



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20543

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THIS IS THE END OF MUR # 1777

Date Filmed 4/12/85 Camera No. --- 1

Cameraman A.S.

FEDERAL ELECTION COMMISSION

routing slips - duplicate letters - duplicate G.C. reports  
internal communications from the Commission - envelopes  
internal communications from the G.C. to the Commission  
address requests from docket - assignment forms  
12 day reports - computer

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

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*Michael*  
*5/28/85*  
 Signed *Matthew*  
 date 3-22-85

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Walter F. Mondale  
Mondale for President Committee and  
Michael S. Berman, as treasurer  
California Teachers Association

)  
) MUR 1777  
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)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 28, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1777:

1. Take no further action in this matter.
2. Close the file.
3. Send the letters attached to the General Counsel's Report signed February 25, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

2-28-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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

2-25-85, 3:59  
2-26-85, 11:00

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 5, 1985

Robert H. Chanin, Esquire  
National Education Association  
1201 Sixteenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1777  
Mondale for President  
Committee, Inc.  
California Teachers Association

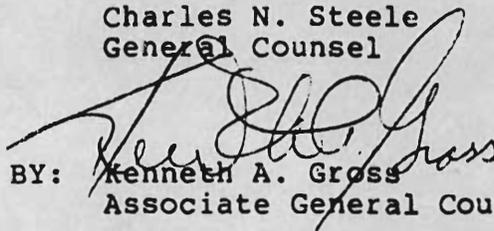
Dear Mr. Chanin:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

Should you have any questions, contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 5, 1985

Mr. Michael S. Berman  
Mondale for President Committee, Inc.  
2233 Wisconsin Avenue, N.W.  
Suite 318  
Washington, D.C. 20007

Attention: Carolyn U. Oliphant, Esquire

RE: MUR 1777

Dear Mr. Berman:

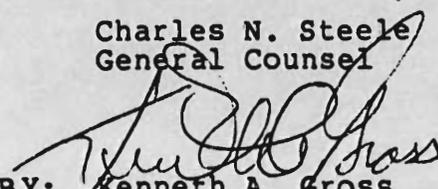
On December 18, 1984, the Commission found reason to believe that the Mondale for President Committee, Inc. and you, as treasurer, had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission, on February , 1985, has decided to take no further action and close its file on this matter.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 5, 1985

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

RE: MUR 1777

Dear Mr. Hettinga:

This is in reference to the complaint you filed with the Commission on September 6, 1984, concerning the Mondale for President Committee, Inc., and the California Teachers Association.

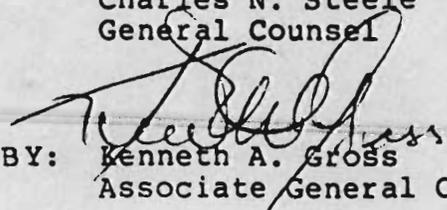
Based on your complaint, and information provided by the respondents, the Commission determined there was reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission instituted an investigation and, on February 28, 1985, decided to take no further action with regard to the matter. Accordingly, the file in this matter, numbered MUR 1777, has been closed.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. 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).

If you have any questions, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 5, 1985

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

RE: MUR 1777

Dear Mr. Wilson:

This is in reference to the complaint you filed with the Commission on September 6, 1984, concerning the Mondale for President Committee, Inc., and the California Teachers Association.

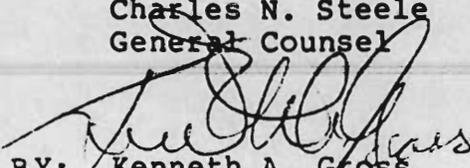
Based on your complaint, and information provided by the respondents, the Commission determined there was reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission instituted an investigation and, on February 28, 1985, decided to take no further action with regard to the matter. Accordingly, the file in this matter, numbered MUR 1777, has been closed.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. 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).

If you have any questions, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 5, 1985

The Honorable Walter F. Mondale  
c/o Mondale for President Committee, Inc.  
2233 Wisconsin Avenue, N.W.  
Suite 318  
Washington, D.C. 20007

RE: MUR 1777

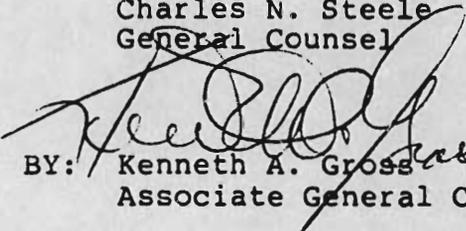
Dear Mr. Mondale:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

Should you have any questions, contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

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**SENSITIVE**

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

Walter F. Mondale )  
Mondale for President Committee and )  
Michael S. Berman, as treasurer )  
California Teachers Association )

MUR 1777

25 FEB 25 P 3:59

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On September 6, 1984, complainants Ralph Martin (Bud) Hettinga, Jr. and the National Right to Work Committee, filed a complaint arising from a telephone bank conducted by the California Teachers Association ("CTA"). Complainants alleged that CTA distributed brochures, or "flyers", provided by the Mondale for President Committee, Inc. ("MPC") that did not contain a disclaimer statement. On December 18, 1984, the Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441d. The Commission concurrently found no reason to believe that Walter F. Mondale or the California Teachers Association violated the Act.

The General Counsel's Office proffered questions concerning the brochures to telephone bank supervisor Dorothy Labudde. This Office received her response on January 22, 1985. This Office received MPC's response to the reason to believe notification on January 16, 1985. See Attachments 1, 2 and 3.

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## II. FACTUAL AND LEGAL ANALYSIS

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 through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state whether it was paid for and/or authorized by the candidate, his authorized political committee or its agents.

As a result of CTA and MPC's responses to the complaint, the Commission concluded that MPC may have paid for the flyers that expressly advocated Mondale's election, but did not contain a disclaimer. The initial responses provided no evidence that CTA paid for the flyers and no evidence to refute private investigator Adrienne Lynn Pike's statement that she was told that the flyers came from the Mondale Committee. MPC stated that to the best of its knowledge MPC did not pay for the flyers but neither MPC nor CTA's responses directly denied that MPC paid for the flyers.

The information provided in Ms. Labudde's answers and MPC's response to the reason to believe notification persuade this Office to recommend that the Commission take no further action in this case. For example, in response to Ms. Pike's statement that

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telephone bank supervisor LaBudde gave her the flyers stating  
"(they) had come from the Mondale committee," Ms. Labudde states:

On May 30, 1984, I attended a meeting of the  
5th and 6th Congressional Districts  
Organizers (sic). The flyers at issue were  
on the table and I took some.

Ms. Labudde does not appear to know any other information  
regarding the flyers' source.

MPC's response includes an affidavit from Matt MacWilliams,  
MPC's regional coordinator overseeing the campaign's activity in  
California. Mr. MacWilliams asserts that the flyer, "was neither  
paid for nor authorized by MPC." He adds:

MPC did not produce or distribute literature  
in California that listed the names of  
individual Mondale delegate candidates.  
California had 45 different delegate  
districts. Under ideal circumstances, MPC  
would have been able to print literature  
tailored to each district. However, due to  
the small amount of funds available to MPC in  
California, the Committee decided not to  
undertake the task of printing or  
distributing literature listing the names of  
Mondale delegate candidates in each  
California delegate district. To the best of  
my knowledge, MPC did not print or distribute  
literature listing the names of Mondale  
delegate candidates in any California  
district.

MPC's response also includes an affidavit from P. Christine  
Brewer, MPC's Comptroller. Ms. Brewer states:

It was the policy of the Committee to have  
central control through the national

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headquarters over all political printing. Literature printed and distributed under this system carried a disclaimer. The style of the handbill also strongly suggests that it was not printed under the auspices of the national headquarters.

While MPC's response to the complaint merely stated that its policy was to include a disclaimer statement and that to the best of its knowledge MPC did not pay for the printing of the flyer at issue, the above cited affirmations from the response to the reason to believe notification contain evidence supporting those claims. For example, it appears MPC did not produce or distribute any literature in California that listed the names of individual Mondale delegate candidates. That statement is especially credible when read in conjunction with the reference to the financial limitations under which MPC was operating when the campaign's focus shifted to the California primary. In addition, Ms. Brewer's affidavit indicates that the flyer was stylistically different from literature typically printed under the National Headquarter's auspices. These assertions, as well as Ms. Labudde's statement that she obtained the flyers from a meeting of Congressional District organizers, suggest that local groups, and perhaps even local delegate committees, may have

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printed the flyers. It is noteworthy that MPC's counsel concludes:

Although the identity of the committee or individual is unknown, a plausible, if not most likely, origin of the flyer was Mondale delegates, since it specifically lists the names of delegate candidates.

Since it does not appear that MPC produced the flyers, the General Counsel's Office recommends that the Commission take no further action in this matter.

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Despite the information enabling the Commission to close the file on this matter, the General Counsel believes it is necessary to briefly address MPC's contention that this type of flyer need not carry a disclaimer. MPC asserts that campaign flyers which are distributed by volunteers do not constitute, "any other type of general public political advertising," and thus, are not covered by 2 U.S.C. § 441d(a). MPC notes that the regulations specifically extend the disclaimer obligation to both posters and yard signs but do not mention "flyers" or "handbills" or "brochures" in that context. 11 C.F.R. § 110.11(a)(1). "In the few sections of the regulations which do mention "handbill" and "brochure," these terms are defined as volunteer activity in clear distinction from general public political advertising." MPC response. See 11 C.F.R. §§ 100.7(b)(15), (16) and 100.8(b)(16), (17).

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The "volunteer activity" regulations that MPC cites address contributions and do not control the types of communications that require disclaimers. Indeed, the cited regulations, which exclude payments for handbills and brochures distributed by volunteers from the contribution definition under certain specific circumstances, also exclude payments for posters and yard signs distributed by volunteers from the contribution definition under those circumstances. However, in light of the specific mandate in § 110.11(a)(1), posters and yard signs must contain disclaimers. Therefore, it cannot be conclusively said that, based on §§ 100.7 and 100.8, a brochure or handbill used in conjunction with volunteer activity is per se outside the definition of general public political advertising governed by the disclaimer requirements of § 110.11.

This interpretation is consistent with Congress' decision that the electorate needs to know what individuals or organizations are supporting candidates through public communications. In accordance with that policy, the regulations state that the only exceptions to the disclaimer requirement pertain to items upon which it would be impractical to place a disclaimer:

(2 U.S.C. § 441d does) not apply to bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed ... nor to skywriting, watertowers or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer might be impracticable. 11 C.F.R. § 110.11(a)2.

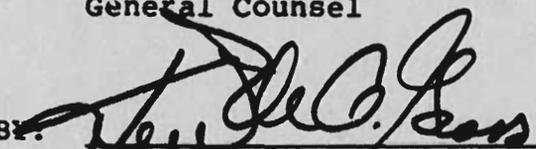
A disclaimer can be included on "flyers", "handbills" and "brochures" conveniently and practicably.

**RECOMMENDATIONS**

1. Take no further action in this matter.
2. Close the file.
3. Send the attached letters.

Charles N. Steele  
General Counsel

By:

  
Kenneth A. Gross  
Associate General Counsel

February 25, 1985  
Date

**Attachments**

1. Questions from the General Counsel to Dorothy Labudde.
2. Dorothy Labudde's response dated January 17, 1985.
3. Mondale for President Committee, Inc.'s response dated January 14, 1985.
4. Letters to respondents.
5. Letters to Complainants.

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On October 9, 1984, the Federal Election Commission received from the California Teachers Association's attorney the October 5, 1984 affidavit of Dorothy Labudde; the affidavit addressed the May 31, 1984 telephone bank operated by the California Teachers Association which was coordinated by Ms. Labudde. The Commission is attempting to ascertain certain information about the flyers used in conjunction with that telephone bank. Ms. Labudde's affidavit refers to the flyers as, "the flyers at issue." See Attachment.

**QUESTIONS TO MS. DOROTHY LABUDDE**

1. How did you acquire the flyers used in conjunction with the telephone bank? Please include specific information explaining when you obtained the flyers, from where you obtained the flyers as well as the source of the flyers.

1a. If someone provided the flyers to you, please state who that person was and whether that person at any time worked or held any position, full-time, part-time or temporarily, for compensation or voluntarily, with the Mondale for President Committee or the California Teachers Association.

1b. If someone assisted you in acquiring the flyers, please state who that person was and whether that person at any time worked or held any position, full-time, part-time or temporarily, for compensation or voluntarily, with the Mondale for President Committee or the California Teachers Association.

1c. For questions 1, 1a and 1b, please include the person or entity's name, address, telephone number and, where relevant, current status with the above mentioned organizations.

2. Did you pay any person or any organization or other entity for the flyers?

2a. To your knowledge, who did pay for the flyers used in conjunction with the May 31, 1984 telephone bank?

2b. For questions 2 and 2a, please state how much the flyers cost.

3. What is your current status with the California Teachers Association? What was your status with the California Teachers Association at the time of the phone bank?

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6485  
MUR 1777  
Person

Response of Dorothy E. Labudde to questions: MUR1777

1. On May 30, 1984, I attended a meeting of the 5th and 8th Congressional Districts organizers. The flyers at issue were on the table and I took some. I do not know the source.
  - 1a. I do not know the source.
  - 1b. Not applicable.
  - 1c. Not applicable.
2. No, I did not pay for them.
  - 2a. I don't know.
  - 2b. I don't know.
3. I am currently a retired life member of CTA. In May, 1984 I was an active member of CTA, political action chair, and coordinator of the CTA telephone bank.

15 JAN 22 1985 P 3:31

I hereby declare under penalty of perjury that to the best of my knowledge the foregoing responses are true and correct.

*Dorothy E. Labudde*  
Dorothy E. Labudde

*January 17, 1985*  
January 17, 1985

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January 14, 1985

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

RE: MUR 1777

Dear Mr. Steele:

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This letter and the accompanying documents constitute the response of the Mondale for President Committee, Inc. ("MPC" or "Committee") to the FEC notification of December 28, 1984. That notification informed MPC that the Commission found there is reason to believe that MPC violated 2 U.S.C. Section 441d because "flyers that advocated Mr. Mondale's election . . . did not contain the sponsorship statement, or 'disclaimer', that the Act requires." For the reasons set forth below, the Commission should rescind its finding of reason to believe, find no probable cause to believe that MPC violated the Act or take no further action in this matter.

I. The Facts Present in This Matter Do Not Demonstrate Any Violation of the Act by MPC

The facts alleged by complainant were only that: (1) Dorothy Labudde handed the NRWC informant a "Mondale" flyer; (2) Ms. Labudde had a stack of 100 flyers; and (3) Ms. Labudde stated that the flyers had come from "the Mondale Committee" and were to

be hand distributed.<sup>1/</sup> See NRWC affidavit. Even assuming the veracity of these allegations, they demonstrate no violations of the Act.

Frankly, MPC is at a loss to understand the basis for the Commission's finding of reason to believe against this Committee, given that MPC did not produce, pay for, or authorize the literature at issue. MPC stated in its response to the complaint that the flyer was not from the Committee. However, additional evidence in support of this statement is attached. See Affidavits of Matt MacWilliams and P. Christine Brewer. As the accompanying affidavits make clear, the handbill was not printed by MPC.

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The NRWC complaint did not even allege that MPC produced the handbill. Moreover, the NRWC complaint offers no evidence that the handbill was ever distributed to the public at large.<sup>2/</sup>

It is MPC's view that both financing and distribution of literature is a prerequisite to finding a violation involving a disclaimer. An examination of the words used in the FECA clearly support this view. Section 441d(a) says that whenever "any person makes an expenditure for the purpose of financing communications expressly advocating the election . . . of a

<sup>1/</sup> At best, the allegations of complainant show that 100 "Mondale" flyers existed at the CTA offices. The total value of these flyers is probably somewhere between \$5 and \$15. If there is a violation at all, it is clearly trivial.

<sup>2/</sup> If the reason to believe finding rests on grounds other than a Commission belief that MPC printed this literature, then, in essence, the Commission is finding reason to believe against MPC merely because literature, printed by an unknown party, and in the Commission's view, not carrying a proper disclaimer, was in existence, though not distributed. The mere fact of existence is not, in MPC's view, a sufficient basis for a reason to believe finding under the disclaimer regulations.

clearly identified candidate, or solicits any contribution through any broadcasting station . . . or any other type of general public advertising, such communication . . . shall (emphasis added)," carry a disclaimer. Thus, a disclaimer is required only when a person finances and distributes a communication to the general public.

II. The Complaint Should Be Dismissed Because the FECA Does Not Require That Handbills Display Disclaimers

A careful analysis of the applicable federal election law demonstrates that the one page handbill which is the subject of this complaint is not required to carry a disclaimer because campaign flyers which are distributed by volunteers do not constitute general public political advertising as defined by the Act or regulations. 2 U.S.C. Section 441d(a); 11 C.F.R. Section 110.11(a)(1).<sup>3/</sup>

Section 441d(a) of the Act requires a disclaimer when a communication of express advocacy or solicitation is distributed "through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising (emphasis added)."<sup>3/</sup> 11 C.F.R. Section 110.11(a)(1) expands the obligation to display a disclaimer to both posters and yard signs. Neither the Act nor the regulations use the words "flyer" or "handbill" or "brochure." In the few sections of the

<sup>3/</sup> The fact that Mrs. Labudde told Ms. Pike, the NRWC spy who represented herself incorrectly to be a volunteer, that the flyers "were to be hand distributed (emphasis added)," further supports the case that the flyer was to be distributed by hand by volunteers in accordance with the applicable FEC regulations. See 11 C.F.R. Sections 100.7(b)(15), (16) and 100.8(b)(16), (17).

regulations which specifically mention "handbill" and "brochure," these terms are defined as volunteer activity in clear distinction from general public communication or advertising. 11 C.F.R. Sections 100.7(b)(15), (16) and 100.8(b)(16), (17). Thus, the handbill at issue here is not required by the Act to carry a disclaimer.

Since neither the Act nor the regulations require the handbill to display a disclaimer, the Commission would create a serious due process problem for all who rely on its regulations should the Commission continue to insist that handbills and the like distributed by volunteers are required, under the present law, to carry disclaimers. MPC further notes that not even the Commission's own publication, Campaign Guide for NonConnected Committees (1983), includes handbills, flyers, and brochures in its definition of "public political advertising." See Guide at 9, 47.

III. The Complaint Should Be Dismissed Because Continued Action Against MPC May Violate the Conciliation Agreement in MUR 1704

Although the indentity of the committee or individual that produced the disputed flyer is unknown, a plausible, if not most likely, origin of the flyer was Mondale delegates, since it specifically lists the names of delegate candidates. 4/ Under the terms of the Conciliation Agreement in MUR 1704 the Commission has agreed not to hold MPC responsible for any past or

4/ It is far from clear that the handbill did not carry a disclaimer. The copy of the handbill itself which was appended to the complaint received by MPC appeared to be cut off at the bottom. The NRWC spy may have removed the disclaimer on the bottom of the flyer.

future actions or omissions of the delegate committees other than those specified in the Conciliation Agreement. Since the flyers were not produced by MPC and may very well have been produced by a delegate committee, the Commission should not take any action against MPC.

CONCLUSION

For the reasons stated above, the Commission should rescind its finding of reason to believe, find no probable cause against MPC or take no further action in this matter.

Respectfully submitted,

*David M. Ifshin / by [signature]*

David M. Ifshin  
General Counsel

*Carolyn U. Oliphant*

Carolyn U. Oliphant  
Deputy General Counsel

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Affidavit of Matt MacWilliams

Matt MacWilliams, being duly sworn, deposes and says:

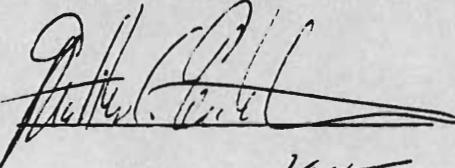
1. I, Matt MacWilliams, was employed as a Regional Coordinator in Washington, D.C. by the Mondale for President Committee (MPC) from March, 1984 to July, 1984. California was one of the states where I was principally responsible for overseeing organizing activity.

2. I have seen the handbill that forms the basis for this FEC enforcement action. It is my conclusion that this handbill was neither paid for nor authorized by MPC. My conclusion is based on two facts. First, MPC policy was to include a disclaimer on each piece of literature it produced.

Second, MPC's budget for California was extremely small. Any literature that MPC produced for and/or distributed in the state of California was general Mondale literature and not literature tailored specifically for California.

MPC did not produce or distribute literature in California that listed the names of individual Mondale delegate candidates. California had 45 different delegate districts. Under ideal circumstances, MPC would have been able to print literature tailored to each district. However, due to the small amount of funds available to MPC in California, the Committee decided not to undertake the task of printing or distributing literature listing the names of Mondale delegate candidates in each California delegate district. To the best of my knowledge, MPC did not print or distribute literature listing the names of Mondale delegate candidates in any California district.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. 28 U.S.C. Section 1746.

Signed: 

Executed on: 14 January 1985

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Affidavit of P. Christine Brewer

P. Christine Brewer, being duly sworn, deposes and says:

1. I am Comptroller of the Mondale for President Committee. I have held this position since 12/17/82.
2. I have seen the handbill that forms the basis for MUR 1777. In my opinion, this piece of literature was not produced by the Committee.
3. It was the policy of the Committee to have central control through the national headquarters over all political printing. Literature printed and distributed under this system carried a disclaimer. The style of the handbill also strongly suggests that it was not printed under the auspices of the national headquarters.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. 28 U.S.C. Section 1746.

Signed: P. Christine Brewer

Executed on: January 25, 1985

85040520778

January 14, 1985

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

RE: MUR 1777

Dear Mr. Steele:

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This letter and the accompanying documents constitute the response of the Mondale for President Committee, Inc. ("MPC" or "Committee") to the FEC notification of December 28, 1984. That notification informed MPC that the Commission found there is reason to believe that MPC violated 2 U.S.C. Section 441d because "flyers that advocated Mr. Mondale's election . . . did not contain the sponsorship statement, or 'disclaimer', that the Act requires." For the reasons set forth below, the Commission should rescind its finding of reason to believe, find no probable cause to believe that MPC violated the Act or take no further action in this matter.

I. The Facts Present in This Matter Do Not Demonstrate Any Violation of the Act by MPC

The facts alleged by complainant were only that: (1) Dorothy Labudde handed the NRWC informant a "Mondale" flyer; (2) Ms. Labudde had a stack of 100 flyers; and (3) Ms. Labudde stated that the flyers had come from "the Mondale Committee" and were to

be hand distributed.1/ See NRWC affidavit. Even assuming the veracity of these allegations, they demonstrate no violations of the Act.

Frankly, MPC is at a loss to understand the basis for the Commission's finding of reason to believe against this Committee, given that MPC did not produce, pay for, or authorize the literature at issue. MPC stated in its response to the complaint that the flyer was not from the Committee. However, additional evidence in support of this statement is attached. See Affidavits of Matt MacWilliams and P. Christine Brewer. As the accompanying affidavits make clear, the handbill was not printed by MPC.

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The NRWC complaint did not even allege that MPC produced the handbill. Moreover, the NRWC complaint offers no evidence that the handbill was ever distributed to the public at large.2/

It is MPC's view that both financing and distribution of literature is a prerequisite to finding a violation involving a disclaimer. An examination of the words used in the FECA clearly support this view. Section 441d(a) says that whenever "any person makes an expenditure for the purpose of financing communications expressly advocating the election . . . of a

1/ At best, the allegations of complainant show that 100 "Mondale" flyers existed at the CTA offices. The total value of these flyers is probably somewhere between \$5 and \$15. If there is a violation at all, it is clearly trivial.

2/ If the reason to believe finding rests on grounds other than a Commission belief that MPC printed this literature, then, in essence, the Commission is finding reason to believe against MPC merely because literature, printed by an unknown party, and in the Commission's view, not carrying a proper disclaimer, was in existence, though not distributed. The mere fact of existence is not, in MPC's view, a sufficient basis for a reason to believe finding under the disclaimer regulations.

clearly identified candidate, or solicits any contribution through any broadcasting station . . . or any other type of general public advertising, such communication . . . shall (emphasis added)," carry a disclaimer. Thus, a disclaimer is required only when a person finances and distributes a communication to the general public.

II. The Complaint Should Be Dismissed Because the FECA Does Not Require That Handbills Display Disclaimers

A careful analysis of the applicable federal election law demonstrates that the one page handbill which is the subject of this complaint is not required to carry a disclaimer because

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campaign flyers which are distributed by volunteers do not constitute general public political advertising as defined by the Act or regulations. 2 U.S.C. Section 441d(a); 11 C.F.R. Section 110.11(a)(1).<sup>3/</sup>

Section 441d(a) of the Act requires a disclaimer when a communication of express advocacy or solicitation is distributed "through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising (emphasis added)."<sup>3/</sup> 11 C.F.R. Section 110.11(a)(1) expands the obligation to display a disclaimer to both posters and yard signs.

Neither the Act nor the regulations use the words "flyer" or "handbill" or "brochure." In the few sections of the

<sup>3/</sup> The fact that Mrs. Labudde told Ms. Pike, the NRWC spy who represented herself incorrectly to be a volunteer, that the flyers "were to be hand distributed (emphasis added)," further supports the case that the flyer was to be distributed by hand by volunteers in accordance with the applicable FEC regulations. See 11 C.F.R. Sections 100.7(b)(15), (16) and 100.8(b)(16), (17).

regulations which specifically mention "handbill" and "brochure," these terms are defined as volunteer activity in clear distinction from general public communication or advertising. 11 C.F.R. Sections 100.7(b)(15),(16) and 100.8(b)(16),(17). Thus, the handbill at issue here is not required by the Act to carry a disclaimer.

Since neither the Act nor the regulations require the handbill to display a disclaimer, the Commission would create a serious due process problem for all who rely on its regulations should the Commission continue to insist that handbills and the like distributed by volunteers are required, under the present law, to carry disclaimers. MPC further notes that not even the Commission's own publication, Campaign Guide for NonConnected Committees (1983), includes handbills, flyers, and brochures in its definition of "public political advertising." See Guide at 9, 47.

III. The Complaint Should Be Dismissed Because Continued Action Against MPC May Violate the Conciliation Agreement in MUR 1704

Although the indentity of the committee or individual that produced the disputed flyer is unknown, a plausible, if not most likely, origin of the flyer was Mondale delegates, since it specifically lists the names of delegate candidates. 4/  
Under the terms of the Conciliation Agreement in MUR 1704 the Commission has agreed not to hold MPC responsible for any past or

4/ It is far from clear that the handbill did not carry a disclaimer. The copy of the handbill itself which was appended to the complaint received by MPC appeared to be cut off at the bottom. The NRWC spy may have removed the disclaimer on the bottom of the flyer.

future actions or omissions of the delegate committees other than those specified in the Conciliation Agreement. Since the flyers were not produced by MPC and may very well have been produced by a delegate committee, the Commission should not take any action against MPC.

CONCLUSION

For the reasons stated above, the Commission should rescind its finding of reason to believe, find no probable cause against MPC or take no further action in this matter.

Respectfully submitted,

*David M. Ifshin*

David M. Ifshin  
General Counsel

*Carolyn U. Oliphant*

Carolyn U. Oliphant  
Deputy General Counsel

8 5 0 4 0 5 2 0 7 8 3

Affidavit of Matt MacWilliams

Matt MacWilliams, being duly sworn, deposes and says:

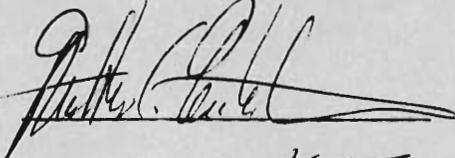
1. I, Matt MacWilliams, was employed as a Regional Coordinator in Washington, D.C. by the Mondale for President Committee (MPC) from March, 1984 to July, 1984. California was one of the states where I was principally responsible for overseeing organizing activity.

2. I have seen the handbill that forms the basis for this FEC enforcement action. It is my conclusion that this handbill was neither paid for nor authorized by MPC. My conclusion is based on two facts. First, MPC policy was to include a disclaimer on each piece of literature it produced.

Second, MPC's budget for California was extremely small. Any literature that MPC produced for and/or distributed in the state of California was general Mondale literature and not literature tailored specifically for California.

MPC did not produce or distribute literature in California that listed the names of individual Mondale delegate candidates. California had 45 different delegate districts. Under ideal circumstances, MPC would have been able to print literature tailored to each district. However, due to the small amount of funds available to MPC in California, the Committee decided not to undertake the task of printing or distributing literature listing the names of Mondale delegate candidates in each California delegate district. To the best of my knowledge, MPC did not print or distribute literature listing the names of Mondale delegate candidates in any California district.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. 28 U.S.C. Section 1746.

Signed: 

Executed on: 14 January 1985

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Affidavit of P. Christine Brewer

P. Christine Brewer, being duly sworn, deposes and says:

1. I am Comptroller of the Mondale for President Committee. I have held this position since 12/17/82.
2. I have seen the handbill that forms the basis for MUR 1777. In my opinion, this piece of literature was not produced by the Committee.
3. It was the policy of the Committee to have central control through the national headquarters over all political printing. Literature printed and distributed under this system carried a disclaimer. The style of the handbill also strongly suggests that it was not printed under the auspices of the national headquarters.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. 28 U.S.C. Section 1746.

Signed: \_\_\_\_\_

Executed on: \_\_\_\_\_

85040520785

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

GC#6430  
**MONDALE**

NUM 1777  
Lerson

January 14, 1984

To Whom It May Concern:

We were unable to obtain the signature of P. Christine Brewer today.  
A signed affidavit from her will be submitted as soon as possible.

85040520785

5 JAN 16 P 2:36

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

JCC# 6510  
**MONDALE**

MUR 1777  
Gerson

RE: MUR 1777

January 25, 1985

Enclosed please find the signed affidavit of P. Christine Brewer.

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RECEIVED  
GENERAL COUNSEL  
JAN 25 11:10

Affidavit of P. Christine Brewer

P. Christine Brewer, being duly sworn, deposes and says:

1. I am Comptroller of the Mondale for President Committee. I have held this position since 12/17/82.
2. I have seen the handbill that forms the basis for MUR 1777. In my opinion, this piece of literature was not produced by the Committee.
3. It was the policy of the Committee to have central control through the national headquarters over all political printing. Literature printed and distributed under this system carried a disclaimer. The style of the handbill also strongly suggests that it was not printed under the auspices of the national headquarters.

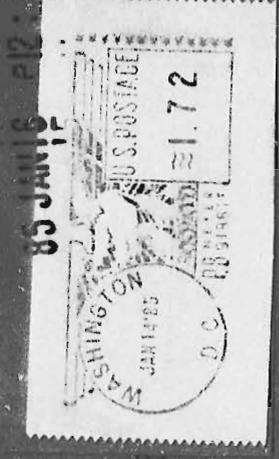
I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. 28 U.S.C. Section 1746.

Signed: P. Christine Brewer

Executed on: January 25, 1985

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85040520737



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

CERTIFIED

P 564 400 152

MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 8, 1985

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Dorothy Labudde  
1545 35th Avenue  
San Francisco, California 94122

RE: MUR 1777

Dear Ms. Labudde:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. In connection with an investigation being conducted by the Commission, the attached questions have been issued to you at the Commission's instruction. The Commission does not consider you a respondent in this matter but, rather, as a witness only.

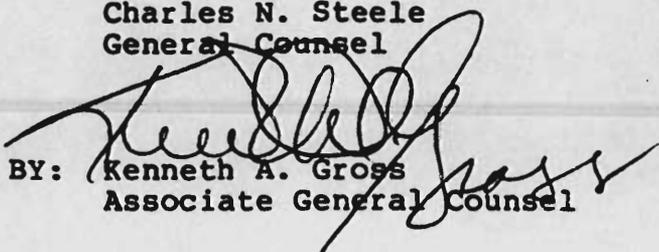
Since this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section of the Act prohibits the making public of any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to these questions. However, it is required that you submit the information under oath and that you do so within ten days of your receiving them.

If you have any questions please direct them to Matthew Gerson, the staff member handling this matter, at 202-523-4143 or 800-424-9530.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
Questions

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On October 9, 1984, the Federal Election Commission received from the California Teachers Association's attorney the October 5, 1984 affidavit of Dorothy Labudde; the affidavit addressed the May 31, 1984 telephone bank operated by the California Teachers Association which was coordinated by Ms. Labudde. The Commission is attempting to ascertain certain information about the flyers used in conjunction with that telephone bank. Ms. Labudde's affidavit refers to the flyers as, "the flyers at issue." See Attachment.

QUESTIONS TO MS. DOROTHY LABUDDE

1. How did you acquire the flyers used in conjunction with the telephone bank? Please include specific information explaining when you obtained the flyers, from where you obtained the flyers as well as the source of the flyers.

1a. If someone provided the flyers to you, please state who that person was and whether that person at any time worked or held any position, full-time, part-time or temporarily, for compensation or voluntarily, with the Mondale for President Committee or the California Teachers Association.

1b. If someone assisted you in acquiring the flyers, please state who that person was and whether that person at any time worked or held any position, full-time, part-time or temporarily, for compensation or voluntarily, with the Mondale for President Committee or the California Teachers Association.

1c. For questions 1, 1a and 1b, please include the person or entity's name, address, telephone number and, where relevant, current status with the above mentioned organizations.

2. Did you pay any person or any organization or other entity for the flyers?

2a. To your knowledge, who did pay for the flyers used in conjunction with the May 31, 1984 telephone bank?

2b. For questions 2 and 2a, please state how much the flyers cost.

3. What is your current status with the California Teachers Association? What was your status with the California Teachers Association at the time of the phone bank?

85040520791

GCC # 6485  
MUR 1777  
Berson

Response of Dorothy E. Labudde to questions: MUR1777

- 1. On May 30, 1984, I attended a meeting of the 5th and 8th Congressional Districts organizers. The flyers at issue were on the table and I took some. I do not know the source.
  - 1a. I do not know the source.
  - 1b. Not applicable.
  - 1c. Not applicable.
- 2. No, I did not pay for them.
  - 2a. I don't know.
  - 2b. I don't know.
- 3. I am currently a retired life member of CTA. In May, 1984 I was an active member of CTA, political action chair, and coordinator of the CTA telephone bank.

15 JAN 22 1985  
P 3:31

I hereby declare under penalty of perjury that to the best of my knowledge the foregoing responses are true and correct.

*Dorothy E. Labudde*  
Dorothy E. Labudde

*January 17, 1985*  
January 17, 1985

85040520792

BEFORE THE  
FEDERAL ELECTION COMMISSION

Complaint Filed By )  
THE NATIONAL RIGHT TO WORK )  
COMMITTEE, )  
AND )  
RALPH MARTIN (BUD) HETTINGA, )  
JR. )  
\_\_\_\_\_ )

Case No. MUR 1777

State of California )  
County of San Mateo ) ss:

AFFIDAVIT OF DOROTHY LABUDDE

Dorothy Labudde, being duly sworn, deposes and says:

1. I was the teacher coordinator for a California Teachers Association/National Education Association Telephone Bank Member/Member Contact Program.

2. I have reviewed the Complaint, Affidavit and flyer in connection with the above matter.

3. I did not inform Adrienne Lynn Pike that the flyers at issue were to be distributed through the CTA phone bank and, in fact, they were not so distributed.

*Dorothy Labudde*  
DOROTHY LABUDDE  
10/5/84

85040520793





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 28, 1984

Robert H. Chanin, Esquire  
National Education Association  
1201 Sixteenth Street, N.W.  
Washington, D.C. 20036

Re: MUR 1777  
California Teachers  
Association

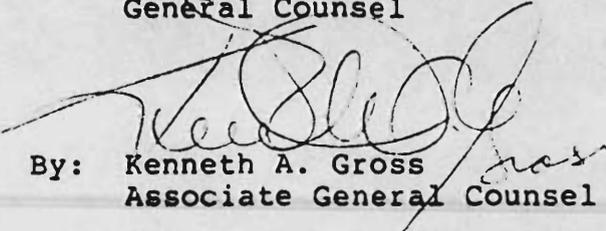
Dear Mr. Chanin:

On September 14, 1984, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission on December 18, 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that your client committed a violation of any statute within its jurisdiction. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g (a) (4) (B) and 437g (a) (12) (A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

85040520795



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 28, 1984

The Honorable Walter F. Mondale  
c/o Mondale for President  
Committee, Inc.  
2233 Wisconsin Avenue, N.W.  
Suite 318  
Washington, D.C. 20007

Re: MUR 1777

Dear Mr. Mondale:

This is to advise you that on December 18, 1984, the Federal Election Commission found reason to believe that your committee, and Michael S. Berman, as treasurer of the committee, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act, by distributing flyers advocating your election that did not contain a sponsorship statement.

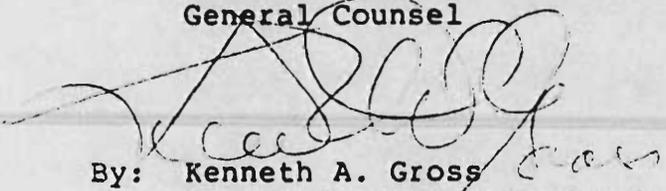
Although the committee treasurer is responsible for insuring that campaign literature complies with the Act's requirements, we believe that you, as the candidate, should be made aware of this development. The Commission determined that there was no reason to believe that you committed a violation of any statute within its jurisdiction.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and Michael S. Berman, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143. We have numbered this matter MUR 1777.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosures  
Letter to committee treasurer

85040520796



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 28, 1984

Mr. Michael S. Berman  
Treasurer  
Mondale for President Committee, Inc.  
2233 Wisconsin Avenue, N.W.  
Suite 318  
Washington, D.C. 20007

Attn: David Ifshin, Esquire  
Carolyn U. Oliphant, Esquire

Re: MUR 1777

Déar Mr. Berman:

The Federal Election Commission notified you on September 14, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated October 1, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on December 18, 1984, determined that there is reason to believe that the Mondale for President Committee violated 2 U.S.C. § 441d, a provision of the Act. The Commission made that determination after reviewing flyers that advocated Mr. Mondale's election but did not contain the sponsorship statement, or "disclaimer", that the Act requires. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your committee, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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Letter to Michael S. Berman, Treasurer  
Page Two

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have questions, please contact Matt Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

*Thomas E. Harris*

Thomas E. Harris  
Vice Chairman

Enclosure  
Procedures

85040520798

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Walter F. Mondale ) MUR 1777  
Mondale for President Committee, Inc. )  
California Teachers Association )

CERTIFICATION

I, Mary W. Dove, Administrative Secretary for the Federal Election Commission, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1777 in its executive session of December 18, 1984:

1. Find reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441d.
2. Find no reason to believe that Walter F. Mondale violated the Federal Election Campaign Act, as amended.
3. Find no reason to believe that the California Teachers Association violated the Federal Election Campaign Act, as amended.

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

Attest:

12-21-84

Date

Mary W. Dove  
Mary W. Dove  
Administrative Secretary

85040520799

**SENSITIVE**

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20436

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

84 DEC 5 P 4: 41

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION: 12/5/84 4:45 pm

MUR 1777  
DATE COMPLAINT  
RECEIVED BY OGC:  
September 6, 1984  
DATE OF NOTIFICATION  
TO RESPONDENT:  
September 14, 1984  
STAFF MEMBER: Matt Gerson

COMPLAINANTS' NAMES: Ralph Martin (Bud) Hettinga  
The National Right to Work Committee

RESPONDENTS' NAMES: Walter F. Mondale  
Mondale for President Committee, Inc.  
California Teachers Association

RELEVANT STATUTES: 2 U.S.C. § 441b  
2 U.S.C. § 441d  
11 C.F.R. § 110.11  
11 C.F.R. § 114.3(c)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. BACKGROUND

On September 6, 1984, complainants Ralph Martin (Bud) Hettinga, Jr. and the National Right to Work Committee filed a complaint alleging that the California Teachers Association (hereinafter "CTA") distributed brochures provided by the Mondale for President Committee (hereinafter "MPC") that did not contain the disclaimer statement required by 2 U.S.C. § 441d. Second, it is alleged that the brochures may have been paid for with CTA general treasury funds in violation of 2 U.S.C. § 441b.

MPC and CTA filed responses on October 1 and 9, 1984, respectively.

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## II. FACTUAL AND LEGAL ANALYSIS

This complaint is based on private investigator Adrienne Lynn Pike's affidavit. See Attachment 1. Ms. Pike states that she performed volunteer telephone work for the CTA prior to the California primary. Her phone bank supervisor allegedly gave her a brochure that the supervisor said was provided by the Mondale Committee for hand distribution. The brochure does not appear to include a disclaimer statement. See Attachment 2. Although Ms. Pike makes the statement that, "the flyers had come from the Mondale Committee," the complainant states that the disclaimer's absence "suggests" that the flyers may have been paid for with CTA's general treasury funds in violation of 2 U.S.C. § 441b.

MPC's response asserts that the allegation against CTA is "speculative and unjustified" in light of the fact that Ms. Pike states that the phone bank supervisor said that the brochures had come from the Mondale Committee. MPC's response states "to the best of its knowledge, MPC did not pay for the printing of the flyer. It is the policy of MPC to print a disclaimer on all printed literature outlining Mr. Mondale's policy positions." See Attachment 3. MPC adds that even if the flyers were paid for by MPC, there is no violation of the Act because, "campaign flyers which are distributed (by hand) by volunteers do not constitute general public political advertising as defined in the Act or regulations." 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a)(1). MPC also states that there is no evidence that

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the flyers were ever distributed. Finally, MPC states that the photocopy of the flyer may be incomplete.

CTA's response addresses the allegation that CTA paid for the flyers from their general treasury funds by providing an affidavit from Ralph Flynn, its Executive Director. See Attachment 4. Mr. Flynn states that he has, "primary responsibility for ... the disbursement of dues money and the authorization of political communications to CTA members." He asserts that, "CTA did not authorize, prepare, or pay for the flyer at issue." Even if CTA had paid for the flyers, absent evidence that the flyers were distributed other than to CTA members, there could be no violation since CTA believes it could distribute partisan brochures to members. 2 U.S.C. §§ 441b and 441d and 11 C.F.R. § 114.3(c). CTA nonetheless includes an affidavit from Dorothy Lubudde, the phone bank coordinator, that states that she, "did not inform Ms. Pike that the flyers were to be distributed through the CTA phone bank and, in fact, they were not so distributed." It is noteworthy that Ms. Labudde, does not address the allegation that the flyers came from the Mondale Committee. See Attachment 5.

Allegation One

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 through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of

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general public political advertising, such communication must clearly state whether it was paid for and/or authorized by the candidate, his authorized political committee or its agents.

Judging from statements made in the responses and affidavits, it is reasonable to conclude that the MPC may have paid for the flyers that expressly advocated Mondale's election, but did not contain a disclaimer. There is no evidence that CTA paid for the flyers and no evidence to refute Ms. Pike's statement that she was told that the flyers came from the Mondale Committee. MPC states that to the best of its knowledge MPC did not pay for the flyers but neither MPC or CTA's responses directly deny that MPC paid for the flyers. MPC argues alternatively that the flyers at issue need not contain a disclaimer since they do not constitute general public political advertising. The Committee reasons,

the one page "Mondale" flyer ... is not required to carry a disclaimer because campaign flyers which are distributed by volunteers do not constitute general public political advertising as defined in the Act or regulations. 2 U.S.C. 441d(a) and 11 C.F.R. § 110.11(a)(1).

MPC's position is unsupported by the law cited. In addition, MPC presents no precedent in which the Commission recognized that flyers hand distributed by volunteers are not general public political advertising and not subject to the Act's disclaimer requirement. In this case, the flyer appears on its face to be political advertising intended for the general public since it provides a reader with a brief description of several Mondale

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positions and instructs recipients to, "Vote for 5th district Mondale delegates June 5th." The flyer lists the delegates' names and, apparently, their ballot positions. In addition, the only exceptions to the disclaimer requirement pertain to very small and huge, bulky items:

(2 U.S.C. § 441d does) not apply to bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed . . . nor to skywriting, watertowers or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer might be impracticable. 11 C.F.R. § 110.11(a)2.

A disclaimer could have been included on the challenged flyer conveniently and practicably.\*/

Allegation Two

There is no evidence to support complainant's inference that CTA paid for the flyers from general treasury funds.

RECOMMENDATIONS

1. Find reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441d.
2. Find no reason to believe that Walter F. Mondale violated the Federal Election Campaign Act, as amended.
3. Find no reason to believe that the California Teachers Association violated the Federal Election Campaign Act, as amended.

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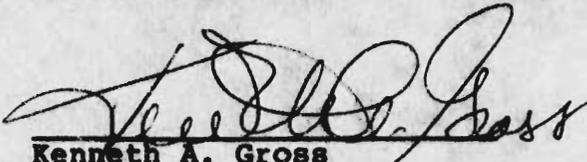
\*/ There is no evidence that Walter F. Mondale is personally responsible for the failure to include a disclaimer statement on the flyer in question.

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4. Close that aspect of the file pertaining to the California Teachers Association.
5. Approve the attached letters to the California Teachers Association, the Mondale for President Committee, Inc., and Walter Mondale.

Charles N. Steele  
General Counsel

Dec. 5, 1984  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

**Attachments**

1. Mondale flyer at issue.
2. Adrienne Lynn Pike's affidavit
3. Mondale for President Committee's response
4. Ralph Flynn's affidavit
5. Dorothy Labudde's affidavit
6. Letters to respondents

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# MONDALE

The EXPERIENCE to know what needs to change. The STRENGTH to make it happen.

"All my life I have...been personally or energetically involved. Whether it's been civil rights or women's rights, problems of the poor, the unemployed (or) senior citizens..."



Walter Mondale  
San Francisco Chronicle 5/28/84

## WALTER MONDALE SUPPORTS:

### PEACE, NUCLEAR FREEZE, DISARMMENT

- More than a decade ago, Walter Mondale fought to prevent the testing and deployment of multiple warhead missiles. He fought for ratification of the Salt II treaty.
- Mondale opposes the MX missile and B-1 bomber.
- Mondale was the first candidate to endorse the nuclear freeze.
- Mondale rejects Reagan's huge 13% increase in defense spending.

### MINORITIES AND CIVIL RIGHTS

- Mondale was a co-sponsor of the historic Voting Rights Act of 1965 enabling blacks to register to vote.
- Mondale marched with Cesar Chavez during the Grape Boycott. He authored legislation protecting farm workers under the National Labor Relations Act.
- Mondale co-sponsored the Older Americans Act and co-sponsored the original Medicare Bill.
- Mondale fought to defend and extend the Social Security System.
- Mondale supports Federal legislation outlawing discrimination against gays and lesbians.

### OPPORTUNITIES FOR WOMEN

- Mondale was an original co-sponsor of the Equal Rights Amendment and worked for extension.
- Mondale has developed a federal Comparable Worth Program.
- Mondale wrote the nation's first comprehensive child care act.
- Mondale supports federal funding of abortion.
- Mondale would restore the Reagan cuts in programs affecting women such as AFDC, WIC, Food Stamps, SSI and Social Security.

### ENVIRONMENT

- Mondale co-sponsored the original Clean Air Act of 1970 and took the lead on behalf of the Clean Lakes Act.
- Mondale advocates the strongest acid rain cleanup proposal under consideration - a 50% reduction in sulphur dioxide emissions.
- Mondale voted in the '70's against confirmation of two anti-environmentalists for cabinet positions: Earl Butz for Secretary of Agriculture and Stanley Hathaway for Secretary of the Interior. Gary Hart voted FOR James Watt's confirmation!
- Mondale helped design the Superfund - the \$5 billion fund to clean up toxic wastes.

VOTE FOR 5th DISTRICT

MONDALE DELEGATES

JUNE 5th

← 55	Doris M. Ward (WALTER MONDALE)
← 56	Sal Rosselli (WALTER MONDALE)
← 57	Lucy Blake (WALTER MONDALE)
← 58	Timothy J. Twomey (WALTER MONDALE)
← 59	Linda Post (WALTER MONDALE)
← 60	Jack Trujillo (WALTER MONDALE)
← 61	Carole Migden (WALTER MONDALE)
← 62	Catherine Jean Dodd (WALTER MONDALE)



October 1, 1984

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

RE: MUR 1777

Dear Mr. Steele:

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This letter and attachment constitute the response of the Mondale for President Committee, Inc. (MPC) to the complaint filed on September 6, 1984 by the National Right to Work Committee (NRWC) and Ralph Martin (Bud) Hettinga, Jr.

This complaint is the latest installment in the NRWC's ongoing campaign to harass Mondale supporters and Mondale for President. Like other NRWC complaints filed with the Commission, the sole evidentiary basis for this complaint is an affidavit from an NRWC-paid informant. MPC urges the Commission to dismiss this complaint and find there is no reason to believe that a violation of the FECA has been committed by MPC.

- I. THE COMPLAINT SHOULD BE DISMISSED BECAUSE PUBLIC POLICY DEMANDS THAT THE COMMISSION DISAVOW COMPLAINANT'S DIRTY-TRICKS OPERATION

This is the fifth in a series of complaints filed by NRWC based on the fruits of its dirty-tricks operation.

In the first complaint based on evidence gathered by a paid infiltrator, MUR 1702, the Commission found no reason to believe that any respondent, including MPC, had violated the Act. MPC argued in its Motion to Strike MURs 1702, 1703, and 1704 that for the Commission even to consider "evidence" gathered by a paid infiltrator as part of NRWC's well publicized dirty-tricks operation would have been tantamount to approval of tactics that are unlawful, morally reprehensible, and contrary to the public policies which the Commission is mandated to protect. MPC renews this argument in MUR 1777 since even the appearance of "neutrality" by the Commission regarding the NRWC covert operations would constitute tacit approval of this and other infiltration and harassment efforts. The appearance of Commission tolerance for, if not the actual approval of, dirty-tricks operations may have already been a factor in prompting other parties to organize and engage in other despicable harassment campaigns. See Exhibit 1. Because the NRWC's infiltration and harassment operation is an action that grossly pollutes the very political environment the Commission was created to protect, and because continued Commission consideration of "evidence" unearthed in dirty-tricks operations will inevitably encourage other parties to engage in unsavory activities, the Commission should dismiss this complaint.

II. THE COMPLAINT SHOULD BE DISMISSED BECAUSE IT OFFERS NO EVIDENCE THAT A VIOLATION OF THE ACT OCCURRED

Adrienne Lynn Pike, allegedly a private investigator, was paid by NRWC to "volunteer" for the California Teacher's Association (CTA). NRWC had Ms. Pike infiltrate CTA in the hope that she would observe vioations of federal election law that could form the basis for an NRWC complaint. However, regardless of the fact that, as discussed below, Ms. Pike observed no election law violations, the NRWC chose to file this complaint anyway.

0 Ms. Pike's affidavit states that 1) Dorothy Labudde handed  
1 her a "Mondale" flyer; 2) Ms. Labudde had a stack of 100 flyers;  
8 and 3) Ms. Labudde stated that the flyers had come from "the  
0 Mondale Committee" and were to be hand distributed. A copy of  
2 the flyer at issue was attached to Ms. Pike's affidavit. Even  
5 assuming veracity, this affidavit demonstrates no violation of  
4 the Act.

0 From Ms. Pike's innocuous testimony, Complainant's conclude  
5 that 1) "the flyers were being distributed through CTA's phone  
8 bank operation"; 2) "the flyers did not reflect who authorized or  
paid for them" in violation of 2 U.S.C. Section 441d; and 3) "the  
flyers may have been paid for with general treasury funds of CTA"  
in violation of 2 U.S.C. Section 441b. Complainant's conclusions,  
however, are not justified under the regulations or the Act, and  
are not even buttressed by the statement of its informant.

A. Complainant has offered no proof of the origin of the flyer

Although complainant has offered no proof of the origin of the flyer, its conclusion that CTA may have paid for it with union treasury funds is speculative and unjustified. Moreover, it is contrary to the only evidence Complainant offers on the flyer's origin, the testimony of its own undercover agent. Ms. Pike swears in her affidavit that Mrs. Labudde "stated that the flyers had come from the Mondale Committee (emphasis added)." To the best of its knowledge, MPC did not pay for the printing of this flyer. It is the policy of MPC to print a disclaimer on all printed literature outlining Mr. Mondale's policy positions. Nonetheless, as set forth below, even if the flyer was paid for by MPC, the complaint fails to state a violation of the Act.

B. The flyers at issue are not required to carry a disclaimer

The one page "Mondale" flyer that is the subject of this complaint is not required to carry a disclaimer because campaign flyers which are distributed by volunteers do 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). The fact that Mrs. Labudde told Ms. Pike, who misrepresented herself as a volunteer, that the flyers "were to be hand distributed (emphasis added)," further supports the case that the flyer was to be distributed by hand by volunteers in accordance with the applicable FEC regulations cited above. Moreover, insofar as MPC can determine, the only evidence that the flyer did not carry a disclaimer is Ms. Pike's affidavit.

The copy of the flyer itself which was appended to the complaint received by MPC appears to be cut off at the bottom. For all we know, there was a disclaimer on the bottom of the flyer which was removed by the NRWC's paid spies.

C. The presence of the handbills at CTA phone banks is not a violation of the Act or regulations

The mere presence of one hundred "Mondale" handbills at the CTA phone bank is not a violation of the Act or regulations. If the allegation in the affidavit that MPC paid for the literature is true, then the handbills could be distributed by volunteers to anyone without constituting a violation of any election law.

2 Finally, Complainant offers no evidence that the handbills were  
1 ever distributed.\*/  
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\*/ Even if the flyer was paid for by CTA --- a fact which is contradicted by Complainant's evidence --- the complaint fails to set forth a violation. There is no evidence that the flyer was distributed outside the union's membership since there is no evidence that it was distributed at all. According to her affidavit, Ms. Pike was the only person who received the flyer. By her own admission she was in a union hall under false pretenses and she may very well have posed as a union member.

CONCLUSION

For the reasons stated above, the Commission should find no reason to believe that a violation of the Act has occurred and close its file in this matter.

Respectfully submitted,

*David M. Ifshin* by *cuo*  
David M. Ifshin  
General Counsel

*Carolyn U. Oliphant*  
Carolyn U. Oliphant  
Deputy General Counsel

85040520813

Des Moines Register  
9-22-84  
p.1 & 6

Exhibit 1, p. 1 of 2

Des Moines Register  
p.1 and p.6A

## Ferraro sees conservative 'slur' tactic

From The Register's Wire Services  
SANTA ANA, CALIF. — Geraldine Ferraro said Friday there is "an organized campaign" of slurs being waged against her by conservatives, but declared that won't stand in the way of her efforts as the Democratic vice presidential nominee.

Her charge came as NBC News reported sources as saying the Reagan-Bush campaign has been running an undercover operation designed to undermine the Mondale-Ferraro campaign.

"I intend to win this election despite those slurs," Ferraro said on a radio talk show from the Republican heartland of Orange County. She made the comments on a call-in show on KABC in Los Angeles. She participated by telephone at the end of a four-day, coast-to-coast campaign swing.

Earlier Friday, Ferraro told a rally that Reagan administration officials "are out of touch with reality" on arms control and don't have "the foggiest idea of what needs to be done to reduce the threat of nuclear war."

And the Democratic vice presidential candidate — addressing a crowd in the same county where the president kicked off his fall campaign — defiantly declared: "This is where Democrats come to get elected." "Offensive," Host Says

Her statement about "organized" efforts to smear her came in response to a question that talk show host Michael Jackson called offensive before she even answered it.

The questioner strung together a wide variety of allegations about Ferraro and her husband in the query, asking whether "all the campaign violations, using that sick old lady's money, voting for medical experiments on live fetuses and human babies and dealing with mobsters" don't suggest, "Why shouldn't you be regarded as an American version of Argentina's Evita Peron?"

"I Won"

Ferraro responded: "I have to say when I ran in 1978 we had this same type of right-wingers come at us and try to tear us apart. They thought they were going to win then. I won with 55 percent of the vote. ... I intend to win this election despite those slurs. ... It's an organized campaign."

She gave no evidence to back up her allegation of an organized smear campaign.

But she has been followed at almost every campaign stop by anti-abortion demonstrators, who, campaign aides point out, often carry signs in one city

CAMPAIGN

\* }

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continued

Don Martin  
Reagan 9/23

# No undercover campaign ploy, Rollins says

## CAMPAIGN

Continued from Page One

that are quite similar to those in the previous town. And on Thursday, she faced an intense, apparently organized group of hecklers at the University of Texas at Arlington.

### "Undercover" Allegations

The NBC News report Friday night about an alleged undercover campaign against Ferraro and Walter Mondale quoted unidentified Republican sources as saying the operation is being led by campaign director Ed Rollins and longtime Reagan adviser Lyn Neffinger.

NBC quoted its sources as saying that there are almost daily planning meetings to organize political attacks while keeping them at a distance so they cannot be traced to the president's re-election effort. The strategy, said NBC, is to have groups or individuals not officially connected to the campaign demand investigations of Ferraro's finances, orchestrate a campaign of damaging leaks to the press, organize anti-abortion demonstrations against the Mondale-Ferraro ticket and encourage criticism by the Catholic hierarchy.

Ed Rollins denied the allegations in



AP PHOTO

Protesters, many holding anti-abortion signs, express their feelings outside the University Club at the University of California at Irvine Thursday night before a talk by Democratic vice presidential candidate Geraldine Ferraro.

an interview with the network, saying "there's not a master strategy laid out by this campaign to do the various things that are going on." NBC said Neffinger initially agreed to an interview, then canceled it.

### Zaccare Examination

State officials met Friday with a lawyer for John Zaccare, Ferraro's husband, as part of a routine examination of his financial dealings.

William Brown, a spokesman for the New York Department of State, said the inquiry into Zaccare's "escrow accounts and how he's handled them" was begun after the real estate manager was removed Aug. 30 as conservator of the estate of Alice Phelan, an 84-year-old nursing home resident.

Zaccare had lent his real estate firm \$175,000 from Mrs. Phelan's estate. He repaid the loan at a higher interest rate than the money earned in a

bank but the judge ruled there was conflict of interests.

Vice President George Bush's secretary, after seeing a front-page headline that read, "Bush Booed Into Changing His Speech," took action Friday. "You'll have to have your tape recorders going and your pencils moving fast," Peter Teeley told reporters as he announced that he would no longer give reporters advance copies of the vice president's speeches.

\*

Exhibit 1, p. 2 of 2

8 5 0 4 0 5 2 0 8 1 5

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Des Moines Register

BEFORE THE  
FEDERAL ELECTION COMMISSION

Complaint Filed By )  
THE NATIONAL RIGHT TO WORK )  
COMMITTEE, )  
AND )  
RALPH MARTIN (BUD) HETTINGA, )  
JR. )  
\_\_\_\_\_ )

Case No. MUR 1777

State of California )  
County of San Mateo ) ss:

AFFIDAVIT OF RALPH J. FLYNN

Ralph J. Flynn, being duly sworn, deposes and says:

1. I am the Executive Director of the California Teachers Association ("CTA"). In this capacity I have primary responsibility for the day to day operation of CTA, including the disbursement of dues money and the authorization of political communication to CTA members.

2. I have reviewed the Complaint, Affidavit and flyer in connection with the above matter.

3. CTA did not authorize, prepare or pay for the flyer at issue.

  
RALPH J. FLYNN

85040520816



BEFORE THE  
FEDERAL ELECTION COMMISSION

Complaint Filed By )  
THE NATIONAL RIGHT TO WORK )  
COMMITTEE, )  
AND )  
RALPH MARTIN (BUD) HETTINGA, )  
JR. )

Case No. MUR 1777

State of California )  
County of San Mateo ) ss:

AFFIDAVIT OF DOROTHY LABUDDE

Dorothy Labudde, being duly sworn, deposes and says:

1. I was the teacher coordinator for a California Teachers Association/National Education Association Telephone Bank Member/Member Contact Program.
2. I have reviewed the Complaint, Affidavit and flyer in connection with the above matter.
3. I did not inform Adrienne Lynn Pike that the flyers at issue were to be distributed through the CTA phone bank and, in fact, they were not so distributed.

*Dorothy Labudde*  
DOROTHY LABUDDE  
10/5/84

85040520819





NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 822-7035  
 MARY HATWOOD FUTRELL, President  
 KEITH GEIGER, Vice President  
 ROXANNE E. BRADSHAW, Secretary-Treasurer

LEGAL SERVICES  
 OFFICE OF GENERAL COUNSEL

DON CAMERON, Executive Director

GCC #5042

RECEIVED  
 OCT 10 1984  
 5:33

October 9, 1984

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

Re: MUR 1777

Dear Mr. Steele:

On September 14, 1984, you wrote to Judy Dellamonica, notifying her that the California Teachers Association ("CTA") was named as a respondent in the above MUR. This MUR is based upon a complaint filed by the National Right to Work Committee ("NRWC") and Ralph Martin (Bud) Hettinga, Jr., which, in turn, is based upon an affidavit filed by Adrienne Lynne Pike, a private investigator retained by NRWC for the purpose of "investigating possible union violations of the federal elections laws." Pike Affidavit, ¶ 2. The complaint alleges two violations of the Federal Election Campaign Act of 1971 ("Act"): (1) certain flyers supporting the candidacy of Walter Mondale "did not reflect who authorized or paid for them, in violation of 2 U.S.C. § 441d"; and (2) "[t]his omission suggests that the flyers may have been paid for with general treasury funds of CTA, in violation of 2 U.S.C. § 441(b)." I have been authorized to represent CTA, and this response is submitted on its behalf.

At the outset, I wish to point out that your letter of September 14, 1984 identifies Judy Dellamonica as "President, California Teachers Association" and was sent to her at an address in San Francisco. Ms. Dellamonica is not the President of CTA and is not authorized to accept service for CTA; moreover, CTA is not headquartered in San Francisco, but in Burlingame, California. In order to expedite matters, however, CTA has chosen to waive this defect in service and respond to this MUR on its merits.

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The fulcrum of the complaint against CTA is the "suggest[ion]" that the flyers in question "may have been paid for with general treasury funds of CTA, in violation of 2 U.S.C. § 441(b)." The short answer to this "suggest[ion]" is that it has no basis in fact: as indicated in the attached Affidavit of Ralph Flynn, Executive Director of CTA, CTA did not authorize, prepare, or use treasury funds to pay for the flyers. Indeed, this allegation is on its face squarely in conflict with the statement in paragraph 3 of the Pike affidavit that "the flyers had come from the Mondale Committee."

Inasmuch as the foregoing is dispositive of the complaint against CTA, the Commission need not reach the question of whether the use of CTA funds for this purpose would violate 2 U.S.C. § 441(b). We submit, however, that absent evidence that the flyers were distributed other than to CTA members -- which is not even alleged -- there would in any event be no violation of the Act even if they were -- contrary to fact -- CTA flyers "paid for with general treasury funds of CTA." Finally, we note that the statement in the complaint that the Pike affidavit "reflects that flyers supporting the candidacy of Walter Mondale were being distributed through CTA's phone bank operation" is typical of NRWC's flair for distortion. The affidavit does not state how the flyers were going to be "hand distributed," or that they even were distributed. In fact, the flyers were not distributed through the CTA phone bank and Dorothy LaBudde did not indicate to Ms. Pike that they would be. This is verified in the attached Affidavit of Ms. LaBudde.

On the basis of the information set forth above, we respectfully request that the Commission find no reason to believe CTA has violated the Act, and that it close the file on this MUR. It is not our position, however, that the Commission should close the file on this transaction. To the contrary, it occurs to us that there, indeed, may have been a violation of the Act.

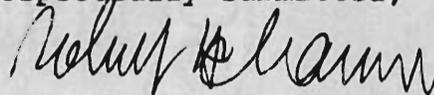
In her affidavit, Ms. Pike asserts that she "performed volunteer telephone work for the California Teachers' Association" -- i.e., like other participants in the CTA telephone bank operation, she telephoned CTA members and urged them to support the candidacy of Walter Mondale. Indeed, we have been informed (and, if necessary, are prepared to submit a confirming affidavit) that Ms. Pike performed with uncommon enthusiasm and generally was considered to be one of the most effective

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participants. However, Ms. Pike was unlike the other participants in one critical respect: whereas they were performing this function on their own time, she was working for the firm of Neilson and Burgart, which in turn was being paid by NRWC. Inasmuch as the CTA members who were called by Ms. Pike received the same pro-Mondale message as did those members who were called by actual "volunteers," it appears that NRWC funds were expended in violation of 2 U.S.C. § 441(b). Nor can this in any sense be characterized as an inadvertent violation. To the contrary, this is a violation by an entity that is thoroughly familiar with the requirements of the Act -- and, as evidenced by the complaint in MUR 1777, with the requirements of 2 U.S.C. § 441(b) in particular.

We ask that the Commission, on the basis of this information ascertained in the normal course of carrying out its supervisory responsibilities, take appropriate action to remedy this willful and knowing violation (including assessment of the maximum allowable civil penalty against NRWC) and to prevent similar violations in the future.

Respectfully submitted,



Robert H. Chanin

Attorney for Respondent  
California Teachers Association

RHC:dr

85040520822

BEFORE THE  
FEDERAL ELECTION COMMISSION

Complaint Filed By )  
THE NATIONAL RIGHT TO WORK )  
COMMITTEE, )  
AND )  
RALPH MARTIN (BUD) HETTINGA, )  
JR. )

Case No. MUR 1777

State of California )  
County of San Mateo ) ss:

AFFIDAVIT OF RALPH J. FLYNN

Ralph J. Flynn, being duly sworn, deposes and says:

1. I am the Executive Director of the California Teachers Association ("CTA"). In this capacity I have primary responsibility for the day to day operation of CTA, including the disbursement of dues money and the authorization of political communication to CTA members.

2. I have reviewed the Complaint, Affidavit and flyer in connection with the above matter.

3. CTA did not authorize, prepare or pay for the flyer at issue.

  
RALPH J. FLYNN

85040520823



BEFORE THE  
FEDERAL ELECTION COMMISSION

Complaint Filed By )  
THE NATIONAL RIGHT TO WORK )  
COMMITTEE, )  
AND )  
RALPH MARTIN (BUD) HETTINGA, )  
JR. )

Case No. MUR 1777

State of California )  
County of San Mateo ) ss:

AFFIDAVIT OF DOROTHY LABUDDE

Dorothy Labudde, being duly sworn, deposes and says:

1. I was the teacher coordinator for a California Teachers Association/National Education Association Telephone Bank Member/Member Contact Program.

2. I have reviewed the Complaint, Affidavit and flyer in connection with the above matter.

3. I did not inform Adrienne Lynn Pike that the flyers at issue were to be distributed through the CTA phone bank and, in fact, they were not so distributed.

*Dorothy Labudde*  
DOROTHY LABUDDE  
10/5/84

85040520825





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 5, 1984

Robert H. Chanin, Esquire  
National Education Association  
1201 - 16th Street, N.W.  
Washington, D.C. 20036

Dear Mr. Chanin:

We have received the response you submitted on behalf of your client, the California Teachers Association, on October 9, 1984, in connection with MUR 1777. Within your response you raised the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") by the National Right to Work Committee.

The 1976 amendments to the Act and Commission regulations require that a complaint meet certain specific requirements. Since your letter of October 9, 1984, did not meet these requirements, the Commission was unable to proceed. The Commission did, however, receive a formal complaint from you on October 22, 1984 containing similar allegations. Since that complaint met the Commission's requirements, it was assigned to a staff member as MUR [REDACTED].

If you have any questions, please do not hesitate to contact Beverly Kramer at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

85040520828



NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 822-7035

MARY HATWOOD FUTRELL, President  
KEITH GEIGER, Vice President  
ROXANNE E. BRADSHAW, Secretary-Treasurer

RECEIVED AT THE FEC  
GC # 4986  
LEGAL SERVICES  
OFFICE OF GENERAL COUNSEL

DON CAMERON, Executive Director

October 2, 1984

Mr. Matthew Gerson  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1777

Dear Mr. Gerson:

This will confirm our conversation today regarding MUR 1777. First, I indicated that Robert H. Chanin, General Counsel, National Education Association, will be representing the California Teachers Association. Second, we agreed that the response will not be due until October 10, 1984.

Please call if you have any questions regarding the above.

Sincerely,

*Joy L. Koletsky*  
Joy L. Koletsky  
Staff Counsel

JLK:ew

85040520829

14 OCT 5 AIO: 07

RECEIVED  
GENERAL COUNSEL

GCC # 952

October 2, 1984

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

RECEIVED  
GENERAL COUNSEL  
34 OCT 2 P 4: 13

Dear Mr. Gerson:

Pursuant to our conversation, I have enclosed replacement pages for MUR 1777 and MUR 1778. I appreciate your assistance in this matter.

Very truly yours,

*Francine M. Hayward*

Francine M. Hayward  
Assistant Counsel  
Mondale for President

85040520830

encl.

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED AT THE FEC  
GCC#5185  
84 OCT 17 11:00

MUR 1777

NAME OF COUNSEL: Robert H. Chanin

ADDRESS: 1201 - 16th Street, N.W.  
Washington, D.C. 20036

TELEPHONE: 202-822-7035

34 OCT 17 11:00  
GENERAL INVESTIGATIVE  
DIVISION

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.

Oct. 16, 1984  
Date

Ralph J. Flynn  
Signature  
by Joy Korbly

RESPONDENT'S NAME: Ralph J. Flynn, Executive Director

ADDRESS: California Teachers Association  
1705 Murchison Drive  
Burlingame, California 94010

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: 415-697-1400

85040520831



OFFICE OF GENERAL COUNSEL THE FEC  
NATIONAL EDUCATION ASSOCIATION  
1201 Sixteenth Street, N.W.  
Washington, D.C. 20036  
(202) 822-7089

OCT 16 9 00

DATE: October 16, 1984

TO: Matthew Gerson

FROM: JOY L. KOLETSKY  
Staff Counsel

Re: MUR 1777

With respect to our conversation today, I have enclosed a "Statement of Designation of Counsel" in connection with the above MUR. Please let me know if you need anything further.

Joy Koletsky

85040520832



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

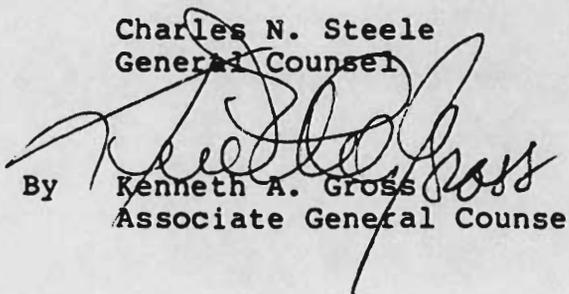
Dear Mr. Wilson:

This letter is to acknowledge receipt of your complaint which we received on September 6, 1984, against the California Teachers Association, Michael S. Berman, Mondale for President, Inc., and Walter F. Mondale, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 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 Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By   
Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520833



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 14, 1984

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

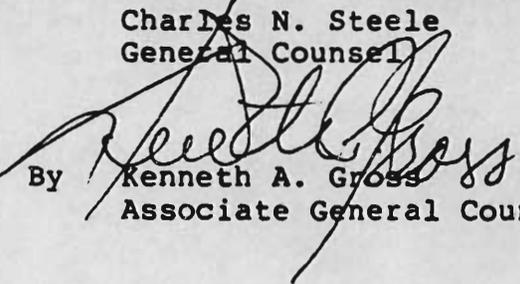
Dear Mr. Hettinga:

This letter is to acknowledge receipt of your complaint which we received on September 6, 1984, against the California Teachers Association, Michael S. Berman, Mondale for President, Inc., and Walter F. Mondale, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 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 Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520834



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 14, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Walter F. Mondale  
c/o Mondale for President Committee, Inc.  
2201 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Re: MUR 1777

Dear Mr. Mondale:

8 5 0 4 0 5 2 0 8 3 5  
This letter is to notify you that on September 6, 1984 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1777. 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 you, 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.

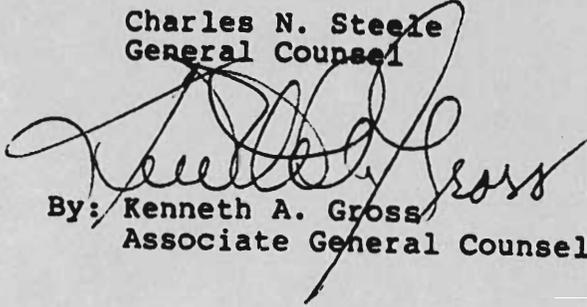
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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.

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter at (202) 523-4143. 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

85040520836

October 1, 1984

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

RE: MUR 1777

Dear Mr. Steele:

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This letter and attachment constitute the response of the Mondale for President Committee, Inc. (MPC) to the complaint filed on September 6, 1984 by the National Right to Work Committee (NRWC) and Ralph Martin (Bud) Hettinga, Jr.

This complaint is the latest installment in the NRWC's ongoing campaign to harass Mondale supporters and Mondale for President. Like other NRWC complaints filed with the Commission, the sole evidentiary basis for this complaint is an affidavit from an NRWC-paid informant. MPC urges the Commission to dismiss this complaint and find there is no reason to believe that a violation of the FECA has been committed by MPC.

I. THE COMPLAINT SHOULD BE DISMISSED BECAUSE PUBLIC POLICY DEMANDS THAT THE COMMISSION DISAVOW COMPLAINANT'S DIRTY-TRICKS OPERATION

This is the fifth in a series of complaints filed by NRWC based on the fruits of its dirty-tricks operation.

In the first complaint based on evidence gathered by a paid infiltrator, MUR 1702, the Commission found no reason to believe that any respondent, including MPC, had violated the Act. MPC argued in its Motion to Strike MURs 1702, 1703, and 1704 that for the Commission even to consider "evidence" gathered by a paid infiltrator as part of NRWC's well publicized dirty-tricks operation would have been tantamount to approval of tactics that are unlawful, morally reprehensible, and contrary to the public policies which the Commission is mandated to protect. MPC renews  
8 this argument in MUR 1777 since even the appearance of  
3 "neutrality" by the Commission regarding the NRWC covert  
8 operations would constitute tacit approval of this and other  
0 infiltration and harassment efforts. The appearance of  
2 Commission tolerance for, if not the actual approval of, dirty-  
5 tricks operations may have already been a factor in prompting  
4 other parties to organize and engage in other despicable  
0 harassment campaigns. See Exhibit 1. Because the NRWC's  
5 infiltration and harassment operation is an action that grossly  
8 pollutes the very political environment the Commission was  
created to protect, and because continued Commission  
consideration of "evidence" unearthed in dirty-tricks operations  
will inevitably encourage other parties to engage in unsavory  
activities, the Commission should dismiss this complaint.

II. THE COMPLAINT SHOULD BE DISMISSED BECAUSE IT OFFERS NO EVIDENCE THAT A VIOLATION OF THE ACT OCCURRED

Adrienne Lynn Pike, allegedly a private investigator, was paid by NRWC to "volunteer" for the California Teacher's Association (CTA). NRWC had Ms. Pike infiltrate CTA in the hope that she would observe violations of federal election law that could form the basis for an NRWC complaint. However, regardless of the fact that, as discussed below, Ms. Pike observed no election law violations, the NRWC chose to file this complaint anyway.

Ms. Pike's affidavit states that 1) Dorothy Labudde handed her a "Mondale" flyer; 2) Ms. Labudde had a stack of 100 flyers; and 3) Ms. Labudde stated that the flyers had come from "the Mondale Committee" and were to be hand distributed. A copy of the flyer at issue was attached to Ms. Pike's affidavit. Even assuming veracity, this affidavit demonstrates no violation of the Act.

From Ms. Pike's innocuous testimony, Complainant's conclude that 1) "the flyers were being distributed through CTA's phone bank operation"; 2) "the flyers did not reflect who authorized or paid for them" in violation of 2 U.S.C. Section 441d; and 3) "the flyers may have been paid for with general treasury funds of CTA" in violation of 2 U.S.C. Section 441b. Complainant's conclusions, however, are not justified under the regulations or the Act, and are not even buttressed by the statement of its informant.

A. Complainant has offered no proof of the origin of the flyer

Although complainant has offered no proof of the origin of the flyer, its conclusion that CTA may have paid for it with union treasury funds is speculative and unjustified. Moreover, it is contrary to the only evidence Complainant offers on the flyer's origin, the testimony of its own undercover agent. Ms. Pike swears in her affidavit that Mrs. Labudde "stated that the flyers had come from the Mondale Committee (emphasis added)." To the best of its knowledge, MPC did not pay for the printing of this flyer. It is the policy of MPC to print a disclaimer on all printed literature outlining Mr. Mondale's policy positions. Nonetheless, as set forth below, even if the flyer was paid for by MPC, the complaint fails to state a violation of the Act.

B. The flyers at issue are not required to carry a disclaimer

The one page "Mondale" flyer that is the subject of this complaint is not required to carry a disclaimer because campaign flyers which are distributed by volunteers do 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). The fact that Mrs. Labudde told Ms. Pike, who misrepresented herself as a volunteer, that the flyers "were to be hand distributed (emphasis added)," further supports the case that the flyer was to be distributed by hand by volunteers in accordance with the applicable FEC regulations cited above. Moreover, insofar as MPC can determine, the only evidence that the flyer did not carry a disclaimer is Ms. Pike's affidavit.

The copy of the flyer itself which was appended to the complaint received by MPC appears to be cut off at the bottom. For all we know, there was a disclaimer on the bottom of the flyer which was removed by the NRWC's paid spies.

C. The presence of the handbills at CTA phone banks is not a violation of the Act or regulations

The mere presence of one hundred "Mondale" handbills at the CTA phone bank is not a violation of the Act or regulations. If the allegation in the affidavit that MPC paid for the literature is true, then the handbills could be distributed by volunteers to anyone without constituting a violation of any election law.

Finally, Complainant offers no evidence that the handbills were ever distributed.\*/  
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\*/ Even if the flyer was paid for by CTA --- a fact which is contradicted by Complainant's evidence --- the complaint fails to set forth a violation. There is no evidence that the flyer was distributed outside the union's membership since there is no evidence that it was distributed at all. According to her affidavit, Ms. Pike was the only person who received the flyer. By her own admission she was in a union hall under false pretenses and she may very well have posed as a union member.

CONCLUSION

For the reasons stated above, the Commission should find no reason to believe that a violation of the Act has occurred and close its file in this matter.

Respectfully submitted,

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

*Carolyn U. Oliphant*  
Carolyn U. Oliphant  
Deputy General Counsel

85040520842

Des Moines Register  
7-22-84  
p.1 + 6A

Exhibit 1, p. 1 of 2

Des Moines Register  
p.1 and p.6A

## Ferraro sees conservative 'slur' tactic

From The Register's Wire Services  
SANTA ANA, CALIF. — Geraldine Ferraro said Friday there is "an organized campaign" of slurs being waged against her by conservatives, but declared that won't stand in the way of her efforts as the Democratic vice presidential nominee.

Her charge came as NBC News reported earlier as saying the Reagan-Bush campaign has been running an undercover operation designed to undermine the Mondale-Ferraro campaign.

"I intend to win this election despite those slurs," Ferraro said on a radio talk show from the Republican heartland of Orange County. She made the comments on a call-in show on EABC in Los Angeles. She participated by telephone at the end of a four-day, coast-to-coast campaign swing.

Earlier Friday, Ferraro told a rally that Reagan administration officials "are out of touch with reality" on arms control and don't have "the foggiest idea of what needs to be done to reduce the threat of nuclear war."

And the Democratic vice presidential candidate — addressing a crowd in the same county where the president kicked off his fall campaign — defiantly declared: "This is where Democrats come to get elected."

"Offensive," Host Says

Her statement about "organized" efforts to smear her came in response to a question that talk show host Michael Jackson called offensive before she even answered it.

The questioner strung together a wide variety of allegations about Ferraro and her husband in the query, asking whether "all the campaign violations, using that sick old lady's money, voting for medical experiments on live fetuses and human babies and dealing with mobsters" don't suggest, "Why shouldn't you be regarded as an American version of Argentina's Evita Peron?"

"I Won"

Ferraro responded:

"I have to say when I ran in 1978 we had this same type of right-wingers come at us and try to tear us apart. They thought they were going to win then. I won with 55 percent of the vote. ... I intend to win this election despite those slurs. ... It's an organized campaign."

She gave no evidence to back up her allegation of an organized smear campaign.

But she has been followed at almost every campaign stop by anti-abortion demonstrators, who, campaign aides point out, often carry signs in one city

CAMPAGN

\* }

85040520843

continued

Don Meier for  
Page 9/22  
106

13

# No undercover campaign ploy, Rollins says

Continued from Page One

that are quite similar to those in the previous issue. And on Thursday, she faced an intense, apparently organized group of teachers at the University of Texas at Arlington.

### "Undercover" Allegations

The NBC News report Friday night about an alleged undercover campaign against Ferraro and Walter Mondale quoted unidentified hospital case sources as saying the operation is being led by campaign director Ed Rollins and longtime Reagan adviser Lynn Widiger.

NBC quoted its sources as saying that there are almost daily planning meetings to organize political attacks while keeping them at a distance so they cannot be traced to the president's re-election effort. The strategy, said NBC, is to have groups of individuals not officially connected to the campaign demand investigations of Ferraro's finances, orchestrate a campaign of damaging leaks to the press, organize anti-abortion demonstrations against the Mondale-Ferraro ticket and encourage criticism by the Catholic hierarchy.

Ed Rollins denied the allegations in



AP PHOTO

Protestors, most holding anti-abortion signs, express their feelings outside the University Club at the University of California at Irvine Thursday night before an talk by Democratic vice presidential candidate Geraldine Ferraro.

an interview with the network, saying "there's not a master strategy laid out by this campaign to do the various things that are going on." NBC said Widiger initially agreed to an interview, then canceled it.

### Zaccaro Examination

State officials met Friday with a lawyer for John Zaccaro, Ferraro's husband, as part of a routine examination of his financial dealings.

William Brown, a spokesman for the New York Department of State, said the inquiry into Zaccaro's "account accounts had how he's handled them" was begun after the real estate manager was removed Aug. 30 as conservator of the estate of Alice Phelan, an 84-year-old nursing home resident.

Zaccaro had lent his real estate firm \$175,000 from Mrs. Phelan's estate. He repaid the loan at a higher interest rate than the money earned in a

bank but the judge ruled there was conflict of interests.

Vice President George Bush's secretary, after seeing a front-page headline that read, "Bush Booted Into Changing His Speech," took action Friday. "You'll have to have your tape recorders going and your pencils moving fast," Peter Tosty told reporters as he announced that he would no longer give reporters advance copies of the vice president's speeches.

\*

Exhibit 1, p. 2 of 2

Des Rollins Report  
9-22-80

8 5 0 4 0 5 2 0 8 4 4



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 14, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael S. Berman  
Treasurer  
Mondale for President Committee, Inc.  
2201 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Re: MUR 1777

Dear Mr. Berman:

This letter is to notify you that on September 6, 1984 the Federal Election Commission received a complaint which alleges that the 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 1777. 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 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.

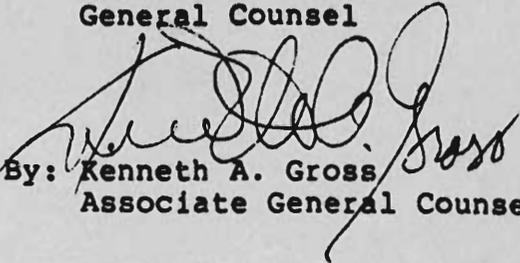
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040520845

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter at (202) 523-4143. 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

85040520846

Enclosures

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 14, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Judy Dellamonica  
President  
California Teachers Association  
1633 Ocean Avenue  
San Francisco, California 94112

Re: MUR 1777

Dear Ms. Dellamonica:

This letter is to notify you that on September 6, 1984 the Federal Election Commission received a complaint which alleges that the California Teachers Association 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 1777. 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 California Teachers Association, 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.

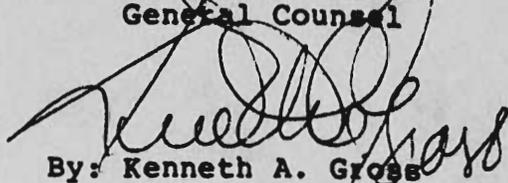
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040520847

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter at (202) 523-4143. 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

85040520848

GCC#4584  
RECEIVED AT THE FEC  
**HAND DELIVERED**  
84 SEP 5 P2:25

BEFORE THE  
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE )

MUR

1777

and )

RALPH MARTIN (BUD) HETTINGA, JR., )

Complainants, )

v. )

WALTER F. MONDALE AND MONDALE FOR )  
PRESIDENT CAMPAIGN COMMITTEE, )

and )

CALIFORNIA TEACHERS ASSOCIATION )

Respondents. )

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
84 SEP 6 9:53

85040520849

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 Walter F. Mondale and Mondale for President Campaign Committee, 2201 Wisconsin Avenue, N.W., Washington, D.C. 20007, and California Teachers Association (CTA), 1633 Ocean Avenue, San Francisco, California 94112.

This Complaint, filed on information and belief, is based on the attached affidavit of a private investigator.

The affidavit reflects that flyers supporting the candidacy of Walter Mondale were being distributed through CTA's phone bank operation; however, the flyers did not reflect who authorized or paid for them, in violation of 2 U.S.C. § 441d. This omission suggests that the flyers may have been paid for with general treasury funds of CTA, in violation of 2 U.S.C. § 441b.

WHEREFORE, Complainants request that the FEC investigate and remedy this matter.

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 4th day of Sept 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

85040520850

Bud Hettinga  
Ralph Martin (Bud) Hettinga, Jr.

The foregoing Complaint was subscribed and sworn to before me this 23rd day of August, 1984, by Ralph Martin (Bud) Hettinga, Jr.

Tomoko A. Forest  
Notary Public

My Commission expires on 4/5/87

85040520851



# MONDALE

The EXPERIENCE to know what needs to change. The STRENGTH to make it happen.

"All my life I have...been personally or energetically involved. Whether it's been civil rights or women's rights, problems of the poor, the unemployed (or) senior citizens..."



Walter Mondale  
San Francisco Chronicle 5/28/84

## WALTER MONDALE SUPPORTS:

### PEACE, NUCLEAR FREEZE, DISARMAMENT

- \* More than a decade ago, Walter Mondale fought to prevent the testing and deployment of multiple warhead missiles. He fought for ratification of the Salt II treaty.
- \* Mondale opposes the MX missile and B-1 bomber.
- \* Mondale was the first candidate to endorse the nuclear freeze.
- \* Mondale rejects Reagan's huge 13% increase in defense spending.

### MINORITIES AND CIVIL RIGHTS

- \* Mondale was a co-sponsor of the historic Voting Rights Act of 1965 enabling blacks to register to vote.
- \* Mondale marched with Cesar Chavez during the Grape Boycott. He authored legislation protecting farm workers under the National Labor Relations Act.
- \* Mondale co-sponsored the Older Americans Act and co-sponsored the original Medicare Bill.
- \* Mondale fought to defend and extend the Social Security System.
- \* Mondale supports Federal legislation outlawing discrimination against gays and lesbians.

### OPPORTUNITIES FOR WOMEN

- \* Mondale was an original co-sponsor of the Equal Rights Amendment and worked for extension.
- \* Mondale has developed a federal Comparable Worth Program.
- \* Mondale wrote the nation's first comprehensive child care act.
- \* Mondale supports federal funding of abortion.
- \* Mondale would restore the Reagan cuts in programs affecting women such as AFDC, WIC, Food Stamps, SSI and Social Security.

### ENVIRONMENT

- \* Mondale co-sponsored the original Clean Air Act of 1970 and took the lead on behalf of the Clean Lakes Act.
- \* Mondale advocates the strongest acid rain cleanup proposal under consideration - a 50% reduction in sulphur dioxide emissions.
- \* Mondale voted in the '70's against confirmation of two anti-environmentalists for cabinet positions: Earl Butz for Secretary of Agriculture and Stanley Hathaway for Secretary of the Interior. Gary Hart voted FOR James Watt's confirmation!
- \* Mondale helped design the Superfund - the \$5 billion fund to clean up toxic wastes.

VOTE FOR 5th DISTRICT

MONDALE DELEGATES

JUNE 5th

← 55	Doris M. Ward (WALTER MONDALE)
← 56	Sal Rosselli (WALTER MONDALE)
← 57	Lucy Blake (WALTER MONDALE)
← 58	Timothy J. Twomey (WALTER MONDALE)
← 59	Linda Post (WALTER MONDALE)
← 60	Jack Trujillo (WALTER MONDALE)
← 61	Carole Migden (WALTER MONDALE)
← 62	Catherine Jean Dodd (WALTER MONDALE)



FEDERAL ELECTION COMMISSION

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

85040520854

THIS IS THE BEGINNING OF MUR # 1777

Date Filmed 4/12/85 Camera No. --- 1

Cameraman AS