 (pp. 19-24)
- VII. **Response of USWA PAF (pp.25-26)
- VIII. Response of MPC (pp. 27-30)
- IX. Proposed letters (pp. 31-35)

* See Attachment V for affidavits of Lupe Valadez and Edward L. Robinson

** See Attachment V for affidavit of Lupe Valadez

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STATE OF ILLINOIS)
COUNTY OF COOK)

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARLENE DELAGARZA, a private investigator and an associate of Beaton & Associates, Ltd, Suite 1234, 53 West Jackson Boulevard, Chicago, Illinois, Telephone: 312/922-5353, being duly sworn, depose that:

1. On the afternoon of March 16, 1984, I began calling Local 65 of the Steel Workers Union, 9350 South Chicago Street, to "volunteer" to work for Senator Mondale in connection with the primary election on March 20th. I received no answer and went to the Union Hall about 8:00 pm and found no one there and the building locked.

2. On Saturday, March 17th, I went to Local 65 about 12:30 and found a young man there who was locking up the building. I asked him if I could work as a volunteer for Mondale and he told me that I should call Lupe Valadez, the Financial Secretary for Local 65, on Monday, March 19th between 9:30 and 4:00 or 6:00 and 9:00. He said that Mr. Valadez was in charge of the campaign activities and that they had phone banks at the Union Hall and literature to distribute. I asked the young man for some of the literature but he said he had just locked up that room.

3. On March 19th, I went to the Steel Workers Union Hall, Local 65 and wandered around the Hall and saw a lot of

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Attachment I

people who were there, but didn't seem to have any apparent purpose. I asked for Lupe Valadez and was directed to his office. I volunteered to work on the phone banks for Senator Mondale and Mr. Valadez said they did not need more phone bank workers, but needed help in distributing pamphlets.

4. I agreed to distribute pamphlets and Mr. Valadez went into another office and brought back two stacks of pamphlets that were apparently part of a quantity of pamphlets stocked there. Mr. Valadez stated that a lot of pamphlets had already been distributed and that as of that late date, most areas had already been taken care of. When he gave me the materials, he told me to distribute them in the area of 103rd Street and the way he put it, I understood him to mean either to hand them out door to door or to stand on the street corners and distribute them.

5. The two stacks of pamphlets which Mr. Valadez gave me are Exhibits 1 and 2 of this Affidavit and bear my handwritten name "Marlene" and the date "March 19". Exhibit 1 is entitled "Why Mondale? Here's Why". The back of the pamphlet reflects that it is from AFL/CIO COPE - Washington, DC and reflects it is "COPE Pub 312c." Exhibit 2 is a pamphlet entitled "Walter Mondale..The Experience to Know.... Make It Happen." The contents of that exhibit solicits the support for delegates who support Mondale in the 2nd District Mondale slate. It is noted that among the Mondale delegates is listed the name of Lupe Valadez. The pamphlet reflects

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that it is a publication of "Illinois for Mondale" and that it is "Paid for by 2nd District Mondale Delegate Committee." Enclosed within the pamphlet was a small insert which states: "Vote for Labor's Candidate for delegate to the Democratic National Convention Lupe Valadez Punch 60. (Labor Donated)." A copy of that Insert is attached with Exhibit 2.

6. I believe that each of the two stacks of pamphlets contained about 500 copies and they were each wrapped in a green band of paper. Mr. Valadez told me that when I had distributed all of those pamphlets that I could come back and get more to distribute.

WITNESS THE FOLLOWING Signature:

Marlene De La Garza
MARLENE DELAGARZA

STATE OF ILLINOIS)
COUNTY OF COOK) To-Wit:

I, Rosanne DeLaGarza, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that Marlene DeLaGarza, whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15th day of May 1984.

Rosanne DeLaGarza
Notary Public

My Commission expires on the 12th of August 1985.

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times, half of the cuts going to business and the wealthiest 5-10 percent of the population. Reagan simultaneously slashed \$110.2 billion from programs designed to help the needy.

That huge sum represents only what Congress agreed to cut. Reagan's original proposed cuts were much deeper, approximately \$140-\$150 billion.

Specifically: Six million more Americans have sunk below the poverty level; 1.5 million children lost help through cuts in aid to Families With Dependent Children (AFDC); 700,000 children lost Medicaid protection; 1.1 million children lost free or reduced price school lunches and 900,000 lost free or reduced price school breakfasts; Medicare has been cut and further cuts are proposed. Only labor and senior citizen opposition saved Social Security from Reagan proposals that threatened the basic Social Security retirement program and still are geared to undermining federal employee pensions.

In addition: 10.7 million workers and family members lost some or all health coverage as a result of unemployment; 700,000 young Americans were frozen out of higher education by cutbacks in low interest loans; 22 percent of funding was cut from health programs over-all, 60 percent from employment and job-training, 28 percent from child nutrition.

The Reagan Administration has suffocated meaningful enforcement of equal employment opportunity laws and crippled agencies whose mission is to attack discrimination against women, minorities, the aged and the handicapped. The administration has destroyed employment and training programs designed to bring women, minorities and the disadvantaged into the mainstream of American economic life, and Reagan's social program cuts have impacted disproportionately on women, creating the "feminization of poverty."

AFL-CIO Position—

- Reversal of Reagan imposed cuts in programs for the elderly, children, students, the sick, the hungry, the poor;

- Pay equity and equal rights for women (EEOA) Full and equal opportunities for minorities in all aspects of political, economic and social life.

Mondale Position—

- Reversal of Reagan-imposed human welfare cuts; health/hospital cost containment;

- Equal rights for all; passage of ERA; undo damage done by Reagan to Civil Rights Commission and restore its independence; "crack down on civil rights violators";

- Education—New programs, additional funding, better pay for teachers, adequate low-cost loans for any qualified student who needs them to attend college—all aimed at making today's children "the best educated in our history."

Summing Up

The Reagan Administration has victimized more workers and more needy Americans than any administration in recent decades. It has further enriched the rich and further impoverished the poor. It has caused needless and avoidable grief for millions of American workers through policies that could only result in the widespread unemployment that *did* result—weeks, months and in some cases years of lost time and hundreds of billions of dollars of lost earnings these workers can never regain.

The chance is here, this year—in November—to get out from under Reaganism with the election of a new President who believes "the time has come to restore, restructure and renew the American economy" under a leader who is "ready to work for America" and "ready to put America back to work."

The words are Walter Mondale's and the AFL-CIO believes—on the strength of his record, his program, his compassion and his commitment to full employment and fair government—the President we elect next November should be Walter Mondale.

**Best for Workers...
Best for the Nation...
Best for the Job!**

**Best for
Workers...**

**Best for the
Nation...**

Best for the Job!

**MONDALE
FOR
PRESIDENT**

AFL-CIO COPE • Washington, D.C.
LARRY BIRNBAUM, Chairman • MICHAEL B. BIRNBAUM, Co-Chair

COPE Pub. 000

0-627-



Attachment II



Here's why the AFL-CIO endorses Walter Mondale for the Democratic presidential nomination

• Mondale is the one candidate with a program that will move the country forward toward a healthy full employment economy.

• Mondale is the candidate most determined that government shall be fair and compassionate through programs that will work and that the nation can afford, and that our tax system shall be based on ability to pay.

• Mondale has an outstanding record: In 12 years in the U.S. Senate, a 93 percent "right" performance on the AFL-CIO voting record on issues prime importance to working people and our cities.

• Another four years of Reagan leadership is hazardous to the nation's health, and Mondale is the candidate most likely to defeat President Reagan and best equipped to lead. The probable consequences of a second Reagan term: An abated recovery due to record high deficits and soaring interest rates, a blighted economy, a sharp new wave in unemployment, millions more workers and needy Americans victimized by policies unalterable and devastating in their effects.

The legacy of the Reagan Administration is one of anguish for millions of working Americans and the poor:

The highest unemployment levels in more than 40 years, sustained over a period of almost 18 months. Though unemployment is declining slowly, millions of workers will never get back what they lost through the Reagan Recession.

In the period 1981 through 1983, more than 4 million individual Americans suffered one or more episodes of joblessness, many of them long-term, many still persisting. (When unemployment was at its highest, less than one third of the jobless received unemployment benefits.)

Second, the Reagan Administration has backed up as the underpinnings of vitally needed people-

helping programs: Millions living, or suffering reduced, food aid and health care; millions falling below the poverty level; hundreds of thousands of young Americans deprived of access to higher education, primarily the children of working people.

The atmosphere created by Reaganism brought with it something new, an era of "give-backs" by workers as "take-aways" from workers by managements taking swift and cruel advantage of Reagan's recession conditions.

It has been an era, too, of union-busting by government (PATCO), union-busting by bankruptcy (Continental Airlines, others), and wage-slashing by the threat of bankruptcy.

Mondale promises a different path—full employment and basic economic health, an industrial policy to assure a balanced economy . . . and a caring government determined that the hungry shall be fed, the sick cared for, the children educated, our citizens decently housed, our roads, bridges, transportation systems and public facilities (to shut our nation's infrastructure) repaired, modernized and made safe.

An examination of key domestic categories firmly reinforces the reasons for the AFL-CIO endorsement of Mondale. The issues are: (1) Jobs, the Economy and Future Opportunity, (2) Fairness and Compassion.

Jobs, the Economy and Future Opportunity

Reagan performance—The recent partial recovery and reductions in unemployment probably are built on sand. Many economists predict recovery will be undermined by the soaring tide of Reagan red ink. Deficits in the \$175-\$200 billion range are predicted for the rest of the decade. Interest rates will stay at record levels as a result of the deficits, drive up housing costs and cut down investment in industry and local communities.

Moreover, temporary recovery aside, the impact of Reaganism on working people has been crippling:

• More than 30 million workers hit by joblessness in the first three years of this administration.

• In lost earnings, a staggering total of \$136 billion.

• Average earnings per year lost by an unemployed worker in 1983: \$5,620.

• Total lost production to the economy in 1983 alone through high unemployment—\$340 billion.

• Total lost revenue for the Treasury in 1983: \$110 billion (enough to cut the swelling Reagan deficits by more than half).

• Loss in spendable earnings (in 1977 dollars) from 1980 through November 1983—two percent.

Meanwhile, the President has done nothing to help restore vitality to basic industries on whose long-term health millions of jobs, a strong, diversified economy and, indeed, the nation's defense, depend.

High tech and services are no substitute for basic industries and fair trade as foundations of a robust, full-employment economy, or providers of the future opportunities millions will need.

In the trade area, Reagan has made only token gestures toward policies and practices that would make trade a two-way street, helpful to our workers and our country as well as to the nations we trade with.

AFL-CIO Position—

• Full employment policies;

• Labor law reform;

• Restriction on imports that kill American jobs; domestic content requirements; lowering of trade barriers to U.S.-made goods created by our trading partners; elimination of the tax incentives to U.S. firms that run overseas;

• Policy to help ailing basic industries on which millions of jobs, structural health of our economy, and our defense, depend;

• Plant closing law to protect workers, communities from over-night run-away industries;

• Meeting public needs and defense needs through fairer tax structure;

• Accelerated public works and increased services to states and local communities;

• Reduction in interest rates through selective credit controls;

• Expanded low- and moderate-cost housing programs;

• Continuation of extended unemployment insurance; mortgage relief and health care for the jobless;

• Revitalize youth training targeted to jobs.

Mondale Position—

• Full employment policies;

• Lower interest rates, reduced deficits "that promote long-term economic growth";

• "A strong new trade policy (that) will tell our trade competitors that they must open their markets as wide to us as we open ours to them";

• "Rebuild our highways, our bridges, our cities, our ports" and "strengthen our schools";

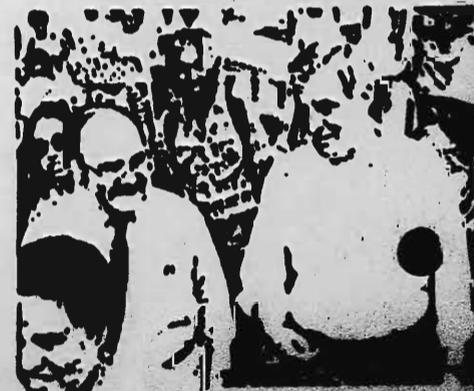
• "Bring business and labor together to work for industrial renewal";

• End corporate use of bankruptcy "to bust unions, break contracts and skirt liability";

• Tax justice under which corporations and wealthy individuals pay their fair share, as working people always have.

Fairness and Compassion

Reagan performance—Needy Americans job workers as the chief victims of Reagan economic policy and budget cuts. Reagan's tax program handed vast breaks to the wealthy and to corpora-



MONDALE



On March 20th Vote for WALTER MONDALE FOR PRESIDENT

WALTER MONDALE

AND THE MONDALE DELEGATES

(VOTE FOR 3)

- NORMA J. WHITE (MONDALE) #54
- DAMON E. ROCKETT (MONDALE) #55
- PATRICK C. McCLURKIN (MONDALE) #56
- MICHAEL A. ROMAN (MONDALE) #57
- SHEILA A. RIVERS (MONDALE) #58
- CATHERINE POINDEXTER (MONDALE) #59
- LUPE VALADEZ (MONDALE) #60
- HERMOLINE SAXTON (MONDALE) #61

MONDALE ALTERNATES

(VOTE FOR 3)

- KATHRYN L. BATTISTE (MONDALE) #90
- JOSEPH C. CAPARELLI (MONDALE) #91
- BARBARA A. DUNN (MONDALE) #92



PHOTOGRAPH BY [unreadable]

Support the Delegates Who Support Mondale

The 2nd District Mondale Slate

Norma J. White, Field Representative, Chicago Teachers Union.
Damon E. Rockett, Commissioner of Public Health and Safety,
City of Harvey. Member of Board of Directors, Harvey YMCA.

Patrick C. McClurkin, Graduate of the Harvard University
School of Law; actively engaged in the private practice of law
in the city of Chicago.

Michael A. Roman, Graduate of the DePaul University Law
School; presently engaged in the private practice of law in the
city of Chicago; Real Estate Broker and Notary Public. Abogado
Bilingue, Notario Publico Y Realtor.

Sheila A. Rivers, Community Activist; Past and Present Representative,
14th Ward Citizens Committee; Coordinating The Extended Arms
Center for Battered Women and Children.

Catherine Poindexter, Trustee of Thurston Township; Member
of Board of Directors, South Suburban Council on Aging.

Lupe Valadez, Financial Secretary, Local 65, United Steel-
workers of America; Member of Board of Directors, Claritin
Medical Center and South Shore Hospital.

Hermoline Saxton, President, Local 5016, Communication
Workers of America

Alternates

Kathryn L. Battiste, Member of Chicago Teachers Union; Past
Secretary, DuSable Homeowners Association.

Joseph C. Caparelli, International Brotherhood of Electrical
Workers.

Barbara A. Dunn, Sales-Marketing Representative, Trans World
irlines, Inc.

Attachment - III

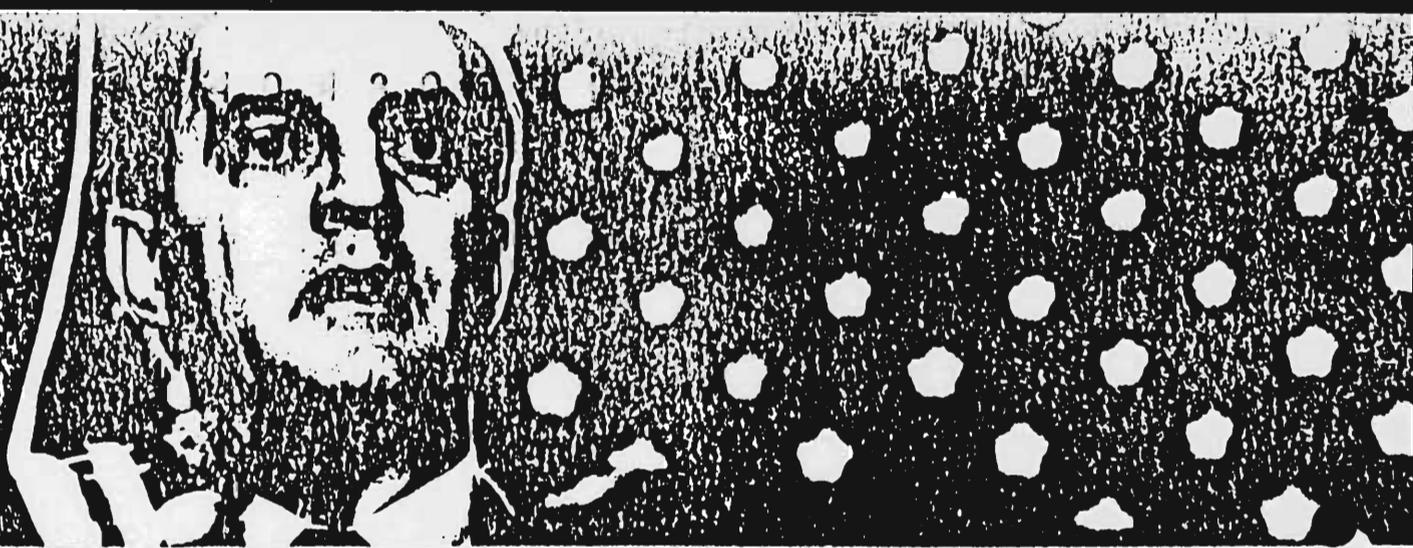


ILLINOIS FOR MONDALE

Chicago
30 W. Washington, #530
Chicago, IL 60602
(312) 368-7984

Springfield
601 N. First Street
Springfield, IL 62702
(217) 522-9850

"America must be number one again in international competition. America must be just again — a nation not for the rich alone, but for everyone. America must use its strength for peace again, and lead the world back from the brink. A future of growth, fairness, and hope: that is why I seek the presidency." — Walter F. Mondale



A Competitive America

Walter Mondale wants to get our nation's competitive edge back. Our economy was once the strongest, most productive on earth. But today America's best jobs are being exported, basic industries are declining, farm products can't compete in world markets and small businesses are shut off from affordable credit.

Mondale believes we must chop the Reagan deficits to reduce interest rates; fight for fair trade so that America begins to get an even break against foreign competition; revitalize our basic industries and infrastructure to insure that "Made in America" once again means the best; invest in people to make this next generation of Americans the best-educated and trained in our history.



A Fair America

Mondale thinks its time to restore the basic American values of fairness, decency and opportunity to government policy. We need to close the tax loopholes and catch the tax cheaters so that every corporation and every individual pay their fair share; enforce our civil rights laws and redouble our efforts to gain equal rights for women — with a Constitutional Amendment to back it up; protect Social Security and Medicare; lighten the load on the hungry, the handicapped and the unemployed. Mondale will fight for the average American who is confronted with rising utility bills, tuition fees and interest rates, and bring an end to government of the rich, by the rich, for the rich.

A Safer World

Mondale will keep America strong and use that strength to wage peace and prevent war.

We need a President who sees the world as it really is; who understands that we should use force as a last, not a first resort; who recognizes the necessity of reducing the risk of nuclear war.

Mondale will be that President. He will stabilize relations with the Soviets by meeting them on the common ground of global survival; maintain a strong defense, while keeping the Pentagon in check; work with our allies while negotiating with our adversaries. Mondale will speak up for American principles by demonstrating that the United States not only stands tall, but stands by its values.



VOTE FOR LABOR'S CANDIDATE
FOR DELEGATE TO THE
DEMOCRATIC NATIONAL CONVENTION
LUPE VALADEZ

PUNCH 60

(LABOR DONATED)

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Attachment IV

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In her affidavit, (Attachment 1 of the complaint) Ms. Delagarza asserts that Lupe Valadez, the Financial Secretary of Local 65, gave her some pamphlets, including copies of the publication attached as Exhibit 1 of her affidavit, AFL-CIO COPE publication #312C, and told her to distribute them "in the area of 103rd Street" which she took to mean door-to-door or by standing on street corners. Ms. Delagarza admits that she did not distribute the materials which she allegedly received from Mr. Valadez but instead turned them over to the Right To Work Committee. (Delagarza Affidavit ¶ 5).

Respondents have no direct knowledge of the events described in Ms. Delagarza's affidavit. However, based on the attached affidavit of Lupe Valadez, (Attachment A) respondents deny that any copies of AFL-CIO COPE publication #312C were given to Ms. Delagarza and that she was asked to distribute such COPE material to the general public, either on 103rd Street or elsewhere. In his affidavit, Mr. Valadez states that he has no recollection of ever meeting or having any discussion with Ms. Delagarza.

In sum, the only evidence proffered by complainant of the alleged distribution of AFL-CIO COPE material to the general public is the affidavit of Ms. Delagarza, which affidavit is directly contradicted by the affidavit of Lupe Valadez. In light of the undisputed fact that Ms. Delagarza has admitted in her affidavit that she had no compunctions about misstating her reasons for visiting Local 65 or about obtaining literature from Mr. Valadez under false pretenses and the fact that she was being paid for the express purpose of providing materials on which the National Right To Work Committee could file complaints, respondents submit that Ms. Delagarza's allegations are not worthy of credence. The AFL-CIO COPE publication appended to Ms. Delagarza's affidavit does not cut the other way. Mr. Valdez' affidavit shows that there is a table in the entrance hall of Local 65 USWA's offices that is used to distribute literature to Local 65 members coming in and out of those offices including AFL-CIO publications. Given her demonstrated lack of scruple, it is as likely as not that Ms. Delagarza obtained copies of AFL-CIO COPE publication 312C from that table while she was wandering around Local 65 USWA's offices looking for Mr. Valadez.

In conclusion, we submit that under the circumstances here Ms. Delagarza's affidavit does not provide a proper predicate for further Commission action.

B. Assuming arguendo, that copies of AFL-CIO COPE publication 312C were given to Ms. Delagarza such a distribution would not have violated the Act. In her affidavit, Ms. Delagarza admits that she did not distribute the materials which she allegedly received from Mr. Valadez but instead turned them over to the Right To Work Committee. Thus the only "public" distribution of COPE publication 312C which is demonstrated by Ms. Delagarza's affidavit is the distribution to a single non-member of the AFL-CIO.

It is clear that the distribution of partisan communications to a single individual outside the AFL-CIO's restricted class of members and their families is de minimis and therefore does not violate the Act or the Commission's regulations. See FEC Advisory Opinions 1980-139, 1979-50.

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It is also clear that the Illinois State AFL-CIO exercised "best efforts" to ensure that AFL-CIO COPE literature for the 1984 presidential primary was distributed solely to AFL-CIO members and their families and not to the general public. This effort is reflected in the attached affidavit of Illinois State AFL-CIO field representative Edward Robinson, the individual responsible for AFL-CIO political education and voter registration/get-out-the-vote activities aimed at AFL-CIO members and their families in Illinois' 2nd, 3rd and 4th Congressional Districts in conjunction with the Illinois presidential primary on March 20, 1984. (See Attachment B). In his affidavit, Mr. Robinson states that prior to the Illinois presidential primary the Illinois State AFL-CIO sponsored a series of workshops on political education and get-out-the-vote techniques for representatives of AFL-CIO affiliated local unions. Mr. Robinson conducted several of those workshops. At each workshop that he conducted he told the local union representatives that were present that AFL-CIO COPE literature should only be distributed to AFL-CIO members and their families and should not be distributed to the general public. Lupe Valadez was present at one of the workshops conducted by Mr. Robinson. He was therefore put on notice that the AFL-CIO's policy and practice is that AFL-CIO COPE literature should only be distributed to AFL-CIO members and their families and not to the general public.

The Commission's regulations provide that an organization which uses "best efforts" to comply with the Act's restrictions with regard to the persons whom the organization may solicit will not be deemed to have violated the Act because of the accidental or inadvertent solicitation of persons apart from those it is permitted to solicit. 11 C.F.R. 114.5(h). Since solicitations are merely a form of partisan communication, it follows that where as here a labor organization has used "best efforts" to limit the distribution of partisan communications to its members and their families, neither that organization nor its parent should be deemed to have violated the Act if such a communication is nonetheless distributed to a de minimis number of individuals outside that class.

Since as demonstrated above, respondents did not distribute AFL-CIO COPE literature to the general public and in fact used "best efforts" to ensure that AFL-CIO COPE literature used for the Illinois presidential primary was distributed only to AFL-CIO members and their families, respondents submit that they have not violated any provision of the Act including 2 U.S.C. 434(b)(4)(H). Accordingly, respondents respectfully request that the Commission take no further action against them and that the Commission dismiss the complaint in FEC MUR 1702.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for respondents AFL-CIO,
AFL-CIO COPE/PCC and Thomas R. Donahue

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT OF LUPE VALADEZ

LUPE VALADEZ, being first duly sworn, on oath deposes and says:

1. My name is Lupe Valadez and I live at 8800 South Escanaba Avenue, Chicago, Illinois 60617. I have been employed for more than thirty years in the production and maintenance employees' bargaining unit at U. S. Steel's South Works in Chicago.

2. I am a member of the United Steelworkers of America and of its Local Union 65. I am presently serving my third three-year term in the elected office of Local Union 65 Financial Secretary.

3. I have personal knowledge of the matters set forth in this affidavit which is being submitted as part of United Steelworkers of America, Local Union 65's response to the Complaint by the National Right To Work Committee in the matter identified as Federal Election Commission MUR 1702. It is my understanding that Local Union 65 has not received a copy of the Complaint in FEC MUR 1702 from the Federal Election Commission. But I have received and reviewed a copy of the Complaint, with the attached affidavit and exhibits by Marlene Delagarza, from counsel for the Union.

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4. I have been employed at U. S. Steel's South Works for more than thirty-two years. The United Steelworkers of America, AFL-CIO, is the collective bargaining representative for the production and maintenance employees at U. S. Steel's South Works. Currently, there are approximately 900 employees in that bargaining unit. Approximately 5,000 Steelworkers were employed in that bargaining unit as late as 1982. Within the past year, however, United States Steel has announced its intention to permanently shut down its South Works in Chicago.

5. In the March 20, 1984 presidential primary election, I was one of eight candidates on a slate of delegates pledged to Walter Mondale from the 2nd Congressional District in Illinois. Each of us on that slate represented different geographical areas within the 2nd Congressional District. My area was Chicago's 7th ward. I am a resident of Chicago's 7th ward, which also is known as "Millgate." The southern boundary line of Chicago's 7th ward is 95th Street. Almost all of the adults residing in Chicago's 7th ward either are laid off employees or employees of United States Steel's South Works, are employed in other Steelworker represented bargaining units in the area or are members of the families of Steelworkers.

6. As one of the Mondale delegate candidates from Illinois' 2nd Congressional District, early in March, 1984 I obtained from the Illinois for Mondale offices at 30 West Washington Street in Chicago two or three cartons of leaflets in the form or similar

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to the form attached as Exhibit 2 to the Affidavit of Marlene Delagarza which is attached to the Complaint in this case. The first sets of such three-fold flyers which we obtained from the Mondale offices did not prominently list the names of those of us who were Mondale delegate candidates from the 2nd District. For that reason, with the assistance of my children, I made and copied an insert similar to the attachment to Ms. Delagarza's Exhibit 2 stating, "VOTE FOR LABOR'S CANDIDATE FOR DELEGATE TO THE DEMOCRATIC NATIONAL CONVENTION -- LUPE VALADEZ -- PUNCH 60." My children and two or three friends helped me enfold this insert in the 2nd congressional District Mondale delegate flyer, Marlene Delagarza's Exhibit 2.

7. Two of my friends and seven of my children and step-children distributed this leaflet and insert (Marlene Delagarza's Exhibit 2) in the residential areas of Chicago's 7th ward, primarily on the weekend of March 10 and 11, 1984. The only residential area in which we distributed these leaflets was Chicago's 7th ward, also known as "Millgate."

8. The cartons of these 2nd Congressional District Mondale flyers (Delagarza Exhibit 2), which I obtained from the downtown Chicago Mondale office, were for distribution by me in my area within the Congressional District and also for distribution in their respective areas by other candidates on our delegate slate. We met once or twice to divide up such quantities of these pamphlets.

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9. Generally, I kept my supply of the Mondale slate pamphlets in my car. It is possible that from time to time I had some of them in my office which is located within the Local 65 Hall, 9350 South Chicago Avenue, in Chicago.

10. I have no recollection of having any discussions with or meeting anyone who identified herself as Marlene Delagarza on March 19, 1984 or at any other time. March 19, 1984 not only was the day before the primary election in Illinois, it was also a Monday, which usually at Local 65 is the week day on which meetings of laid off Local 65 members are conducted and advice is given on possible employment opportunities and assistance is given for resolving unemployment compensation or other problems of the unemployed.

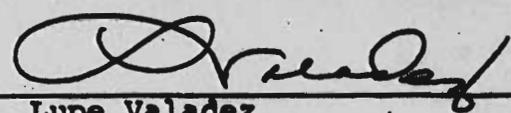
11. The reference in paragraph 4 of Ms. Delagarza's affidavit to her being directed to distribute election-related material "in the area of 103rd Street . . ." is unspecific. 103rd Street runs all the way from the Indiana-Illinois state line through the 2nd Congressional District in Illinois.

12. In late February I attended a political action workshop put on by the Illinois AFL-CIO. That workshop dealt with voter education and get-out-the vote activities to be aimed at AFL-CIO members and their families.

13. I am not familiar with the document attached as Exhibit 1 to Ms. Delagarza's affidavit, an AFL-CIO leaflet which Ms. Delagarza, in paragraph 5 of her affidavit, identifies as COPE Publication 312c. I do not recall having or using this document in connection with my delegate candidate campaign or in any other matter.

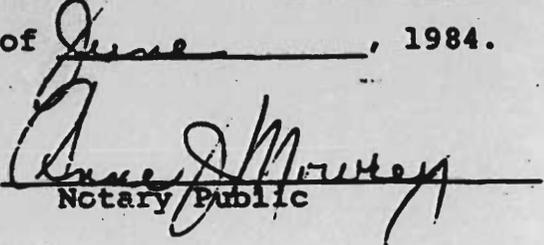
15

13. In the main entrance area of Local Union 65's offices and hall, Local Union 65 maintains an "information table," which usually is stacked with copies of the Steelworkers' International Union newspaper, Steelabor, the USWA District 31 Voice, Local 65's own local newspaper, the AFL-CIO News, public and social service information leaflets and AFL-CIO publications and literature.



Lupe Valadez

Subscribed and Sworn to
Before me this 28th day
of June, 1984.



Notary Public

84040480100

STATE OF ILLINOIS)
COUNTY OF COOK) S S

AFFIDAVIT OF EDWARD L. ROBINSON

EDWARD L. ROBINSON, being duly sworn deposes and says:

1. I am a Staff Representative of the Illinois State Federation of Labor and Congress of Industrial Organizations ("Illinois State AFL-CIO") and have held that position at all times relevant to the period covered by the complaint in FEC MUR 1702.
2. I work out of the Chicago office of the Illinois State AFL-CIO which is located at 300 North State Street, 16th Floor, Chicago Illinois.
3. Prior to the Illinois presidential primary on March 20, 1984, I was assigned to coordinate the Illinois AFL-CIO's political education and get-out-the-vote programs aimed at AFL-CIO members and their families in the 2nd, 3rd, and 4th Congressional Districts of Illinois.
4. As part of its political education program for the Illinois presidential primary, the Illinois State AFL-CIO sponsored a series of workshops on political education and get-out-the-vote techniques for representatives of AFL-CIO affiliated local unions.
5. I led a number of those workshops including one which was held on February 24, 1984. At each workshop that I led, I told the local union representatives who were present that AFL-CIO COPE literature may only be distributed to AFL-CIO members and their families and may not be distributed to the general public.
6. Lupe Valadez was present at the workshop which was held on February 24, 1984.

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8. In the course of my employment by the Illinois State AFL-CIO, I have had occasion to visit the offices of Local 65 of the United Steelworkers of America which are located at 9350 South Chicago Avenue in Chicago. During my visits I have noticed that there is a table containing a variety of literature in the entrance hall of Local 65's office. I have seen copies of the AFL-CIO News and various AFL-CIO COPE publications stacked on that table.

Edward L. Robinson
EDWARD L. ROBINSON

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Subscribed and sworn to
before me this 2nd day
of July 1984.

Elizabeth Wageman
NOTARY PUBLIC

My Commission
Expires June 9, 1985



United Steelworkers of America JUL 6 P 1: 57

AFL-CIO-CLC

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601-1980
(312) 467-1995

July 5, 1984

11 9 p2: 53

Charles N. Steele, General Counsel
Kenneth A. Gross, Associate General Counsel
Attention: Marybeth Tarrant
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: The National Right To Work Committee, et al. v.
AFL-CIO COPE Political Contributions Committee and
United Steelworkers of America, Local Union 65
FEC MUR 1720

(Response by Local Union 65 to the Complaint)

Dear Ms. Tarrant:

As I advised you in my June 20 1984 letter, United Steelworkers of America Local Union 65, one of the two named Respondents in this matter, has not been served with a copy of the Complaint. This may be due to an incorrect zip code reference used by the National Right To Work Committee in its Complaint.

The correct address of Local Union 65 is:

9350 South Chicago Avenue
Chicago, Illinois 60617

I have provided Local Union 65 with a copy of the copy of the Complaint which I received as designated counsel for the USWA PAF.

Without waiving any right Local Union 65 may have not to respond to the Complaint, pursuant to Federal Election Commission Regulation Section 111.6 and pursuant to your June 15, 1984 letter to me regarding this matter, I am submitting the attached affidavits of Lupe Valadez and Edward Robinson, Appendices A and B, respectively, and the following statement of position by Local Union 65 as its response to the Complaint in this matter:

Attachment VI

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

Count I:

Count I of the Complaint appears to be directed primarily against Respondent AFL-CIO COPE. Accordingly, no response by Local Union 65 would be required. Nonetheless, because the allegations of Count I of the Complaint relies on misstatements of facts in the affidavit of Marlene Delagarza relating to a member of Local Union 65, Local Union 65 brings to the attention of the Federal Election Commission the following clarifying information and facts.

It is alleged in Count I of the Complaint, by reference to Ms. Delagarza's affidavit, that the AFL-CIO improperly distributed partisan campaign material in support of Walter Mondale's candidacy for President to the general public.

It is undisputed that under 2 U.S.C. § 441b(b)(2)(A) it is lawful for a labor organization such as the AFL-CIO and its Committee On Political Education to communicate with its members and their families on any subject, including partisan campaign matters. The thrust of the claim made by the National Right To Work Committee through the affidavit of private investigator Marlene Delagarza, however, is that such communications were distributed by AFL-CIO COPE or Steelworkers Local Union 65 to persons who were not members of the AFL-CIO or members of the families of such AFL-CIO members.

But the assertions made by private investigator Marlene Delagarza's affidavit, however, do not support that generalization of Count I of the Complaint. At the most, Ms. Delagarza's affidavit shows that she intentionally misrepresented her identity and purpose in attempting on three occasions to assist Local Union 65 in voter education efforts aimed by it at its members. It also appears that Ms. Delagarza carried out her misrepresentation by not distributing anything. If there was no distribution, then there could be no violation.

Just as private investigator Delagarza, by her own admission, misrepresented her purpose in indicating willingness to assist Local Union 65 in its membership voter education efforts, Ms. Delagarza also apparently misrepresented the facts in her affidavit.

The only Local Union 65 member identified by private investigator Delagarza in her affidavit is Lupe Valadez. As established by the affidavits of Lupe Valadez and of Edward Robinson, and contrary to the assertions of private investigator Delagarza, the facts are:

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

1. AFL-CIO publication 312c, attached as Exhibit 1 to the affidavit of Marlene Delagarza, which is Attachment 1 to the Complaint ("Delagarza Exhibit 1") is a membership voter education leaflet designed by the AFL-CIO and distributed by it to various local unions for plant gate distribution to AFL-CIO members and their families.
2. In the main entrance area of Local Union 65's offices and hall located at 9350 South Chicago Avenue, in Chicago, Illinois, Local Union 65 maintains an "information table" which usually is stacked with copies of Steelworkers and AFL-CIO newspapers, public and social service information leaflets and other AFL-CIO publications and literature. (Valadez Afft. par. 13, p.5; Robinson Afft., par. 8).
3. Lupe Valadez, who was an unsuccessful candidate to be elected as a Mondale pledged delegate from the Illinois 2nd Congressional District in the March 20, 1984 presidential primary in Illinois, is not familiar with AFL-CIO publication 312c (Delagarza Exhibit 1) and did not have or use that document in connection with his delegate candidate campaign or in any other manner (Valadez Afft. par. 13).
4. Lupe Valadez' leaflet distribution efforts in connection with his candidacy to be an elected delegate from Illinois 2nd Congressional District in the March 20, 1984 election was limited to the distribution of a leaflet prepared by the Illinois for Mondale Committee, a copy of which is attached as Exhibit 2 to the Affidavit of Marlene Delagarza (Valadez Afft. par. 7).
5. The dates of distribution of Delagarza Exhibit 2 as a leaflet in support of Lupe Valadez' delegate election efforts were March 10 and 11, 1984.
6. The persons who assisted delegate candidate Lupe Valadez in distributing Delagarza Exhibit 2 in support of his campaign were two of his friends and seven of his children (Valadez Afft. par. 7).

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant.

July 5, 1984

- 7. The geographical area of distribution by delegate candidate Valadez and others supporting his election was limited to Chicago's 7th ward, the southern boundary of which is 95th Street in Chicago, eleven blocks north of "the area of 103rd Street" in which private investigator Delagarza, in paragraph 4 of her affidavit, claims she was told she could distribute literature in support of Mr. Valadez' candidacy (Valadez Afft. pars. 7 and 5).

Count II:

Count II of the Complaint in this case also is without merit.

Section 114.9(b) of the FEC's Regulations provides, in part:

"Section 114.9(b) Use of labor organization facilities for individual volunteer activity by officials, members and employees. (1) The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a Federal election and will be required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are increased. . . ."

The gist of the National Right To Work Committee's claim in Count II of the Complaint is that, according to private investigator Delagarza, about 500 copies of a single page leaflet paid for by the (Illinois) 2nd District for Mondale Delegate Committee were "warehoused" in Local Union 65's offices in violation of 2 U.S.C. § 441b. That claim, from a factual standpoint, is not even fully supported by the affidavit of private investigator Marlene Delagarza.

All that private investigator Delagarza's affidavit would establish is that, as a member of Local Union 65, Lupe Valadez provided her with approximately 500 copies of the Mondale 2nd District Delegate Committee's leaflet and that he brought those leaflets to Ms. Delagarza from another room. Ms. Delagarza does not state, however, whether such other room was in the portion of the building used by Local Union 65.

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

Lupe Valadez does not recall ever meeting anyone who identified herself as Marlene Delagarza, on March 19, 1984, or at any other time (Valadez Afft. par. 10). But, generally, delegate candidate Lupe Valadez kept a supply of his Mondale slate leaflets in his car. It is possible that from time to time he had some of those leaflets in his office. It is also possible that copies of such leaflets were left on the "information table" at the entrance area to Local Union 65's offices.

If in fact Lupe Valadez kept any of his Illinois Congressional District 2 delegate candidate leaflets in Local Union 65's offices, he did so as a volunteer or on behalf of his own delegate candidacy campaign efforts. Such storage was occasional, isolated and incidental and clearly could not have increased the overhead or operating costs of Local Union 65 in maintaining this building. Under FEC Regulation Section 114.9(b), such use of Local Union 65's facilities would be permitted pursuant to 2 U.S.C. § 441b. There was no violation of 2 U.S.C. § 441b.

For the foregoing reasons Count II of the Complaint should be dismissed and no further action should be taken by the Commission with respect to the claims raised in Count II.

Count III:

There is no basis in fact for the assumptions on which the claims made by the Right To Work Committee in Count III of its Complaint are based. This is apparent even from private investigator Delagarza's affidavit.

As stated in Count III, the Right To Work Committee claims that the campaign materials attached as Exhibits 1 and 2 to Ms. Delagarza's affidavit were "distributed by the Steelworkers to the general public." But as noted above, Ms. Delagarza made no distribution. The only distribution of one of those Delagarza exhibits, the 2nd Congressional District delegate committee leaflet, was by Lupe Valadez, two of his friends and seven of his children. They made such distributions as volunteers on behalf of Mr. Valadez' delegate candidacy, not as representatives of Local Union 65 (Valadez Afft. par. 7).

The 2nd Congressional District Mondale Delegate Committee leaflet itself (Delagarza Exhibit 2) properly indicates on its face that

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

it was paid for and authorized by that Committee. Lupe Valadez' 3x7 inch insert, which was folded into some of those 2nd District Mondale Delegate Committee leaflets and which were distributed by Lupe Valadez, his friends and children in Chicago's 7th ward do not bear a separate Section 441d authorization statement; but, as stated by Lupe Valadez in paragraph 6 of his affidavit, there was no expenditure made for the purpose of financing that supplemental communication. Section 441d is applicable only "whenever any person makes an expenditure . . ."; and, even if an expenditure had been made to include that 3x7 inch insert in the Illinois 2nd District Mondale Delegate Committee's leaflet, the exception provided by Section 110.11(a)(2) for bumper stickers and similar small items would permit the non-inclusion of a separate Section 441d authorization statement on the 3x7 inch Lupe Valadez insert.

Thus neither the facts nor the law support the claim made by the National Right To Work Committee in Count III of its Complaint which, therefore, should be dismissed.

Based on the foregoing statements of Local Union 65's position and on the response which has been submitted to the FEC by the AFL-CIO COPE Political Contributions Committee, I request that the Complaint by the National Right To Work Committee and Ralph Hettinga, Jr. in this MUR 1702 be dismissed in its entirety and that no further action be taken by the Commission with regard to this matter.

Please do not hesitate to contact me if there are any questions regarding Local Union 65's position in this matter.

Very truly yours,

William H. Schmelling
William H. Schmelling
Assistant General Counsel

WHS/am
Enclosures

cc: USWA Local Union 65
AFL-CIO COPE Political Contributions Committee
USWA PAF
Lupe Valadez

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AFL-CIO

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601-1980
(312) 467-1995

June 29, 1984

Charles N. Steele, General Counsel
Kenneth A. Gross, Associate General Counsel
Attention: Marybeth Tarrant
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: The National Right To Work Committee, et al. v.
AFL-CIO COPE Political Contributions Committee
and United Steelworkers of America, Local 65
FEC MUR 1702

Dear Ms. Tarrant:

The United Steelworkers of America Political Action Fund ("the USWA PAF"), and Frank S. McKee as its Treasurer, submit the following response to the Complaint of the National Right To Work Committee in this matter.

The USWA PAF is not named as a Respondent in this matter and there is no allegation in the Complaint with respect to or directed against the USWA PAF. There is no relationship between the alleged facts attributed in the Complaint to Lupe Valadez, as a member of Local Union 65, and the International Union's USWA PAF. From the affidavit of Lupe Valadez, attached to this response as Appendix A, it appears that there is little or no relationship between the allegations of the Complaint and the actual facts.

But, even assuming that the allegations of the Complaint are true and that the statements made in her affidavit supporting the Complaint by Marlene Delagarza are credible -- and the USWA PAF maintains that they are not -- such facts would not be sufficient to form the basis for reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act by USWA PAF.

Attachment VII

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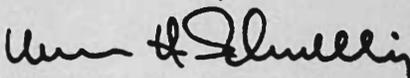
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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

June 29, 1984

Accordingly, the Commission should dismiss the Complaint and close its file on this matter.

Very truly yours,


William H. Schmelling
Assistant General Counsel

WHS/am
Enclosure

cc: USWA PAF
USWA Local Union 65
AFL-CIO Political Contributions Committee

84040480110

MONDALE

Garratt

July 2, 1984

JUL 6 P2:13

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

RE: MUR 1702

Dear Mr. Steele:

This letter constitutes the response of the Mondale for
- President Committee ("MPC") to the complaint filed in MUR 1702 on
- May 18, 1984, by the National Right to Work Committee ("NRWC")
1 and Ralph Martin (Bud) Hettinga, Jr. The complaint is based
2 solely on the use of a paid informant to infiltrate union efforts
3 on behalf of Mr. Mondale. Complainants allege, based on an
4 affidavit from their paid infiltrator, that the AFL-CIO COPE
5 Political Contributions Committee and United Steelworkers of
6 America, Local 65, the only named respondents, may have acted
7 improperly in their support of Mr. Mondale. By letter of May 29,
8 1984, the Commission notified MPC that the complaint in MUR 1702
alleges that MPC may have violated the Federal Election Campaign
Act of 1971, as amended ("the Act").

MPC urges the Commission to find no reason to believe that a
violation of the Act has occurred and to dismiss the complaint.
On June 25, 1984, MPC moved that the Commission strike this
complaint on the ground that sound public policy demands that

Attachment VIII

Complainants, who are before the Commission with unclean hands, not be permitted to embroil the Commission in their unseemly tactics. For the Commission to treat this as an ordinary complaint will only encourage other groups to hire paid infiltrators whose goal is to disrupt political campaigns of candidates they oppose. Even if the Commission considers this complaint, and the affidavit is taken as true, MPC believes that the complaint should be dismissed because it fails to allege a violation of the Act by MPC.

I. MPC IS NOT A PROPER RESPONDENT TO THIS MUR.

The Commission's compliance procedures provide in part that a complaint identify as a respondent each person or entity who is alleged to have committed a violation of the Act. 11 C.F.R. Section 111.4(d). The Commission's procedures further require that the Commission take no action with respect to complaints which do not comply with Section 111.4. 11 C.F.R. Section 111.5(b). It is axiomatic that those persons who would invoke the jurisdiction of an administrative agency must meet the agency's procedural requirements. Thus, NRWC has no right to proceed against MPC without naming MPC and identifying specifically MPC's conduct of which it complains. It is further evident that an administrative agency must comply with its own regulations. MPC, therefore, submits that the Commission should not name MPC as a respondent or proceed against MPC based on a complaint which does not name MPC or identify MPC's conduct which might be violative of the Act.

The instant complaint does not name MPC as a respondent, nor does it allege that MPC engaged in actions which violate the Act.

Indeed, the complaint does not allege that MPC engaged in any activity relevant to the complaint. MPC is not even identified in the complaint. Rather, MPC has simply been provided a copy of the complaint and left to speculate as to what conduct by MPC might be alleged or what theory might be constructed to assert a violation by MPC.

The Commission's requirement that complaints identify respondents is not a mere technicality. Due process requires that respondents be informed with specificity of the nature of the charges against them and be able to respond meaningfully to those charges to show that no action should be taken. MPC further submits that unless and until NRWC identifies MPC as a respondent or directly alleges specific conduct by MPC which would be violative of the Act, MPC should be stricken as a respondent in the instant complaint and that no further action should be taken against MPC.

II. THE COMPLAINT PROVIDES NO REASON TO BELIEVE THAT MPC VIOLATED ANY PROVISION OF THE ACT OR REGULATIONS.

Nothing in this complaint provides a basis for a finding of reason to believe that MPC violated any provision of the Act or regulations.

Count 1 merely alleges that a union distributed campaign literature which was supportive of Mr. Mondale. The complaint does not allege that MPC paid for the literature or that MPC was involved in its preparation or distribution. In fact, there is no suggestion that MPC had any knowledge whatsoever about the union's activity.

Similarly, Count II alleges no conduct by MPC and, therefore, does not state a violation of the Act by MPC.

Finally, Count III suggests the use of the term "Labor Donated" on campaign literature is a violation of the Act. Not only is there no connection between the particular piece of literature and MPC, but the Complainants' allegation does not even set forth a possible violation of the Act.

A disclaimer is not required on campaign flyers which are distributed by volunteers since that does not constitute general public political advertising as defined in the Act or regulations. 2 U.S.C. Section 441d(a); 11 C.F.R. Section 110.11(a)(1). Complainants' affidavit makes clear that the flyers (except those purloined by Ms. Delagarza, the alleged private investigator) were distributed by hand by volunteers.

CONCLUSION

For the reasons set forth in this response, the Commission should find no reason to believe that a violation of the Act has occurred.

Respectfully submitted,

David M. Ifshin
David M. Ifshin
General Counsel *By Cuo*

Carolyn U. Oliphant
Carolyn U. Oliphant
Deputy General Counsel

840404801A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1702
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

Attachment IX
③

84040480115



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sheila A. Rivers, Treasurer
Second Congressional District
Delegates for Mondale
11151 South King Drive
Chicago, Illinois 60628

Re: MUR 1702

Dear Ms. Rivers:

On May 29, 1984, the Commission notified the Second Congressional District Delegates for Mondale and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the other respondents, 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

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
Legal Department
815 - 16th Street, N.W.
Washington, D.C. 20006

RE: MUR 1702
AFL-CIO
AFL-CIO COPE PCC and
Thomas R. Donahue, as treasurer

Dear Ms. McCormick:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, 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

Enclosure
General Counsel's Report

84040480117



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William H. Schmelling, Assistant General Counsel
United Steelworkers of America
One East Wacker Drive
Suite 1910
Chicago, Illinois 60601-1980

Re: MUR 1702
United Steelworkers of
America, Local 65
United Steelworkers of
America Political Action
Fund and Frank S. McKee,
as treasurer

Dear Mr. Schmelling:

On May 29, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

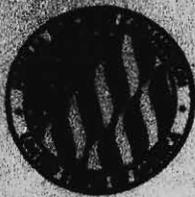
The Commission, on _____, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this 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

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ralph Martin Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Re: MUR 1702
United Steelworkers of
America, Local 65 et al.

Dear Mr. Hettinga:

The Federal Election Commission has reviewed the allegations of your complaint received on May 18, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action: See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

84040480119



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William A. Wilson, Vice President
The National Right To Work Committee
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

Re: MUR 1702
United Steelworkers of
America, Local 65 et al.

Dear Mr. Wilson:

The Federal Election Commission has reviewed the allegations of your complaint received on May 18, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

84040480120



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN M. TEIR *SMT*

DATE: JULY 9, 1984

SUBJECT: MUR 1702 - FIRST GENERAL COUNSEL'S
REPORT signed July 5, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 2:00 on July 6, 1984.

There were no objections to the Report at the time of the deadline.

84040480121



FEDERAL ELECTION COMMISSION
 WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *CT*
 DATE: July 6, 1984
 SUBJECT: MUR 1702 - First General Counsel's Report

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

84040480122

CIRCULATIONS

48 Hour Tally Vote []
 Sensitive []
 Non-Sensitive []
 24 Hour No Objection [X]
 Sensitive [X]
 Non-Sensitive []
 Information []
 Sensitive []
 Non-Sensitive []
 Other []

DISTRIBUTION

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

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

84 JUL 6 A 9: 22

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 7/6/84-9:25

MUR #1702
DATE COMPLAINT RECEIVED
BY OGC 5/18/84
DATE OF NOTIFICATION TO
RESPONDENTS 5/29/84
STAFF MEMBER M. Tarrant

COMPLAINANTS' NAMES: Ralph Martin (Bud) Hettinga, Jr. and the
National Right to Work Committee

RESPONDENTS' NAMES: Second Congressional District Delegates for
Mondale and Sheila A. Rivers, as
treasurer, United Steelworkers of
America, Local 65, AFL-CIO Committee on
Political Education/Political
Contributions Committee and Thomas R.
Donahue, as treasurer, American
Federation of Labor & Congress of
Industrial Organizations, United
Steelworkers of America Political Action
Fund and Frank S. McKee, as treasurer,
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer.

RELEVANT STATUTE: 2 U.S.C. §§ 434(b)(4)(H), 441b, and 441d
11 C.F.R. § 114.3

INTERNAL REPORTS CHECK: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complainants have alleged that 1) AFL-CIO Committee on
Political Education/Political Contributions Committee ("AFL-CIO
COPE PCC") has failed to report an in-kind contribution or
independent expenditure (the distribution of campaign material
supporting Mondale) to the Mondale for President Committee, Inc.
("MPC") in violation of 2 U.S.C. § 434(b)(4)(H); 2) United
Steelworkers of America, Local 65 ("Local 65") made in-kind
contributions (in the form of warehousing and distributing

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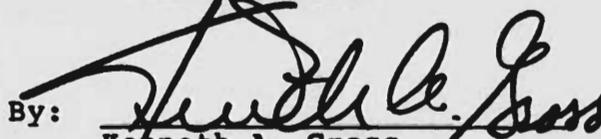
pamphlets) to the Second District Mondale Delegate Committee ("Delegate Committee") in violation of 2 U.S.C. § 441b; and 3) Local 65 distributed campaign material to the general public which failed to state who authorized and/or paid for the material, in violation of 2 U.S.C. § 441d.

REQUESTS FOR EXTENSIONS

On June 11, 1984, a request for an extension was received from counsel representing MPC and Michael Berman. The Office of the General Counsel granted an extension until July 2, 1984. On June 12, 1984, a request for an extension was received from counsel representing AFL-CIO, AFL-CIO COPE PCC and Thomas R. Donahue. The Office of the General Counsel granted an extension until July 2, 1984. On June 13, 1984, a request for an extension was received from counsel representing Local 65. The Office of the General Counsel granted an extension until July 6, 1984. On June 15, 1984, a request for an extension was received from counsel representing the United Steelworkers of America Political Action Fund and Frank S. McKee. The Office of the General Counsel granted an extension until July 3, 1984. As yet, no response has been received from the Delegate Committee.

Upon receipt and analysis of the responses from the respondents in this matter, a report containing recommendations will be circulated to the Commission.

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

July 5, 1984
Date

84040480124



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 1984

William H. Schmelling
Assistant General Counsel
United Steelworkers of America
One East Wacker Drive, Suite 1910
Chicago, Illinois 60601-1980

Re: MUR 1702
United Steelworkers of America
Local 65

Dear Mr. Schmelling:

This is in response to your letter dated June 20, 1984, in which you stated that the United Steelworkers of America, Local 65 ("Local 65") had not received the Commission's notification regarding the complaint filed by the National Right to Work Committee, et al. While it is our understanding that a response will be filed on behalf of Local 65 by July 6, 1984, enclosed, for your information, is a copy of the letter that was sent to Local 65 on May 29, 1984.

If you have any questions, please call Marybeth Tarrant at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

84040480125



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
United Steelworkers of America,
Local 65
9350 S. Chicago Street
Chicago, ILL 61821

Re: MUR 1702

Dear Sir:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your union, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. 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 union, 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.

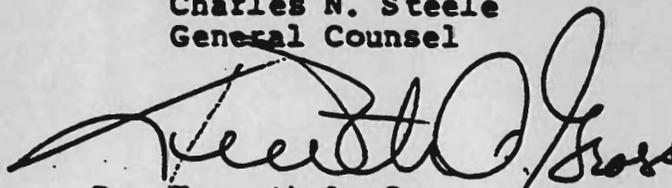
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

84040480127

RECEIVED AT THE FE
HAND DELIVERED
84 MAY 18 P 3: 21

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE,

and

RALPH MARTIN (BUD) HETTINGA, JR.,

Complainants,

v.

AFL-CIO COPE POLITICAL CONTRIBUTIONS
COMMITTEE,

and

UNITED STEELWORKERS OF AMERICA, LOCAL
65,

Respondents.

NR

1702

COMPLAINT

Complainants, The National Right to Work Committee (the "Committee") and Ralph Martin (Bud) Hettinga, Jr., request an investigation of the matters alleged herein pursuant to 2 U.S.C. § 437g. The Committee's address is 8001 Braddock Road, Suite 500, Springfield, Virginia 22160, and its phone number is 703-321-9820. Mr. Hettinga's address is 645 Compress Road, Las Cruces, New Mexico 88001, and his phone number is 505-524-3551.

Respondents are the AFL-CIO COPE Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006 and United Steelworkers of America, Local 65, 9350 S. Chicago Street, Chicago, Illinois 61821.

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This Complaint, filed on information and belief, is based on affidavits of private investigators, which are attached hereto and incorporated herein by reference.

COUNT I

Attachment 1 reflects that, on and about March 19, 1984, AFL-CIO COPE distributed, through the Steelworkers and to the general public, campaign propaganda in support of Walter F. Mondale's candidacy for President. A review of AFL-CIO COPE's April report to the Federal Election Commission, however, reveals that the value of this activity on Mondale's behalf was not reported, either as a contribution to Mondale or as an independent expenditure, in violation of 2 U.S.C. § 434(b)(4)(H)(i) and (iii).

COUNT II

Attachment 1 reflects that the Steelworkers were warehousing and distributing to the general public pamphlets paid for by the Second District Mondale Delegate Committee. This constituted a warehousing and distribution subsidy to the delegate committee and a campaign of communicating with the general public in an effort to encourage members of the general public to vote for Mondale in the Illinois primary, in violation of 2 U.S.C. § 441b.

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COUNT III

As reflected on Attachment 1, some of the campaign materials distributed by the Steelworkers to the general public did not bear a proper statement indicating who authorized and who paid for the material, e.g., insert stating "Labor Donated", in violation of 2 U.S.C. § 441d.

WHEREFORE, Complainants pray that these violations be remedied and that Respondents be assessed a penalty for these violations of the federal election laws. The political use of union treasury funds is particularly egregious because it violates the right of employees to choose voluntarily those candidates and parties they will support.

THE NATIONAL RIGHT TO WORK COMMITTEE

By: William A. Wilson
William A. Wilson, Vice President

The foregoing Complaint was subscribed and sworn to before me this 16th day of May, 1984, by William A. Wilson as Vice President of The National Right to Work Committee.

Lorraine C. Tolson
Notary Public

My Commission expires on November 30, 1987

84040480130

Bud Hettinga
Ralph Martin (Bud) Hettinga, Jr.

The foregoing Complaint was subscribed and sworn to before
me this 17 day of May, 1984, by Ralph Martin (Bud) Hettinga, Jr.

Donald A. Ford
Notary Public

My Commission expires on 1/5/87

84040480131

STATE OF ILLINOIS)
COUNTY OF COOK)

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARLENE DELAGARZA, a private investigator and an associate of Beaton & Associates, Ltd, Suite 1234, 53 West Jackson Boulevard, Chicago, Illinois, Telephone: 312/922-5353, being duly sworn, depose that:

1. On the afternoon of March 16, 1984, I began calling Local 65 of the Steel Workers Union, 9350 South Chicago Street, to "volunteer" to work for Senator Mondale in connection with the primary election on March 20th. I received no answer and went to the Union Hall about 8:00 pm and found no one there and the building locked.

2. On Saturday, March 17th, I went to Local 65 about 12:30 and found a young man there who was locking up the building. I asked him if I could work as a volunteer for Mondale and he told me that I should call Lupe Valadez, the Financial Secretary for Local 65, on Monday, March 19th between 9:30 and 4:00 or 6:00 and 9:00. He said that Mr. Valadez was in charge of the campaign activities and that they had phone banks at the Union Hall and literature to distribute. I asked the young man for some of the literature but he said he had just locked up that room.

3. On March 19th, I went to the Steel Workers Union Hall, Local 65 and wandered around the Hall and saw a lot of

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people who were there, but didn't seem to have any apparent purpose. I asked for Lupe Valadez and was directed to his office. I volunteered to work on the phone banks for Senator Mondale and Mr. Valadez said they did not need more phone bank workers, but needed help in distributing pamphlets.

4. I agreed to distribute pamphlets and Mr. Valadez went into another office and brought back two stacks of pamphlets that were apparently part of a quantity of pamphlets stocked there. Mr. Valadez stated that a lot of pamphlets had already been distributed and that as of that late date, most areas had already been taken care of. When he gave me the materials, he told me to distribute them in the area of 103rd Street and the way he put it, I understood him to mean either to hand them out door to door or to stand on the street corners and distribute them.

5. The two stacks of pamphlets which Mr. Valadez gave me are Exhibits 1 and 2 of this Affidavit and bear my handwritten name "Marlene" and the date "March 19". Exhibit 1 is entitled "Why Mondale? Here's Why". The back of the pamphlet reflects that it is from AFL/CIO COPE - Washington, DC and reflects it is "COPE Pub 312c." Exhibit 2 is a pamphlet entitled "Walter Mondale..The Experience to Know.... Make It Happen." The contents of that exhibit solicits the support for delegates who support Mondale in the 2nd District Mondale slate. It is noted that among the Mondale delegates is listed the name of Lupe Valadez. The pamphlet reflects

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that it is a publication of "Illinois for Mondale" and that it is "Paid for by 2nd District Mondale Delegate Committee." Enclosed within the pamphlet was a small insert which states: "Vote for Labor's Candidate for delegate to the Democratic National Convention Lupe Valadez Punch 60. (Labor Donated)." A copy of that Insert is attached with Exhibit 2.

6. I believe that each of the two stacks of pamphlets contained about 500 copies and they were each wrapped in a green band of paper. Mr. Valadez told me that when I had distributed all of those pamphlets that I could come back and get more to distribute.

WITNESS THE FOLLOWING Signature:

Marlene De La Garza
MARLENE DELAGARZA

STATE OF ILLINOIS)
COUNTY OF COOK) To-Wit:

I, Rosanne DeLaGarza, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that Marlene DeLaGarza, whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15th day of May 1984.

Rosanne DeLaGarza
Notary Public

My Commission expires on the 12th of August 1985.

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tions, half of the cuts going to business and the wealthiest 5-10 percent of the population. Reagan simultaneously slashed \$110.2 billion from programs designed to help the needy.

That huge sum represents only what Congress agreed to cut. Reagan's original proposed cuts were much deeper, approximately \$140-\$150 billion.

Directly: Six million more Americans have sunk below the poverty level; 1.5 million children had help through cuts in aid to Families With Dependent Children (AFDC); 700,000 children lost Medicaid protection; 1.1 million children lost free or reduced price school lunches and 900,000 lost free or reduced price school breakfasts; Medicare has been cut and further cuts are proposed. Only labor and senior citizen opposition saved Social Security from Reagan proposals that threatened the basic Social Security retirement program and still are geared to undermining federal employee pensions.

In addition: 10.7 million workers and family members lost some or all health coverage as a result of unemployment; 700,000 young Americans were frozen out of higher education by cutbacks in low interest loans; 22 percent of funding was cut from health programs over-all, 60 percent from employment and job training, 28 percent from child nutrition.

The Reagan Administration has subverted meaningful enforcement of equal employment opportunity laws and crippled agencies whose mission is to attack discrimination against women, minorities, the aged and the handicapped. The administration has destroyed employment and training programs designed to bring women, minorities and the disadvantaged into the mainstream of American economic life, and Reagan's social program cuts have impacted disproportionately on women, creating the "feminization of poverty."

AFL-CIO Position—

- Reversal of Reagan imposed cuts in programs for the elderly, children, students, the sick, the hungry, the poor;

- Pay equity and equal rights for women (E.R.A.) full and equal opportunities for minorities in all aspects of political, economic and social life.

Mondale Position—

- Reversal of Reagan imposed human welfare cuts; health/hospital cost containment;

- Equal rights for all; passage of E.R.A.; undo damage done by Reagan to Civil Rights Commission and restore its independence; "crack down on civil rights violators";

- Education—New programs, additional funding, better pay for teachers, adequate low-cost loans for any qualified student who needs them to attend college—all aimed at making today's children "the best educated in our history."

Summing Up

The Reagan Administration has victimized more workers and more needy Americans than any administration in recent decades. It has further enriched the rich and further impoverished the poor. It has caused needless and avoidable grief for millions of American workers through policies that could only result in the widespread unemployment that did result—weeks, months and in some cases years of lost time and hundreds of billions of dollars of lost earnings these workers can never regain.

The chance is here, this year—in November—to get out from under Reaganism with the election of a new President who believes "the time has come to restore, restructure and renew the American economy" under a leader who is "ready to work for America" and "ready to put America back to work."

The words are Walter Mondale's and the AFL-CIO believes—on the strength of his record, his program, his compassion and his commitment to full employment and fair government—the President we elect next November should be Walter Mondale.

Best for Workers...
Best for the Nation...
Best for the Job!

**Best for
Workers...**

**Best for the
Nation...**

Best for the Job!

MONDALE
 FOR
PRESIDENT

AFL-CIO COPE • Washington, D.C.
 LONG HORN AND, Oklahoma • MORGAN & BURNETT, Pa. 19201

COPE PMS 200

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Here's why the AFL-CIO endorses Walter Mondale for the Democratic presidential nomination:

• Mondale is the one candidate with a program that will move the country forward toward a healthy full employment economy.

• Mondale is the candidate most determined that government shall be fair and compassionate through programs that will work and that the nation can afford, and that our tax system shall be based on ability to pay.

• Mondale has an outstanding record. In 12 years in the U.S. Senate, a 93 percent "right" performance on the AFL-CIO voting record on issues prime importance to working people and our allies.

• Another four years of Reagan leadership is hazardous to the nation's health, and Mondale is the candidate most likely to defeat President Reagan and best equipped to lead. The probable consequences of a second Reagan term: An abjected economy due to record high deficits and soaring interest rates, a blighted economy, a sharp new wave in unemployment, millions more workers and needy Americans chafed by policies un-tilated and devastating in their effects.

The legacy of the Reagan Administration is one of anguish for millions of working Americans and the poor:

The highest unemployment levels in more than 50 years sustained over a period of almost 18 months. Though unemployment is declining slightly, millions of workers will never get back what they lost through the Reagan Recession.

In the period 1981 through 1983, more than 1 million individual Americans suffered one or more episodes of joblessness, many of them long-term, many still persisting. (When unemployment was at its highest, less than one third of the jobs received were high-skill or high-paying.)

Steadily, the Reagan Administration has backed up the unemployment of vitally needed people.

helping thousands of workers living on welfare, food aid and health care; millions falling below the poverty level; hundreds of thousands of young Americans deprived of access to higher education, primarily the children of working people. The atmosphere created by Reaganism brought with it something new, an era of "give-backs" by workers as "take-aways" from workers by managements taking swift and cruel advantage of Reagan's recession conditions.

It has been an era, too, of union-busting by government (PATCO), union-busting by bankruptcy (Continental Airlines, others), and wage-slashing by the threat of bankruptcy.

Mondale promises a different path—full employment and basic economic health, an industrial policy to assure a balanced economy . . . and a caring government determined that the hungry shall be fed, the sick cared for, the children educated, our citizens decently housed, our roads, bridges, transportation systems and public facilities (to show our nation's infrastructure) repaired, maintained and made safe.

An examination of key domestic categories firmly reinforces the reasons for the AFL-CIO endorsement of Mondale. The issues are: (1) Jobs, the Economy and Future Opportunity, (2) Fairness and Compassion.

Jobs, the Economy and Future Opportunity

Reagan performance—The recent partial recovery and reduction in unemployment probably are built on sand. Many economists predict recovery will be undermined by the surging tide of Reagan red ink. Deficits in the \$175-\$210 billion range are predicted for the rest of the decade. Interest rates will stay at record levels as a result of the deficits, drive up housing costs and cut down investment in industry and local communities.

Meanwhile, temporary recovery aside, the impact of Reaganism on working people has been crippling:

• More than 30 million workers hit by joblessness in the first three years of this administration.

in 61 countries, a staggering total of \$316 billion.

• Average earnings per year lost by an unemployed worker in 1983; \$5,670.

• Total lost production to the economy in 1983 alone through high unemployment—\$340 billion.

• Total lost revenue for the Treasury in 1983; \$110 billion (enough to cut the swelling Reagan deficits by more than half).

• Loss in spendable earnings (in 1977 dollars) from 1980 through November 1983—two percent.

Meanwhile, the President has done nothing to help restore vitality to basic industries on whose long-term health millions of jobs, a strong, diversified economy and, indeed, the nation's defense, depend.

High tech and services are no substitute for basic industries and late trade as foundations of a robust, full-employment economy, as providers of the future opportunities millions will need.

In the trade area, Reagan has made only token gestures toward policies and practices that would make trade a two-way street, helpful to our workers and our country as well as to the nations we trade with.

AFL-CIO Position—

- Full employment policies;
- Labor law reform;
- Restriction on imports that kill American jobs; domestic content requirements; lowering of trade barriers to U.S.-made goods created by our trading partners; elimination of the tax incentives to U.S. firms that run overseas;
- Policy to help ailing basic industries on which millions of jobs, structural health of our economy, and our defense, depend;
- Plant closing law to protect workers, communities from over-sight run-away industries;
- Meeting public needs and defense needs through labor law structure;
- Accelerated public works and increased services to states and local communities;
- Reduction in interest rates through selective credit controls;
- Expanded low- and moderate-cost housing programs;

• Continuation of extended unemployment benefits; mortgage relief and health care for the jobless;

• Reorder youth training targeted to jobs.

Mondale Position—

- Full employment policies;
- Lower interest rates, reduced deficits "to promote long-term economic growth";
- "A strong new trade policy (that) will let our trade competitors that they must open their markets as wide to us as we open ours to them";
- "Rebuild our highways, our bridges, our cities, our ports" and "strengthen our schools";
- "Bring business and labor together to work for industrial renewal";
- End corporate use of bankruptcy laws to "bust unions, break contracts and shirk liability";
- Tax justice under which corporations and wealthy individuals pay their fair share, so working people always have.

Fairness and Compassion

Reagan performance—Hardy American jobs workers as the chief victims of Reagan economic policy and budget cuts. Reagan's tax program handed vast bonks to the wealthy and to corpora-





On March 20th Vote for WALTER MONDALE FOR PRESIDENT

WALTER MONDALE

AND THE MONDALE DELEGATES (VOTE FOR #)

- NORMA J. WHITE (MONDALE) #54
- DAMON E. ROCKETT (MONDALE) #55
- PATRICK C. McCLURKIN (MONDALE) #56
- MICHAEL A. ROMAN (MONDALE) #57
- SHEILA A. RIVERS (MONDALE) #58
- CATHERINE POINDEXTER (MONDALE) #59
- LUPE VALADEZ (MONDALE) #60
- HERMOLINE SAXTON (MONDALE) #61

MONDALE ALTERNATES (VOTE FOR #)

- KATHRYN L. BATTISTE (MONDALE) #90
- JOSEPH C. CAPARELLI (MONDALE) #91
- BARBARA A. DUNN (MONDALE) #92



EXHIBIT 2

**Support the Delegates
Who Support Mondale**

2nd District Mondale Slate

N. White, Field Representative, Chicago Teachers Union
E. Rockett, Commissioner of Public Health and Safety
Survey Member of Board of Directors, Harvey YMC A.
P. McClurkin, Graduate of the Harvard University
of Law; actively engaged in the private practice of law in
City of Chicago.
M. A. Roman, Graduate of the DePaul University Law
presently engaged in the private practice of law in the
Chicago; Real Estate Broker and Notary Public. Also
Notary Public in Y Prater.
S. Rivers, Community Activist; President Representative,
of Children's Committee; Coordinating The National Arms
for Battered Women and Children.
C. Poindexter, Trustee of Thurston Township; Member
of Directors, South Suburban Council in Aging.
L. Valadez, Financial Secretary, Local 68, United Steel-
workers of America; Member of Board of Directors, Claretka
Center and South Shore Hospital.
H. Saxton, President, Local 904, Communication
Workers of America

Delegates

K. Battiste, Member of Chicago Teachers Union; Past
President, District 1 Communications Assn. 1011.
J. Caparelli, International Brotherhood of Electrical
Workers.
B. A. Dunn, Sales-Marketing Representative, Trans World
Telecommunications.



ILLINOIS FOR MONDALE

Chicago
30 W. Washington, #530
Chicago, IL 60602
(312) 368-7984

Springfield
601 N. First Street
Springfield, IL 62702
(217) 522-9830

**THE EXPERIENCE
TO KNOW WHAT WE
NEED TO CHANGE...
THE STRENGTH TO
MAKE IT HAPPEN**

VOTE FOR LABOR'S CANDIDATE
FOR DELEGATE TO THE
DEMOCRATIC NATIONAL CONVENTION

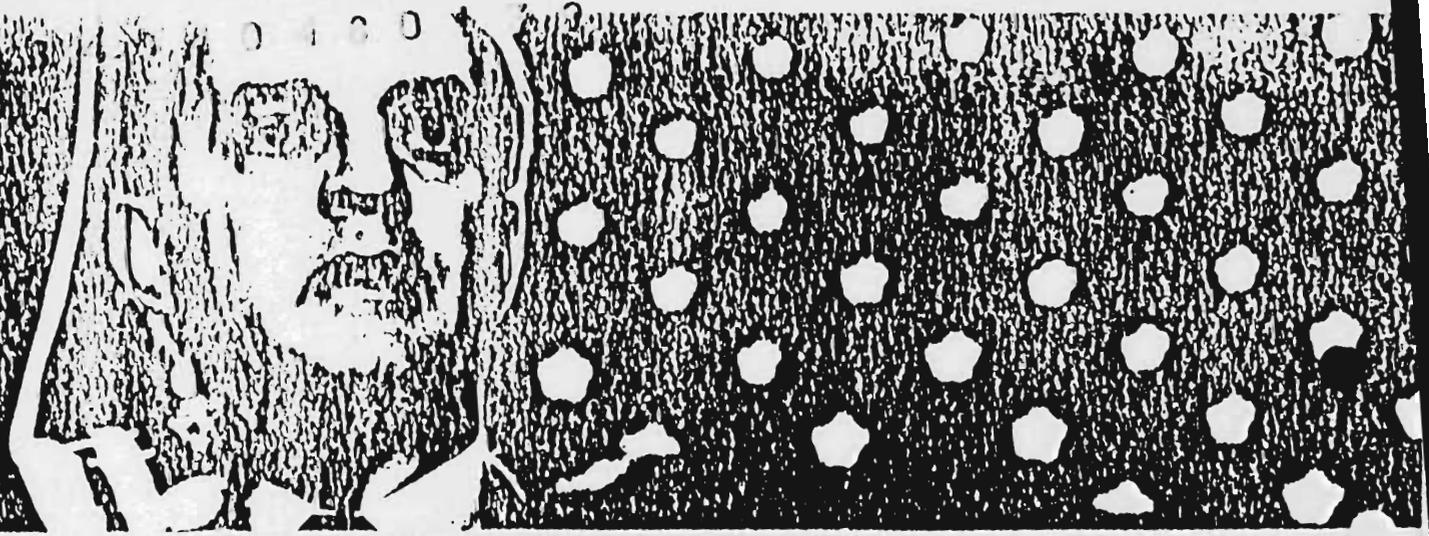
LUPE VALADEZ

PUNCH 60

(LABOR DONATED)

8404048013

In international competition, America must be just again — a nation not for the rich alone, but for everyone. America must use its strength for peace again, and lead the world back from the brink. A future of growth, fairness, and hope. That is why I seek the presidency." — Walter F. Mondale



A Competitive America

Walter Mondale wants to get our nation's competitive edge back. Our economy was once the strongest, most productive on earth. Today America's best jobs are being exported, basic industries are declining, farm products can't compete in world markets and small businesses are shut off from affordable credit.

Mondale believes we must chop the Reagan deficits to reduce interest rates; fight for free trade so that America begins to get an edge against foreign competition; revitalize our basic industries and infrastructure to ensure that "Made in America" once again means the best; invest in people to make this generation of Americans the best-educated and trained in our history.



A Fair America

Mondale thinks it's time to restore the basic American values of fairness, decency and opportunity to government policy. We need to close the tax loopholes and catch the tax cheaters so that every corporation and every individual pay their fair share; enforce our civil rights laws and redouble our efforts to gain equal rights for women — with a Constitutional Amendment to back it up; protect Social Security and Medicare; lighten the load on the hungry, the handicapped and the unemployed. Mondale will fight for the average American who is confronted with rising utility bills, tuition fees and interest rates, and bring an end to government of the rich, by the rich, for the rich.



A Safer World

Mondale will keep America strong and use that strength to wage peace and prevent war.

We need a President who sees the world as it really is; who understands that we should use force as a last, not a first resort; who recognizes the necessity of reducing the risk of nuclear war.

Mondale will be that President. He will stabilize relations with the Soviets by meeting them on the common ground of global survival; maintain a strong defense, while keeping the Pentagon in check; work with our allies while negotiating with our adversaries. Mondale will speak up for American principles by demonstrating that the United States not only stands tall, but stands by its values.



Mondale for President
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

100 3942
MONDALE

04 JUL 5 11:09

July 2, 1984

4 JUL 6 P2:13

Jarrant

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

RE: MUR 1702

Dear Mr. Steele:

This letter constitutes the response of the Mondale for President Committee ("MPC") to the complaint filed in MUR 1702 on May 18, 1984, by the National Right to Work Committee ("NRWC") and Ralph Martin (Bud) Hettinga, Jr. The complaint is based solely on the use of a paid informant to infiltrate union efforts on behalf of Mr. Mondale. Complainants allege, based on an affidavit from their paid infiltrator, that the AFL-CIO COPE Political Contributions Committee and United Steelworkers of America, Local 65, the only named respondents, may have acted improperly in their support of Mr. Mondale. By letter of May 29, 1984, the Commission notified MPC that the complaint in MUR 1702 alleges that MPC may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

MPC urges the Commission to find no reason to believe that a violation of the Act has occurred and to dismiss the complaint. On June 25, 1984, MPC moved that the Commission strike this complaint on the ground that sound public policy demands that

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Indeed, the complaint does not allege that MPC engaged in any activity relevant to the complaint. MPC is not even identified in the complaint. Rather, MPC has simply been provided a copy of the complaint and left to speculate as to what conduct by MPC might be alleged or what theory might be constructed to assert a violation by MPC.

The Commission's requirement that complaints identify respondents is not a mere technicality. Due process requires that respondents be informed with specificity of the nature of the charges against them and be able to respond meaningfully to those charges to show that no action should be taken. MPC further submits that unless and until NRWC identifies MPC as a respondent or directly alleges specific conduct by MPC which would be violative of the Act, MPC should be stricken as a respondent in the instant complaint and that no further action should be taken against MPC.

II. THE COMPLAINT PROVIDES NO REASON TO BELIEVE THAT MPC VIOLATED ANY PROVISION OF THE ACT OR REGULATIONS.

Nothing in this complaint provides a basis for a finding of reason to believe that MPC violated any provision of the Act or regulations.

Count 1 merely alleges that a union distributed campaign literature which was supportive of Mr. Mondale. The complaint does not allege that MPC paid for the literature or that MPC was involved in its preparation or distribution. In fact, there is no suggestion that MPC had any knowledge whatsoever about the union's activity.

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Similarly, Count II alleges no conduct by MPC and, therefore, does not state a violation of the Act by MPC.

Finally, Count III suggests the use of the term "Labor Donated" on campaign literature is a violation of the Act. Not only is there no connection between the particular piece of literature and MPC, but the Complainants' allegation does not even set forth a possible violation of the Act.

A disclaimer is not required on campaign flyers which are distributed by volunteers since that does not constitute general public political advertising as defined in the Act or regulations. 2 U.S.C. Section 441d(a); 11 C.F.R. Section 110.11(a)(1). Complainants' affidavit makes clear that the flyers (except those purloined by Ms. Delagarza, the alleged private investigator) were distributed by hand by volunteers.

CONCLUSION

For the reasons set forth in this response, the Commission should find no reason to believe that a violation of the Act has occurred.

Respectfully submitted,

David M. Ifshin
David M. Ifshin
General Counsel *By Cuo*

Carolyn U. Oliphant
Carolyn U. Oliphant
Deputy General Counsel

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600 3915

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

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July 5, 1984

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

Re: FEC MUR 1702

July 2 4:14

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE/PCC"), and Thomas R. Donahue (hereinafter "respondents") to your letter dated May 29, 1984 stating that the Commission has received a complaint, which has been numbered FEC MUR 1702, alleging that respondents may have violated the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act").

Count I of the complaint alleges that "AFL-CIO COPE distributed, through the Steelworkers and to the general public, campaign propeganda in support of Walter F. Mondale's candidacy for President" and that "the value of such activity was not reported [by AFL-CIO COPE] as either a contribution-in-kind to Mondale or as an independent expenditure, in violation of 2 U.S.C. 434(b)(4)(H)(i),(iii)". Our response to Count I follows below. Counts II and III of the complaint are not directed to the above-named respondents but rather to respondent Local 65 of the United Steelworkers of America ("Local 65 USWA"). Accordingly, we do not address those sections of the complaint in our response.

A. Complainant's allegation that respondents distributed AFL-CIO COPE literature favoring the presidential candidacy of Walter F. Mondale to the general public is based entirely on the affidavit of Marlene Delagarza hired by the National Right To Work Committee to infiltrate labor organizations during the 1984 presidential primary election campaign to provide information to the Right to Work Committee on which the Committee could base election law complaints.

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In her affidavit, (Attachment 1 of the complaint) Ms. Delagarza asserts that Lupe Valadez, the Financial Secretary of Local 65, gave her some pamphlets, including copies of the publication attached as Exhibit 1 of her affidavit, AFL-CIO COPE publication #312C, and told her to distribute them "in the area of 103rd Street" which she took to mean door-to-door or by standing on street corners. Ms. Delagarza admits that she did not distribute the materials which she allegedly received from Mr. Valadez but instead turned them over to the Right To Work Committee. (Delagarza Affidavit ¶ 5).

Respondents have no direct knowledge of the events described in Ms. Delagarza's affidavit. However, based on the attached affidavit of Lupe Valadez, (Attachment A) respondents deny that any copies of AFL-CIO COPE publication #312C were given to Ms. Delagarza and that she was asked to distribute such COPE material to the general public, either on 103rd Street or elsewhere. In his affidavit, Mr. Valadez states that he has no recollection of ever meeting or having any discussion with Ms. Delagarza.

In sum, the only evidence proffered by complainant of the alleged distribution of AFL-CIO COPE material to the general public is the affidavit of Ms. Delagarza, which affidavit is directly contradicted by the affidavit of Lupe Valadez. In light of the undisputed fact that Ms. Delagarza has admitted in her affidavit that she had no compunctions about misstating her reasons for visiting Local 65 or about obtaining literature from Mr. Valadez under false pretenses and the fact that she was being paid for the express purpose of providing materials on which the National Right To Work Committee could file complaints, respondents submit that Ms. Delagarza's allegations are not worthy of credence. The AFL-CIO COPE publication appended to Ms. Delagarza's affidavit does not cut the other way. Mr. Valdez' affidavit shows that there is a table in the entrance hall of Local 65 USWA's offices that is used to distribute literature to Local 65 members coming in and out of those offices including AFL-CIO publications. Given her demonstrated lack of scruple, it is as likely as not that Ms. Delagarza obtained copies of AFL-CIO COPE publication 312C from that table while she was wandering around Local 65 USWA's offices looking for Mr. Valadez.

In conclusion, we submit that under the circumstances here Ms. Delagarza's affidavit does not provide a proper predicate for further Commission action.

B. Assuming arguendo, that copies of AFL-CIO COPE publication 312C were given to Ms. Delagarza such a distribution would not have violated the Act. In her affidavit, Ms. Delagarza admits that she did not distribute the materials which she allegedly received from Mr. Valadez but instead turned them over to the Right To Work Committee. Thus the only "public" distribution of COPE publication 312C which is demonstrated by Ms. Delagarza's affidavit is the distribution to a single non-member of the AFL-CIO.

It is clear that the distribution of partisan communications to a single individual outside the AFL-CIO's restricted class of members and their families is de minimis and therefore does not violate the Act or the Commission's regulations. See FEC Advisory Opinions 1980-139, 1979-50.

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It is also clear that the Illinois State AFL-CIO exercised "best efforts" to ensure that AFL-CIO COPE literature for the 1984 presidential primary was distributed solely to AFL-CIO members and their families and not to the general public. This effort is reflected in the attached affidavit of Illinois State AFL-CIO field representative Edward Robinson, the individual responsible for AFL-CIO political education and voter registration/get-out-the-vote activities aimed at AFL-CIO members and their families in Illinois' 2nd, 3rd and 4th Congressional Districts in conjunction with the Illinois presidential primary on March 20, 1984. (See Attachment B). In his affidavit, Mr. Robinson states that prior to the Illinois presidential primary the Illinois State AFL-CIO sponsored a series of workshops on political education and get-out-the-vote techniques for representatives of AFL-CIO affiliated local unions. Mr. Robinson conducted several of those workshops. At each workshop that he conducted he told the local union representatives that were present that AFL-CIO COPE literature should only be distributed to AFL-CIO members and their families and should not be distributed to the general public. Lupe Valadez was present at one of the workshops conducted by Mr. Robinson. He was therefore put on notice that the AFL-CIO's policy and practice is that AFL-CIO COPE literature should only be distributed to AFL-CIO members and their families and not to the general public.

The Commission's regulations provide that an organization which uses "best efforts" to comply with the Act's restrictions with regard to the persons whom the organization may solicit will not be deemed to have violated the Act because of the accidental or inadvertent solicitation of persons apart from those it is permitted to solicit. 11 C.F.R. 114.5(h). Since solicitations are merely a form of partisan communication, it follows that where as here a labor organization has used "best efforts" to limit the distribution of partisan communications to its members and their families, neither that organization nor its parent should be deemed to have violated the Act if such a communication is nonetheless distributed to a de minimis number of individuals outside that class.

Since as demonstrated above, respondents did not distribute AFL-CIO COPE literature to the general public and in fact used "best efforts" to ensure that AFL-CIO COPE literature used for the Illinois presidential primary was distributed only to AFL-CIO members and their families, respondents submit that they have not violated any provision of the Act including 2 U.S.C. 434(b)(4)(H). Accordingly, respondents respectfully request that the Commission take no further action against them and that the Commission dismiss the complaint in FEC MUR 1702.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for respondents AFL-CIO,
AFL-CIO COPE/PCC and Thomas R. Donahue

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STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

AFFIDAVIT OF LUPE VALADEZ

LUPE VALADEZ, being first duly sworn, on oath deposes and says:

1. My name is Lupe Valadez and I live at 8800 South Escanaba Avenue, Chicago, Illinois 60617. I have been employed for more than thirty years in the production and maintenance employees' bargaining unit at U. S. Steel's South Works in Chicago.

2. I am a member of the United Steelworkers of America and of its Local Union 65. I am presently serving my third three-year term in the elected office of Local Union 65 Financial Secretary.

3. I have personal knowledge of the matters set forth in this affidavit which is being submitted as part of United Steelworkers of America, Local Union 65's response to the Complaint by the National Right To Work Committee in the matter identified as Federal Election Commission MUR 1702. It is my understanding that Local Union 65 has not received a copy of the Complaint in FEC MUR 1702 from the Federal Election Commission. But I have received and reviewed a copy of the Complaint, with the attached affidavit and exhibits by Marlene Delagarza, from counsel for the Union.

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4. I have been employed at U. S. Steel's South Works for more than thirty-two years. The United Steelworkers of America, AFL-CIO, is the collective bargaining representative for the production and maintenance employees at U. S. Steel's South Works. Currently, there are approximately 900 employees in that bargaining unit. Approximately 5,000 Steelworkers were employed in that bargaining unit as late as 1982. Within the past year, however, United States Steel has announced its intention to permanently shut down its South Works in Chicago.

5. In the March 20, 1984 presidential primary election, I was one of eight candidates on a slate of delegates pledged to Walter Mondale from the 2nd Congressional District in Illinois. Each of us on that slate represented different geographical areas within the 2nd Congressional District. My area was Chicago's 7th ward. I am a resident of Chicago's 7th ward, which also is known as "Millgate." The southern boundary line of Chicago's 7th ward is 95th Street. Almost all of the adults residing in Chicago's 7th ward either are laid off employees or employees of United States Steel's South Works, are employed in other Steelworker represented bargaining units in the area or are members of the families of Steelworkers.

6. As one of the Mondale delegate candidates from Illinois' 2nd Congressional District, early in March, 1984 I obtained from the Illinois for Mondale offices at 30 West Washington Street in Chicago two or three cartons of leaflets in the form or similar

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to the form attached as Exhibit 2 to the Affidavit of Marlene Delagarza which is attached to the Complaint in this case. The first sets of such three-fold flyers which we obtained from the Mondale offices did not prominently list the names of those of us who were Mondale delegate candidates from the 2nd District. For that reason, with the assistance of my children, I made and copied an insert similar to the attachment to Ms. Delagarza's Exhibit 2 stating, "VOTE FOR LABOR'S CANDIDATE FOR DELEGATE TO THE DEMOCRATIC NATIONAL CONVENTION -- LUPE VALADEZ -- PUNCH 60." My children and two or three friends helped me enfold this insert in the 2nd congressional District Mondale delegate flyer, Marlene Delagarza's Exhibit 2.

7. Two of my friends and seven of my children and step-children distributed this leaflet and insert (Marlene Delagarza's Exhibit 2) in the residential areas of Chicago's 7th ward, primarily on the weekend of March 10 and 11, 1984. The only residential area in which we distributed these leaflets was Chicago's 7th ward, also known as "Millgate."

8. The cartons of these 2nd Congressional District Mondale flyers (Delagarza Exhibit 2), which I obtained from the downtown Chicago Mondale office, were for distribution by me in my area within the Congressional District and also for distribution in their respective areas by other candidates on our delegate slate. We met once or twice to divide up such quantities of these pamphlets.

9. Generally, I kept my supply of the Mondale slate pamphlets in my car. It is possible that from time to time I had some of them in my office which is located within the Local 65 Hall, 9350 South Chicago Avenue, in Chicago.

10. I have no recollection of having any discussions with or meeting anyone who identified herself as Marlene Delagarza on March 19, 1984 or at any other time. March 19, 1984 not only was the day before the primary election in Illinois, it was also a Monday, which usually at Local 65 is the week day on which meetings of laid off Local 65 members are conducted and advice is given on possible employment opportunities and assistance is given for resolving unemployment compensation or other problems of the unemployed.

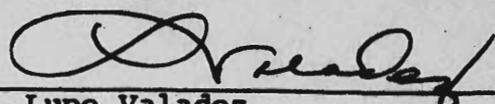
11. The reference in paragraph 4 of Ms. Delagarza's affidavit to her being directed to distribute election-related material "in the area of 103rd Street . . ." is unspecific. 103rd Street runs all the way from the Indiana-Illinois state line through the 2nd Congressional District in Illinois.

12. In late February I attended a political action workshop put on by the Illinois AFL-CIO. That workshop dealt with voter education and get-out-the vote activities to be aimed at AFL-CIO members and their families.

13. I am not familiar with the document attached as Exhibit 1 to Ms. Delagarza's affidavit, an AFL-CIO leaflet which Ms. Delagarza, in paragraph 5 of her affidavit, identifies as COPE Publication 312c. I do not recall having or using this document in connection with my delegate candidate campaign or in any other matter.

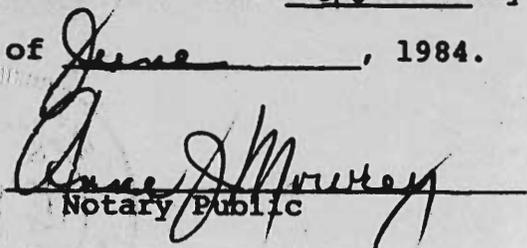
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13. In the main entrance area of Local Union 65's offices and hall, Local Union 65 maintains an "information table," which usually is stacked with copies of the Steelworkers' International Union newspaper, Steellabor, the USWA District 31 Voice, Local 65's own local newspaper, the AFL-CIO News, public and social service information leaflets and AFL-CIO publications and literature.



Lupe Valadez

Subscribed and Sworn to
Before me this 28th day
of June, 1984.



Notary Public

84040420151

STATE OF ILLINOIS)
 COUNTY OF COOK) S S

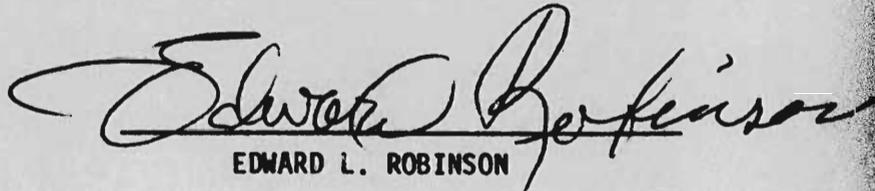
AFFIDAVIT OF EDWARD L. ROBINSON

EDWARD L. ROBINSON, being duly sworn deposes and says:

1. I am a Staff Representative of the Illinois State Federation of Labor and Congress of Industrial Organizations ("Illinois State AFL-CIO") and have held that position at all times relevant to the period covered by the complaint in FEC MUR 1702.
2. I work out of the Chicago office of the Illinois State AFL-CIO which is located at 300 North State Street, 16th Floor, Chicago Illinois.
3. Prior to the Illinois presidential primary on March 20, 1984, I was assigned to coordinate the Illinois AFL-CIO's political education and get-out-the-vote programs aimed at AFL-CIO members and their families in the 2nd, 3rd, and 4th Congressional Districts of Illinois.
4. As part of its political education program for the Illinois presidential primary, the Illinois State AFL-CIO sponsored a series of workshops on political education and get-out-the-vote techniques for representatives of AFL-CIO affiliated local unions.
5. I led a number of those workshops including one which was held on February 24, 1984. At each workshop that I led, I told the local union representatives who were present that AFL-CIO COPE literature may only be distributed to AFL-CIO members and their families and may not be distributed to the general public.
6. Lupe Valadez was present at the workshop which was held on February 24, 1984.

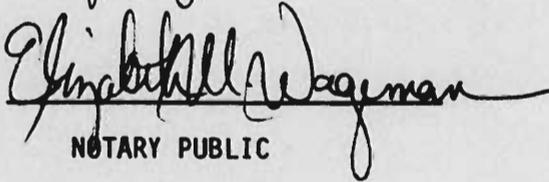
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8. In the course of my employment by the Illinois State AFL-CIO, I have had occasion to visit the offices of Local 65 of the United Steelworkers of America which are located at 9350 South Chicago Avenue in Chicago. During my visits I have noticed that there is a table containing a variety of literature in the entrance hall of Local 65's office. I have seen copies of the AFL-CIO News and various AFL-CIO COPE publications stacked on that table.


EDWARD L. ROBINSON

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Subscribed and sworn to
before me this 2nd day
of July 1984.


NOTARY PUBLIC

**My Commission
Expires June 9, 1985**

United Steelworkers of America

AFL-CIO-CLC

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601-1980
(312) 467-1995

RECEIVED AT THE FEC
3603
84 JUN 25 12:28

June 20, 1984

Federal Election Commission
Office of the General Counsel
Attention: Marybeth Tarrant
1325 K Street, N.W.
Washington, D.C. 20463

14 JUN 25 3:32

Re: The National Right to Work Committee, et al.
v. AFL-CIO COPE and the USWA Local Union 65
(FEC MUR 1702)

Dear Ms. Tarrant:

I have received FEC Associate General Counsel Gross' June 15, 1984 letter extending the time for submission of a response on behalf of United Steelworkers of America, Local 65 to July 6, 1984. That extension of time was granted pursuant to my June 7, 1984 letter to you.

I find it necessary, however, to correct my statement in that letter that a copy of the Complaint was served on Local 65 on June 6, 1984. The only copies of the Complaint which have been received by Local 65 are those which I mailed to Local 65. I received a copy of the copy of the Complaint which was served on United Steelworkers of America Political Action Fund. To date, no copy of the Complaint, from the Federal Election Commission itself, has been served on Local Union 65. Nonetheless, a response by Local Union 65 will be submitted in accordance with FEC Associate General Counsel Gross' June 15, 1984 letter.

Very truly yours,

William H. Schmelling
William H. Schmelling
Assistant General Counsel

WHS/am

cc: Edward Hojnecki, President, USWA Local 65
Lupe Valediez, Recording Secretary, USWA, Local 65
United Steelworkers of America PAF

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Steelworkers of America

AFL-CIO-CLC

8404048015

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601



Federal Election Commission
Office of the General Counsel
Attention: Marybeth Tarrant
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 20, 1984

William H. Schmelling
Assistant General Counsel
United Steelworkers of America
One East Wacker Drive, Suite 1910
Chicago, Illinois 60601-1980

Re: MUR 1702
United Steelworkers of America
Political Action Fund
Frank S. McKee, Treasurer

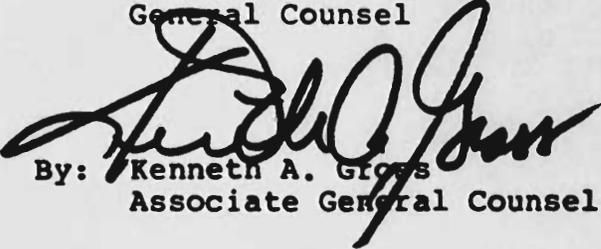
Dear Mr. Schmelling:

This is in response to your letter dated June 14, 1984, requesting an extension until July 3, 1984, to respond to the Commission's notification that a complaint has been filed against your clients. After considering the circumstances presented in your letter, the Office of the General Counsel has determined to grant you your requested extension. Accordingly, your response will be due on or before July 3, 1984.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

cc: Frank S. McKee

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United Steelworkers of America

AFL-CIO-CLC

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601-1980
(312) 467-1995

June 14, 1984

Federal Election Commission
Office of the General Counsel
Attention: Marybeth Tarrant
1325 K Street, N.W.
Washington, D.C. 20463

Re: The National Right to Work Committee, et al.
v. AFL-CIO COPE and the USWA Local Union 65
(FEC MUR 1702)

Dear Ms. Tarrant:

Thank you for responding by telephone to the comments in my June 7, 1984 letter to you regarding the status of the United Steelworkers of America Political Action Fund (USWA PAF) in this matter.

It is now my understanding that although there is no specific allegations directed against the USWA PAF in the Right to Work Committee's Complaint; nonetheless, it is, in the view of the FEC General Counsel, possible that some of the conduct described in the Complaint could be attributable to USWA PAF.

In that circumstance, the USWA PAF wishes to submit a response to the Complaint.

For the reasons stated in my June 7, 1984 letter requesting additional time for submission by Local Union 65 of its response to the Complaint, the USWA PAF requests that the time for submission by it of its response to the Complaint be extended to July 3, 1984.

Very truly yours,

William H. Schmelling
William H. Schmelling
Assistant General Counsel

WHS/am

cc: United Steelworkers of America PAF

(Dictated but not read)

RECEIVED AT THE FED
600 3041
HAND DELIVERED

34 JUN 15 P 4: 06

84040480157



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 14, 1984

Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
Legal Department
815 - 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1702
AFL-CIO
AFL-CIO COPE PCC
Thomas R. Donahue, Treasurer

Dear Ms. McCormick:

This is in response to your letter dated June 12, 1984, requesting an extension until July 2, 1984, to respond to the Commission's notification that a complaint has been filed against your clients. After considering the circumstances presented in your letter, the Office of the General Counsel has determined to grant you your requested extension. Accordingly, your response will be due on or before July 2, 1984.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

84040480158

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-6000

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Owen Bieber

June 12, 1984

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20006

RE: FEC MUR 1702

14 JUN 12 P 5:04

Dear Mr. Steele:

The purpose of this letter is to request an extension of time from June 14, 1984 until July 2, 1984 for respondents the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), AFL-CIO COPE Political Contributions Committee, and Thomas R. Donahue to reply to the complaint in the above-referenced matter.

The reason for this request is that the Commission has denied respondents' request for an extension in FEC MUR 1704 so the response in that matter is now due on June 18, 1984. Accordingly, I will not have sufficient time to do the necessary preparation to respond to the complaint in this matter without the requested extension.

I therefore respectfully request an extension of time in which to file the reply of respondents AFL-CIO, AFL-CIO COPE/PCC, and Thomas R. Donahue from June 14, 1984 until July 2, 1984.

Sincerely,

Margaret E. McCormick
Counsel for Respondents
AFL-CIO, AFL-CIO COPE/PCC
and Thomas R. Donahue

84040480159



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 13, 1984

Carolyn U. Oliphant
Deputy General Counsel
Mondale for President
Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1702
Mondale for President
Committee, Inc.
Michael S. Berman, Treasurer

Dear Ms. Oliphant:

This is in reference to your letter dated June 11, 1984, requesting an extension of 15 days to respond to the Commission's notification that a complaint has been filed against the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer. After considering the circumstances presented in your letter, the Office of the General Counsel has determined to grant you your requested extension. Accordingly, your response will be due on or before July 2, 1984.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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

By: Kenneth A. Gross
Associate General Counsel

84040480160

June 11, 1984

24 JUN 11 P 3:50

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

RE: MUR 1702

Dear Mr. Steele,

As indicated in my phone conversation with Mary Beth Tarrant on Friday, June 8, the Mondale for President Committee, Inc. respectfully requests an extension of time of 15 days in which to file a response to MUR 1702.

The Committee requests this extension due to its increasingly heavy legal workload, including credentials challenges, preparation for the platform, rules and credentials committees which meet June 17-30, convention planning and general election preparation. In addition, we have had to devote a substantial portion of our legal resources to preparation of our response to the FEC subpoena in another MUR which is also due next week and to a third MUR response due May 18.

Thank you for your consideration of this request.

Sincerely,

Carolyn U. Oliphant
Carolyn U. Oliphant
Deputy General Counsel

84040480161

84040480162

MONDALE

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 15, 1984

William H. Schmelling
Assistant General Counsel
United Steelworkers of America
One East Wacker Drive, Suite 1910
Chicago, Illinois 60601

Re: MUR 1702
United Steelworkers of America,
Local 65

Dear Mr. Schmelling:

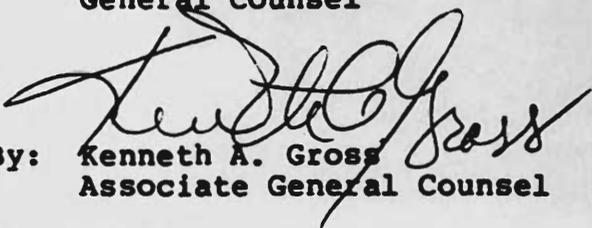
This is in reference to your letter dated June 7, 1984, requesting an extension of 20 days to respond to the Commission's notification that a complaint has been filed against the United Steelworkers of America, Local 65.

Considering the Commission's responsibilities under 2 U.S.C. § 437g(a)(8)(4) to act expeditiously on complaints and the circumstances of this matter, your request for an extension will be granted only until July 6, 1984.

If you have any questions, please contact Marybeth Tarrant, the staff member handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

84040480163

RECEIVED AT THE FEC

604 3601

United Steelworkers of America JUN 13 1984 P 12: 18

AFL-CIO-CLC

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601-1900
(312) 467-1995

June 7, 1984

Federal Election Commission
Office of the General Counsel
Attention: Marybeth Tarrant
1325 K Street, N.W.
Washington, D.C. 20463

Re: The National Right to Work Committee, et al.
v. AFL-CIO COPE and the USWA Local Union 65
(FEC MUR 1702)

JUN 13 1984 P 2: 49

Dear Ms. Tarrant:

Please find enclosed an FEC form designating me as counsel for United Steelworkers of America Local 65, one of the two named respondents in this matter. A copy of the Complaint was served on Local 65 on June 6, 1984.

I understand that a copy of the Complaint, along with a form letter from FEC Associate General Counsel Kenneth Gross, was received by the United Steelworkers of America Political Action Fund, in Pittsburgh, Pennsylvania, on or about May 31, 1984 and that the USWA PAF also has filed a form with the FEC designating me as its counsel in this matter.

Request for Extension of Time.

The fifteen days, under FEC Regulation Section 111.6, within which Local 65 may submit its response to the Complaint will expire on June 21, 1984. This is to request a twenty-day extension of time to July 11, 1984 of that filing date deadline. Such additional time is necessary because my involvement in previously scheduled hearings and other assignments would make it quite burdensome for me to gather the information necessary to formulate Local Union 65's response in this matter before early July, 1984.

Response by the United Steelworkers of America Political Action Fund.

The United Steelworkers of America Political Action Fund is not named as a respondent in this matter. Moreover, it does not appear

84040480164

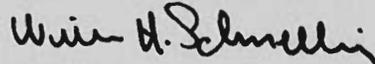
Federal Election Commission
Attention: Marybeth Tarrant

June 7, 1984

to me that there is any allegation in the Complaint with respect to the USWA PAF or directed against the USWA PAF or its treasurer. Accordingly, no response is required of that organization. Please advise me if the FEC General Counsel disagrees with this position.

Your prompt consideration of the request by USWA Local Union 65 for an extension of time to file its response would be greatly appreciated.

Very truly yours,



William H. Schmelling
Assistant General Counsel

WHS/am
Enclosure

cc: Ed Hojnacki, President, USWA Local Union 65
Jack Parton, Director, USWA, District 31
Carl Alessi, Assistant Director, USWA, District 31
United Steelworkers of America PAF

84040480165

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1702

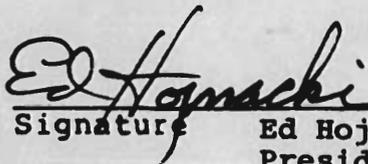
NAME OF COUNSEL: William H. Schmelling

ADDRESS: One East Wacker Drive, Suite 1910
Chicago, Illinois 60601

TELEPHONE: (312) 467-1995

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

June 7, 1984
Date


Signature Ed Hojnacki,
President, Local Union 65

RESPONDENT'S NAME: United Steelworkers of America, Local 65

ADDRESS: 9530 South Chicago Avenue
Chicago, Illinois 60617

HOME PHONE: _____

BUSINESS PHONE: (312) 731-6500

84040480166

84040480167
United Steelworkers of America

AFLCIOCLC

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601

PRINTED IN U.S.A.



Federal Election Commission
Office of the General Counsel
Attention: Marybeth Tarrant
1325 K Street, N.W.
Washington, D.C. 20463



UNITED STEELWORKERS OF AMERICA

POLITICAL ACTION FUND

FIVE GATEWAY CENTER
PITTSBURGH, PA. 15222
642-2400

RECEIVED AT THE FEC
64 JUN 11 10:02
64 JUN 11 10:02

Frank S. McKee
TREASURER

Lynn S. Williams
TREASURER

June 6, 1984

JUN 11 10:29

GENERAL COUNSEL

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

Dear Mr. Steele:

Re: MUR 1702

Attached for your handling, please find a completed Statement of Designation of Counsel, dated June 4, 1984, as requested in your letter of May 29, 1984.

It would be appreciated if a duplicate of any further notices or communications dealing with the subject matter be forwarded, not only to our counselor, William Schmelling in our Chicago office, but also to my attention at the above address.

Thank you for your cooperation.

Sincerely,



Frank S. McKee
Treasurer

cc: William Schmelling
Marybeth Tarrant, FEC ✓

84040480168

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1702

NAME OF COUNSEL: William Schmelling

ADDRESS: One East Wacker Drive - Suite 1910
Chicago, IL 60601

TELEPHONE: 312-467-1995

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/4/84
Date

Paul S. Schaefer
Signature

RESPONDENT'S NAME: United Steelworkers of America

ADDRESS: Five Gateway Center
Pittsburgh, PA 15222

HOME PHONE: 412-885-1391

BUSINESS PHONE: 412-562-2318

84040480169

4040480100

F. McKee
United Steelworkers of America

Five Gateway Center
Pittsburgh, Pa. 15222



RECEIVED
84 JUN



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



UNITED STEELWORKERS OF AMERICA

POLITICAL ACTION FUND

FIVE GATEWAY CENTER
PITTSBURGH, PA. 15222
602-2400

RECEIVED AT THE FEC

602#2542
84 JUN 8 AM: 48

Frank S. McKee
TREASURER

Lynn R. Williams
CHAIRMAN

June 6, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 200463

Dear Mr. Steele:

Re: MUR 1702

Attached for your handling, please find a completed Statement of Designation of Counsel, dated June 4, 1984, as requested in your letter of May 29, 1984.

It would be appreciated if a duplicate of any further notices or communications dealing with the subject matter be forwarded, not only to our counselor William Schmelling located in our Chicago office, but also to my attention at the above address.

Thank you for your cooperation.

Sincerely,



Frank S. McKee
Treasurer

cc: William Schmelling
Marybeth Tarrant, FEC

84040480171

JUN 8 11:18

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1702

NAME OF COUNSEL: William Schmelling

ADDRESS: One East Wacker Drive - Suite 1910
Chicago, IL 60601

TELEPHONE: 312-467-1995

14 JUN 8 11:12

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/4/84
Date

Paul S. Tucker
Signature

RESPONDENT'S NAME: United Steelworkers of America

ADDRESS: Five Gateway Center
Pittsburgh, PA 15222

HOME PHONE: 412-885-1391

BUSINESS PHONE: 412-562-2318

84040480172

84040480173

United Steelworkers of America

POLITICAL ACTION FUND

Five Gateway Center

Pittsburgh, Pa. 15222



CERTIFIED
P19 5144062
MAIL

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20443

600 3449
American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

14 JUN 84 R3: 12

EXECUTIVE COUNCIL

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E. Frank Rostky
Glen E. Wicks
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Wm. W. Wainwright
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James E. Harfield
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Marvin J. Boode
Caren Sieber

May 31, 1984

MUR 1702
Tenant

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

RE: FEC MUR 1702

Dear Mr. Steele:

Pursuant to 11 C.F.R. §111.23, the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Political Contributions Committee and I hereby designate Margaret E. McCormick as our counsel in the above-referenced matter.

Ms. McCormick is authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on our behalf before the Federal Election Commission.

Ms. McCormick's address is: AFL-CIO Legal Department, 815 16th Street, N.W., Washington, D.C. 20006. Her telephone numbers are: (office) 202/637-5397; (home) 301/656-9612.

Sincerely,

Thomas R. Donahue
Secretary-Treasurer

84040480174



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

The National Right to Work
Committee
8001 Braddock Road
Suite 500
Springfield, VA 22160

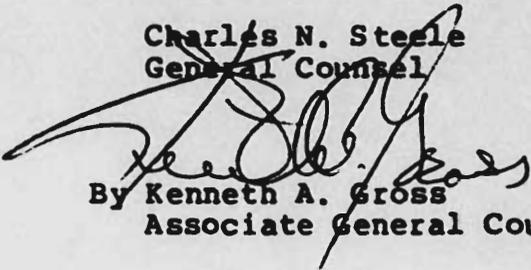
Dear Sir/Madam:

This letter is to acknowledge receipt of your complaint which we received on May 18, 1984, against AFL-CIO COPE Political Contributions Committee and United Steelworkers of America, Local 65, 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 five days.

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. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure

84040480175

84040480176

PS Form 3811, July 1982

MUR 1702 Toward

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
 Show to whom and date delivered
 Show to whom, date, and address of delivery ..

2. **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the regular receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:** National Right to Work Committee
 8001 Radcliff Road, Suite 500
 Springfield, VA 22150

4. **TYPE OF SERVICE:** REGISTERED INSURED
 CERTIFIED CBS
 EXPRESS MAIL

ARTICLE NUMBER
943729

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE: Addressee Authorized agent
Rubin Burnett

5. **DATE OF DELIVERY:** 6-4-84

POSTMARK
(Stamp in on front of this)
 NORTHERN VA

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7b. **EMPLOYEE'S INITIALS**

RETURN RECEIPT

5/27/84

• GPO: 1982-378-000



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 29, 1984

Ralph Martin (Bud) Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Dear Mr. Hettinga:

This letter is to acknowledge receipt of your complaint which we received on May 18, 1984, against AFL-CIO COPE Political Contributions Committee and United Steelworkers of America, Local 65, 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 five days.

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. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

84040480177



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sheila A. Rivers, Treasurer
Second Congressional District
Delegates for Mondale
11151 South King Drive
Chicago, ILL 60628

Re: MUR 1702

Dear Ms. Rivers:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that the Second Congressional District Delegates for Mondale and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. 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 the Second Congressional District Delegates for Mondale and you, as treasurer, 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 completing the enclosed form 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.

84040480178

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

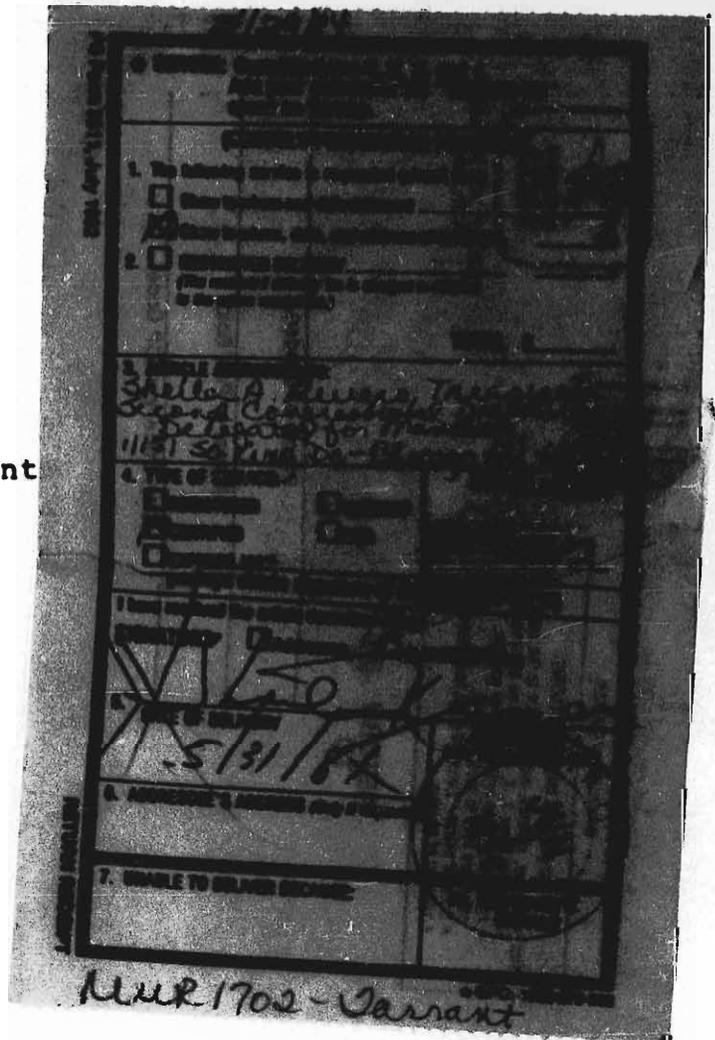


By Kenneth A. Gross
Associate General Counsel

84040480179

Enclosures

- 1. Complaint
- 2. Procedures
- 3. Designation of Counsel Statement



The form contains several sections with checkboxes and handwritten entries. Visible text includes:

- Section 1: The following office is responsible for the... (checkboxes)
- Section 2: The following office is responsible for the... (checkboxes)
- Section 3: Name of Counsel: *Shella A. [unclear]*
- Section 4: Date of Designation: *5/31/87*
- Section 5: Signature of Counsel: *[Handwritten Signature]*
- Section 6: Signature of General Counsel: *[Handwritten Signature]*
- Section 7: Date of Designation: *5/31/87*
- Section 8: Name of Counsel: *[Handwritten Name]*
- Section 9: Name of General Counsel: *[Handwritten Name]*
- Section 10: Date of Designation: *[Handwritten Date]*

At the bottom of the form, there is a handwritten note: *MR 1702 - Tarrant*



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
United Steelworkers of America,
Local 65
9350 S. Chicago Street
Chicago, ILL 61821

Re: MUR 1702

Dear Sir:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your union, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. 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 union, 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.

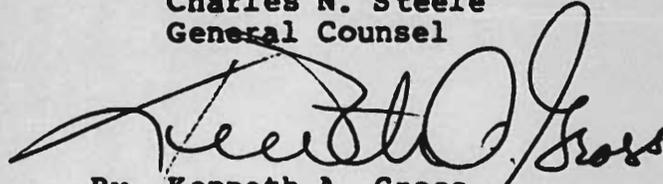
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040480180

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

84040480181

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO Committee on Political
Education/Political Contributions
Committee
815 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1702

Dear Mr. Donahue:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that the AFL-CIO Committee on Political Education/Political Contributions Committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. 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 the AFL-CIO Committee on Political Education/Political Contributions Committee and you, as treasurer, 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 completing the enclosed form 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.

84040480182



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lane Kirkland, President
American Federation of Labor &
Congress of Industrial
Organizations
815 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1702

Dear Mr. Kirkland:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your union, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. 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 union, 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.

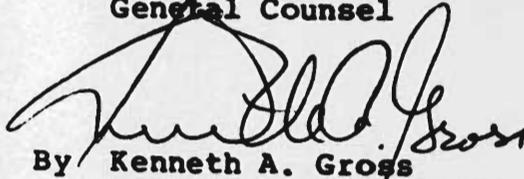
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040480184

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

84040480185

Enclosures

- 1. Complaint
- 2. Procedures
- 3. Designation of Counsel Statement

MAIL ROOM

1. TO: []
 []
 []

2. FROM: []
 []
 []

3. ADDRESS: APL-210
 815-16th St, NW
 Washington, DC 20006

4. TYPE OF MAIL: []
 []
 []
 []

5. DATE OF DELIVERY: 5-30-81

6. ADDRESSEE'S ADDRESS (only if different):

7. UNABLE TO DELIVER BECAUSE:

MAIL ROOM

Hub 1702 Tarrant



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank S. McKee, Treasurer
United Steelworkers of America
Political Action Fund
Five Gateway Center
Pittsburg, PA 15222

Re: MUR 1702

Dear Mr. McKee:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that the United Steelworkers of America Political Action Fund and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. 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 the United Steelworkers of America Political Action Fund and you, as treasurer, 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.

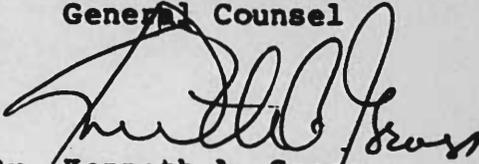
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040480186

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

84040480187



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1702

Dear Mr. Ifshin and Ms. Oliphant:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as treasurer of the Committee, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1702. Please refer to this number in all future correspondence.

Under the Act, your clients have the opportunity to demonstrate, in writing, that no action should be taken against them in connection with this matter. A response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

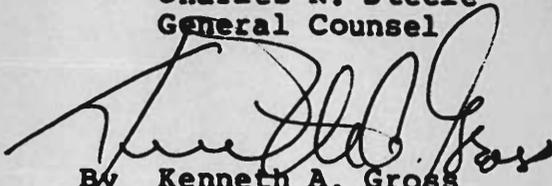
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

84040480189

Enclosures
1. Complaint
2. Procedures

RECEIVED AT THE FEC
84 MAY 18 P 3:17

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE,

and

RALPH MARTIN (BUD) HETTINGA, JR.,

Complainants,

v.

AFL-CIO COPE POLITICAL CONTRIBUTIONS
COMMITTEE,

and

UNITED STEELWORKERS OF AMERICA, LOCAL
65,

Respondents.

MUR

1702

34 MAY 22
A 8:09

OFFICIAL RECORD

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COMPLAINT

Complainants, The National Right to Work Committee (the "Committee") and Ralph Martin (Bud) Hettinga, Jr., request an investigation of the matters alleged herein pursuant to 2 U.S.C. § 437g. The Committee's address is 8001 Braddock Road, Suite 500, Springfield, Virginia 22160, and its phone number is 703-321-9820. Mr. Hettinga's address is 645 Compress Road, Las Cruces, New Mexico 88001, and his phone number is 505-524-3551.

Respondents are the AFL-CIO COPE Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006 and United Steelworkers of America, Local 65, 9350 S. Chicago Street, Chicago, Illinois 61821.

This Complaint, filed on information and belief, is based on affidavits of private investigators, which are attached hereto and incorporated herein by reference.

COUNT I

Attachment 1 reflects that, on and about March 19, 1984, AFL-CIO COPE distributed, through the Steelworkers and to the general public, campaign propaganda in support of Walter F. Mondale's candidacy for President. A review of AFL-CIO COPE's April report to the Federal Election Commission, however, reveals that the value of this activity on Mondale's behalf was not reported, either as a contribution to Mondale or as an independent expenditure, in violation of 2 U.S.C. § 434(b)(4)(H)(i) and (iii).

COUNT II

Attachment 1 reflects that the Steelworkers were warehousing and distributing to the general public pamphlets paid for by the Second District Mondale Delegate Committee. This constituted a warehousing and distribution subsidy to the delegate committee and a campaign of communicating with the general public in an effort to encourage members of the general public to vote for Mondale in the Illinois primary, in violation of 2 U.S.C. § 441b.

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COUNT III

As reflected on Attachment 1, some of the campaign materials distributed by the Steelworkers to the general public did not bear a proper statement indicating who authorized and who paid for the material, e.g., insert stating "Labor Donated", in violation of 2 U.S.C. § 441d.

WHEREFORE, Complainants pray that these violations be remedied and that Respondents be assessed a penalty for these violations of the federal election laws. The political use of union treasury funds is particularly egregious because it violates the right of employees to choose voluntarily those candidates and parties they will support.

THE NATIONAL RIGHT TO WORK COMMITTEE

By: William A. Wilson
William A. Wilson, Vice President

The foregoing Complaint was subscribed and sworn to before me this 16th day of May, 1984, by William A. Wilson as Vice President of The National Right to Work Committee.

Lorraine A. Tolson
Notary Public

My Commission expires on November 30, 1987

84040480192

Bud Hettinga
Ralph Martin (Bud) Hettinga, Jr.

The foregoing Complaint was subscribed and sworn to before
me this 17th day of May, 1984, by Ralph Martin (Bud) Hettinga, Jr.

Paul L. Ford
Notary Public

My Commission expires on 1/5/87

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STATE OF ILLINOIS)
COUNTY OF COOK)

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARLENE DELAGARZA, a private investigator and an associate of Beaton & Associates, Ltd, Suite 1234, 53 West Jackson Boulevard, Chicago, Illinois, Telephone: 312/922-5353, being duly sworn, depose that:

1. On the afternoon of March 16, 1984, I began calling Local 65 of the Steel Workers Union, 9350 South Chicago Street, to "volunteer" to work for Senator Mondale in connection with the primary election on March 20th. I received no answer and went to the Union Hall about 8:00 pm and found no one there and the building locked.

2. On Saturday, March 17th, I went to Local 65 about 12:30 and found a young man there who was locking up the building. I asked him if I could work as a volunteer for Mondale and he told me that I should call Lupe Valadez, the Financial Secretary for Local 65, on Monday, March 19th between 9:30 and 4:00 or 6:00 and 9:00. He said that Mr. Valadez was in charge of the campaign activities and that they had phone banks at the Union Hall and literature to distribute. I asked the young man for some of the literature but he said he had just locked up that room.

3. On March 19th, I went to the Steel Workers Union Hall, Local 65 and wandered around the Hall and saw a lot of

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people who were there, but didn't seem to have any apparent purpose. I asked for Lupe Valadez and was directed to his office. I volunteered to work on the phone banks for Senator Mondale and Mr. Valadez said they did not need more phone bank workers, but needed help in distributing pamphlets.

4. I agreed to distribute pamphlets and Mr. Valadez went into another office and brought back two stacks of pamphlets that were apparently part of a quantity of pamphlets stocked there. Mr. Valadez stated that a lot of pamphlets had already been distributed and that as of that late date, most areas had already been taken care of. When he gave me the materials, he told me to distribute them in the area of 103rd Street and the way he put it, I understood him to mean either to hand them out door to door or to stand on the street corners and distribute them.

5. The two stacks of pamphlets which Mr. Valadez gave me are Exhibits 1 and 2 of this Affidavit and bear my handwritten name "Marlene" and the date "March 19". Exhibit 1 is entitled "Why Mondale? Here's Why". The back of the pamphlet reflects that it is from AFL/CIO COPE - Washington, DC and reflects it is "COPE Pub 312c." Exhibit 2 is a pamphlet entitled "Walter Mondale..The Experience to Know... Make It Happen." The contents of that exhibit solicits the support for delegates who support Mondale in the 2nd District Mondale slate. It is noted that among the Mondale delegates is listed the name of Lupe Valadez. The pamphlet reflects

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that it is a publication of "Illinois for Mondale" and that it is "Paid for by 2nd District Mondale Delegate Committee." Enclosed within the pamphlet was a small insert which states: "Vote for Labor's Candidate for delegate to the Democratic National Convention Lupe Valadez Punch 60. (Labor Donated)." A copy of that Insert is attached with Exhibit 2.

6. I believe that each of the two stacks of pamphlets contained about 500 copies and they were each wrapped in a green band of paper. Mr. Valadez told me that when I had distributed all of those pamphlets that I could come back and get more to distribute.

WITNESS THE FOLLOWING Signature:

Marlene De La Garza
MARLENE DELAGARZA

STATE OF ILLINOIS)
COUNTY OF COOK) To-Wit:

I, Rosonne DeLaGarza, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that Marlene DeLaGarza, whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15th day of May 1984.

Rosonne DeLaGarza
Notary Public

My Commission expires on the 12th of August 1985.

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ness, half of the cuts going to business and the wealthiest 5-10 percent of the population. Reagan simultaneously slashed \$110.2 billion from programs designed to help the needy.

That huge sum represents only what Congress agreed to cut. Reagan's original proposed cuts were much deeper, approximately \$140-\$150 billion.

Briefly: Six million more Americans have sunk below the poverty level; 1.5 million children lost help through cuts in aid to Families With Dependent Children (AFDC); 700,000 children lost Medicaid protection; 1.1 million children lost free or reduced-price school lunches and 900,000 lost free or reduced-price school breakfasts; Medicare has been cut and further cuts are proposed. Only labor and senior citizen opposition saved Social Security from Reagan proposals that threatened the basic Social Security retirement program and still are geared to undermining federal employee pensions.

In addition: 10.7 million workers and family members lost some or all health coverage as a result of unemployment; 700,000 young Americans were frozen out of higher education by cutbacks in low-interest loans; 22 percent of funding was cut from health programs over-all, 60 percent from employment and job-training, 28 percent from child nutrition.

The Reagan Administration has suffocated meaningful enforcement of equal employment opportunity laws and crippled agencies whose mission is to attack discrimination against women, minorities, the aged and the handicapped. The administration has destroyed employment and training programs designed to bring women, minorities and the disadvantaged into the mainstream of American economic life, and Reagan's social program cuts have impacted disproportionately on women, creating the "feminization of poverty."

AFL-CIO Position—

- Restoration of Reagan-imposed cuts in programs for the elderly, children, students, the sick, the hungry, the poor;
- Pay equity and equal rights for women (ERA). Full and equal opportunities for minorities in all aspects of political, economic and social life.

Mondale Position—

- Restoration of Reagan-imposed human welfare cuts; health/hospital cost containment;
- Equal rights for all; passage of ERA; undo damage done by Reagan to Civil Rights Commission and restore its independence; "crack down on civil rights violators";
- Education—New programs, additional funding, better pay for teachers, adequate low-cost loans for any qualified student who needs them to attend college—all aimed at making today's children "the best educated in our history."

Summing Up

The Reagan Administration has victimized more workers and more needy Americans than any administration in recent decades. It has further enriched the rich and further impoverished the poor. It has caused needless and avoidable grief for millions of American workers through policies that could only result in the widespread unemployment that *did* result—weeks, months and in some cases years of lost time and hundreds of billions of dollars of lost earnings these workers can never regain.

The chance is here, this year—in November—to get out from under Reaganism with the election of a new President who believes "the time has come to restore, restructure and renew the American economy" under a leader who is "ready to work for America" and "ready to put America back to work."

The words are Walter Mondale's and the AFL-CIO believes—on the strength of his record, his program, his compassion and his commitment to full employment and fair government—the President we elect next November should be Walter Mondale.

**Best for Workers...
Best for the Nation...
Best for the Job!**

**WHY
MONDALE?**

**Best for
Workers...**

**Best for the
Nation...**

Best for the Job!

**MONDALE
FOR
PRESIDENT**



**HERE'S
WHY**

AFL-CIO COPE • Washington, D.C.
LANE KIRKLAND, Chairman • THOMAS R. DONAHUE, Sec. Treas.

COPE PUB. 282

8 4 0 4 0 4 8 0 1 9 7

Here's why the AFL-CIO endorses Walter Mondale for the Democratic presidential nomination:

- Mondale is the one candidate with a program that will move the country forward toward a healthy full employment economy.
- Mondale is the candidate most determined that government shall be fair and compassionate through programs that will work and that the nation can afford, and that our tax system shall be based on ability to pay.
- Mondale has an outstanding record. In 12 years in the U.S. Senate, a 93 percent "right" performance on the AFL-CIO voting record on issues of prime importance to working people and our families.
- Another four years of Reagan leadership is hazardous to the nation's health, and Mondale is the candidate most likely to defeat President Reagan and best equipped to lead. The probable consequences of a second Reagan term: An aborted recovery due to record high deficits and soaring interest rates, a blighted economy, a sharp new surge in unemployment, millions more workers and needy Americans victimized by policies unfair at root and devastating in their effects.

The legacy of the Reagan Administration is one of anguish for millions of working Americans and the poor:

The highest unemployment levels in more than 10 years, sustained over a period of almost 18 months. Though unemployment is declining finally, millions of workers will never get back what they lost through the Reagan Recession.

In the period 1981 through 1983, more than 30 million individual Americans suffered one or more episodes of joblessness, many of them long-term, many still persisting. (When unemployment was at its highest, less than one third of the jobless received unemployment benefits.)

Steadily, the Reagan Administration has backed away the underpinnings of vitally needed people-

helping programs: Millions losing, or suffering reduced, food aid and health care; millions falling below the poverty level; hundreds of thousands of young Americans deprived of access to higher education, primarily the children of working people.

The atmosphere created by Reaganism brought with it something new, an era of "give-backs" by workers or "take-aways" from workers by managements taking swift and cruel advantage of Reagan's recession conditions.

It has been an era, too, of union-busting by government (PATCO), union-busting by bankruptcy (Continental Airlines, others), and wage-slashing by the threat of bankruptcy.

Mondale promises a different path—full employment and basic economic health, an industrial policy to assure a balanced economy . . . and a caring government determined that the hungry shall be fed, the sick cared for, the children educated, our citizens decently housed, our roads, bridges, transportation systems and public facilities (in short our nation's infrastructure) repaired, modernized and made safe.

An examination of key domestic categories firmly reinforces the reasons for the AFL-CIO endorsement of Mondale. The issues are: (1) Jobs, the Economy and Future Opportunity, (2) Fairness and Compassion.

Jobs, the Economy and Future Opportunity

Reagan performance—The recent partial recovery and reductions in unemployment probably are built on sand. Many economists predict recovery will be undermined by the surging tide of Reagan red ink. Deficits in the \$175-\$200 billion range are predicted for the rest of the decade. Interest rates will stay at record levels as a result of the deficits, drive up housing costs and cut down investment in industry and local communities.

Meanwhile, temporary recovery aside, the impact of Reaganism on working people has been crippling:

- More than 30 million workers hit by joblessness in the first three years of this administration.

- In lost earnings, a staggering total of \$136 billion.

● Average earnings per year lost by an unemployed worker in 1983: \$5,620.

● Total lost production to the economy in 1983 alone through high unemployment—\$560 billion.

● Total lost revenue for the Treasury in 1983: \$110 billion (enough to cut the swelling Reagan deficits by more than half).

● Loss in spendable earnings (in 1977 dollars) from 1980 through November 1983—two percent.

Meanwhile, the President has done nothing to help restore vitality to basic industries on whose long-term health millions of jobs, a strong, diversified economy and, indeed, the nation's defense, depend.

High tech and services are no substitute for basic industries and fair trade as foundations of a robust, full-employment economy, or providers of the future opportunities millions will need.

In the trade area, Reagan has made only token gestures toward policies and practices that would make trade a two-way street, helpful to our workers and our country as well as to the nations we trade with.

AFL-CIO Position—

- Full employment policies;
- Labor law reform;
- Restriction on imports that kill American jobs; domestic content requirements; lowering of trade barriers to U.S.-made goods erected by our trading partners; elimination of the tax incentives to U.S. firms that run overseas;
- Policy to help ailing basic industries on which millions of jobs, structural health of our economy, and our defense, depend;
- Plant closing law to protect workers, communities from over-night run-away industries;
- Meeting public needs and defense needs through fairer tax structure;
- Accelerated public works and increased services to states and local communities;
- Reduction in interest rates through selective credit controls;
- Expanded low- and moderate-cost housing programs;

- Continuation of extended unemployment insurance; mortgage relief and health care for the jobless;

- Broader youth training targeted to jobs.

Mondale Position—

- Full employment policies;
- Lower interest rates, reduced deficits "that promote long-term economic growth";
- "A strong new trade policy (that) will tell our trade competitors that they must open their markets as wide to us as we open ours to them";
- "Rebuild our highways, our bridges, our cities, our ports" and "strengthen our schools";
- "Bring business and labor together to work for industrial renewal";
- End corporate use of bankruptcy laws to "bust unions, break contracts and duck liability";
- Tax justice under which corporations and wealthy individuals pay their fair share, as working people always have.

Fairness and Compassion

Reagan performance—Needy American job workers as the chief victims of Reagan economic policy and budget cuts. Reagan's tax program handed vast breaks to the wealthy and to corpora-





Support the Delegates Who Support Mondale

The 2nd District Mondale Slate

Norma J. White, Field Representative, Chicago Teachers Union.
Damon E. Rockett, Commissioner of Public Health and Safety, City of Harvey. Member of Board of Directors, Harvey YMCA.

Patrick C. McClurkin, Graduate of the Howard University School of Law; actively engaged in the private practice of law in the city of Chicago.

Michael A. Roman, Graduate of the DePaul University Law School; presently engaged in the private practice of law in the city of Chicago; Real Estate Broker and Notary Public. Abogado Bilingue, Notario Publico Y Realtor.

Sheila A. Rivers, Community Activist; Precinct Representative, 9th Ward Citizen's Committee; Coordinator, The Extended Arms Center for Battered Women and Children.

Catherine Poindexter, Trustee of Thornton Township; Member of Board of Directors, South Suburban Council in Aging.

Lupe Valadez, Financial Secretary, Local 65, United Steelworkers of America; Member of Board of Directors, Claretion Medical Center and South Shore Hospital.

Hermoline Saxton, President, Local 5016, Communication Workers of America

Alternates

Kathryn L. Battiste, Member of Chicago Teachers Union; Past Secretary, Dolton Homeowners Association.

Joseph C. Caparelli, International Brotherhood of Electrical Workers.

Barbara A. Dunn, Sales-Marketing Representative, Trans World Airlines, Inc.

On March 20th Vote for
WALTER MONDALE
FOR PRESIDENT

AND THE MONDALE DELEGATES

(VOTE FOR 8)

- NORMA J. WHITE (MONDALE) #54**
- DAMON E. ROCKETT (MONDALE) #55**
- PATRICK C. McCLURKIN (MONDALE) #56**
- MICHAEL A. ROMAN (MONDALE) #57**
- SHEILA A. RIVERS (MONDALE) #58**
- CATHERINE POINDEXTER (MONDALE) #59**
- LUPE VALADEZ (MONDALE) #60**
- HERMOLINE SAXTON (MONDALE) #61**

MONDALE ALTERNATES

(VOTE FOR 3)

- KATHRYN L. BATTISTE (MONDALE) #90**
- JOSEPH C. CAPARELLI (MONDALE) #91**
- BARBARA A. DUNN (MONDALE) #92**



ILLINOIS FOR MONDALE

Chicago
30 W. Washington, #530
Chicago, IL 60602
(312) 368-1984

Springfield
601 N. First Street
Springfield, IL 62702
(217) 522-9850

Vote for the man: Walter Mondale; Delegate Committee

Mondale!
**WALTER
MONDALE**



**THE EXPERIENCE
TO KNOW WHAT WE
NEED TO CHANGE...
THE STRENGTH TO
MAKE IT HAPPEN**

84040480200

**VOTE FOR LABOR'S CANDIDATE
FOR DELEGATE TO THE
DEMOCRATIC NATIONAL CONVENTION
LUPE VALADEZ**

PUNCH 60

(LABOR DONATED)

"America must be number one again in international competition. America must be just again — a nation not for the rich alone, but for everyone. America must use its strength for peace again, and lead the world back from the brink. A future of growth, fairness, and hope: that is why I seek the presidency." — Walter F. Mondale



A Competitive America

Walter Mondale wants to get our nation's competitive edge back. Our economy was once the strongest, most productive on earth. But today America's best jobs are being exported, basic industries are declining, farm products can't compete in world markets and small businesses are shut off from affordable credit.

Mondale believes we must **chop the Reagan deficits** to reduce interest rates; **fight for fair trade** so that America begins to get an even break against foreign competition; **revitalize our basic industries and infrastructure** to insure that "Made in America" once again means the best; **invest in people** to make this next generation of Americans the best-educated and trained in our history.



A Fair America

Mondale thinks it's time to restore the basic American values of fairness, decency and opportunity to government policy. We need to **close the tax loopholes and catch the tax cheaters** so that every corporation and every individual pay their fair share; **enforce our civil rights laws** and redouble our efforts to gain equal rights for women — with a Constitutional Amendment to back it up; **protect Social Security and Medicare**; lighten the load on the hungry, the handicapped and the unemployed. Mondale will **fight for the average American** who is confronted with rising utility bills, tuition fees and interest rates, and bring an end to government of the rich, by the rich, for the rich.

A Safer World

Mondale will keep America strong and use that strength to wage peace and prevent war.

We need a President who sees the world as it really is; who understands that we should use force as a last, not a first resort; who recognizes the necessity of reducing the risk of nuclear war.

Mondale will be that President. He will **stabilize relations with the Soviets** by meeting them on the common ground of global survival; **maintain a strong defense**, while keeping the Pentagon in check; **work with our allies** while negotiating with our adversaries. Mondale will speak up for American principles by demonstrating that the United States not only stands tall, but stands by its values.





FEDERAL ELECTION COMMISSION

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

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THIS IS THE BEGINNING OF MUR # 1702

Date Filmed 9/26/04 Camera No. --- 4

Cameraman JBL



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

3/28/88

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1702

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United Steelworkers of America

604113980FEC
HAND DELIVERED
JUL 6 P 1: 57

AFL-CIO-CLC

ONE EAST WACKER DRIVE
SUITE 1910
CHICAGO, ILLINOIS 60601-1980
(312) 467-1995

July 5, 1984

Charles N. Steele, General Counsel
Kenneth A. Gross, Associate General Counsel
Attention: Marybeth Tarrant
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: The National Right To Work Committee, et al. v.
AFL-CIO COPE Political Contributions Committee and
United Steelworkers of America, Local Union 65
FEC MUR 1720

(Response by Local Union 65 to the Complaint)

Dear Ms. Tarrant:

As I advised you in my June 20 1984 letter, United Steelworkers of America Local Union 65, one of the two named Respondents in this matter, has not been served with a copy of the Complaint. This may be due to an incorrect zip code reference used by the National Right To Work Committee in its Complaint.

The correct address of Local Union 65 is:

9350 South Chicago Avenue
Chicago, Illinois 60617

I have provided Local Union 65 with a copy of the copy of the Complaint which I received as designated counsel for the USWA PAF.

Without waiving any right Local Union 65 may have not to respond to the Complaint, pursuant to Federal Election Commission Regulation Section 111.6 and pursuant to your June 15, 1984 letter to me regarding this matter, I am submitting the attached affidavits of Lupe Valadez and Edward Robinson, Appendices A and B, respectively, and the following statement of position by Local Union 65 as its response to the Complaint in this matter:

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

Count I:

Count I of the Complaint appears to be directed primarily against Respondent AFL-CIO COPE. Accordingly, no response by Local Union 65 would be required. Nonetheless, because the allegations of Count I of the Complaint relies on misstatements of facts in the affidavit of Marlene Delagarza relating to a member of Local Union 65, Local Union 65 brings to the attention of the Federal Election Commission the following clarifying information and facts.

It is alleged in Count I of the Complaint, by reference to Ms. Delagarza's affidavit, that the AFL-CIO improperly distributed partisan campaign material in support of Walter Mondale's candidacy for President to the general public.

It is undisputed that under 2 U.S.C. § 441b(b)(2)(A) it is lawful for a labor organization such as the AFL-CIO and its Committee On Political Education to communicate with its members and their families on any subject, including partisan campaign matters. The thrust of the claim made by the National Right To Work Committee through the affidavit of private investigator Marlene Delagarza, however, is that such communications were distributed by AFL-CIO COPE or Steelworkers Local Union 65 to persons who were not members of the AFL-CIO or members of the families of such AFL-CIO members.

But the assertions made by private investigator Marlene Delagarza's affidavit, however, do not support that generalization of Count I of the Complaint. At the most, Ms. Delagarza's affidavit shows that she intentionally misrepresented her identity and purpose in attempting on three occasions to assist Local Union 65 in voter education efforts aimed by it at its members. It also appears that Ms. Delagarza carried out her misrepresentation by not distributing anything. If there was no distribution, then there could be no violation.

Just as private investigator Delagarza, by her own admission, misrepresented her purpose in indicating willingness to assist Local Union 65 in its membership voter education efforts, Ms. Delagarza also apparently misrepresented the facts in her affidavit.

The only Local Union 65 member identified by private investigator Delagarza in her affidavit is Lupe Valadez. As established by the affidavits of Lupe Valadez and of Edward Robinson, and contrary to the assertions of private investigator Delagarza, the facts are:

Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

1. AFL-CIO publication 312c, attached as Exhibit 1 to the affidavit of Marlene Delagarza, which is Attachment 1 to the Complaint ("Delagarza Exhibit 1") is a membership voter education leaflet designed by the AFL-CIO and distributed by it to various local unions for plant gate distribution to AFL-CIO members and their families.
2. In the main entrance area of Local Union 65's offices and hall located at 9350 South Chicago Avenue, in Chicago, Illinois, Local Union 65 maintains an "information table" which usually is stacked with copies of Steelworkers and AFL-CIO newspapers, public and social service information leaflets and other AFL-CIO publications and literature. (Valadez Afft. par. 13, p.5; Robinson Afft., par. 8).
3. Lupe Valadez, who was an unsuccessful candidate to be elected as a Mondale pledged delegate from the Illinois 2nd Congressional District in the March 20, 1984 presidential primary in Illinois, is not familiar with AFL-CIO publication 312c (Delagarza Exhibit 1) and did not have or use that document in connection with his delegate candidate campaign or in any other manner (Valadez Afft. par. 13).
4. Lupe Valadez' leaflet distribution efforts in connection with his candidacy to be an elected delegate from Illinois 2nd Congressional District in the March 20, 1984 election was limited to the distribution of a leaflet prepared by the Illinois for Mondale Committee, a copy of which is attached as Exhibit 2 to the Affidavit of Marlene Delagarza (Valadez Afft. par. 7).
5. The dates of distribution of Delagarza Exhibit 2 as a leaflet in support of Lupe Valadez' delegate election efforts were March 10 and 11, 1984.
6. The persons who assisted delegate candidate Lupe Valadez in distributing Delagarza Exhibit 2 in support of his campaign were two of his friends and seven of his children (Valadez Afft. par. 7).

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Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

7. The geographical area of distribution by delegate candidate Valadez and others supporting his election was limited to Chicago's 7th ward, the southern boundary of which is 95th Street in Chicago, eleven blocks north of "the area of 103rd Street" in which private investigator Delagarza, in paragraph 4 of her affidavit, claims she was told she could distribute literature in support of Mr. Valadez' candidacy (Valadez Afft. pars. 7 and 5).

Count II:

Count II of the Complaint in this case also is without merit.

Section 114.9(b) of the FEC's Regulations provides, in part:

"Section 114.9(b) Use of labor organization facilities for individual volunteer activity by officials, members and employees. (1) The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a Federal election and will be required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are increased. . . ."

The gist of the National Right To Work Committee's claim in Count II of the Complaint is that, according to private investigator Delagarza, about 500 copies of a single page leaflet paid for by the (Illinois) 2nd District for Mondale Delegate Committee were "warehoused" in Local Union 65's offices in violation of 2 U.S.C. § 441b. That claim, from a factual standpoint, is not even fully supported by the affidavit of private investigator Marlene Delagarza.

All that private investigator Delagarza's affidavit would establish is that, as a member of Local Union 65, Lupe Valadez provided her with approximately 500 copies of the Mondale 2nd District Delegate Committee's leaflet and that he brought those leaflets to Ms. Delagarza from another room. Ms. Delagarza does not state, however, whether such other room was in the portion of the building used by Local Union 65.

88040670300

Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

Lupe Valadez does not recall ever meeting anyone who identified herself as Marlene Delagarza, on March 19, 1984, or at any other time (Valadez Afft. par. 10). But, generally, delegate candidate Lupe Valadez kept a supply of his Mondale slate leaflets in his car. It is possible that from time to time he had some of those leaflets in his office. It is also possible that copies of such leaflets were left on the "information table" at the entrance area to Local Union 65's offices.

If in fact Lupe Valadez kept any of his Illinois Congressional District 2 delegate candidate leaflets in Local Union 65's offices, he did so as a volunteer or on behalf of his own delegate candidacy campaign efforts. Such storage was occasional, isolated and incidental and clearly could not have increased the overhead or operating costs of Local Union 65 in maintaining this building. Under FEC Regulation Section 114.9(b), such use of Local Union 65's facilities would be permitted pursuant to 2 U.S.C. § 441b. There was no violation of 2 U.S.C. § 441b.

For the foregoing reasons Count II of the Complaint should be dismissed and no further action should be taken by the Commission with respect to the claims raised in Count II.

Count III:

There is no basis in fact for the assumptions on which the claims made by the Right To Work Committee in Count III of its Complaint are based. This is apparent even from private investigator Delagarza's affidavit.

As stated in Count III, the Right To Work Committee claims that the campaign materials attached as Exhibits 1 and 2 to Ms. Delagarza's affidavit were "distributed by the Steelworkers to the general public." But as noted above, Ms. Delagarza made no distribution. The only distribution of one of those Delagarza exhibits, the 2nd Congressional District delegate committee leaflet, was by Lupe Valadez, two of his friends and seven of his children. They made such distributions as volunteers on behalf of Mr. Valadez' delegate candidacy, not as representatives of Local Union 65 (Valadez Afft. par. 7).

The 2nd Congressional District Mondale Delegate Committee leaflet itself (Delagarza Exhibit 2) properly indicates on its face that

Charles N. Steele, General Counsel
Attention: Marybeth Tarrant

July 5, 1984

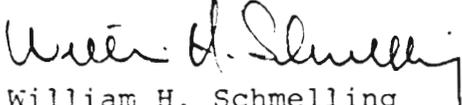
it was paid for and authorized by that Committee. Lupe Valadez' 3x7 inch insert, which was folded into some of those 2nd District Mondale Delegate Committee leaflets and which were distributed by Lupe Valadez, his friends and children in Chicago's 7th ward do not bear a separate Section 441d authorization statement; but, as stated by Lupe Valadez in paragraph 6 of his affidavit, there was no expenditure made for the purpose of financing that supplemental communication. Section 441d is applicable only "whenever any person makes an expenditure . . ."; and, even if an expenditure had been made to include that 3x7 inch insert in the Illinois 2nd District Mondale Delegate Committee's leaflet, the exception provided by Section 110.11(a)(2) for bumper stickers and similar small items would permit the non-inclusion of a separate Section 441d authorization statement on the 3x7 inch Lupe Valadez insert.

Thus neither the facts nor the law support the claim made by the National Right To Work Committee in Count III of its Complaint which, therefore, should be dismissed.

Based on the foregoing statements of Local Union 65's position and on the response which has been submitted to the FEC by the AFL-CIO COPE Political Contributions Committee, I request that the Complaint by the National Right To Work Committee and Ralph Hettinga, Jr. in this MUR 1702 be dismissed in its entirety and that no further action be taken by the Commission with regard to this matter.

Please do not hesitate to contact me if there are any questions regarding Local Union 65's position in this matter.

Very truly yours,


William H. Schmelling
Assistant General Counsel

WHS/am
Enclosures

cc: USWA Local Union 65
AFL-CIO COPE Political Contributions Committee
USWA PAF
Lupe Valadez

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT OF LUPE VALADEZ

LUPE VALADEZ, being first duly sworn, on oath deposes and says:

1. My name is Lupe Valadez and I live at 8800 South Escanaba Avenue, Chicago, Illinois 60617. I have been employed for more than thirty years in the production and maintenance employees' bargaining unit at U. S. Steel's South Works in Chicago.

2. I am a member of the United Steelworkers of America and of its Local Union 65. I am presently serving my third three-year term in the elected office of Local Union 65 Financial Secretary.

3. I have personal knowledge of the matters set forth in this affidavit which is being submitted as part of United Steelworkers of America, Local Union 65's response to the Complaint by the National Right To Work Committee in the matter identified as Federal Election Commission MUR 1702. It is my understanding that Local Union 65 has not received a copy of the Complaint in FEC MUR 1702 from the Federal Election Commission. But I have received and reviewed a copy of the Complaint, with the attached affidavit and exhibits by Marlene Delagarza, from counsel for the Union.

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4. I have been employed at U. S. Steel's South Works for more than thirty-two years. The United Steelworkers of America, AFL-CIO, is the collective bargaining representative for the production and maintenance employees at U. S. Steel's South Works. Currently, there are approximately 900 employees in that bargaining unit. Approximately 5,000 Steelworkers were employed in that bargaining unit as late as 1982. Within the past year, however, United States Steel has announced its intention to permanently shut down its South Works in Chicago.

5. In the March 20, 1984 presidential primary election, I was one of eight candidates on a slate of delegates pledged to Walter Mondale from the 2nd Congressional District in Illinois. Each of us on that slate represented different geographical areas within the 2nd Congressional District. My area was Chicago's 7th ward. I am a resident of Chicago's 7th ward, which also is known as "Millgate." The southern boundary line of Chicago's 7th ward is 95th Street. Almost all of the adults residing in Chicago's 7th ward either are laid off employees or employees of United States Steel's South Works, are employed in other Steelworker represented bargaining units in the area or are members of the families of Steelworkers.

6. As one of the Mondale delegate candidates from Illinois' 2nd Congressional District, early in March, 1984 I obtained from the Illinois for Mondale offices at 30 West Washington Street in Chicago two or three cartons of leaflets in the form or similar

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to the form attached as Exhibit 2 to the Affidavit of Marlene Delagarza which is attached to the Complaint in this case. The first sets of such three-fold flyers which we obtained from the Mondale offices did not prominently list the names of those of us who were Mondale delegate candidates from the 2nd District. For that reason, with the assistance of my children, I made and copied an insert similar to the attachment to Ms. Delagarza's Exhibit 2 stating, "VOTE FOR LABOR'S CANDIDATE FOR DELEGATE TO THE DEMOCRATIC NATIONAL CONVENTION -- LUPE VALADEZ -- PUNCH 60." My children and two or three friends helped me enfold this insert in the 2nd congressional District Mondale delegate flyer, Marlene Delagarza's Exhibit 2.

7. Two of my friends and seven of my children and step-children distributed this leaflet and insert (Marlene Delagarza's Exhibit 2) in the residential areas of Chicago's 7th ward, primarily on the weekend of March 10 and 11, 1984. The only residential area in which we distributed these leaflets was Chicago's 7th ward, also known as "Millgate."

8. The cartons of these 2nd Congressional District Mondale flyers (Delagarza Exhibit 2), which I obtained from the downtown Chicago Mondale office, were for distribution by me in my area within the Congressional District and also for distribution in their respective areas by other candidates on our delegate slate. We met once or twice to divide up such quantities of these pamphlets.

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9. Generally, I kept my supply of the Mondale slate pamphlets in my car. It is possible that from time to time I had some of them in my office which is located within the Local 65 Hall, 9350 South Chicago Avenue, in Chicago.

10. I have no recollection of having any discussions with or meeting anyone who identified herself as Marlene Delagarza on March 19, 1984 or at any other time. March 19, 1984 not only was the day before the primary election in Illinois, it was also a Monday, which usually at Local 65 is the week day on which meetings of laid off Local 65 members are conducted and advice is given on possible employment opportunities and assistance is given for resolving unemployment compensation or other problems of the unemployed.

11. The reference in paragraph 4 of Ms. Delagarza's affidavit to her being directed to distribute election-related material "in the area of 103rd Street . . ." is unspecific. 103rd Street runs all the way from the Indiana-Illinois state line through the 2nd Congressional District in Illinois.

12. In late February I attended a political action workshop put on by the Illinois AFL-CIO. That workshop dealt with voter education and get-out-the vote activities to be aimed at AFL-CIO members and their families.

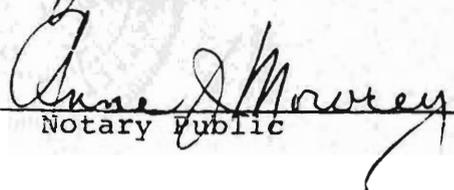
13. I am not familiar with the document attached as Exhibit 1 to Ms. Delagarza's affidavit, an AFL-CIO leaflet which Ms. Delagarza, in paragraph 5 of her affidavit, identifies as COPE Publication 312c. I do not recall having or using this document in connection with my delegate candidate campaign or in any other matter.

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13. In the main entrance area of Local Union 65's offices and hall, Local Union 65 maintains an "information table," which usually is stacked with copies of the Steelworkers' International Union newspaper, Steelabor, the USWA District 31 Voice, Local 65's own local newspaper, the AFL-CIO News, public and social service information leaflets and AFL-CIO publications and literature.


Lupe Valadez

Subscribed and Sworn to
Before me this 28th day
of June, 1984.


Notary Public

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STATE OF ILLINOIS)
COUNTY OF COOK) S S
)

AFFIDAVIT OF EDWARD L. ROBINSON

EDWARD L. ROBINSON, being duly sworn deposes and says:

1. I am a Staff Representative of the Illinois State Federation of Labor and Congress of Industrial Organizations ("Illinois State AFL-CIO") and have held that position at all times relevant to the period covered by the complaint in FEC MUR 1702.
2. I work out of the Chicago office of the Illinois State AFL-CIO which is located at 300 North State Street, 16th Floor, Chicago Illinois.
3. Prior to the Illinois presidential primary on March 20, 1984, I was assigned to coordinate the Illinois AFL-CIO's political education and get-out-the-vote programs aimed at AFL-CIO members and their families in the 2nd, 3rd, and 4th Congressional Districts of Illinois.
4. As part of its political education program for the Illinois presidential primary, the Illinois State AFL-CIO sponsored a series of workshops on political education and get-out-the-vote techniques for representatives of AFL-CIO affiliated local unions.
5. I led a number of those workshops including one which was held on February 24, 1984. At each workshop that I led, I told the local union representatives who were present that AFL-CIO COPE literature may only be distributed to AFL-CIO members and their families and may not be distributed to the general public.
6. Lupe Valadez was present at the workshop which was held on February 24, 1984.

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8. In the course of my employment by the Illinois State AFL-CIO, I have had occasion to visit the offices of Local 65 of the United Steelworkers of America which are located at 9350 South Chicago Avenue in Chicago. During my visits I have noticed that there is a table containing a variety of literature in the entrance hall of Local 65's office. I have seen copies of the AFL-CIO News and various AFL-CIO COPE publications stacked on that table.

Edward L. Robinson

EDWARD L. ROBINSON

Subscribed and sworn to
before me this 2nd day
of July 1984.

Anne Mowrey
NOTARY PUBLIC

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FEC
DOCUMENT
SEPARATOR