

~~Mr. Fred R. Harris~~ **TREASURER OF COMMITTEES**
1104 Waverly Way
McLean, Virginia 22101

Dear Mr. Harris:

THIS IS TO CONFIRM

~~As per our~~ August 22, 1975, conversation ^{between} ~~with a member of~~
~~your staff,~~ Ms. Maureen Trabert ^{your staff and Mr. Keith Vance of the} the attention of the Federal Election Commission ^{Commission Staff}
Commission has been drawn to literature ^(copy enclosed) which was allegedly distributed ^{who}
on your behalf in connection with ^{the} ~~your~~ campaign ^{OF MR. FRED R. HARRIS} for election to the ^{advised}
office of President of the United States. The Commission has a ^{that}

The Commission has a copy of this literature which on its face does not contain the names of the persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation.

Under Title 18, United States Code, Section 612, willful publication or distribution of such literature without such information is prohibited. While the Federal Election Commission does not have direct jurisdiction over apparent violations of 18 U.S.C. Section 612, the Commission is required under Title 2, United States Code, Section 438(a)(9) to report apparent violations of law to appropriate law enforcement authorities, which in this case would be the United States Department of Justice.

The Commission does have jurisdiction, as you know, over the filing and reporting requirements of candidates for Federal office under the 1971 Federal Election Campaign Act as amended. Under 2 U.S.C. Section 434 each Treasurer of a political committee supporting a candidate and each candidate for election to Federal office must file reports of receipts and expenditures on forms

77010010954

prescribed or approved by it. The expenditure involved in the printing and distribution of the literature to which we have referred above should be duly reported by the committee or person making the payment.

Your cooperation will be appreciated.

77040010955

CC! Ms Maureen Tesler

Ms. Maureen Traber
Administrative Assistant
Harris for President
1104 Waverly Way
McLean, Virginia 22101

Dear Ms. Traber:

Pursuant to your request of August 22, 1975, with a member of our staff, please find enclosed a copy of literature which was allegedly distributed in connection with Mr. Harris' campaign for election to the office of President of the United States.

Under Title 18, United States Code, Section 612, willful publication or distribution of literature relating to or concerning any person who has publicly declared his intention to seek the office of President of the United States which does not contain the names of the persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation is prohibited.

The Commission has noted that you have agreed to immediately alleviate the aforementioned impropriety.

Thank you for your cooperation.

77040010956

MUR #0024

Reading News folder

WASHINGTON, Jan. 19 -- AFL-CIO PRESIDENT GEORGE MEANY TODAY CALLED FOR THE FEDERAL ELECTION COMMISSION AND CONGRESS TO LOOK INTO REPORTS THAT PRESIDENT FORD'S CAMPAIGN HEADQUARTERS RECEIVED PROMISES OF CONTRIBUTIONS IF A PICKETING BILL WAS VETOED.

THE PRESIDENT, DESPITE STRONG LABOR OBJECTIONS, VETOED THE SITUS PICKETING BILL WHICH WOULD HAVE INCREASED THE EFFECTIVENESS OF UNION WALKOUTS AT CONSTRUCTION SITES.

ACCORDING TO REPORTS IN THE PRESS, FROM FEB. 1970, THE SENATE LABOR PACT HEADQUARTERS... STARTED TO RECEIVE... IN IT WERE CHECKS OF UP TO \$1,000.

MEANY, ADDRESSING A LUNCHEON OF THE INTERNATIONAL WORKERS' UNION, SAID: "THEY WERE UNSIGNED, BUT THE LETTERS ATTACHED PROMISED THAT SIGNED CHECKS WOULD BE FORWARDED IF THE PRESIDENT VETOED SITUS PICKETING."

UPI 01-19 10:25 RES

UPI 1-19

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OFFICE OF GENERAL COUNSEL

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OFFICE OF GENERAL COUNSEL

77010957

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

August 28, 1975

Certified Mail
Return Receipt Requested

Mr. Jim Hightower
 Treasurer
 Harris for President Committee
 1101 Waverly Way
 McLean, Virginia 22101

Dear Mr. Hightower:

This is to confirm the August 22, 1975 conversation between Ms. Maureen Traber of your staff and Mr. Keith Vance of the Federal Election Commission staff, who advised that the attention of the Commission has been drawn to literature (copy enclosed) which was allegedly distributed on your behalf in connection with the campaign of Mr. Fred R. Harris for election to the office of President of the United States. The Commission has a copy of this literature which on its face does not contain the names of the persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation.

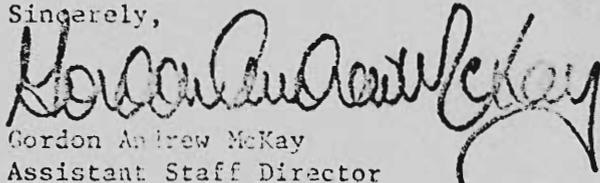
Under Title 18, United States Code, Section 612, willful publication or distribution of such literature without such information is prohibited. While the Federal Election Commission does not have direct jurisdiction over apparent violations of 18 U.S.C. Section 612, the Commission is required under Title 2, United States Code, Section 438(a)(9) to report apparent violations of law to appropriate law enforcement authorities, which in this case would be the United States Department of Justice.

The Commission does have jurisdiction, as you know, over the filing and reporting requirements of candidates for Federal office under the 1971 Federal Election Campaign Act as amended. Under 2 U.S.C. Section 434 each Treasurer of a political committee supporting a candidate and each candidate for election to Federal office must file reports of receipts and expenditures on forms prescribed or approved by it. The expenditure involved in the printing and distribution of the literature to which we have referred above should be duly reported by the committee or person making the payment.

77010010258

Subsequent to the above mentioned conversation, Mr. Reed Martin, General Counsel to the Harris for President Committee, gave Mr. Vance his assurance that future Harris literature would comply with Federal election law. The Commission requests timely written confirmation that in fact the omission of the prescribed statutory language was due solely to inadvertence and that steps have been taken to insure that in the future Harris campaign literature will satisfy the requisites of Federal election law.

Sincerely,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

Enclosure as stated

FEDERAL ELECTION COMMISSION
COPY OF FILE COPY
ALL RIGHTS RESERVED

77040010959

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

August 26, 1975

Mr. Jim Hightower
Treasurer
Harris for President Committee
1104 Waverly Way
McLean, Virginia 22101

Dear Mr. Hightower:

77010961
This is to confirm the August 22, 1975 conversation between Ms. Maureen Traber of your staff and Mr. Keith Vance of the Federal Election Commission staff, who advised that the attention of the Commission has been drawn to literature (copy enclosed) which was allegedly distributed on your behalf in connection with the campaign of Mr. Fred R. Harris for election to the office of President of the United States. The Commission has a copy of this literature which on its face does not contain the names of the persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation.

Under Title 18, United States Code, Section 612, willful publication or distribution of such literature without such information is prohibited. While the Federal Election Commission does not have direct jurisdiction over apparent violations of 18 U.S.C. Section 612, the Commission is required under Title 2, United States Code, Section 438(a)(9) to report apparent violations of law to appropriate law enforcement authorities, which in this case would be the United States Department of Justice.

The Commission does have jurisdiction, as you know, over the filing and reporting requirements of candidates for Federal office under the 1971 Federal Election Campaign Act as amended. Under 2 U.S.C. Section 434 each Treasurer of a political committee supporting a candidate and each candidate for election to Federal office must file reports of receipts and expenditures on forms prescribed or approved by it. The expenditure involved in the printing and distribution of the literature to which we have referred above should be duly reported by the committee or person making the payment.

Your cooperation will be appreciated.

Sincerely,

Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

cc: Ms. Maureen Traber

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

TO: ~~Mr Roman~~

DATE: 8/25/75

FROM: ~~K. Vance Dew~~

- | | | |
|---|--|---|
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> IMMEDIATE ACTION | <input type="checkbox"/> RECOMMENDATION |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> INITIALS | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> CONCURRENCE | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> SIGNATURE |
| <input type="checkbox"/> CORRECTION | <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> YOUR COMMENT |
| <input type="checkbox"/> FILING | <input type="checkbox"/> PER OUR CONVERSATION | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT | <input checked="" type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/> |
| <input type="checkbox"/> HANDLE DIRECT | | |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS:

8/25/75 @ 12⁰⁸ T/C from Mr. Keed Martin, General Counsel to Harris for President Committee Ref: conversation w/ Mrs. Traber on 8/22/75 @ 4³⁵ regarding violation 612 - Section 612 reiterated - Mr Martin assured future compliance

FEDERAL ELECTION COMMISSION
 1975 AUG 25 11 11 AM
 711 COPY

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

August 25, 1975

MEMORANDUM TO: DREW MCKAY

THROUGH: PETER ROMAN ✓

FROM: KEITH VANCE *KV*

SUBJECT: CA-024-75

On August 22, 1975, at 4:35 PM, I placed a telephone call to the Harris for President Committee, McLean, Virginia, relative to literature allegedly distributed on Mr. Harris' behalf in connection with his campaign for election to the Presidency.

Conversation with Ms. Maureen Traber, Administrative Assistant to Harris, revealed an unawareness of 18 U.S.C. Section 612, and the aforementioned literature. Ms. Traber requested a copy of the literature and assured the Commission that it was not a willful violation and that the impropriety would be alleviated.

Letter prepared to Harris informing him of 612 violation, report to the Department of Justice and requirements of 2 U.S.C. Section 434.

Letter prepared to Ms. Traber transmitting a copy of literature in violation of 612.

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BUREAU OF FEDERAL INVESTIGATION

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

August 15, 1975

MEMORANDUM TO:

PETER ROMAN ✓

FROM:

BOB COSTA

SUBJECT:

CA 024-75 ANONYMOUS COMPLAINT CONCERNING
FRED HARRIS CAMPAIGN LITERATURE (I.E. NO
DISCLOSURES)
DISCLAIMER

77010010964

The allegation made ⁱⁿ ~~is~~ this complaint concerns the requirements of Section 432(e) which states that committees not authorized in writing by a candidate must include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign that the committee is not authorized by the candidate and that the candidate is not responsible for the activities of such committee.

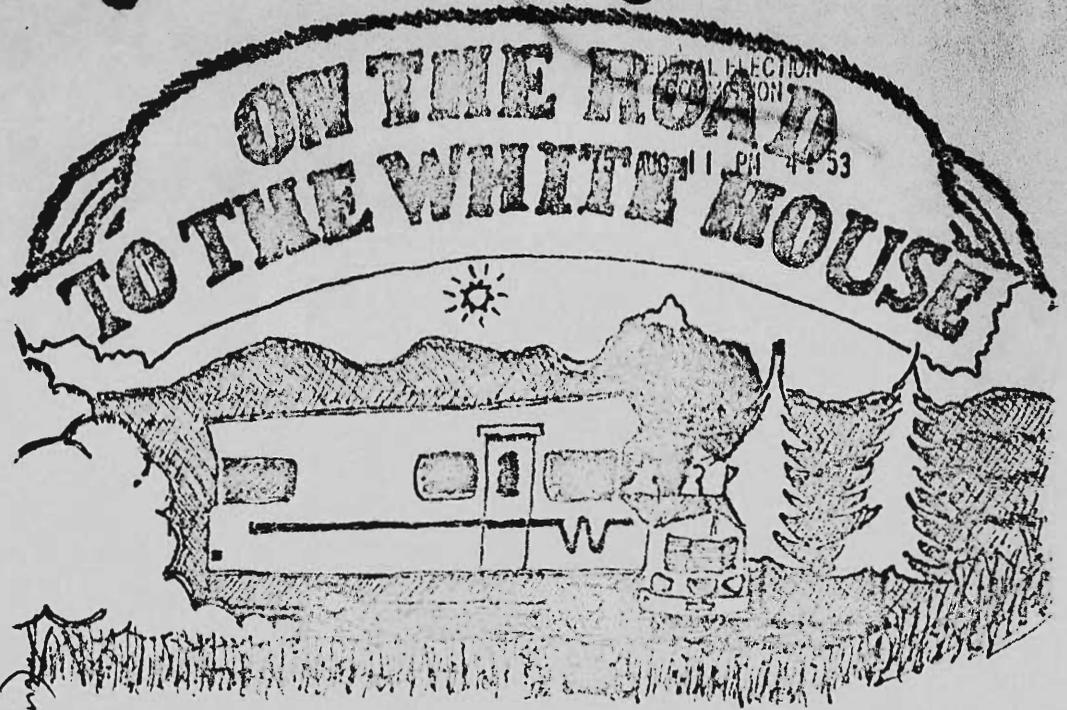
The literature in question does not include this statement nor does it disclose the names of persons responsible for its publication and distribution as required by Title 18, Section 612.

Suggest we raise ~~this matter~~ with the Harris people during our planned audit of the 10 Presidential Primary Candidates.

Agree. Pls. plan to make this recommendation to the Commission at the next executive session.

R

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OFFICE OF FEDERAL COUNCIL



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This appears to be in violation of the law. (No disclaimer on bottom)

FRED HARRIS

ORGANIZATIONAL MEETING CAMPAIGN SLIDESHOW

8 PM AUGUST 7 Thursday

International Room

Mary Graydon Center 2nd floor

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

YOUNG DEMOCRATS ENDORSE HARRIS

Minnehaha County Young Democrats' President Sue McLaughlin announced today that her county's chapter of the Young Democrats passed a resolution endorsing Fred Harris for election as President of the United States.

"We realize that the Young Democrats have never endorsed a candidate before he was nominated by his party", Ms. McLaughlin said, "but we believe that we have set a healthy precedent by endorsing Senator Harris..."

"... It's time for us to crack down on corporate rip-offs; the oil companies are making millions of dollars in highway robbery

(labor donated)

every day. As president, Fred Harris would stop this and we want to give him a chance to do just that."

Sioux Falls SUN April 20, 1975

"Speaking personally, of the candidates (for president) or who we see now as candidates, I think Fred Harris is the most sympathetic to the feminist movement."

GLORIA STEINAM (Mike Douglas Show)

"WHAT WE'VE GOT TO HAVE IS A FAIRER DISTRIBUTION OF WEALTH AND INCOME AND POWER."

FRED HARRIS

FOR EXECUTIVE SESSION

EXEMPLAR

This is a status report concerning formal and informal complaints which have been brought to the attention of the Federal Election Commission as matters which the complainants believe may involve an apparent violation(s) of the Federal Election Campaign Act or of Chapter 29 of Title 18, United States Code. Matters which have been fully reviewed and resolved by the Commission are listed below. As 2 USC 437g contains a statutory prohibition against releasing the identities of the parties complained against, no further information beyond the case description listed below may be made public.

Case No,
CA 006-75

Complaint. Assertion was made that a Congressional candidate was soliciting contributions in excess of \$1,000 in printed campaign literature in violation of 18 USC 608(b).

Report. Representative of party complained against acknowledged that some campaign literature had inadvertently solicited contributions in excess of \$1,000. Campaign literature was reprinted in accordance with the provisions of law, copies of which were furnished to the Commission along with a notarized letter from responsible committee officials that future solicitations would be in full compliance with the Act.

Status. Compliance having been achieved, the case is closed.

Case No,
CA 011-75

Complaint. Assertion was made that a 1972 Congressional candidate had not reported contributions as required by Sec. 304(b)(2) of the 1971 Act.

Report. As the statute of limitations on the alleged violations was about to run, the matter was referred directly to the Justice Department without comment on the factual issues raised, there being insufficient time to investigate the complaint.

Status. The complaint was referred to the Attorney General on ~~August~~ ^{July} 24, 1975. Under the provisions of Sec. 437g(b) of the Act, a report from the Attorney General on the status of the case must be received by the Commission within 60 days after the referral has been made.

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OFFICE OF GENERAL COUNSEL

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CA 012-75

Complaint. Assertion was made that a political committee had not included on the face of printed campaign material the identity of the committee and name of person authorizing the expenditure as is required by 18 USC 612.

Report. Committee acknowledged that the required information was missing from the face of printed campaign material, that the omission was inadvertent; and that future mailings would be in compliance with the provisions of the Act. The committee letter was notarized and signed by an appropriate representative of the committee.

Status. The Commission determined that there was clearly no intent on the part of the committee to willfully contravene the provisions of 18 USC 612. Even without the 612 identification, it was quite clear from the face of the literature that it had been produced by the committee on behalf of its candidate, and that no benefit would accrue to the committee by withholding the information which was clearly contained by inference in the publication's narrative. Since jurisdiction over Sec. 612 of Title 18 rests solely with the Attorney General, the matter was transmitted to the Justice Department with the advisal that the Commission's view of the matter had been corrected and, there being no willful intent on the part of the committee, the Commission assumed that compliance had been achieved and considered the case closed. As the matter was not a referral of an apparent violation, it is the Commission's view that the 60 day status report required by Sec. 437(g) (b) is not applicable in this instance.

7704010967

CA 017-75.

Complaint. Assertion made that an individual (complaintant) had made an unlawful political contribution in that he had made a voluntary \$5 contribution to a political fund during working hours on the employer's premises.

Report. The General Counsel reported to the Commission that the activity described above does not constitute a violation of any known provision of Federal law.

Status. The Commission accepted the recommendation of the General Counsel. The case is closed.

CA 020-75

Complaint. Assertion made that an entertainer had made a voluntary contribution of his services on behalf of a Federal candidate at no charge, that the value of the voluntary contributed services had not

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

been reported by the responsible committee as a contribution in kind, and that the entertainer had not volunteered such services to the candidate's opponent(s).

Report. The General Counsel reported to the Commission that the activity described above is not in violation of any known Federal law, in that Sec. 431 of the Act, in defining "contribution," specifically exempts the donation of voluntary personal services from that definition.

Status. The Commission accepted the recommendation of the General Counsel. The case is closed.

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 18, 1975

Mr. Craig Donsanto
 Fraud Section
 Criminal Division
 Department of Justice
 Washington, D.C. 20530

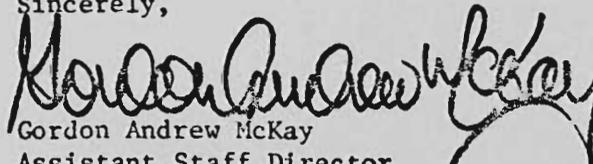
Dear Mr. Donsanto:

Since Section 612 of Title 18 of the United States Code does not lie within the jurisdiction of the Federal Election Commission, we are forwarding the attached material concerning the Harris for President Committee for your information.

The Commission has noted that appropriate action has been taken by the political committee involved to insure that the error is corrected in the future. Accordingly, it is our view that compliance with Section 612 of Title 18 has been achieved and we consider this matter to be closed. However, we are transmitting the case file herewith in the event you might wish to review the case.

Should you or your staff desire any additional information, please contact Mr. Peter Roman on 382-3484.

Sincerely,


 Gordon Andrew McKay
 Assistant Staff Director
 for Disclosure and Compliance

Enclosures as stated

FEDERAL ELECTION COMMISSION
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 OFFICE OF GENERAL COUNSEL

77010069

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 18, 1975

Mr. Jim Hightower
 Treasurer
 Harris for President Committee
 1104 Waverly Way
 McLean, Virginia 22101

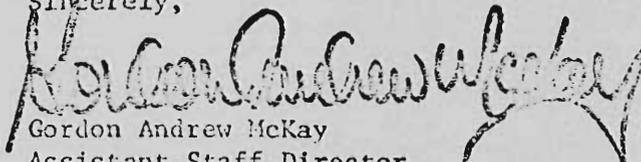
Dear Mr. Hightower:

This will acknowledge receipt of a letter from Mr. Reed Martin, Committee Counsel, Harris for President Committee, dated September 12, 1975, concerning an alleged violation of Section 612 of Title 18 of the United States Code by your committee.

The Commission has taken note that the Harris for President Committee, in order to insure that the incident is not repeated, has issued instructions to volunteers and staff that the appropriate information be included in all future productions. It is our view that compliance with Section 612 of Title 18 has been achieved and we consider this matter to be closed. However, since Section 612 of Title 18 of the United States Code is not within the Commission's jurisdiction, this matter must be brought to the attention of the Department of Justice. Accordingly, the correspondence related to this matter, including your letter, is being transmitted to the Department.

Thank you for your assistance in this matter.

Sincerely,


 Gordon Andrew McKay
 Assistant Staff Director
 for Disclosure and Compliance

CC: Fred Harris

77010070

FRED HARRIS FOR PRESIDENT '76

FEDERAL ELECTION COMMISSION

'75 SEP 17 AM 10:44

September 12, 1975

Gordon Andrew McKay
Assitant Staff Director
for Disclosure and Compliance
Federal Election Commission
Washington, D.C. 20463

Dear Mr. McKay,

We have determined the circumstances which led to the technical violation of 18 U.S.C. section 612 which was the subject of your letter of August 28. I am convinced it was inadvertent. We have taken steps to assure that everyone who might conceivably be involved in producing or reproducing literature has been reminded of this requirement of the law and that they will be repeatedly reminded by the posting of signs in appropriate places. The attached memos explain in greater detail what we have done and I trust it will be sufficient.

I wish to thank you and Mr. Keith Vance for the courteous way in which you brought this to our attention.

Sincerely,
Reed Martin
Reed Martin
Committee Counsel

FEDERAL ELECTION COMMISSION
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DEPARTMENT OF COMMERCE

77010971

FRED HARRIS FOR PRESIDENT '76

TO: JIM HIGHTOWER
FROM: REED MARTIN *RM*
RE: VIOLATION OF 18 U.S.C. section 612
DATE: 8-30-75

A flyer prepared for a meeting at American University omitted the statement required by 18 U.S.C. section 612: Harris for President Committee: Fred Harris, Chairman; Jim Hightower, Treasurer. We have taken steps to discover how it happened, to assure that it won't happen again, and to institute action in such a way that it will convince the F.E.C. that it won't happen again.

77010073
The person who produced the flyer simply did not know about the requirement and singlehandedly ran off the A.U. announcement without it. We have informed him and reminded everyone else through the attached memo. We are also sending it to all our committees and anyone else who might produce or reproduce material. Those in charge of new workers and volunteers should include the memo in whatever material they use for orientation. Our advance people need to remind field people who might generate material. We are putting a sign on the xerox machine and the mimeo machine with the required statement. I have also reviewed all our current material and we will rubber stamp anything lacking the required statement. I think it would be a good idea, although not terribly esthetic, to print the officers names on all future letterhead since so much campaign literature goes out typed on letterhead or xeroxed on it.

77
The F.E.C. letter of August 28 has to do only with the listing of committee name and officers on all campaign literature. Any material which invites a contribution, as much of ours does, must carry the statement required in 2 U.S.C. section 435: A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C. I am also reviewing all our literature to assure this requirement is being met and we should consider adding the 435 statement as well as the 612 statement on all material.

FEDERAL ELECTION COMMISSION
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DEPARTMENT OF JUSTICE

FRED HARRIS FOR PRESIDENT '76

TO: ALL STAFF
FROM: REED MARTIN *RM*
RE: STATEMENT REQUIRED ON ALL LITERATURE
DATE: 8-30-75

77010010973
All campaign literature which we produce (any card, pamphlet, circular, poster, advertisement, writing or other statement relating to Fred) must contain the name of our committee and the names of the officers. The usual statement is "Authorized, printed and paid for by Harris for President Committee: Fred Harris, Chairperson; Jim Hightower, Treasurer."

We slipped up on this on a flyer hastily prepared for a local event and the Federal Election Commission has notified us of the violation. As a "first offender" we have been treated very nicely but we must make sure it does not happen again. Please look not only at things you are responsible for preparing but also at others' work and make sure the required statement is on anything produced nationally, locally and in all advance efforts.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

FRED HARRIS FOR PRESIDENT '76

TO: ALL STATE AND LOCAL COMMITTEES
FROM: REED MARTIN, COMMITTEE COUNSEL *RM*
RE: STATEMENT REQUIRED ON ALL LITERATURE
DATE: 8-30-75

77010974

Any material which you produce must contain the name of your committee and its officers. If the material is produced by the national committee it will state "Authorized, printed and paid for by Harris for President Committee: Fred Harris, Chairperson; Jim Hightower, Treasurer." If you produce the material, you must place a similar statement on it using your names.

If the material solicits money or in any way invites a contribution then it must contain the statement "A Copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C." If the material originates with the national committee, it will contain such a statement. If you produce the material, you should place such a statement on it.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION

Internal Memo - dated 9/4/75

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):

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

Signed 9/29/75
date B. Lyman

PRESS MEMO: COMPLIANCE To: Drew (cc Peter)

received call today from radio station in Charlotte, N.C. (WSOC) (Bryan Thomson, 704-372-2407, about labor party complaints concerning Charlotte - wanted to know what we are doing.

told him no formal complaints in that city from labor party. said at tues 10/21 hearing arthur leaderman of labor party testified, and referred to charlotte and greensboro situations said these, and other labor party complaints we had received, were allegations concerning sections of title 18 that we had no jurisdiction over -

reporter satisfied - ~~just wanted to~~

David Fiske 10/23/75

77040010976

RECEIVED
GENERAL COUNCIL
OCT 23 1975

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

DATE 10/21/75

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7
CREDIT MANAGER M. WERSHMAN

RECTOR AID _____

ASST STAFF DIRECTOR D & C DREW

THIS IS STATEMENT
OF LABOR PARTY
- BEFORE OUR COMMISSION

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RECEIVED
OFFICE
OCT 21 1975

SCHEDULED TESTIMONY AND PREPARED STATEMENT OF ARTHUR LEADERMAN
FOR THE UNITED STATES LABOR PARTY, ON AMENDMENTS TO THE FEDERAL
ELECTION LAWS, FEDERAL ELECTION COMMISSION, WASHINGTON, D.C.

OCTOBER 21, 1975.

AS THE DESIGNATED SPOKESMAN OF THE UNITED STATES LABOR
PARTY, I WISH TO CLEARLY STATE THE OPPOSITION OF THE USLP TO THE
PROPOSED REVISIONS OF THE FEDERAL ELECTION LAWS. WHILE DISCUSSING
OUR OBJECTIONS TO THE SPECIFIC AMENDMENTS PROPOSED ON FIRST
AMENDMENT GROUNDS, I MUST SITUATE THIS OPPOSITION IN A MUCH LARGER
CONTEXT.

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SPECIFICALLY, THE PROPOSED REQUIREMENT FOR DISCLOSURE OF
NAMES OF CONTRIBUTORS WHO CONTRIBUTE MORE THAN \$10.00 TO THE USLP
PLACES THOSE CONTRIBUTORS IN A HIGHLY VULNERABLE POSITION TO THE
FEDERALLY COORDINATED HARASSMENT PRESENTLY
DIRECTED AGAINST THE US LABOR PARTY. SINCE THESE HARASSMENT
OPERATIONS ARE WIDELY KNOWN TO POTENTIAL USLP SUPPORTERS AND ARE
THE SUBJECT OF SEVERAL SUITS IN THE FEDERAL COURTS CONCERNING PRECISELY
THIS INTERFERENCE INTO THE ELECTORAL PROCESS (U.S.L.P. V. GHANDI AND
THE DETROIT POLICE DEPARTMENT, F.B.I. ET AL.; U.S.L.P. V. ANTHONY
BANKS AND THE F.B.I.; U.S.L.P. V. CITY OF READING, A.T.F., F.B.I.
ET AL.) SUCH REQUIREMENTS CHILL THE FIRST AMENDMENT AND ASSOCIATIONAL
RIGHTS OF THE USLP AND CALL INTO QUESTION THE VERY GROUNDS OF EXISTENCE
OF THIRD PARTIES.

FURTHER, WITHOUT A FULL INVESTIGATION OF FEDERALLY COORDINATED AND
FUNDED OPERATIONS AGAINST THE USLP INCLUDING RECENTLY DOCUMENTED
VOTE FRAUD IN SEATTLE WASHINGTON, BOSTON MASSACHUSETTS AND
GREENSBORO, NORTH CAROLINA AND A COINTELPRO WRECKING OPERATION AGAINST
THE USLP CAMPAIGN IN CHARLOTTE NORTH CAROLINA -- OUR OBJECTIONS TO
SPECIFIC PROCEDURES BECOME MOOT. WHAT IS AT STAKE HERE IS THE SURVIVAL
OF THE FREE ELECTION SYSTEM ITSELF.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

IN THIS CONTEXT, THE, I WILL OUTLINE OUR SPECIFIC OBJECTIONS TO THE PROPOSED AMENDMENTS ON FIRST AMENDMENT GROUNDS, THE INCIDENTS OF HARASSMENT WHICH CAUSE US TO SHOW SUCH APPREHENSION TOWARD THESE PROVISIONS ^{point out the need} ~~WITH A CALL~~ FOR THEIR INVESTIGATION AS VIOLATIONS OF THE INTENT OF THE CAMPAIGN FINANCING ACT, AND A PROPOSAL FOR TYPES OF ACTION WHICH MAY BE PRESENTED TO THE FEC TO CURB THESE ABUSES.

I. THE PROPOSED AMENDMENTS VIOLATE FIRST AMENDMENT RIGHTS

ALTHOUGH THE ELECTION REFORMS PROPOSED HERE ARE PRESENTED AS LIBERAL REFORMS, THE SPECIFIC PROVISIONS ARE UNCONSTITUTIONAL IN REGARD TO THEIR DISCLOSURE REQUIREMENTS. THEY WILL SERVE TO SEVERELY INHIBIT IF NOT DESTROY THE ABILITY OF ANY THIRD PARTY TO PARTICIPATE IN THE ELECTIONS. FOR EXAMPLE, SECTION 105.5 (A) REQUIRES THE IDENTIFICATION, OCCUPATION, AND PRINCIPAL PLACE OF BUSINESS OF ANY PERSON WHO HAS MADE AGREGATE CONTRIBUTIONS OF OVER \$100.00, DISCLOSURE OF THIS INFORMATION IS REQUIRED BY BOTH COMMITTEE AND CANDIDATE. SIMILARLY, ALL CREDITORS OF PARTIES AND CANDIDATES MUST DISCLOSE THIS INFORMATION THAT WAS RULED TO BE EXEMPT FROM DISCLOSURE BY THE COURTS IN THE NAACP SUPREME COURT CASES (SEE BATES V. CITY OF LITTLE ROCK, NAACP V. ALABAMA EX REL PATTERSON. IN THESE CASES, THE SUPREME COURT OF THE UNITED STATES EXEMPTED THE NAACP FROM REVEALING ITS MEMBERSHIP LISTS TO STATE OFFICIALS BECAUSE THERE WAS NO WEIGHTY STATE INTENT TO JUSTIFY THE DCHILLING OF THE ASSOCIATIONAL RIGHTS OF THE ORGANIZATION'S MEMBERS. THE PRESENT DISCLOSURE REQUIREMENTS FAR EXCEED THE LINES DRAWN BY THE SUPREME COURT IN THESE CASES. THE COMMISSIONS ATTENTION IS ALSO DRAWN TO THE APRIL 1975 HARVARD LAW RVIEW, AT PAGES 1247, 1248, FOR THEIR ASSESSMENT OF THE NEGATIVE IMPORT OF THESE CAMPAIGN LAWS WHERE THIRD PARTIES ARE CONCERNED. THE HARVARD AUTHORS RECOMMEND, AND WE CONCUR, THAT MINOR PARTIES BE EXEMPT FROM SUCH DISCLOSURE LAWS.

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II. DOCUMENTED INSTANCES OF FEDERALLY COORDINATED HARASSMENT OF THE USLP AS DEMONSTRATING THE CHILLING EFFECT OF SUCH DISCLOSURES.

WE SUBMIT TO THE FEC THAT THE PROPOSED AMENDMENTS TO THE FEDERAL ELECTION ACT CANNOT BE PROPERLY CONSIDERED, IN OUR CASE, WITHOUT A FULL ELABORATION OF THE ENFORCEMENT POWERS OF THE FEC REGARDING *ABUSE OF THE PROCEDURES. It is our understanding that* PRECISELY THESE ENFORCEMENT PROCEDURES ARE PRESENT CONTENTIONS BETWEEN THE JUSTICE DEPARTMENT AND THE FEC IN THE SUIT BEFORE THE SUPREME COURT OF THE UNITED STATES. WE RESPECTFULLY SUBMIT TO THE COMMISSION HOWEVER, THAT TIME IS OF THE ESSENCE IN INVESTIGATING CURRENT ABUSES OF THAT PROCESS AND CANNOT WAIT FOR THE ULTIMATE SUPREME COURT DECISION. THIS IS WHY, IN CONJUNCTION WITH OUR DISAGREEMENTS WITH THE CURRENT AMENDMENTS WE FIND IT NECESSARY TO RESTATE OUR DESIRE FOR IMMEDIATE AND FULL INVESTIGATION TO THE CURRENT HARASSMENT DIRECTED AGAINST THE LAROCHE-EVANS PRESIDENTIAL CAMPAIGN.

A. SEVERAL INSTANCES OF VOTE FRAUD, DIRECTED BY FEDERAL AGENCIES, HAVE ALREADY CHILLED THE ABILITY OF THE USLP TO SEEK CONTRIBUTIONS UNDER THE FEDERAL ELECTIONS CAMPAIGN ACT.

THE USLP IS PRESENTLY PURSUING LITIGATION IN BOSTON, MASSACHUSETTS AND HAS DOCUMENTED INSTANCES OF VOTE FRAUD IN SEATTLE WASHINGTON AND GREENSBORO NORTH CAROLINA IN RECENT MUNICIPAL ELECTIONS. ALTHOUGH THIS FRAUD DID NOT OCCUR IN A FEDERAL RACE, IT SEVERELY INHIBITS THE ABILITY OF A THIRD PARTY TO BUILD A CONSTITUENCY BY WHICH TO PARTICIPATE IN THE FEDERAL ELECTION PROCESS AND TO ACTIVELY SEEK CONTRIBUTIONS FOR THAT PARTICIPATION.

IN THE BOSTON SUIT, IN PARTICULAR, THE USLP WILL ALLEGE THAT THE FRAUD OCCURRED AT THE BEHEST OF FEDERAL AGENCIES ACTING IN CONJUNCTION WITH LOCAL OFFICIALS (SPECIFICALLY, THE LEAA AND FBI) AND WAS CENTRALLY COORDINATED AND FINANCED THROUGH THE NATIONAL SECURITY COUNCIL -- AFFILIATED BY INFERENCE WITH COMMITTEE TO ELECT GERALD FORD) THE COMMISSION MUST CONSIDER LEGISLATION AGAINST VOTE FRAUD AND AMENDMENTS TO THE ACT IN THIS DIRECTION AS A

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MEANINGFUL CAMPAIGN FINANCING REFORM. FURTHER THE COMMISSION MUST INVESTIGATE THE EXPENDITURES BY OTHER CAMPAIGN FINANCING COMMITTEES, PARTICULARLY THE FORC COMMITTEE, AND THE CONTRIBUTIONS TO THAT EFFORT, INCLUDING THE ROCKEFELLERS IN PERPETRATING THIS OPERATION.

III. CONTACTS OF THE US LABOR PARTY ARE SYSTEMATICALLY HARASSED BY THE FBI AND OTHER AGENCIES IN A SELADMITTED "INVESTIGATORY" OPERATION. FURTHER, THE FBI HAS BEEN DEPLOYED IN CHARLOTTE, NORTH CAROLINA TO DILUTE THE VOTE OF THE US LABOR PARTY IN THAT STATE.

THE FBI HAS STATED THAT THE USLP IS UNDER INVESTIGATION. HERE IS THE REST OF THE TESTIMONY

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THE FBI HAS STATED THAT THE USLP IS UNDER INVESTIGATION FOR VIOLATIONS OF SEVERAL INTERNAL SUBVERSION STATUTES AND THAT THEY BY INFERENCE HAVE THE RIGHT TO INVESTIGATE ANY POTENTIAL USLP SUPPORTER. WHILE THIS "INVESTIGATION", A COINTELPRO OPERATION, UNDER THE DIRECT SUPERVISION OF GERALD FORD AND HIS PRESUMED VICE-PRESIDENTIAL CANDIDATE, NELSON ROCKEFELLER, WILL BE THE SUBJECT OF COURT ACTION; IT CLEARLY DEMONSTRATES THE CHILLING EFFECTS OF THE PRESENT AMENDMENTS.

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OF THE WATERGATE OPERATIONS WHICH CREATED THIS COMMISSION, WAS DEPLOYED TO INSINUATE HIMSELF AS A MEMBER OF THE USLP, PARTY-RAIDED AGAINST THE USLP IN THAT CAPACITY, AND IS NOW REPRESENTING HIMSELF, AS A HOMOSEXUAL AND AS A POLICY SPOKESMAN FOR THE USLP IN THE GENERAL ELECTIONS, WITH A PROGRAM OF GAY RIGHTS RATHER THAN THE ACTUAL PROGRAM OF THE LABOR -- EXPANDED REPRODUCTION, DEBT MORATORIUM AND WORLD RECONSTRUCTION. WHILE SUCH OPERATIONS WILL AGAIN BE THE SUBJECT OF COURT ACTION, WE AGAIN POINT OUT THAT THE WIDE DEPICTION OF ENGLANDER AS A MEMBER OF THE USLP HAD A CHILLING EFFECT ON ANY POTENTIAL FOR CAMPAIGN FINANCING AND WOULD INHIBIT POTENTIAL SUPPORTERS OF THE USLP FROM DISCLOSING THEMSELVES AS SUCH UNDER THE PRESENT AMENDMENTS.

III. PROPOSAL FOR TYPES OF ACTION AND AMENDMENTS TO THE ACT DESIGNED TO CURB THESE ACTIONS.

1. THE INCUMBENT PRESIDENT MUST DISCLOSE TO THE FEDERAL ELECTION COMMISSION ANY OPERATIONS OF THE FBI, CIA, LEAA, AND ASSOCIATED AGENCIES IN THE UNITED STATES UNDER HIS DIRECTION AIMED AT OTHER PARTIES OR THIRD PARTIES AS A POSSIBLE CAMPAIGN EXPENSE AND THEREFORE OPEN TO INVESTIGATION. SUCH DISCLOSURE WILL RESULT IMMEDIATELY UPON ANY COMPLAINT FROM A PARTY THAT SUCH USE IS BEING MADE. USE OF SUCH AGENCIES SHALL BE MADE A CLASS A FELONY OFFENSE.
2. THIRD PARTIES ARE TO BE EXEMPT FROM ALL DISCLOSURE PROCEDURES
3. VOTE FRAUD PROVISIONS, ON THE FEDERAL LEVEL, MUST BE IMMEDIATELY ENACTED, TO PRESERVE THE RIGHT OF THIRD PARTIES TO BUILD CONSTITUENCY AND TO PROTECT THE ELECTORAL PROCESS.

I AM AWARE THAT THE FEDERAL ELECTION COMMISSION HAS IN ITS POSSESSION COMPLAINTS MADE BY THE USLP CONCERNING THE VIOLATIONS MENTIONED HERE AND OTHERS. EVIDENCE ON THOSE CLAIMS WILL BE PRESENTED TO YOU SHORTLY. I WISH TO THANK YOU ON BEHALF OF THE USLP FOR THE OPPORTUNITY TO TESTIFY BEFORE YOU AND HOPE YOU WILL IMMEDIATELY CONSIDER THE OUTLINED ALTERNATIVE AMENDMENTS.

END SPECIAL TESTIMONY.
10-21-75
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