



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF TMR # 1246

Date Filmed 10/14/60 Camera No. --- 2

Cameraman SRC

30040120650

PS Form 3811, Jan. 1978

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Kevin Casady*
127 Woodlawn Street
Greenville, MA 02149

3. ARTICLE DESCRIPTION:
 REGISTERED NO. *501926* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY *SEP 8 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RECEIVED
 SEP 12 1980
 P12:05

MM 1246 Andersen *GPO : 1978-253-048

PS Form 3811, Jan. 1978

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Donald A. Popfater*
8 Lovell Street
Salem, MA 01970

3. ARTICLE DESCRIPTION:
 REGISTERED NO. *946100* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY *SEP 8 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RECEIVED
 SEP 12 1980

MM 1246 Andersen *GPO : 1978-253-048

15902107000

MS Form 3811, Jan. 1873

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

☐ Show to whom and date delivered.

☐ Show to whom, date and address of delivery.

☐ **RESTRICTED DELIVERY**
Show to whom and date delivered.

☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:** John F. McMahon
44 School St
Boston, MA 02108

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	011943	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

2 Tweeddale

4. **RESTRICTED DELIVERY** **POSTAGE**

80 SEP 8 1986

5. **ADDRESS** (Complete only if requested)

RECEIVED

6. **UNABLE TO DELIVER BECAUSE:**

7. **RETURN TO:**

8. **POSTAGE**

SEP 8 1986

mir 1246

Anderson

☆ ORO : 1970-200-640



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald A. Pofcher
8 Locust Street
Salem, MA 01970

Re: MUR 1246

Dear Mr. Pofcher:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles N. Steele", is written over the typed name.

Charles N. Steele
General Counsel

2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818 2819 2820 2821 2822 2823 2824 2825 2826 2827 2828 2829 2830 2831 2832 2833 2834 2835 2836 2837 2838 2839 2840 2841 2842 2843 2844 2845 2846 2847 2848 2849 2850 2851 2852 2853 2854 2855 2856 2857 2858 2859 2860 2861 2862 2863 2864 2865 2866 2867 2868 2869 2870 2871 2872 2873 2874 2875 2876 2877 2878 2879 2880 2881 2882 2883 2884 2885 2886 2887 2888 2889 2890 2891 2892 2893 2894 2895 2896 2897 2898 2899 2900 2901 2902 2903 2904 2905 2906 2907 2908 2909 2910 2911 2912 2913 2914 2915 2916 2917 2918 2919 2920 2921 2922 2923 2924 2925 2926 2927 2928 2929 2930 2931 2932 2933 2934 2935 2936 2937 2938 2939 2940 2941 2942 2943 2944 2945 2946 2947 2948 2949 2950 2951 2952 2953 2954 2955 2956 2957 2958 2959 2960 2961 2962 2963 2964 2965 2966 2967 2968 2969 2970 2971 2972 2973 2974 2975 2976 2977 2978 2979 2980 2981 2982 2983 2984 2985 2986 2987 2988 2989 2990 2991 2992 2993 2994 2995 2996 2997 2998 2999 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3056 3057 3058 3059 3060 3061 3062 3063 3064 3065 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077 3078 3079 3080 3081 3082 3083 3084 3085 3086 3087 3088 3089 3090 3091 3092 3093 3094 3095

PLH

Re: MUR 1246

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marianne J. Paresky
10 Smith Street
Chelmsford, MA 01824

Re: MUR 1246

Dear Ms. Paresky:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Steele", is written over the typed name.

Charles N. Steele
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marianne J. Paresky
10 Smith Street
Chelmsford, MA 01824 *RVA*

Re: MUR 1246

Dear Ms. Paresky:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles W. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin J. Cassidy
127 Woodlawn Street
Everett, MA 02149

Re: MUR 1246

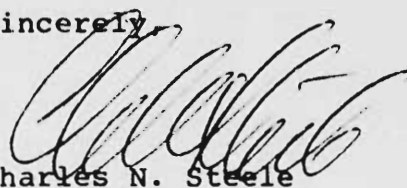
Dear Mr. Cassidy:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,



Charles N. Steele
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin J. Cassidy
127 Woodlawn Street
Everett, MA 02149

RW

Re: MUR 1246

Dear Mr. Cassidy:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles H. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Grace M. Dunn
10 Smith Street
Chelmsford, MA 01824

Re: MUR 1246

Dear Ms. Dunn:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles N. Steele".

Charles N. Steele
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Grace M. Dunn
10 Smith Street
Chelmsford, MA 01824

RM

Re: MUR 1246

Dear Ms. Dunn:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John F. McMahon
Angoff, Goldman, Manning,
Pyle & Wagner
44 School Street
Boston, Massachusetts 02108

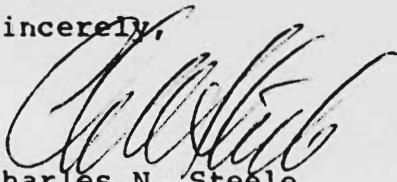
Re: MUR 1246

Dear Mr. McMahon:

On June 18, 1980, the Commission notified you of a complaint alleging that your clients have committed violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 2, 1980, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter.

Sincerely,



Charles N. Steele
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John F. McMahon
Angoff, Goldman, Manning, *RHE*
Pyle & Wagner
44 School Street
Boston, Massachusetts 02108

Re: MUR 1246

Dear Mr. McMahon:

On June 18, 1980, the Commission notified you of a complaint alleging that your clients have committed violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 2, 1980, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter.

Sincerely,

Charles N. Steele
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Massachusetts Federation of Teachers Executive Board) MUR 1246
Paul L. Devlin)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 2, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1246:

1. Find NO REASON TO BELIEVE that the Massachusetts Federation of Teachers or Mr. Paul L. Devlin committed any violation of 2 U.S.C. § 441b(b) by respectively making expenditures or receiving contributions in connection with any federal election.
2. CLOSE THE FILE.
3. Send the letters as attached to the First General Counsel's Report dated August 28, 1980.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

9/3/80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 8-28-80, 11:28
Circulated on 48 hour vote basis: 8-28-80, 4:00



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE *mc*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *m*
DATE: SEPTEMBER 2, 1980
SUBJECT: COMMENT REGARDING TYPOGRAPHICAL ERROR IN
MUR 1246

Attached is a copy of Commissioner Harris' vote sheet with comments regarding MUR 1246.

ATTACHMENT:
Copy of Vote Sheet

48 HOUR TALLY SHEET



FEDERAL ELECTION COMMISSION

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 SEP 2 P 1:00

Date and Time Transmitted: THURSDAY, 8-28-80,
4:00

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, MCGARRY, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: TUESDAY, SEPTEMBER 2, 1980
4:00

MUR No. 1246 - First General Counsel's Report dated 8-28-80

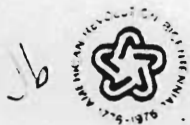
(☒) I approve the recommendation

() I object to the recommendation

COMMENTS: Typo p. 3.

Date: 9-2-80 Signature: Thomas E. Hann

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

80 AUG 28 All: 28

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION AUG 28 1980

MUR 1246
DATE COMPLAINT RECEIVED
BY OGC June 10, 1980

STAFF MEMBER:
R. Lee Andersen

COMPLAINANTS' NAME: Donald A. Pofcher, Billerica Federation
of Teachers, Local 1677, AFT, AFL-CIO;
Kevin J. Cassidy, Chelsea Teachers Union,
Local 1340 AFT, AFL-CIO; Marienne Paresky
and Grace M. Dunn, Chelmsford Federation
of Teachers, Local 3569, AFT, AFL-CIO

RESPONDENT'S NAME: Massachusetts Federation of Teachers
Executive Board
Paul L. Devlin

RELEVANT STATUTE: 2 U.S.C. § 441b(b)
11 C.F.R. §§ 111.4(d)(1), 111.4(d)(4),
111.5(b), 114.2 and 114.9(b)(1)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On June 10, 1980, the Federal Election Commission (the "Commission") received a signed and sworn complaint from Donald A. Pofcher, Kevin J. Cassidy, Marienne Paresky and Grace M. Dunn, members of various locals of the American Federation of Teachers Union. The complaint alleges that respondent Paul L. Devlin, the Associate Executive Secretary of the Massachusetts Federation of Teachers Executive Board (elected President in May 1980), knowingly accepted contributions from respondent Massachusetts Federation of Teachers Executive Board (hereinafter "MFT") and that MFT made certain prohibited contributions to Mr. Devlin for his election as a delegate to the Congressional District Democratic National Convention. If accepted by the Commission, these allegations might constitute violations of 2 U.S.C. § 441b(b) which prohibits both the receiving of contributions from and the making of contributions by a labor organization in connection with a federal election.

FACTUAL AND LEGAL ANALYSIS

The complaint states that during a monthly meeting of the MFT Executive Board in March 1980, the board voted to support the candidacy of Paul L. Devlin for elected delegate to the 1980 Democratic National Convention. The vote was apparently taken at the request of Mr. Devlin. The complaint alleges that during the particular board session in question, the members of the board discussed with Mr. Devlin the kind of assistance he would need, and at that time Mr. Devlin made reference to "hard money vs. soft money" and the use of MFT personnel for campaign purposes. The complaint avers that during the discussion a Mr. John J. Carpenter stated the opinion that such an expression of board support was an unethical practice giving Mr. Devlin an unfair advantage over other union members who might want to run for the same delegate seat in the convention.

The complaint describes the following factual circumstances in support of the alleged violation:

Mr. Devlin used a Federation Staff vehicle, telephone credit card of the Federation, a Federation expense allowance, and Federation employees in his behalf prior to the Democratic Caucus meeting at Salem State College in Salem Massachusetts and during the day of the caucus meeting. Potential witnesses to the use of staff may be elicited from Federation Employees, Mrs. Joan Buckley, Mr. J. Porter, and Mr. Robert Marland. New England telephone company records will verify phone use and Mr. Devlin's expense records with the Federation will verify expense allowances.

Members of the executive board, Mr. Peter Welton and Mr. Fredrick Driscoll and others were campaigning and present at the caucus meeting on Mr. Devlin's behalf.

Thus the gravamen of the complaint is the allegation that MFT made in-kind contributions to Mr. Devlin in violation of 2 U.S.C. § 441b(b).

The Commission received a response from counsel on behalf of Mr. Devlin and MFT on July 2, 1980, raising certain procedural questions regarding the sufficiency of the complaint and specifically denying the allegations made by the complainants. The response is in the form of a memorandum supported by affidavits from relevant witnesses.

Procedural Objections

Counsel's response to the complaint begins with an attack on the complaint's procedural sufficiency under 11 C.F.R. § 111.4(d)(1). Respondents note that the complaint fails to distinguish between charges against MFT and its Executive Board. They point out that if the complaint is to individual board members, then each is entitled to notice pursuant to 11 C.F.R. § 111.5(b). Further, complainants argue that in light of the possible civil penalties which may be imposed under the Federal Election Campaign Act (the "Act"), this objection is not merely technical. Second, respondents state that complaint fails to comply with 11 C.F.R. § 111.4(d)(4) in that reference is made to documentary evidence in complainants' possession, but not attached to the complaint. Third, respondents state that the complaint fails to meet the standards of 11 C.F.R. § 111.4(c) which establish the requirement that complaints differentiate between statements based on personal knowledge and statements founded on information and belief.

Of the three objections to the sufficiency of the complaint only the first raises potentially serious questions. Therefore, for purposes of this analysis, the Office of General Counsel is assuming that the complaint was intended to run to the organization, MFT, as opposed to the individual members of the Executive Board who were unnamed in the complaint. The other two objections refer to sections of the Commission Regulations which are intended to assist complainants in providing the Commission with clear and understandable complaints and would in the opinion of the Office of General Counsel require no further action on the part of the Commission at this stage of the proceedings (see MFT response attached as Exhibit 1 at pages 1 and 2).

The Merits

The next section of the MFT response is devoted to discussion of the merits of the complaint. MFT argues that the complaint should be dismissed by the Commission because the claims made in the complaint are "totally inaccurate." The response substantiates this argument with the affidavits of relevant members of the MFT Executive Board and other MFT personnel. First, the response raises a factual incongruity which MFT characterizes as an indication that the complaint was not filed "honestly and in good faith." The complaint alleges that the meeting at which MFT endorsed Paul L. Devlin was in March of 1978. However, according to MFT the Democratic Caucus for the 6th Massachusetts Congressional District was conducted in February 1980. The meeting at which the Executive Board voted to authorize and endorse Mr. Devlin as a candidate

was apparently conducted on January 12, 1980. For purposes of the remainder of this analysis it will be assumed that the March meeting referred to in the complaint was in actuality the January 12 meeting.^{1/} As stated in the MFT response, discussion of Mr. Devlin's candidacy and the kind of assistance that he would need does not necessarily mean that MFT granted any aid, and as such, and does not in the opinion of the Office of General Counsel invoke the jurisdiction of the Act.

It is the existence of alleged contributions of in-kind services by the Executive Board to Mr. Devlin that is the principal issue in this matter. The MFT response flatly denies the use of MFT telephone credit and expense allowances by Mr. Devlin for the purpose of promoting his candidacy. The response notes, "the 'quote town meeting' character of a caucus belies the claim; such resources are not needed." (See Exhibit 2 at page 5). (This denial is also made on page 5 of Mr. Devlin's affidavit attached Exhibit 4).

With respect to MFT's alleged contribution of the use of a vehicle to Mr. Devlin, the response notes that field staff, of which Mr. Devlin is one, are provided with automobiles as a matter of course and such vehicles may be used for personal business purposes during non-work times. The MFT response states that there were two specific uses of this vehicle associated with the caucus. Both of these uses, MFT contends, were consistent with its "established policy" which permits personal use of the MFT vehicle. Assuming that this statement of MFT's policy regarding the use of the organization's vehicle's for personal use by field staff is accurate, the admitted uses of such a vehicle by Mr. Devlin for transportation to and from two political events does not seem sufficient to constitute a violation 2 U.S.C. § 441b(b) of the Act.

^{1/} Elsewhere in the MFT response, the complaint, and in the complaint filed by MFT in MUR 1251, the inclusion of gratuitous remarks and mention of other legal proceedings before other government agencies or boards indicate that this complaint and the MFT response may be a part of a bitter struggle between rival unions having little to do with the public interest associated with the Commission's mandate to see that the FECA is justly enforced. See complaint at pages 1 and 5, response at pages 8 and 9, and complaint filed by respondents in this matter numbered MUR 1256 and attached as Exhibit 2). Since the Office of General Counsel is of the opinion that there is no reason to believe that any violation of the Act has been committed under the facts alleged in this complaint, we feel it would be imprudent for the Commission to go into the respondent's allegation that the apparently erroneous dates cited in the complaint are evidence that the complaint was not filed "honestly and in good faith."

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MFT has provided the Commission with affidavits of persons mentioned in the complaint who allegedly assisted Mr. Devlin in his campaign. The MFT response, however, denies that any of this assistance was a service extended to Mr. Devlin by MFT. For example, Mr. Robert Marland, who was identified in the complaint as a witness to MFT staff use, denies in his affidavit participation in any way and states further that he was not even present at the caucus meeting at issue (see Exhibit 8). Executive Board member Frederick Driscoll also denies campaigning or being present at the caucus meeting contrary to the allegations in the complaint (see Exhibit 7). Ms. Buckley's presence at the caucus is characterized in the MFT response merely a "courtesy to an invalided friend." And consistent with this characterization, the affidavit of Ms. Buckley indicates that the purpose of her attending the Salem caucus was to assist Mr. Devlin's wife as a courtesy to a friend and not political participation (see Exhibit 6). The complaint alleges that Mr. Porter and Mr. Welton contributed to the Devlin campaign by assisting at the caucus. However, the MFT response denies that their presence or services were a contribution by MFT for Mr. Devlin. According to MFT, both of these individuals provided services to Mr. Devlin as a matter of personal choice, on their own time, and uncompensated by MFT (see also, their affidavits attached as Exhibits 3 and 4).

Finally, MFT characterizes the preparation of Mr. Devlin's letter of intent in January 1980, and of a flier in February 1980, as "occasional, isolated and incidental uses" of facilities permitted by 11 C.F.R. § 114.9(b)(1) and not in violation of 2 U.S.C. § 441b. Tracking the regulation, the MFT response notes that the organization's overhead or operating costs were not increased, the uses prevented no employee from completing his or her normal work and neither activity exceeded one hour per week, or four hours per month. The affidavit of Paul Devlin states that MFT employee, Ms. Graham, typed the letter in question and prepared the flier discussed in the complaint, and that she spent no more than an hour according to her own estimate on either of these activities.^{2/} Thus, Mr. Devlin's use of MFT staff and facilities for the limited purposes described above does not seem to be prohibited by the Act or by Commission regulations (see Exhibit 6 at pages 6 and 7).

^{2/} Although the affidavit of Mr. Devlin's secretary, Ms. Graham would be preferable support for MFT's contention, there is no contradictory evidence either in the complaint or the MFT response which casts doubt on Mr. Devlin's characterization of Ms. Graham's activities in conjunction with the campaign.

CONCLUSION AND RECOMMENDATION

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In the judgment of the Office of General Counsel, the response submitted by counsel on behalf of MFT effectively nullifies the allegations in the complaint in this matter. The complete array of affidavits denying the factual allegations in the complaint seem on balance to be more than sufficient to overcome the substance of the complainants' allegations. By comparison, the evidentiary weight of the information contained in the complaint is weak. Furthermore, it is unclear from the complaint whether the persons signing it had direct knowledge of the events described in the complaint, and the explanations provided by counsel for MFT appear both reasonable and consistent with the affidavits provided to the Commission by the relevant persons. Therefore, the Office of General Counsel recommends that the Commission find no reason to believe that the Massachusetts Federation of Teachers or Mr. Paul Devlin committed any violation of 2 U.S.C. § 441b by respectively making expenditures or receiving contributions in connection with any federal election.

RECOMMENDATIONS

1. Find no reason to believe that the Massachusetts Federation of Teachers or Mr. Paul L. Devlin committed any violation of 2 U.S.C. § 441b(b) by respectively making expenditures or receiving contributions in connection with any federal election.
2. Close the file.
3. Send the attached letters.

Attachments

1. Complaint
2. Exhibit 1, MFT's response to the Commission
3. Exhibit 2, Complaint in MUR 1251
4. Exhibit 3, affidavit of Jay E. Porter
5. Exhibit 4, affidavit of Peter N. Whelton
6. Exhibit 5, affidavit of Paul L. Devlin
7. Exhibit 6, affidavit of Joan A. Buckley
8. Exhibit 7, affidavit of Frederick F. Driscoll
9. Exhibit 8, affidavit of Robert J. Marland
10. Letters to complainants and respondents

GENERAL COUNSEL

on JUN 10 P12: 54

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

TO THE GENERAL COUNSEL OF
THE FEDERAL ELECTION COMMISSION
CHARLES N. STEELE

COMPLAINT AND REQUEST FOR AN
INVESTIGATION FOR VIOLATION OF
2 USC 441b IN THE MATTER OF:

CHELSEFORD FEDERATION OF
TEACHERS LOCAL 3569
AFT, AFL-CIO

BILLERICA FEDERATION OF
TEACHERS, LOCAL 1677
AFT, AFL-CIO

CHELSEA TEACHERS UNION
LOCAL 1340, AFT, AFL-CIO

LYNN TEACHERS UNION
LOCAL 1037, AFT, AFL-CIO

VS

MASSACHUSETTS FEDERATION OF TEACHERS EXECUTIVE BOARD
AND
ONE PAUL L. DEVLIN

JUNE 2, 1980

Complaint

PRELIMINARY STATEMENT

The Massachusetts Federation of Teachers is a federation of approximately forty labor unions. The Federation has its headquarters located at 114 Western Avenue, Lynn, Massachusetts 01904 (telephone 1-617-599-6800)

The Federation executive board has the power to carry on all the business affairs of the organization. The executive board is composed of a president and twenty vice presidents; these officers are elected by delegates from locals of the Federation every two years (see Exhibit I Bylaws of the Massachusetts Federation of Teachers p 8 & 9).

The complainants of these charges are all citizens of the United States of America and members in good standing of locals which are affiliated with the Massachusetts Federation of Teachers

THE CHARGES

It is with deep regret that we the under signed make the following charges. However, we are responsible citizens and dedicated teacher unionists who are militant in our concern that the federal election processes and our labor organization be maintained with integrity; we now request that the Federal Election Commission in order to protect our rights as American citizens and to safeguard and preserve the democratic processes of our union investigate the following charges that the Massachusetts Federation of Teachers Executive Board and one Paul L. Devlin, Associate Executive Secretary did knowingly and willingly commit unethical practices in violation of Federal Election Law:

2 United States Code 441b:

441b Contributions or expenditures by national banks, corporations, or labor organizations

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure

in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b) (1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work

(2) For purposes of this section and section 791(h) of Title 15, the term contribution or expenditure shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organizations aimed at its members and their families; (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful--

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction;

(B) for any person soliciting an employee for any contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal

(4) (A) Except as provided in subparagraphs (3), (C), and (D), it shall be unlawful--

(1) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other

than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) it shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employees of a corporation of the families of such persons. A solicitation under this subparagraph that be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so assigned that the corporation, labor organization, or separate segregated fund conducting such solicitations cannot determine who makes a contribution of \$50 or less as a result of such solicitations and who does not make such a contribution.

(C) this paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate integrated fund established by a membership organization, cooperative as a fund from members of such organization, cooperative, or corporation without capital stock.

The substantial nature of the charges is as follows:

At a formal monthly meeting of the Massachusetts Federation of Teachers executive board in March, 1980, the board voted its support and the Federation resources were put at the disposal of one Mr. Paul L Devlin to assist Mr Devlin's candidacy to become an elected delegate to the 1980 Democratic National Convention. Prior to taking a voice vote on the matter and at the aforesaid meeting a discussion on the matter was had. The executive board discussed with Mr Devlin what kind of aid he would need and he responded by making a reference to "hard money versus soft money" and the use of secretarial help in preparing campaign literature (see Exhibit II a campaign flyer produced in Federation headquarters by Federation secretarial staff).

During the discussion the Executive Board was warned that giving Mr. Devlin help was an unethical practice; they were told that supporting his candidacy with Federation resources and materials put him at an unfair advantage over other union members who have little or no resources and may be desirous of running for delegate from the sixth Congressional district. Executive officers, executive board members and a staff union representative were present when Associate Executive Secretary JOHN J CARPENTER, also an attorney, gave the board the aforesaid warning. No response was made to the warning and immediately the board voted to help Mr Devlin's candidacy.

Mr. Devlin used a Federation staff vehicle, a telephone credit card of the Federation, a Federation expense allowance, and Federation employees in his behalf prior to the Democratic Caucus meeting at Salem State College in Salem Massachusetts and during the day of the caucus meeting. Potential witnesses to the use of staff may be elicited from Federation employees, Ms. Joan Buckley, Mr. Jay Porter, and Mr. Robert Marland. New England Telephone Company records will verify

phone use and Mr Devlin's expense records with the Federation will verify expense allowances.

Members of the executive board, Mr Peter Whelton and Mr Frederick Driscoll and others were campaigning and present at the caucus meeting on Mr Devlin's behalf

The Federal Election Commission should be aware that these charges are only the "tip of the iceberg" Mr Devlin and the executive board are presently under investigation by the American Federation of Teachers for violations of the Labor-Management Disclosure Act and the established policies of the Federation. We and other union members are presently filing with the United States Secretary of Labor a charge that the executive board in collusion with Mr Devlin did by illegal use of Federation funds (the origins of which is member's dues) violate the provisions of the Labor-Management Disclosure Act. Further we and other union members consider the Constitution and/or Bylaws of our Federation to be a good faith contract between the Massachusetts Federation of Teachers and each member of the Federation which has been violated by the executive board and Mr Devlin in that board members with agreement with Mr Devlin have been expending over a three

year period, against long standing union policy, general funds of the Federation to pay their local union legal expenses. Said expenses are normally incurred by local unions from local treasuries. Southeastern Regional Vocational School (Board member Matthew Foley), Salem Teachers Union (Board member Gaynor Riley), New Bedford Paraprofessionals Local (by agreement with Paul L. Devlin), the Springfield Federation of Teachers (Board member Martin Manoozian) all among locals of other board members have been draining the general funds of the state Federation for expenses which local unions which have no board representation pay in the normal course of administration of collective bargaining agreements. These matters are currently being brought before proper legal forums for redress but we want the Commission to be aware of the corrupt practices of our executive board and Mr Paul L Devlin.

Upon investigation the Federal Election Commission will find willing testimony from Federation employees and union members who were present when the aforesaid events occurred and possesses documentary evidence substantially all charges.

It is imperative that the Commission act quickly in that records of the Federation are being scrutinized by some of those who may be conspirators in the aforesaid violations and we worry that records may be altered, destroyed or hidden by those who are in power and may deem this best interest to cover up the true record.

, Lynn Teachers Union, Local 1037, AFT, AFL-CIO,
the aforesaid is true according to my knowledge and therefore, I accordingly in good faith swear to the veracity of its content.

Donald A. Pofeter, Billerica Federation of Teachers, Local 1677,
AFT, AFL-CIO the aforesaid is true according to my knowledge and therefore, I
accordingly in good faith swear to the veracity of its content.

8 Locust St.
Salem, MA 01970

Sworn before me this 5th day of May 1980
Thomas D O'Brien Notary Public
My commission expires September 19, 1986

Kevin J. Casady, Chelsea Teachers Union, Local 1340, AFT, AFL-CIO,
the aforesaid is true according to my knowledge and therefore, I accordingly
in good faith swear to the veracity of its content.

157 WOODLAWN ST.
EVERETT, MA. 02149

Sworn before me this the 5th day of June 1980
Anthony J. Fracia - Notary Public
My comm expires 5-11-84

Margaret J. Paresky
Grace M. Dunn, Chelmsford Federation of Teachers, Local 3569,
AFT, AFL-CIO, the aforesaid is true according to my knowledge and therefore, I
accordingly in good faith swear to the veracity of its content.

10 Smith Street, Chelmsford, Massachusetts 01824
10 Smith Street, Chelmsford, Massachusetts 01824

Sworn before me this 5th day of
June, 1980
William J. Tsaffaras
Notary Public -

Paul L. Devlin

KENNEDY DELEGATE
SIXTH CONGRESSIONAL DISTRICT
DEMOCRATIC NATIONAL CONVENTION

PERSONAL

Son of Mary C. and the late Leo G. Devlin
Husband of Dorothy A. Terrio
Father of Mary, Elizabeth, Paul, Peter, Sarah

6 Columbus Road, Peabody, MA 01960

EDUCATION

St. John's Preparatory School	1956
Boston College -- B.S.	1961
Salem State College -- M.Ed.	1964

EMPLOYMENT

Vic's Drive-In, Danvers	1958 - 1962
Salem Public Schools	1961 - 1967
Peabody Public Schools	1967 - 1970
Massachusetts Federation of Teachers AFT, AFL-CIO	1971 - present

ORGANIZATION

International Vice President American Federation of Teachers AFL-CIO	1976 - present
Vice President Massachusetts State Labor Council AFL-CIO	1975 - present
Peabody Democratic City Committee Ward 2	1968 - 1972
Ward 4	1976 - present
Steering Committee Labor for Kennedy	1979 - present

ELECT

Paul L. Devlin

ENDORSED BY NORTH SHORE LABOR COUNCIL

ELECT

Paul L. Devlin

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SIXTH CONGRESSIONAL DISTRICT
DEMOCRATIC NATIONAL CONVENTION

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ELECT

Paul L. Devlin

ENDORSED BY NORTH SHORE LABOR COUNCIL

BYLAWS

of the

**MASSACHUSETTS FEDERATION
OF TEACHERS**

Affiliated with the

**AMERICAN FEDERATION
OF TEACHERS, AFL-CIO**

Correct as of June 2, 1979

BYLAWS

of the

MASSACHUSETTS FEDERATION
OF TEACHERS

Affiliated with the

AMERICAN FEDERATION
OF TEACHERS, AFL-CIO

Correct as of June 2, 1979

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ARTICLE I — NAME AND LOCATION

This organization shall be known as the Massachusetts Federation of Teachers, AFT, AFL-CIO, with its office(s) at such place(s) as the Executive Board may determine.

ARTICLE II — OBJECTIVES

1. To coordinate the work of locals of the Massachusetts Federation of Teachers, and to offer mutual assistance and support.
2. To secure for the members all the rights to which the members are entitled.
3. To raise the standards of the teaching profession by establishing conditions essential to the best professional service.
4. To promote such democratization of the schools as will enable them better to equip their pupils to take their places in the industrial, social and political life of the community.
5. To promote the welfare of the people of the Commonwealth by providing better educational opportunities for all.
6. To initiate and support state legislation which will benefit the pupils and teachers of Massachusetts.
7. To promote and assist the formation and growth of locals of the American Federation of Teachers in Massachusetts.

8. To maintain and promote the aims of the American Federation of Teachers and other affiliated labor bodies.

ARTICLE III — MEMBERSHIP

SECTION 1. This organization shall consist of federations of public and private school teachers, educational or other workers organized in conformity with the provisions of these Bylaws.

SECTION 2. Only locals of the American Federation of Teachers located in Massachusetts shall be members of the Massachusetts Federation of Teachers.

SECTION 3. Locals may establish the following special classes of membership:

a. Employees who are eligible for membership whose salary is less than the basic teacher's salary. Such locals pay per-capita tax for such members at one-half ($\frac{1}{2}$) the regular rate.

b. Retired members, laid-off employees, employees on unpaid leave, and those employees earning under \$4,000. Laid-off employees shall be eligible for three (3) years at this reduced rate. Such locals pay per-capita tax for such members at one-quarter ($\frac{1}{4}$) the regular rate.

Such members shall be entitled to receive full benefits of membership; however, in determining the delegate strength of the local

at any state or national convention, their representation shall be in proportion to the rate of dues paid. Any such members who pay the regular membership dues of the local and for whom the full per-capita tax is paid shall be entitled to full membership rights and privileges.

SECTION 4. No discrimination shall be shown in individual members or applicants for membership because of age, color, race, religious faith, national origin, sex, sexual preference, marital status or political activities or belief.

SECTION 5. Nothing contained in this Article shall permit this organization to admit into membership any organization of non-teaching persons who hold the position of principal or any higher position. This provision shall not be applicable to locals chartered prior to its adoption.

Nothing contained in this Article shall permit locals to admit into or retain in membership any non-teaching person who holds the position of principal or any higher position. This provision shall not be applicable to holders of such positions who hold membership in any local prior to the adoption of this Article.

The Executive Board may permit locals to admit such persons into membership only where the exclusion of such persons from membership would legally bar a local from achieving exclusive representation for classroom teachers.

SECTION 6. New locals to this organization shall establish and maintain a dues structure for teachers which is at least one per cent (1%) of the minimum salary for the bachelor's degree.

SECTION 7. All locals shall submit three (3) copies of their Constitution and/or Bylaws to the State Organization within three (3) months of receiving their membership and they shall similarly submit all subsequent amendments to their Constitution and/or Bylaws.

Locals must submit to the Office of the Massachusetts Federation of Teachers the names and addresses of all duly-elected officers within ten (10) days following an election.

SECTION 8. Membership at large may be granted to individual teachers from areas where no American Federation of Teachers local exists. Such memberships may be maintained until a local is chartered in which the member at large is eligible to membership. The State Federation shall have full jurisdiction in the determination of a procedure for participation by these at-large members in all activities of the State Federation.

SECTION 9. Membership shall be granted to members at large upon a majority vote of the Executive Board present at a regular meeting of the Executive Board of the Massachusetts Federation of Teachers.

ARTICLE IV — OFFICERS

SECTION 1. The elected officers of the Massachusetts Federation of Teachers shall be:

A. President

B. Twenty (20) Vice Presidents

The elected officers shall be elected in even years by the State Convention for the term of two (2) years or until their successors have been chosen. Vacancies shall be filled as provided in Article V, Section 4. The elected officers — twenty-one (21) in number — shall constitute the Executive Board.

Elected officers of the Federation shall be members of an affiliated local for at least one (1) year and be a delegate to the State Convention from a member local.

SECTION 2. The delegates to the Convention of the American Federation of Teachers shall be the President and duly-elected delegates and/or alternates.

ARTICLE V — EXECUTIVE BOARD

SECTION 1. It shall be the duty of the Executive Board to obey the instructions of State Conventions, except that any action by the Convention involving expenditure of funds shall be referred to the Executive Board with power to revise in conformity with the budget.

SECTION 2. The Executive Board may employ officers and other such employees as it shall deem necessary. Employees shall be employed by contract with provision for orderly dismissal for just cause with the right of hearing and counsel available to the employee.

SECTION 3. The Executive Board shall have the power to designate one of the officers of the Federation

to act in place of the President, in event of temporary or permanent vacancy of the office, until the next regular convention.

SECTION 4. Vacancies on the Executive Board shall be filled in accordance with the order of finish in the previous election. When such order has been exhausted, the Executive Board shall have the power to fill vacancies in its membership until the next regular convention.

SECTION 5. The Executive Board shall have power to interpret and enforce these Bylaws and to make rules not in conflict with these Bylaws and shall report such rules to the succeeding convention for approval. Any interpretation of these Bylaws by the Executive Board may be appealed at any subsequent convention.

SECTION 6. The President shall appoint members to committees with the approval of the Executive Board.

SECTION 7. The Executive Board shall meet at least eight (8) times per year.

SECTION 8. The Executive Board shall have power to carry on all the business affairs of the Massachusetts Federation of Teachers, including, without limitation, the power to do on its behalf any or all of the following:

(a) To sue and be sued, complain and defend, on behalf of and for the use of the Federation;

(b) To employ attorneys and counselors to advise the convention, Executive Board, and the employees on all matters pertaining to its business and affairs;

(c) To employ accountants, agents, and other persons having skills and knowledge needed in the conduct of the business;

(d) To adopt an official seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof, to be impressed or affixed or in any manner reproduced;

(e) To purchase, take, receive, lease as lessee, take any gift, devise, or bequest, or otherwise acquire, and to own, hold, use, deal in or with any real or personal property, or any interest therein;

(f) To sell, convey, mortgage, pledge, lease as lessor and otherwise dispose of all or any part of its property and assets;

(g) To purchase, take, receive, or otherwise acquire, own, hold, vote and use shares or other interests in or obligations of domestic or foreign corporations, associations, partnerships or individuals and to sell, mortgage, loan, pledge or otherwise dispose of, such shares, interests or obligations;

(h) To make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes, to borrow money for Federation purposes at such rates of interest and terms and conditions as they may determine; to issue notes, bonds and other obligations, and to secure any of its obligations by mortgage, pledge or deed of trust of all or any of its property and income; and

(i) To invest the funds of the Federation from time to time in any real or personal property as security for the security of funds so invested or loaned.

SECTION 9. Any member of the Executive Board who is not present for three (3) consecutive meetings without notifying the President may be removed by a two-thirds (2/3) vote of the Executive Board.

SECTION 10. Any member of the Executive Board may be removed for just cause by a two-thirds (2/3) vote of the Executive Board, subject to *Robert's Rules of Order Newly Revised*.

SECTION 11. The Executive Board shall consist of the President and the twenty (20) elected Vice Presidents.

SECTION 12. A quorum of the Executive Board shall consist of twelve (12) members.

ARTICLE VI — CONVENTIONS

SECTION 1. Annual conventions of this organization shall be held at a time between March 15 and June 1 and in such place as the Executive Board may determine.

SECTION 2. Special Conventions may be called by and held at the time and place determined by the Executive Board.

SECTION 3. The members of the Executive Board shall be ex-officio members of the conventions, but without vote unless an official delegate from their locals

SECTION 4. A quorum shall consist of fifty (50) delegates at a convention.

SECTION 5. The Committee on Convention Program shall be appointed by the President with the consent of the Executive Board no later than October 1.

SECTION 6. All nominations of officers shall be from the floor of the convention at a time specifically designated on the convention program. Nominating speeches shall be limited to two (2) minutes. There shall be no seconding speeches.

SECTION 7. Elections for President and Vice Presidents shall be by roll call vote. The person receiving the highest number of votes cast for President shall be declared elected. The persons receiving the twenty (20) highest number of votes cast for Vice President shall be declared elected. In the event of a tie, a run-off election for the position(s) shall be conducted by roll call vote.

SECTION 8. Resolutions shall be introduced one (1) month before the Convention. All resolutions shall be typewritten and bear the signature of the President of the local.

SECTION 9. On all roll calls in the Convention, refer to Article VII, Section 4.

SECTION 10. When a delegate leaves the convention, his/her place in the convention may be taken by an alternate, if any has been certified as provided in Section 1, Article VII, and in the order as listed.

SECTION 11. The Committee on Credentials, the Committee on Standing Rules, and the Program Committee shall be appointed by the President with the consent of the Executive Board, and shall be notified of their appointment at least two (2) weeks prior to the convention. The Committees shall consist of at least five (5) members and shall be responsible for registration of delegates, the standing rules, and the program at the Convention.

ARTICLE VII — REPRESENTATION

SECTION 1. Delegates and/or alternates to the Convention from a local shall be elected by secret ballot. Members of each local must be given suitable opportunity to nominate candidates for the office of delegate and alternate. Notice of the right to make nominations must be sent to each member or given a prominent place in the local publication and on bulletin boards. Notices of the right to make nominations and notice of the election may be combined in one notice. Written notice announcing the time and place of election of delegates must be mailed to each member at least fifteen (15) days prior to the election. The results of the election must be made public and the ballots kept for one (1) year.

Each local must send by Registered or Certified Mail to the Executive Secretary-Treasurer a certified list of all elected delegates and alternates not later than thirty (30) days prior to the opening date of the Convention. Only

delegates and alternates on this certified list shall be registered and seated at the Convention.

In the event of non-delivery to the Executive Secretary-Treasurer of the certified list of the elected delegates and alternates, the Executive Board may recommend the seating of the delegates and alternates only upon the submission by the President, or ranking delegate of the local, of a statement certifying the list of elected delegates, alternates, and receipts showing that the originals were sent to the Executive Secretary-Treasurer by Registered or Certified Mail, postmarked no later than thirty (30) days prior to the opening date of the Convention.

To be entitled to representation at the Convention, the full per capita tax of the local shall be paid through the second (2nd) month preceding the convention date, such payment to be made no later than thirty (30) days prior to the opening date of the Convention.

SECTION 2. Two (2) delegates to any convention may be elected by each affiliated local having a membership of twenty-five (25) or less.

For each one hundred (100) members or major fraction thereof, two (2) additional delegates may be elected.

Proportional representation shall be accorded to locals granted reduced per capita payments.

SECTION 3. For the purpose of this Article, membership shall mean the average number on which the

per capita tax has been paid for the first twelve (12) months of the fourteen (14) month period immediately preceding the month in which the convention meets; provided:

- (1) That no local in arrears at the time of the convention shall be entitled to representation.
- (2) That, in the case of locals which have been chartered during the year preceding the convention, the average shall be computed on the basis of the number of months of affiliation, the minimum of such computation to be two (2) months.

SECTION 4. On all roll calls in the Convention, each local represented shall be entitled to a number of votes equal to that number used in calculating representation.

SECTION 5. In the case of locals which receive fees from non-members for representing them under an agency service fee agreement, the average number on which the per capita tax has been paid shall be increased by including, as if it were per capita tax, the sum equal to the per capita tax paid as required by Article VIII, Section 1.

ARTICLE VIII — REVENUES

SECTION 1. Effective July 1, 1979, each affiliated local shall pay to the Massachusetts Federation of Teachers a per capita of five dollars (\$5.00) per member per month. Locals employing full-time personnel shall

pay full per capita on the first seven hundred fifty (750) members, and two dollars and fifty cents (\$2.50) per member per month on the remainder of the total membership.

Where a local receives fees from nonmembers for representing them under an agency service fee agreement, it shall pay to the State Office a sum equal to the per capita tax for all such nonmembers.

Locals that have members within a unit where the bargaining rights have been won by other teacher organizations and where the other organization has obtained an agency service fee clause in the contract, shall pay per capita tax at one-half (1/2) the regular rate on those members required to pay agency fees to another organization.

SECTION 2. Of these revenues, ten cents (10¢) per member per month shall be placed in a defense fund.

SECTION 3. The Treasurer of each affiliated local shall fill out and forward to the Massachusetts Federation of Teachers on or before the fifteenth (15th) of each month, a report of members in good standing in the local on the first (1st) day of that month, and shall pay all the per capita due the Massachusetts Federation of Teachers on or before the fifteenth (15th) of each month.

SECTION 4. Any affiliated local not paying its per capita tax on or before the fifteenth (15th) of each month shall be notified of the fact by the State Office, and if at the end of three (3) months it is still in arrears, it shall become suspended from membership in this organization and can be reinstated only upon payment of arrearages in full.

SECTION 5. The Executive Secretary-Treasurer shall make a report to the Executive Board at each of its meetings.

SECTION 6. The Executive Secretary-Treasurer shall make a financial report at each State Convention, and distribute to the delegates a detailed accounting of the income and expenses.

ARTICLE IX — AMENDMENTS

SECTION 1. Proposed amendments to these By-laws shall be submitted to the convention either by request of the Executive Board or by request of a local.

SECTION 2. If a proposed amendment is to be submitted to a state convention, it must reach the State Office three (3) months prior to the convention and must be sent by the State Office to the locals two (2) months prior to the convention.

SECTION 3. These Bylaws may be amended by a two-thirds (2/3) vote at a convention.

ARTICLE X — PARLIAMENTARY AUTHORITY

The rules contained in *Robert's Rules of Order Newly Revised* shall govern this Federation in all cases to which they are applicable and in which they are not inconsistent with rules regularly adopted by the Federation.

ANGOFF, GOLDMAN, MANNING, PYLE & WANGER, P.C.

Counsellors at Law

44 SCHOOL STREET

BOSTON, MASSACHUSETTS 02108
(617) 723-5500

ALBERT L. GOLDMAN
ROBERT D. MANNING
WARREN H. PYLE
E. DAVID WANGER
JOHN F. McMAHON
JAMES O. HALL
JOANNE F. GOLDSTEIN
JONATHAN P. HIATT
ELIZABETH A. KOVALCIK
DAVID B. ROME
HOWARD B. LENOW

SAMUEL E. ANCOFF
Of Counsel

SIDNEY S. GRANT
(1929-1957)

July 1, 1980

Andersen

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

008839

Attention: Lee Andersen, Esquire

RE: MUR1246 and an enclosed Complaint

Dear Mr. Andersen:

Pursuant to 11 C.F.R., § 111.6(a), I enclose a memorandum on behalf of the Respondents in MUR1246 with supporting affidavits of Joan A. Buckley, Paul L. Devlin, Frederick F. Driscoll, Robert J. Marland, Jay E. Porter, and Peter N. Whelton.

Further, and pursuant to 2 U.S.C. Sec. 437 g(a)(1) and 11 CFR § 111.4(a), I also enclose three (3) copies of a complaint as to unauthorization, publication, and dissemination of copies of the complaint in MUR1246 and of its filing at your agency.

Illegal dissemination is presently ongoing and I urge General Counsel to exercise his discretion pursuant to 11 C.F.R., § 111.7(b) to recommend forthwith to the Commission that a violation has been and is continuing to be committed.

Very truly yours,

John F. McMahon
John F. McMahon

JFM:jmw
Enclosure
cc: Paul L. Devlin
MFT

Exhibit 1

RECEIVED
GCC #1928
JUL 2 11 12

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

30 JUL 2 11:50

RE: MASSACHUSETTS FEDERATION OF *
TEACHERS EXECUTIVE BOARD *

RE: MUR-1246

MEMORANDUM OF MASSACHUSETTS
FEDERATION OF TEACHERS EXECUTIVE BOARD

80040020694

From The Office Of:

ANGOFF, GOLDMAN, MANNING, PYLE
AND WANGER, P.C.
44 School Street
Boston, Massachusetts 02108
(617) 723-5500

INTRODUCTION

Massachusetts Federation of Teachers and its Executive Board, including Paul L. Devlin (herein MFT) submit this Memorandum pursuant to 2 U.S.C. Sec. 437g(a)(1) and 11 C.F.R. §11.6 to demonstrate that there is no reason to believe any violation has been committed and that the complaint should be dismissed. In support of its comments there are accompanying affidavits of the following individuals named in the Complaint: Paul L. Devlin, Joan A. Buckley, Jay E. Porter, Robert J. Marland, Peter N. Whelton, and Frederick F. Driscoll. Its comments are not a waiver of any argument not specifically made and specifically do not concede this Commission's jurisdiction over the subject matter of the complaint in any respect.

A. THE COMPLAINT'S PROCEDURAL INSUFFICIENCY

11 C.F.R. §111.4 (d) (1) requires specific identification of each person or entity named as a respondent. The Complaint does not inform whether it intends to charge MFT, as distinct from its Executive Board, with violations. If the intent is to charge individual Board Members then each individual is entitled to notice pursuant to 11 C.F.R. §111.5(b). This is not a superficial technical objection in the light of the civil and other penalties which may be imposed under the Federal Election Campaign Act.^{1/}

^{1/}The Complaint also fails to comply with 11 C.F.R., §111.4 (c)(4); p. 5 refers to "documentary evidence" in charging parties' possession; contrary to Section 111.4 (c) (4), no such items accompany the Complaint.

11 C.F.R., §111.4 (c) establishes that complaints are subject to the federal perjury statutes including the general fraud and false statement prohibitions set out in 18 U.S.C. Sec. 1001. Section 111.4(c) also demands that the complaint differentiate between statements based on personal knowledge and statements founded on information and belief. This complaint's contents wander back and forth between matters of asserted personal knowledge and items properly characterized as ones of information and belief, with no effort made to identify the source of any signatory's convictions that violations have occurred.

B. THE COMPLAINT SHOULD BE DISMISSED ON ITS MERITS

Pruned of verbiage, the complaint seems to assert the following factual claims:

(A) The MFT Executive Board at its March, 1980 meeting voted to support Associate Executive Secretary Devlin in an effort by him to be elected a delegate to the 1980 National Democratic Convention, with discussion of his use of union funds and clerical employee assistance. Prior to that vote, it contends, a warning of impropriety or illegality was given by another Associate Executive Secretary who was an attorney; and

(B) Mr. Devlin used an MFT staff vehicle, an MFT credit card, an MFT expense account, and MFT staff at the Democratic Party District Caucus at which he was nominated and elected.

These claims are totally inaccurate and answered in the several affidavits filed with this Memorandum.

The Democratic Caucus for the Sixth Massachusetts Congressional District was conducted on February 10, 1980. Hence any claim that the MFT Executive Board voted at its March 1980 monthly meeting as the charge so alleges is at least incongruous. The character of that assertion suggests strongly that the persons swearing to the truth and veracity of the complaint, whose solemn signatures appear at its page 6, do not do so honestly and in good faith, giving occasion to invoke 18 U.S.C. Sec. 1001 and 11 C.F.R. §111.4(c), a point to be pressed by MFT in its related filing.

MFT did vote to authorize Mr. Devlin to stand as a candidate at its January 12, 1980 meeting and endorsed his candidacy and the candidacy of member Dottie Palmer in the First Congressional District. It is not unusual that a labor union member seeks his union's consent to engage in a candidacy effort, particularly when the member is also an employee: there is in the trade union movement a strong sense of organizational loyalty and the movement's protocol obliges members to seek permission to run for any public office.

MFT approved and endorsed two efforts in delegate contests with the same terms: the candidacy of Ms. Palmer in the First Massachusetts Congressional District Contest and the candidacy of Mr. Devlin in the Sixth District. To both, it gave "support and authorization". Devlin Aff. pp. 3,4. There is no mention of Ms. Palmer anywhere in the Complaint implying that the Charging Parties saw no violation with

respect to her endorsement.

The Complaint on p.3 contends that at the March 1980 Executive Board meeting (after Devlin had been elected a delegate in February):

"The executive board discussed with Mr. Devlin what kind of aid he would need and he responded by making a reference to "hard money versus soft money" and the use of secretarial help in preparing Campaign literature (See Exhibit II a campaign flyer produced in Federatiol headquarters by Federatiol secretarial staff)""

Even if literally true, that statement in no way goes beyond the claim that a discussion occurred and does not claim executive board grant of such aid.

However, the statement is not true. The only appeal made by Devlin was that board members encourage eligible persons to attend that Caucus and vote for him.

Mr. Wheton and Mr. Driscoll affirm that no financial or clerical assistance was solicited by Devlin. The Caucus process by its nature makes financial assistance really superfluous and clerical assistance is always modest, if used by a delegate candidate. The reference to "hard money versus soft money" occurred in another context unrelated to his delegate candidacy when he correctly opposed the use of general revenues for political purposes.

The complaint continues with a reference to an alleged warning that supporting Devlin's candidacy was unethical. The testimony of Devlin, Driscoll, and Whelton is convincing on this point: no warnings were given by Mr. Carpenter; instead he confined his remarks to a personal disapproval based on

his opinion that another MFT member might be interested in the Sixth delegate position. The absence of any reference to the Palmer candidacy, in the complaint's version of the Carpenter remarks, which was treated identically by the board, suggests that recollections described by Messrs. Devlin, Driscoll, and Whelton are the accurate ones.

Devlin did not use MFT telephone credit and MFT expense allowances. The "town meeting" character of a caucus belies the claim: such resources are not needed.

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Apparently the complaint intends to assert that MFT authorized specifically Mr. Devlin's use of a staff car for campaign purposes. MFT provides its field staff, including Messrs. Devlin and Carpenter, with automobiles. Such vehicles, by long standing practice, may be driven on personal business during non-work times. There are two specific isolated uses of the Devlin car connected in any way with the February 10 caucus: on one occasion he used the car to travel a couple of miles in the city of Lynn to attend a ribbon cutting ceremony. It is not unusual for a person with his union rank to attend such a public function. Candidly, he attended to give himself an opportunity to chat with local democratic officials about potential candidates. The other use was to travel the short distance to and from his Peabody home and the Salem State Dcollege site of the Caucus. Each use is consistent with established policy permitting personal use and no different in character than a trip to a ball game or the drug store. The claim asserted in the Complaint is trivial in its factual

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extremely technical violation of a U.S.C. Sec. 441 b(a) if MFT, as an organization, made a "contribution or expenditure" in connection with their actions. Section 431 (8)(B) of the Act excludes as a "contribution". . . "services provided without compensation by any individual who volunteers on behalf of a candidate". Mr. Whelton is not a compensated employee and obtained no expense reimbursement. Mr. Porter volunteered to assist at the Caucus on his day off. Both individuals provided services as a personal choice without any anticipated or actual payments by MFT. The organization imposed no obligations and granted no rewards to induce them to participate and participation was a matter of their voluntary choice exclusively. In no way did MFT or its board provide any "services" in violation of Secs. 441b(a) and 441 b(b)2 or Part 114. 11C.F.R. §114.1 et seq. with respect to the Caucus presence and activities of Messrs. Porter and Whelton.

MFT submits that the preparation of Devlin's letter of intent in January, 1980, and the preparation of the one flyer in February, 1980 are permissible "occasional, isolated and incidental uses" of its facilities sanctioned by 11 C.F.R. Sec. 114.9(b)(1) and not in violation of Section 441(b):

(a) neither use increased the organization's overhead or operating costs; (b) neither use prevented any employee from completing his or her normal amount of work in a regular work day and did not interfere with the carrying out of normal activities by MFT; and (c) in any event both uses should be deemed occasional, isolated or incidental since neither activity exceeded one hour per week or even hours per month.

Sec. 114.9(b)(1)(c)(ii), and (iii).

C. THE CONTEXT OF THE COMPLAINT

Assessment of a complaint should not usually include review of the complaining party's motives. Nevertheless, the context in which this complaint is made deserves comment.

Mr. Devlin was successful in his May, 1980 bid for election to the MFT's presidency. During the convention which elected him, delegates from two MFT locals named in the Complaint's caption threatened legal action to protest his election when the convention rejected a barrage of dilatory and obstructive motions. Respondent MFT submits that a good faith interest in the statute's enforcement should be a quality accompanying any complaint. That quality is not presented with the charging parties' filing: it is an extension of the union election conflict and an effort to involve MFT in a federal investigation of a meritless claim to embarrass the union during a transition period. MFT submits that this complaint was made maleiciously and recklessly to achieve that one objective.

As the complaint suggests, the same parties^{2/} are pursuing combat on fronts other than this Commission by petitioning for other investigations and their efforts are consistent there with the one described, supra. And this

^{2/}As far as MFT is aware, no local union voted to authorize the filing of this Complaint contrary to its caption and signatures.

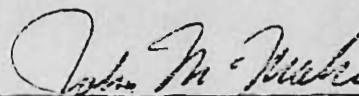
complaint is only a conscription of this agency into their battles. Any doubt of that purpose should dissolve when the circulation of the Complaint, the subject of MFT's charge, is taken into consideration.

CONCLUSION

General Counsel should recommend to the Commission that there is no reason to believe that any violation has been committed and that the Commission should dismiss the Complaint.

Respectfully submitted,

ANGOFF, GOLDMAN, MANNING, PYLE
& WANCER, P.C.



JOHN F. McMAHON
44 School Street
Boston, MA 02108
(617) 723-5500

30040220703

MUR 1251

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

* * * * *

MASSACHUSETTS FEDERATION OF *
TEACHERS

Complainant *

v. *

KEVIN J. CASSIDY, GRACE M. DUNN, *
MARIANNE PARESKY and DONALD A. *
POFCHER, and their agents *

and *

COMPLAINT

THE MASSACHUSETTS TEACHERS *
ASSOCIATION

Respondents *

* * * * *

30040220704

Pursuant to 2 U.S.C. Sec. 437g(a)(1) and 11 C.F.R.
§114.4(a), Massachusetts Federation of Teachers complains that
Kevin J. Cassidy, Grace M. Dunn, Marianne Paresky, Donald A.
Pofcher and their agents and attorneys have knowingly and
willfully violated 2 U.S.C. Sec. 437g(a)(12)(A) by publicizing
and circulating copies of the complaint in MUR-1246 after its
filing and that the said respondents Cassidy, Dunn, Paresky
and Pofcher have violated 18 U.S.C. Sec. 1001 and 11 C.F.R.
§111.4(c) by knowingly and willfully making false and fic-
ticious representations in Complaint MUR-1246.

This Complaint further charges that the Massachusetts
Teachers Association, a rival organization, has also publicized

and disseminated information concerning the Complaint in MUR-1246 in violation of 2 U.S.C. Sec. 437g(a)(12)(A) and 11 C.F.R. §111.4(c).

A. THE PARTIES

1) The complainant is Massachusetts Federation of Teachers, a labor organization consisting of forty (40) local unions affiliated with the American Federation of Teachers, AFL-CIO. Its present address is 114 Western Avenue, Lynn, MA 01904.

2) The respondents are:

- I. a) Kevin J. Cassidy, 107 Woodlawn Street, Everett, MA 02149;
- b) Grace M. Dunn, 10 Smith Street, Chelmsford, MA 01824;
- c) Donald A. Pofcher, 9 Locust Street, Salem, MA 01970;
- d) Marianne Paresky, 10 Smith Street, Chelmsford, MA 01824; and
- e) their agents and attorneys who are presently unknown; and
- II. a) The Massachusetts Teachers Association, National Educational Association, 20 Ashburton Place, Boston, MA 02108

GRAVAMEN

A. THE PUBLICATION VIOLATION BY THE
INDIVIDUAL RESPONDENTS

3) On June 10, 1980 the named respondents filed a

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complaint with the Federal Election Commission ("FEC") against the Massachusetts Federation of Teachers Executive Board and Paul L. Devlin, asserting violations of 2 U.S.C. Sec. 4416, docketed as Case No. MUR-1246, according to a notice from FEC General Counsel, Charles N. Steele, dated June 13, 1980.

4) 2 U.S.C. Sec. 437g(a)(12)(A) and 11 C.F.R. §111.21(a) establish that no complaint filed with the FEC shall be made public by any person without the written consent of a respondent and, Sec. 437g(a)(12)(B) provides in relevant part:

" . . . any other person who violates the provisions of subparagraph (A) shall be fined not more than \$2,000. Any such . . . other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than \$5,000."

5) Neither the Massachusetts Federation of Teachers, its Executive Board or Paul L. Devlin have given written or other consent to the Commission or other person to make public the complaint in MUR-1246.

6) Notwithstanding the confidentiality requirements imposed by 2 U.S.C. Sec. 437g(a)(12) and 11 C.F.R. 111.21(a), respondents Cassidy, Dunn, Pofcher and Paresky, and their agents and attorneys, after filing the complaint in MUR-1246, mailed copies to at least a Massachusetts state agency, to attorneys representing municipal employers, and to local AFT union presidents and members.

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7) Paul L. Devlin, President of MFT, is informed by Officers and employees of the Massachusetts State Labor Council, AFL-CIO, that on either June 16 or 17, 1980 they received through the regular mails, a copy of the complaint in a plain envelope.

8) Mr. Devlin was informed by Labor Attorney Allan Drachman on or about June 18 that his office had received a copy of the complaint in plain wrapping through the mails. Attorney Drachman's letter confirming receipt on June 17, 1980 is annexed as Exhibit 1.

9) Mr. Devlin was informed by Labor Attorney Norman Holtz that on June 17, 1980 his office received through the mail a copy of the complaint. Attorney Holtz verifies that receipt in his letter attached as Exhibit 2. The materials accompanying this verification include a photocopy of an envelope addressed to him which is designated as Exhibit 2(c). That envelope bears a Boston postmark after June 10, 1980 and appears to have been typed on the same typewriter used in preparing the complaint.

10) The following incidents of circulation are attested by Mr. Devlin as matters of his information and belief:

A) Fritz Castleman, Senior Counsel, Massachusetts Labor Relations Commission, informs MFT Counsel that his state agency received by mail a copy

of the Complaint on June 19, 1980 in a plain white envelope postmarked at Boston, June 16, 1980 at 1:00 p.m., six (6) days after the filing of the Complaint. Attorney Castleman furnished a copy of the item which is another copy of the complaint with its June 5 signatures, and a copy of the envelope with its postmark and date stamp. The address on the envelope and the text of the complaint appear to have been typed on the same model of typewriter. Both items are attached as this Complaint's Exhibit 2.

B) MFT staff members have reported that copies of the complaint were mailed to and received after June 10, 1980 by the following presidents and members of AFT local unions.

Joseph Bronstad
SMU Faculty Federation
SMU
N. Dartmouth, MA

Brian Finn
57 River Road
Andover, MA

Cynthia Founds
Westport Federation of
Teachers

Rose Greenside
41 Ohio Avenue
Lawrence, MA

Henry Harlow
W. Winkley Street
Amesbury, MA

Thomas Karpicus
Tohonto Teachers Assoc.,
Local 3225

Thomas Mazzarini
19 Dearborn Street
Salem, MA

Donald Nickerson
273 Rogers Street
Tewksbury, MA

Frank Nolan
12 Regent Drive
Danvers, MA

Charles St. Paul
112 Pleasant Street
Methuen, MA

Cheryl Supko
136 Harding Street
Medfield, MA

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11) The widespread distribution to State Council officers, employer attorneys, and local union presidents impairs the ability to carry out its responsibilities and shows that the purpose of the filing was to compromise the MFT as an organization.

B. THE FALSE REPRESENTATION VIOLATION

12) The complaint in MUR-1246 makes misrepresentation of material facts with respect to the alleged events described on its pages 3 and 4. Said misrepresentations were knowingly and willfully made by the named respondents as to matters within the jurisdiction of the Federal Election Commission in violation of 18 U.S.C. Sec. 1001.*

C. THE VIOLATION BY THE MASSACHUSETTS
TEACHERS ASSOCIATION

13) The Massachusetts Teachers Association is an employee organization affiliated with the National Educational Association and a competitor and rival of MFT.

14) On or about June 25, 1980 the Massachusetts Teachers Association mailed several thousand copies of a leaflet entitled "Teachers Voice" to City of Boston public school employees. A copy is attached as this Complaint's Exhibit 4 and its page 4 contains a description of the complaint in MUR-1246, with extensive quotations from its text.

*Note: The Complainants were not authorized by locals 1677, 1340, and 3569 to file a complaint as representatives of the aforesaid local unions.

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15) This extensive public dissemination by the rival Massachusetts Teachers Association will impair the relationship between the MFT's affiliate, Boston Teachers Union, Local 66, AFT, and City of Boston public school employees and severely damages both MFT and Boston Teachers Union.

Respectfully submitted,

MASSACHUSETTS FEDERATION OF
TEACHERS

July , 1980

By: Paul L. Devlin
Paul L. Devlin

Suffolk, ss

Then appeared before me Paul, L. Devlin and swore that the contents of this complaint are true to his knowledge and that as to any matters of belief, he believes them to be true and he signed this complaint in my presence.

Anna G. Devlin
Notary Public
My Commission Expires: 11/1/80

Dated: June 30, 1980

3004030710

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF JAY E. PORTER

I, Jay E. Porter, 3 Quarry Terrace, Peabody, Massachusetts,
state:

1) I am employed as a field representative by the
Massachusetts Federation of Teachers. My duties involve
organizing non-union represented employees, the negotiation
and administration of labor agreements, and other activities
associated with the collective bargaining processes in
Massachusetts public and private education.

2) I have been active as has Mr. Devlin in municipal
and democratic party politics in Peabody, Massachusetts, where
we both reside. Mr. Devlin and I have been friends for years.
Mr. Devlin and I were both members of the Peabody Federation
of Teachers, Local 1289, AFT, and have shared an active inter-
est in teacher unionism.

3) Mr. Devlin asked me as a friend to support him
in his campaign at the Sixth Congressional District Caucus.
I solicited support among my friends and neighbors on his
behalf. I did nominate him at the Caucus.

Exhibit 3

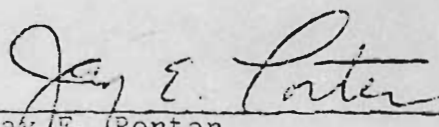
4) All of my activities were totally voluntary ones conducted on non-work time. Prior to the Caucus my efforts were to call friends and neighbors to urge their attendance and support for Mr. Devlin, which I did after working hours. The Caucus was held on Sunday, February 10, 1980, my day off.

5) I am informed that the following persons received copies of an item described as a "Complaint and Request for Investigation For Violation of 2 U.S.C. 4416."

Joseph Bronstad, PHD
President, Faculty Federation
Southeastern Massachusetts University
North Dartmouth, MA

Brian Finn
President, Greater Lawrence
Regional Vocational Technical High School
Faculty Federation
57 River Road
Andover, MA

Signed and sworn to under the
pains and penalties of perjury,


Jay E. Porter

June 27, 1980

Suffolk, ss

Then appeared Jay E. Porter and made oath before me that he had read this Affidavit and that its contents are true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/19/84

DATED: July 27, 1980

30010220712

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF PETER M. WHELTON

I, Peter M. Whelton, 21 Nursery Street, Salem, Massachu-
setts, attest:

1) I am a member of the Executive Board of Massachusetts
Federation of Teachers and have served successive terms since
1972.

2) I participated in the January 12, 1980 Executive
Board meeting which approved requests of Dottie Palmer and Paul
Devlin to run for National Democratic Convention delegates in
their respective districts. The only support sought by Mr.
Devlin was our individual encouragement to friends eligible to
attend the Caucus in his District to do so and support him with
their votes. I think that Mr. Carpenter stated that someone
else might be interested in the position in Mr. Devlin's dis-
trict. Mr. Carpenter gave no warnings of any kind.

3) I am a resident of the Sixth Congressional District
and attended the February 10 Caucus at the Salem State College.
Mr. Devlin and I have been friends since childhood and long

before our respective involvements in MFT. I campaigned on his behalf because of friendship. Several of Mr. Devlin's friends who are not MFT members also campaigned on his behalf.

4) I am a full-time teacher. I did not receive any expenses from the MFT in any form. My attendance and participation were strictly voluntary acts.

Signed and sworn to under the pains and penalties of perjury,


Peter H. Whelton

June 27, 1980

Suffolk, ss

Then appeared Peter H. Whelton and made oath before me that he has read this Affidavit and that its contents are true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/17/82

DATED: June 27, 1980

30040220714

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF PAUL L. DEVLIN

I, Paul L. Devlin, 6 Columbus Road, Peabody, Massachusetts,
state:

1) I was elected President of the Massachusetts
Federation of Teachers, American Federation of Teachers, AFL-CIO
(herein MFT) on May 19, 1980. Annexed to my Affidavit is a
copy of the Bylaws of MFT correct as of June 2, 1979. MFT is
a Massachusetts-wide affiliation of forty (40) local unions
of the American Federation of Teachers (AFT) with a total
membership of approximately twelve thousand (12,000) persons
employed usually in public and private education.

2) As of January 1, 1980 I was employed by MFT as one
of its associate executive secretaries. My duties were
established in an employment agreement to be:

" . . . organizing and servicing locals,
preparing and negotiating contracts,
legislative activity, liaison with labor
and educational groups and any other areas
of work necessary to advance the interest
of the Massachusetts Federation of
Teachers."

3) In aid of an assessment of the accuracy and credibility of this complaint, may I point out the following facts:

A) My opponent in the May, 1980, election was a former president of the Lynn Teachers Union, Local 1037. That Lynn local union is named as a party to the Complaint and Request (herein "Complaint") although no member attests to its veracity; and

B) The certification of the American Arbitration Association which supervised the roll call election shows that my opponent was given 2,022 votes and the local-by-local tally shows that local unions 3569, 1677, 1340 and 1037 cast all of their votes for my opponent, totaling 1,989 of his complete count. I received 6,679 votes.

C) This election occurred during the MFT's annual convention. During that convention, and particularly in nomination and resolutions phases of its program, delegates representing Locals 1037 and 1340 threatened MFT and the convention assembly with legal action relating to the election process after the body refused to consider dilatory motions and challenges.

D) The Complaint was distributed widely within Massachusetts after its filing with the Federal Election Commission on June 10, 1980 by mailings in plain envelopes to officials of other non-MFT unions, apparently to the presidents of all forty (40) local union affiliates of the MFT,

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to state and public labor relations agencies including the Massachusetts Labor Relations Commission and to attorneys representing public employers. Such distribution is without the consent of MFT and without my consent, as persons named in the Complaint. Its distribution is discussed more fully infra.

4) The Complaint is inaccurate in material and substantive respects. At its page 3, it asserts in part:

- "At a formal monthly meeting of the Massachusetts Federation of Teachers executive board in March, 1980, the board voted its support and the Federation resources were put at the disposal of one Mr. Paul L. Devlin to assist Mr. Devlin's candidacy to become an elected delegate to the 1980 Democratic National Convention."

The Caucus at which I was elected a Delegate to the 1980 Democratic Convention from the Sixth Massachusetts Congressional District occurred on Sunday, February 10, 1980.

I did solicit and obtained the permission and endorsement of the MFT Executive Board at its January 12, 1980 meeting to stand as a Convention Delegate Candidate. Likewise, MFT Executive Board Member Dottie Palmer obtained an endorsement of her candidacy for Delegate from the First Massachusetts Congressional District. The Minutes of that meeting include:

"_Democratic National Convention

"NOTION: that the support and authorization of the MFT be given to Paul Devlin to run for Delegate to the Democratic National Convention from District 6.

"

PASSED

"MOTION: that the support and authorization of the MFT be given to Dottie Palmer to run for delegate to the Democratic Convention from District 1."

To the best of my recollection there was no discussion of any kind of aid nor any request for aid by Palmer or myself.^{1/}

Disapproval of my request for an endorsement (but not to that of Palmer) was expressed by Associate Executive Secretary John J. Carpenter on the ground that another union member might want to run for that delegate seat and that the support afforded by the Motion might prejudice that anonymous member. Mr. Carpenter made no reference to "unethical practices" nor to the use of "Federation resources and materials."

The discussion as to "hard money versus soft money" occurred at an MFT Executive Board other than the January 12 meeting and was unrelated to my candidacy for Convention Delegate. A proposal had been submitted to the Executive Board that MFT purchase a number of tickets to different political testimonials on behalf of candidates for public office. I urged the Executive Board not to use membership dues and agency service fee revenues for such purposes. I suggested that voluntary contributions for political action be used if such purchases were contemplated. In vernacular, "hard money" refers to money solicited and given voluntarily and "soft money" described dues and agency service fee payments and I used those terms in that unrelated discussion.

^{1/} I did ask that board members encourage persons within the District to attend the Caucus and support my effort explaining that this was an integral part of the political processes little understood by the general population.

30049220713

Page 4 of the Complaint asserts that I used a Federation staff vehicle, a Federation telephone credit card, a Federation expense allowance and Federation staff services in my effort to be elected a Convention Delegate. These allegations are simply not true.

As a feature of my employment, I am furnished an automobile leased at MFT expense because of the job's extensive in-state traveling. Staff vehicles, by MFT custom for years, may be used for personal activities during non-work times. My only uses of that car connected in any way with my effort were to travel a couple of miles or so within Lynn from the MFT office to a ribbon cutting ceremony where I discussed briefly with local Democratic Party activists what persons might be interested in the same seat on one occasion and to travel the short distance from my home to the Caucus site and return. Both uses were consistent with the MFT staff practice as to vehicle use during non-work times.

I did not incur any charges on my expense allowance or my Federation telephone credit card in any activity connected with the Caucus effort.

Staff did not aid me prior to or during the Caucus at Salem State College on February 10, 1980 as a part of their Federation employment. Ms. Joan Buckley is a family friend and attended the Caucus with my wife. Field Representative Robert Warland does not live in the Sixth Massachusetts Congressional District, did not aid me, and was not present at

30040020719

the February 10 Caucus contrary to the suggestion at page 4 of the Complaint. Field Representative Jay Porter is a long time friend and an active associate in municipal Democratic politics in the Sixth District's City of Peabody where we both reside. We are both supporters of Senator Kennedy and Mr. Porter graciously nominated me at the Caucus.

Mr. Peter Whelton and Mr. Frederick Driscoll are MFT Executive Board Members. Mr. Driscoll does not reside in the Sixth District, in no way known to me aided, and did not attend the Caucus. Mr. Peter Whelton is a boyhood, life-long friend and a resident in the District. He did attend and solicit support on my behalf. Mr. Whelton is not an MFT employee. Like the support of Mr. Porter, Mr. Whelton's efforts were, I believe, the result of friendship and a common view of national political issues.

The only use of MFT facilities or employees in my delegate candidacy are as follows:

A) Sometime in January, 1980, after the January 12 Executive Board meeting, I dictated and an MFT Clerical employee typed a short statement of my intention to stand for nomination on MFT stationery for mailing to the Massachusetts State Democratic Committee in Boston, Massachusetts. I believe that office secretary, Theresa A. Graham, did the transcription and typing. Her time in that activity could not have exceeded much more than a quarter of an hour at the outside and in no way interfered with the completion of Ms. Graham's normal

amount of work during her work day or the normal amount of work of any secretarial employee if Ms. Graham did not do the letter.

B) In February, 1980, shortly before the Caucus, with the approval of Executive Secretary-Treasurer Francis Martin, Ms. Graham prepared between 500 to 1,000 copies of the leaflet annexed as Exhibit II to the Complaint. She used a letter press set, typewriter and copies and spent no more than an hour, by her own estimate, to prepare and make the copies. ✓

I, my two (2) teenage children, and some friends who were and were not MFT members distributed the leaflets at the entrances to the Salem State College campus facility in which the Caucus was conducted.

5) Officers and employees of the Massachusetts State Labor Council, AFL-CIO, inform me that on either June 16 or June 17, 1980 they received through the regular mails, a copy of an item in a plain envelope which, from their description, I recognize to be copies of the Complaint.

Attorney Norman Holtz represents employers with whom MFT affiliates collectively bargain and I have bargained and expect to negotiate labor agreements again with Attorney Holtz. Mr. Holtz informed me that early in the week of June 16 his office received in the mail a copy of the Complaint in a plain envelope without a covering letter. Mr. Holtz is forwarding a copy of the item mailed to his office with his letter affirming its receipt which I am instructing MFT Counsel to

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submit to the Commission.

I am presently serving as principal spokesman in negotiations between the Boston School Committee and Boston Teachers, Local 66, for new collective bargaining agreements covering about 5,000 employees. Attorney Allan Drachman is the School Committee's negotiator and during a June 18 session he informed me that in the last day or so previously his office had received a copy of an item in plain wrappings which appears to be a copy of the Complaint herein.

I am also informed by MFT Counsel that Fritz Castleman, General Counsel, Massachusetts Labor Relations Commission, reports that the Labor Relations Commission received in its regular mail on June 19, 1980 a copy of the Complaint enclosed in a plain envelope. That envelope bears a Boston June 16 postmark.

This distribution, in my judgment, impairs the ability of MFT to carry out its responsibilities to negotiate and administer collective bargaining agreements on behalf of its affiliates. I believe that distribution was intended to compromise me in my employment as MFT President. Local union officers, employer representatives, and public agencies must have confidence in my integrity. The tactic employed here, regardless of the validity of the item, leaves a stain on my character and on the reputation of the MFT.

Signed and sworn to under the
pains and penalties of perjury,

June 27, 1980


Paul L. Devlin

80010220722

Suffolk, ss

Then appeared Paul L. Devlin and made oath before me
that he has read this Affidavit and that its contents are
true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/7/86

DATED: *June 27 1980*

300400220723

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

Re: MUR-1246

AFFIDAVIT OF JOAN A. BUCKLEY

I, Joan A. Buckley, 15 Winton Street, Roslindale,
Massachusetts, state:

1) I am employed as a field representative by the
Massachusetts Federation of Teachers. My duties involve
organizing non-union represented employees, the negotiation
and administration of labor agreements, and other activities
associated with the collective bargaining processes in Massachu-
setts public and private education.

2) During that service, I have become a social friend
of Paul and Dorothy Devlin. Dorothy, Paul's wife, is incapac-
itated permanently and unable to operate a car. On Sunday,
February 10, 1980 there was a year's memorial mass honoring
Paul's deceased father, Leo, followed by a coffee hour at the
Devlin residence. As an accommodation to Dorothy, I offered
and did drive her from her home to the Salem State College
campus so that she could attend the Sixth Congressional District
Caucus. My recollection is that Paul and his children left
their residence earlier to attend and I wanted to help Dorothy
with her guests and her transportation.

3074724

3) I was present during the Caucus as an accommodation to, and out of friendship for, Dorothy Devlin, and for no other purpose. I had several conversations about politics and the Caucus process generally with other individuals only as an observer of the event.

I was not a part of any campaign for Delegate to the Democratic National Convention prior to or during the day of that Caucus.

4) As an MFT employee my "normal" work week is a Monday through Friday one, with fairly frequent Saturday work. Sunday, February 10, 1980, was a day off the job and my presence at the Devlin residence and at the Caucus site was a voluntary one and an incident of social friendship with the Devlins.

5) I reject totally any suggestion that I was present in any other capacity than as a family friend.

6) My duties require frequent contact with local union officers. After June 10, 1980, the following individuals, all local union presidents, informed me that they had received in mailings to their homes copies of the "Complaint and Request for an Investigation for Violation of 2 U.S.C. 4416" in plain envelopes without return address:

Cheryl Supko
136 Harding Street
Medfield, MA 02052

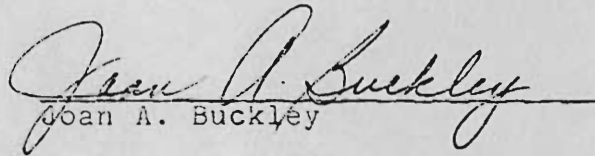
Donald Nickerson
478 Rogers Street
Tewksbury, MA 01876

Rose Greenside
41 Ohio Avenue
Lawrence, MA 01841

Thomas Mazzarini
19 Dearborn Street
Salem, MA 01970

Frank Nolan
12 Regent Drive
Danvers, MA 01923

Signed and sworn to under the
pains and penalties of perjury,


Joan A. Buckley

June 27, 1980

Suffolk, ss

Then appeared Joan A. Buckley before me and swore
that she had read this Affidavit and that its contents are
true and accurate to the best of her present knowledge and
belief, and that as to such contents as may be matters of
belief, she believes them to be true.


Notary Public
My Commission Expires: 11/7/86

Dated: June 24th, 1980

30040220726

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

Re: MUR 1246

AFFIDAVIT OF FREDERICK F. DRISCOLL

I, Frederick F. Driscoll, 15 Greenwood Road, Andover,
Massachusetts attest:

(1) I am a member of the Executive Board of Massachusetts
Federation of Teachers and have served successive terms since 1976.

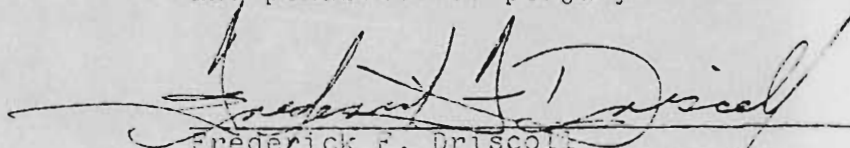
(2) I attended the January 12, 1980 board meeting and
recall that the executive board voted to permit and endorse the
candidacies of board member Dottie Palmer and associate executive
secretary Paul Devlin as delegates to the 1980 Democratic National
Convention from their respective congressional districts. I recall
Mr. Devlin asking board members to encourage eligible persons to
attend the Sixth Congressional District Caucus and to vote for
him. There was no request for any monetary, staff, or any other
form of support from MFT otherwise. I also recall Mr. Carpenter
stating that other unspecified individuals might be interested in
standing for delegate from the Sixth Congressional District. I am

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confident that he made no statements as to unethical practices nor gave any warnings. There was simply no occasion for such comments and warnings. And I am sure that there was no discussion of "hard money versus soft money" at that meeting.

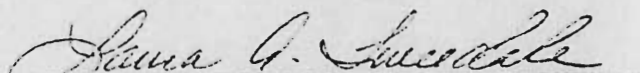
(3) I am not a resident of the Sixth Congressional District. I did not campaign on Mr. Devlin's behalf prior to or at the Caucus meeting. I was not present at the Caucus meeting contrary to the allegations at p. 4 of the Complaint.

Signed and sworn to under the pains and penalties of perjury.


Frederick F. Driscoll

Suffolk, ss

Then appeared Frederick F. Driscoll and made oath before me that he has read this Affidavit and that its contents are true of his personal knowledge and he signed it in my presence.


Laura A. Tweedale, Notary Public
My Commission Expires 11/7/56

DATED: June 27th, 1930

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF ROBERT J. MARLAND

I, Robert J. Marland, 53 Old Fall River Road, North
Dartmouth, Massachusetts, attest:

1) I am employed as a field representative by
Massachusetts Federation of Teachers.

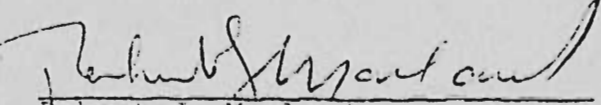
2) I did not participate directly or indirectly in
any way in Mr. Devlin's effort to be elected a delegate to the
1980 Democratic Convention. I did not attend the Caucus at
Salem State College. I can think of no reason why I am described
as a potential witness in the Complaint.

3) Thomas Karpicus, President of the Tahonto Teachers
Association, Local 3225, informs me that after June 10, 1980,
he received through the mail a copy of the Complaint in a plain
envelope.

4) Cynthia Founds, President of the Westport Federation
of Teachers, Local 1906, also informs me that after June 10,
1980 she also received through the mails a copy of the

Complaint without a covering letter.

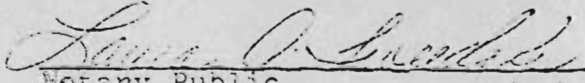
Signed and sworn to under the
pains and penalties of perjury,


Robert J. Marland

June 27, 1980

Suffolk, ss

Then appeared Robert J. Marland and made oath before
me that he had read this Affidavit and that its contents are
true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/9/86

DATED:

July 27th, 1980

80040220730



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald A. Pofcher
8 Locust Street
Salem, MA 01970

Re: MUR 1246

Dear Mr. Pofcher:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Grace M. Dunn
10 Smith Street
Chelmsford, MA 01824

Re: MUR 1246

Dear Ms. Dunn:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin J. Cassidy
127 Woodlawn Street
Everett, MA 02149

Re: MUR 1246

Dear Mr. Cassidy:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marianne J. Paresky
10 Smith Street
Chelmsford, MA 01824

Re: MUR 1246

Dear Ms. Paresky:

The Federal Election Commission has reviewed the allegations of your complaint dated June 2, 1980, and determined that on the basis of the information provided in your complaint and information provided by the Respondent that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

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

Should additional information come to your attention which you believe establishes a violation of the Act, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John F. McMahon
Angoff, Goldman, Manning,
Pyle & Wagner
44 School Street
Boston, Massachusetts 02108

Re: MUR 1246

Dear Mr. McMahon:

On June 18, 1980, the Commission notified you of a complaint alleging that your clients have committed violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on August , 1980, determined that on the basis of the information in the complaint and information provided by you, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter.

Sincerely,

Charles N. Steele
General Counsel

ANGOFF, GOLDMAN, MANNING, PYLE & WANGER, P.C.

Counsellors at Law

44 SCHOOL STREET

BOSTON, MASSACHUSETTS 02108

(617) 723-5500

909542

ALBERT L. GOLDMAN
ROBERT D. MANNING
WARREN H. PYLE
E. DAVID WANGER
JOHN F. McMAHON
JOANNE F. GOLDSTEIN
JONATHAN P. HIATT
ELIZABETH A. KOVALCIK
DAVID B. ROME
HOWARD B. LENOW

SAMUEL E. ANCOFF
Of Counsel

SIDNEY S. GRANT
(1929-1957)

August 6, 1980

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

Re: MUR-1246 and MFT Complaint

Dear Mr. Anderson:

I represent Massachusetts Federation of Teachers, Respondent in MUR-1246 and complainant in a charge against four (4) named individuals (Cassidy, Dunn, Paresky and Pofcher) and the Massachusetts Federation of Teachers, a rival teacher organization.

Could you inform me as to the status of each of these matters.

May I add with respect to the MFT's charge:

As to the four (4) names individuals:

Mr. Pofcher is distributing a copy of an item purporting to be his complaint to the Secretary of Labor to the same persons to whom copies of the complaint in MUR-1246 were distributed.

As to the Complaint against the Massachusetts Teachers Association:

A Mr. Ned Hopkins, a National Educational Association employee, is reported to be the author of the article in the June, 1980 Teachers Voice that publicizes the filing of the complaint.

An especially aggravating circumstance to my client is that it is unable to respond to the MTA distribution during the

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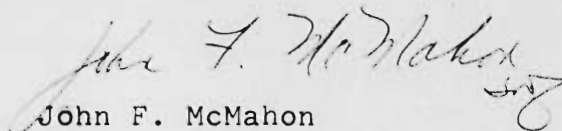
Lee Anderson, Esq.

Page 2

August 6, 1980

investigation by FEC of the charges asserted in MUR-1246. If investigation of the charge in MUR-1246 warrants an administrative conclusion of no probable cause, I urge the Commission to issue its findings so that the several thousand Boston members mailed copies of the Voice can become aware of such an MFT exoneration.

Very truly yours,


John F. McMahon

smf

cc: Paul Devlin, Pres.
Mass. Federation of Teachers

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ANGOFF, GOLDMAN, MANNING, PYLE & WANGER, P. C.

44 SCHOOL STREET
BOSTON, MASS. 02108



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

74

MAILED
AUG 12 20

107-100
10 Smith Street
Chelmsford, Massachusetts
July 28, 1980
COC 2173
RECEIVED
JUL 28 1980
PM 12:24

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

Dear Mr. Steele:

Upon receipt of your letter dated July 7, 1980, concerning the matter, MUR 1251, I wish to make the following statement:

Relative to MUR 1246, I deny all allegations made in complaint MUR 1251. I have never violated the law, I have never distributed any documents relative to MUR 1246, and I have never knowingly and willfully made false and fictitious representations in complaint MUR 1246. I received your letter on July 28, 1980.

Respectfully,
Marionne J. Parsky

Commonwealth of Massachusetts

Wickliffe, S.S.

July 28, 1980

Then personally appeared before me the above-named, Marionne J. Parsky and acknowledged this document to be her true act and deed.

William P. Affaras
Notary Public
My Commission expires March 7, 1980

700 JUL 31 PM 2:28

10 Smith Street
Chelmsford, Massachusetts
July 28, 1980

GCC# 01824

5144

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

30 JUL 31 P4:48

100

Dear Mr. Steele:

I, Grace M. Dunn, deny all allegations made in MUR 1251 relative to MUR 1246. I never violated the law and in no manner whatsoever distributed any documents relative to MUR 1246 or knowingly and willfully made false representations.

Sincerely,
Grace M. Dunn

Middlesex ss. Common wealth of Massachusetts July 28, 198
Then personally appeared before me the above-named
Grace M. Wynn and acknowledged this document to be
her true act and deed.

William P. Trafface
 Mayor, Portland
 My Commission Expires March 5, 1987

Re: MUR 1246

MUR 1251

REC'D # 2067

989265

30 JUL 25 PM 1:03

July 18, 1980

Charles N. Steele, Esq.
General Counsel

Federal Election Commission
Washington, D. C.

30 JUL 25 P 2:43

Dear Mr. Steele,

I am a school teacher and a labor unionist;

I am attempting to stop those individuals named in MUR 1246 from continuing to operate (attend the National Democratic Convention) in violation of the law and my rights as a union member.

Relative to the complaint, MUR 1251, I deny all its allegations.

The fact that Mr. Paul Devlin and the Federation Executive Board were in violation of FEC and LMDRA laws was public knowledge and widely discussed by delegates at the Federation annual convention the evening of the annual meeting, May 16, and during the convention proceedings on May 17(see enclosure: a copy of charges which was seen by all delegates and which was an attempt to thwart Mr. Devlins election campaign)

I sent no copies of FEC charges to anyone. When the charges were made to the FEC they were also given to the Federation Executive Board (a 21 member body). As I read the law, it never mentions letting people know that charges were made by union members. The law, as I see it, says that once your agency notifies the parties of an investigation, matters become confidential. Any executive board member of the federation or even Mr. Devlin, himself, could have distributed charges.

MUR 1251 states that we knowingly and willingly made false charges on pages 3 and 4. I was an executive board member present at the meeting along with Mr. Donald Pofcher when without debate and after objections

were made by attorney Jack Carpenter (the Associate Executive Secretary of the MFT in charge of legal and legislative affairs), the Executive Board voted the use of union resources for Mr. Devlins campaign. You need only contact the following people, who also were present at the meeting, for substantiation of the charges:

Frank Martin, Executive Secretary
Sunsurf Ave
Little Boars Head
Hampton, New Hampshire (Tel: 603 926 8015)

John J. Carpenter, Associate Executive Secretary
258 Somerville Ave
Somerville, Massachusetts (Tel: 617 666 3123)

Ms Virginia Pavlis, Associate Executive Secretary
114 Western Ave
Lynn, Massachusetts (Tel: 617 599 6800)

Other employees who were put to work on Mr. Devlins campaign (making flyers etc. and representing him at the caucus). These individuals are reachable at the Federation office in Lynn, Massachusetts. They are:

Ms. Virginia Pavlis
Ms. Kay Brown
Ms. Terry Graham
Ms Joan Buckley
Mr. Jay Porter
Mr. Robert Marland

Can you tell me if the FEC investigation will be completed before the Democratic National Convention? If the Executive Board and Mr. Devlin are found in violation of FEC laws will he be allowed to attend the Convention?

Very truly yours,

Kevin J. Cassidy

Wm. J. Casper

July 22, 1980

July 22, 1930
Edward F. Donovan Jr

RECEIVED

'80 JUL 25 PM 1:08

UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF LABOR
SECRETARY OF LABOR

In the matter of

PETITION BY UNION MEMBERS

FOR INVESTIGATION BY THE

SECRETARY OF LABOR UNDER

29 UNITED STATES CODE 482

vs.

SECTION 402

THE EXECUTIVE BOARD OF THE MASSACHUSETTS FEDERATION OF
TEACHERS, AFT-AFL-CIO

May 13, 1980

THE FOLLOWING IS A FORMAL CHARGE BY UNION MEMBERS

OF MALFEASANCE IN THE USE OF UNION FUNDS AND RESOURCES

BY THE EXECUTIVE BOARD OF THE MASSACHUSETTS FEDERATION

OF TEACHERS

WE the undersigned members in good standing of the Massachusetts Federation of Teachers respectfully request the Secretary of Labor under Title IV of the Labor-Management Reporting and Disclosure Act in order to protect us under the law and safeguard and preserve the democratic processes of our union investigate our charge that the state executive board of the Massachusetts Federation of Teachers by votes at formal monthly board meetings and through malfeasance in office as board members are in violation of 29 UNITED STATES CODE 482, Section 401(UNION MEMBERS BILL OF RIGHTS).

The executive board by its acts did not and currently does not recognize that every member of our union has equal rights and privileges to participate in free union elections.

The executive board of our union is specifically in violation of Section 401 (g) of the aforesaid UNITED STATES CODE:

"NO MONEYS RECEIVED BY ANY LABOR ORGANIZATION BY WAY OF DUES, ASSESSMENTS, OR SIMILAR LEVY, AND NO MONEYS OF AN EMPLOYER SHALL BE CONTRIBUTED OR APPLIED TO PROMOTE THE CANDIDACY OF OF ANY PERSON IN AN ELECTION SUBJECT TO THE PROVISIONS OF THIS TITLE. SUCH MONEYS OF A LABOR ORGANIZATION MAY BE UTILIZED FOR NOTICES, FACTUAL STATEMENTS OF ISSUES NOT INVOLVING CANDIDATES, AND OTHER EXPENSES NECESSARY FOR THE HOLDING OF AN ELECTION."

We charge that on at least four occasions the Massachusetts Federation of Teachers Executive Board contributed cash (the origin of which is union dues) to promote the candidacy of one Paul Devlin, a union member and an employee of the union. His candidacy in three instances was and currently is for union elected office: once as Vice-president of the American Federation of Teachers, once as Vice-president of the Massachusetts State Labor Council, AFL-CIO, and currently as a candidate for president of the Massachusetts Federation of Teachers. Both cash and resources of the union were put at the disposal of Mr. Devlin. On the fourth occasion the executive board at a formal meeting directed that the resources of the union be directed for use by Mr. Devlin in seeking the position of delegate to the 1980 Democratic Party Convention.

30040020743

The executive board of our union allowed Mr. Devlin certain hotel, travel, and entertainment expenses and paid him as a union employee while he actively sought the aforesaid union and political offices. These charges can be clearly and convincingly substantiated by the documentary records of the Massachusetts Federation of Teachers (Minutes of executive board meetings---cancelled checks--- and other receipts).

2

At a formal meeting of the executive board on May 10, 1980 the board aided Mr. Devlin's candidacy by granting him an indefinite leave of absence and, therefore, allowing him to remain a union employee while seeking elected union office; this in our view places regular rank and file members at an unfair advantage in view of the fact that presently Mr. Devlin intends to return to active employment as a full time union president, a position which currently does not exist.

Further, upon investigation the Secretary of Labor will find ready and willing testimony from union members who were present when the aforesaid events occurred or possess documentary evidence substantiating all charges.

3004022746
Kevin J. Cassidy
127 Woodlawn St.
Everett, Mass. 02149

RETURN RECEIPT
REQUESTED

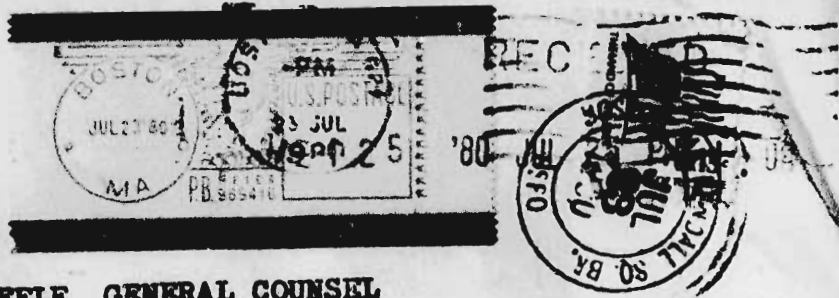
CERTIFIED

P17 2309094

MAIL

MR. CHARLES N. STEELE, GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
1325 K St. N.W.
WASHINGTON D. C.

20463



RECEIVED
OFFICE OF THE
GENERAL COUNSEL
ANGOFF, GOLDMAN, MANNING, PYLE & WANGER, P.C.

RECEIVED
GCC #1828-A
JUL 2 AM 11:13

Counsellors at Law

44 SCHOOL STREET

30 JUL 2 1980
JESSON, MASSACHUSETTS 02108
(617) 723-5500

ALBERT L. GOLDMAN
ROBERT D. MANNING
WARREN H. PYLE
E. DAVID WANGER
JOHN F. McMAHON
JAMES O. HALL
JOANNE F. GOLDSTEIN
JONATHAN P. HIATT
ELIZABETH A. KOVALCIK
DAVID B. ROME
HOWARD B. LENOW

SAMUEL E. ANCOFF
Of Counsel
SIDNEY S. GRANT
(1929-1957)

July 1, 1980

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

008839

Attention: Lee Andersen, Esquire

RE: MUR1246 and an enclosed Complaint

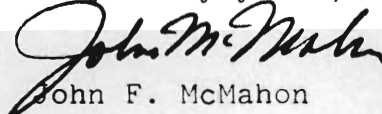
Dear Mr. Andersen:

Pursuant to 11 C.F.R., § 111.6(a), I enclose a memorandum on behalf of the Respondents in MUR1246 with supporting affidavits of Joan A. Buckley, Paul L. Devlin, Frederick F. Driscoll, Robert J. Marland, Jay E. Porter, and Peter N. Whelton.

Further, and pursuant to 2 U.S.C. Sec. 437 g(a)(1) and 11 CFR § 111.4(a), I also enclose three (3) copies of a complaint as to unauthorization, publication, and dissemination of copies of the complaint in MUR1246 and of its filing at your agency.

Illegal dissemination is presently ongoing and I urge General Counsel to exercise his discretion pursuant to 11 C.F.R., § 111.7(b) to recommend forthwith to the Commission that a violation has been and is continuing to be committed.

Very truly yours,


John F. McMahon

JFM:jmw
Enclosure
cc: Paul L. Devlin
MFT

RECEIVED
GCC #1828

JUL 2 AM 11:13

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: MASSACHUSETTS FEDERATION OF *

TEACHERS EXECUTIVE BOARD *

RE: MUR-1246

MEMORANDUM OF MASSACHUSETTS
FEDERATION OF TEACHERS EXECUTIVE BOARD

From The Office Of:

ANGOFF, GOLDMAN, MANNING, PYLE
AND WANGER, P.C.

44 School Street
Boston, Massachusetts 02108
(617) 723-5500

30 JUL 2 41:50

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FEDERAL ELECTION COMMISSION

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INTRODUCTION

Massachusetts Federation of Teachers and its Executive Board, including Paul L. Devlin (herein MFT) submit this Memorandum pursuant to 2 U.S.C. Sec. 437g(a)(1) and 11 C.F.R. §11.6 to demonstrate that there is no reason to believe any violation has been committed and that the complaint should be dismissed. In support of its comments there are accompanying affidavits of the following individuals named in the Complaint: Paul L. Devlin, Joan A. Buckley, Jay E. Porter, Robert J. Marland, Peter N. Whelton, and Frederick F. Driscoll. Its comments are not a waiver of any argument not specifically made and specifically do not concede this Commission's jurisdiction over the subject matter of the complaint in any respect.

A. THE COMPLAINT'S PROCEDURAL INSUFFICIENCY

11 C.F.R. §111.4 (d) (1) requires specific identification of each person or entity named as a respondent. The Complaint does not inform whether it intends to charge MFT, as distinct from its Executive Board, with violations. If the intent is to charge individual Board Members then each individual is entitled to notice pursuant to 11 C.F.R. §111.5(b). This is not a superficial technical objection in the light of the civil and other penalties which may be imposed under the Federal Election Campaign Act.^{1/}

^{1/}The Complaint also fails to comply with 11 C.F.R., §111.4 (c)(4); p. 5 refers to "documentary evidence" in charging parties' possession; contrary to Section 111.4 (c) (4), no such items accompany the Complaint.

11 C.F.R., §111.4 (c) establishes that complaints are subject to the federal perjury statutes including the general fraud and false statement prohibitions set out in 18 U.S.C. Sec. 1001. Section 111.4(c) also demands that the complaint differentiate between statements based on personal knowledge and statements founded on information and belief. This complaint's contents wander back and forth between matters of asserted personal knowledge and items properly characterized as ones of information and belief, with no effort made to identify the source of any signatory's convictions that violations have occurred.

B. THE COMPLAINT SHOULD BE DISMISSED ON ITS MERITS

Pruned of verbiage, the complaint seems to assert the following factual claims:

(A) The MFT Executive Board at its March, 1980 meeting voted to support Associate Executive Secretary Devlin in an effort by him to be elected a delegate to the 1980 National Democratic Convention, with discussion of his use of union funds and clerical employee assistance. Prior to that vote, it contends, a warning of impropriety or illegality was given by another Associate Executive Secretary who was an attorney; and

(B) Mr. Devlin used an MFT staff vehicle, an MFT credit card, an MFT expense account, and MFT staff at the Democratic Party District Caucus at which he was nominated and elected.

These claims are totally inaccurate and answered in the several affidavits filed with this Memorandum.

The Democratic Caucus for the Sixth Massachusetts Congressional District was conducted on February 10, 1980. Hence any claim that the MFT Executive Board voted at its March 1980 monthly meeting as the charge so alleges is at least incongruous. The character of that assertion suggests strongly that the persons swearing to the truth and veracity of the complaint, whose solemn signatures appear at its page 6, do not do so honestly and in good faith, giving occasion to invoke 18 U.S.C. Sec. 1001 and 11 C.F.R. §111.4(c), a point to be pressed by MFT in its related filing.

MFT did vote to authorize Mr. Devlin to stand as a candidate at its January 12, 1980 meeting and endorsed his candidacy and the candidacy of member Dottie Palmer in the First Congressional District. It is not unusual that a labor union member seeks his union's consent to engage in a candidacy effort, particularly when the member is also an employee: there is in the trade union movement a strong sense of organizational loyalty and the movement's protocol obliges members to seek permission to run for any public office.

MFT approved and endorsed two efforts in delegate contests with the same terms: the candidacy of Ms. Palmer in the First Massachusetts Congressional District Contest and the candidacy of Mr. Devlin in the Sixth District. To both, it gave "support and authorization". Devlin Aff. pp. 3,4. There is no mention of Ms. Palmer anywhere in the Complaint implying that the Charging Parties saw no violation with

respect to her endorsement.

The Complaint on p.3 contends that **at** the March 1980 Executive Board meeting (after Devlin had been elected a delegate in February):

"The executive board discussed with Mr. Devlin what kind of aid he would need and he responded by making a reference to "hard money versus soft money" and the use of secretarial help in preparing Campaign literature (See Exhibit II a campaign flyer produced in Federatiol headquarters by Federatial secretarial staff)""

Even if literally true, that statement in no way goes beyond the claim that a discussion occurred and does not claim executive board grant of such aid.

However, the statement is not true. The only appeal made by Devlin was that board members encourage eligible persons to attend that Caucus and vote for him.

Mr. Wheton and Mr. Driscoll affirm that no financial or clerical assistance was solicited by Devlin. The Caucus process by its nature makes financial assistance really superfluous and clerical assistance is always modest, if used by a delegate candidate. The reference to "hard money versus soft money" occurred in another context unrelated to his delegate candidacy when he correctly opposed the use of general revenues for political purposes.

The complaint continues with a reference to an alleged warning that supporting Devlin's candidacy was unethical. The testimony of Devlin, Driscoll, and Whelton is convincing on this point: no warnings were given by Mr. Carpenter; instead he confined his remarks to a personal disapproval based on

his opinion that another MFT member might be interested in the Sixth delegate position. The absence of any reference to the Palmer candidacy, in the complaint's version of the Carpenter remarks, which was treated identically by the board, suggests that recollections described by Messrs. Devlin, Driscoll, and Whelton are the accurate ones.

Devlin did not use MFT telephone credit and MFT expense allowances. The "town meeting" character of a caucus belies the claim: such resources are not needed.

Apparently the complaint intends to assert that MFT authorized specifically Mr. Devlin's use of a staff car for campaign purposes. MFT provides its field staff, including Messrs. Devlin and Carpenter, with automobiles. Such vehicles, by long standing practice, may be driven on personal business during non-work times. There are two specific isolated uses of the Devlin car connected in any way with the February 10 caucus: on one occasion he used the car to travel a couple of miles in the city of Lynn to attend a ribbon cutting ceremony. It is not unusual for a person with his union rank to attend such a public function. Candidly, he attended to give himself an opportunity to chat with local democratic officials about potential candidates. The other use was to travel the short distance to and from his Peabody home and the Salem State College site of the Caucus. Each use is consistent with established policy permitting personal use and no different in character than a trip to a ball game or the drug store. The claim asserted in the Complaint is trivial in its factual

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extremely technical violation of a U.S.C. Sec. 441 b(a) if MFT, as an organization, made a "contribution or expenditure" in connection with their actions. Section 431 (8)(B) of the Act excludes as a "contribution". . . "services provided without compensation by any individual who volunteers on behalf of a candidate". Mr. Whelton is not a compensated employee and obtained no expense reimbursement. Mr. Porter volunteered to assist at the Caucus on his day off. Both individuals provided services as a personal choice without any anticipated or actual payments by MFT. The organization imposed no obligations and granted no rewards to induce them to participate and participation was a matter of their voluntary choice exclusively. In no way did MFT or its board provide any "services" in violation of Secs. 441b(a) and 441 b(b)2 or Part 114. 11C.F.R. §114.1 et seq. with respect to the Caucus presence and activities of Messrs. Porter and Whelton.

MFT submits that the preparation of Devlin's letter of intent in January, 1980, and the preparation of the one flyer in February, 1980 are permissible "occasional, isolated and incidental uses" of its facilities sanctioned by 11 C.F.R. Sec. 114.9(b)(1) and not in violation of Section 441(b):

(a) neither use increased the organization's overhead or operating costs; (b) neither use prevented any employee from completing his or her normal amount of work in a regular work day and did not interfere with the carrying out of normal activities by MFT; and (c) in any event both uses should be deemed occasional, isolated or incidental since neither activity exceeded one hour per week or even hours per month.

Sec. 114.9(b)(1)(c)(ii), and (iii).

C. THE CONTEXT OF THE COMPLAINT

Assessment of a complaint should not usually include review of the complaining party's motives. Nevertheless, the context in which this complaint is made deserves comment.

Mr. Devlin was successful in his May, 1980 bid for election to the MFT's presidency. During the convention which elected him, delegates from two MFT locals named in the Complaint's caption threatened legal action to protest his election when the convention rejected a barrage of dilatory and obstructive motions. Respondent MFT submits that a good faith interest in the statute's enforcement should be a quality accompanying any complaint. That quality is not presented with the charging parties' filing: it is an extension of the union election conflict and an effort to involve MFT in a federal investigation of a meritless claim to embarrass the union during a transition period. MFT submits that this complaint was made maleciously and recklessly to achieve that one objective.

As the complaint suggests, the same parties^{2/} are pursuing combat on fronts other than this Commission by petitioning for other investigations and their efforts are consistent there with the one described, supra. And this

^{2/}As far as MFT is aware, no local union voted to authorize the filing of this Complaint contrary to its caption and signatures.

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF JAY E. PORTER

I, Jay E. Porter, 3 Quarry Terrace, Peabody, Massachusetts,
state:

1) I am employed as a field representative by the
Massachusetts Federation of Teachers. My duties involve
organizing non-union represented employees, the negotiation
and administration of labor agreements, and other activities
associated with the collective bargaining processes in
Massachusetts public and private education.

2) I have been active as has Mr. Devlin in municipal
and democratic party politics in Peabody, Massachusetts, where
we both reside. Mr. Devlin and I have been friends for years.
Mr. Devlin and I were both members of the Peabody Federation
of Teachers, Local 1289, AFT, and have shared an active inter-
est in teacher unionism.

3) Mr. Devlin asked me as a friend to support him
in his campaign at the Sixth Congressional District Caucus.
I solicited support among my friends and neighbors on his
behalf. I did nominate him at the Caucus.

4) All of my activities were totally voluntary ones conducted on non-work time. Prior to the Caucus my efforts were to call friends and neighbors to urge their attendance and support for Mr. Devlin, which I did after working hours. The Caucus was held on Sunday, February 10, 1980, my day off.

5) I am informed that the following persons received copies of an item described as a "Complaint and Request for Investigation For Violation of 2 U.S.C. 4416."

Joseph Bronstad, PHD
President, Faculty Federation
Southeastern Massachusetts University
North Dartmouth, MA

Brian Finn
President, Greater Lawrence
Regional Vocational Technical High School
Faculty Federation
57 River Road
Andover, MA

Signed and sworn to under the
pains and penalties of perjury,


Jay E. Porter

June 27, 1980

Suffolk, ss

Then appeared Jay E. Porter and made oath before me that he had read this Affidavit and that its contents are true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/9/86

DATED: July 27th 1980

33763

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF PETER N. WHELTON

I, Peter N. Whelton, 21 Nursery Street, Salem, Massachu-
setts, attest:

1) I am a member of the Executive Board of Massachusetts
Federation of Teachers and have served successive terms since
1972.

2) I participated in the January 12, 1980 Executive
Board meeting which approved requests of Dottie Palmer and Paul
Devlin to run for National Democratic Convention delegates in
their respective districts. The only support sought by Mr.
Devlin was our individual encouragement to friends eligible to
attend the Caucus in his District to do so and support him with
their votes. I think that Mr. Carpenter stated that someone
else might be interested in the position in Mr. Devlin's dis-
trict. Mr. Carpenter gave no warnings of any kind.

3) I am a resident of the Sixth Congressional District
and attended the February 10 Caucus at the Salem State College.
Mr. Devlin and I have been friends since childhood and long

before our respective involvements in MFT. I campaigned on his behalf because of friendship. Several of Mr. Devlin's friends who are not MFT members also campaigned on his behalf.

4) I am a full-time teacher. I did not receive any expenses from the MFT in any form. My attendance and participation were strictly voluntary acts.

Signed and sworn to under the pains and penalties of perjury,


Peter N. Whelton

June 27, 1980

Suffolk, ss

Then appeared Peter N. Whelton and made oath before me that he has read this Affidavit and that its contents are true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/7/80

DATED: *June 27, 1980*

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF PAUL L. DEVLIN

I, Paul L. Devlin, 6 Columbus Road, Peabody, Massachusetts,
state:

1) I was elected President of the Massachusetts
Federation of Teachers, American Federation of Teachers, AFL-CIO
(herein MFT) on May 19, 1980. Annexed to my Affidavit is a
copy of the Bylaws of MFT correct as of June 2, 1979. MFT is
a Massachusetts-wide affiliation of forty (40) local unions
of the American Federation of Teachers (AFT) with a total
membership of approximately twelve thousand (12,000) persons
employed usually in public and private education.

2) As of January 1, 1980 I was employed by MFT as one
of its associate executive secretaries. My duties were
established in an employment agreement to be:

". . . organizing and servicing locals,
preparing and negotiating contracts,
legislative activity, liaison with labor
and educational groups and any other areas
of work necessary to advance the interest
of the Massachusetts Federation of
Teachers."

3) In aid of an assessment of the accuracy and credibility of this complaint, may I point out the following facts:

A) My opponent in the May, 1980, election was a former president of the Lynn Teachers Union, Local 1037. That Lynn local union is named as a party to the Complaint and Request (herein "Complaint") although no member attests to its veracity; and

B) The certification of the American Arbitration Association which supervised the roll call election shows that my opponent was given 2,022 votes and the local-by-local tally shows that local unions 3569, 1677, 1340 and 1037 cast all of their votes for my opponent, totaling 1,989 of his complete count. I received 6,679 votes.

C) This election occurred during the MFT's annual convention. During that convention, and particularly in nomination and resolutions phases of its program, delegates representing Locals 1037 and 1340 threatened MFT and the convention assembly with legal action relating to the election process after the body refused to consider dilatory motions and challenges.

D) The Complaint was distributed widely within Massachusetts after its filing with the Federal Election Commission on June 10, 1980 by mailings in plain envelopes to officials of other non-MFT unions, apparently to the presidents of all forty (40) local union affiliates of the MFT,

to state and public labor relations agencies including the Massachusetts Labor Relations Commission and to attorneys representing public employers. Such distribution is without the consent of MFT and without my consent, as persons named in the Complaint. Its distribution is discussed more fully infra.

4) The Complaint is inaccurate in material and substantive respects. At its page 3, it asserts in part:

"At a formal monthly meeting of the Massachusetts Federation of Teachers executive board in March, 1980, the board voted its support and the Federation resources were put at the disposal of one Mr. Paul L. Devlin to assist Mr. Devlin's candidacy to become an elected delegate to the 1980 Democratic National Convention."

The Caucus at which I was elected a Delegate to the 1980 Democratic Convention from the Sixth Massachusetts Congressional District occurred on Sunday, February 10, 1980.

I did solicit and obtained the permission and endorsement of the MFT Executive Board at its January 12, 1980 meeting to stand as a Convention Delegate Candidate. Likewise, MFT Executive Board Member Dottie Palmer obtained an endorsement of her candidacy for Delegate from the First Massachusetts Congressional District. The Minutes of that meeting include:

"_Democratic National Convention

"MOTION: that the support and authorization of the MFT be given to Paul Devlin to run for Delegate to the Democratic National Convention from District 6.

"

PASSED

"MOTION: that the support and authorization of the MFT be given to Dottie Palmer to run for delegate to the Democratic Convention from District 1."

To the best of my recollection there was no discussion of any kind of aid nor any request for aid by Palmer or myself.^{1/}

Disapproval of my request for an endorsement (but not to that of Palmer) was expressed by Associate Executive Secretary John J. Carpenter on the ground that another union member might want to run for that delegate seat and that the support afforded by the Motion might prejudice that anonymous member. Mr. Carpenter made no reference to "unethical practices" nor to the use of "Federation resources and materials."

The discussion as to "hard money versus soft money" occurred at an MFT Executive Board other than the January 12 meeting and was unrelated to my candidacy for Convention Delegate. A proposal had been submitted to the Executive Board that MFT purchase a number of tickets to different political testimonials on behalf of candidates for public office. I urged the Executive Board not to use membership dues and agency service fee revenues for such purposes. I suggested that voluntary contributions for political action be used if such purchases were contemplated. In vernacular, "hard money" refers to money solicited and given voluntarily and "soft money" described dues and agency service fee payments and I used those terms in that unrelated discussion.

^{1/}I did ask that board members encourage persons within the District to attend the Caucus and support my effort explaining that this was an integral part of the political processes little understood by the general population.

Page 4 of the Complaint asserts that I used a Federation staff vehicle, a Federation telephone credit card, a Federation expense allowance and Federation staff services in my effort to be elected a Convention Delegate. These allegations are simply not true.

As a feature of my employment, I am furnished an automobile leased at MFT expense because of the job's extensive in-state traveling. Staff vehicles, by MFT custom for years, may be used for personal activities during non-work times.

My only uses of that car connected in any way with my effort were to travel a couple of miles or so within Lynn from the MFT office to a ribbon cutting ceremony where I discussed briefly with local Democratic Party activists what persons might be interested in the same seat on one occasion and to travel the short distance from my home to the Caucus site and return. Both uses were consistent with the MFT staff practice as to vehicle use during non-work times.

I did not incur any charges on my expense allowance or my Federation telephone credit card in any activity connected with the Caucus effort.

Staff did not aid me prior to or during the Caucus at Salem State College on February 10, 1980 as a part of their Federation employment. Ms. Joan Buckley is a family friend and attended the Caucus with my wife. Field Representative Robert Marland does not live in the Sixth Massachusetts Congressional District, did not aid me, and was not present at

the February 10 Caucus contrary to the suggestion at page 4 of the Complaint. Field Representative Jay Porter is a long time friend and an active associate in municipal Democratic politics in the Sixth District's City of Peabody where we both reside. We are both supporters of Senator Kennedy and Mr. Porter graciously nominated me at the Caucus.

Mr. Peter Whelton and Mr. Frederick Driscoll are MFT Executive Board Members. Mr. Driscoll does not reside in the Sixth District, in no way known to me aided, and did not attend the Caucus. Mr. Peter Whelton is a boyhood, life-long friend and a resident in the District. He did attend and solicit support on my behalf. Mr. Whelton is not an MFT employee. Like the support of Mr. Porter, Mr. Whelton's efforts were, I believe, the result of friendship and a common view of national political issues.

The only use of MFT facilities or employees in my delegate candidacy are as follows:

A) Sometime in January, 1980, after the January 12 Executive Board meeting, I dictated and an MFT Clerical employee typed a short statement of my intention to stand for nomination on MFT stationary for mailing to the Massachusetts State Democratic Committee in Boston, Massachusetts. I believe that office secretary, Theresa A. Graham, did the transcription and typing. Her time in that activity could not have exceeded much more than a quarter of an hour at the outside and in no way interfered with the completion of Ms. Graham's normal

amount of work during her work day or the normal amount of work of any secretarial employee if Ms. Graham did not do the letter.

B) In February, 1980, shortly before the Caucus, with the approval of Executive Secretary-Treasurer Francis Martin, Ms. Graham prepared between 500 to 1,000 copies of the leaflet annexed as Exhibit II to the Complaint. She used a letter press set, typewriter and copies and spent no more than an hour, by her own estimate, to prepare and make the copies.

I, my two (2) teenage children, and some friends who were and were not MFT members distributed the leaflets at the entrances to the Salem State College campus facility in which the Caucus was conducted.

5) Officers and employees of the Massachusetts State Labor Council, AFL-CIO, inform me that on either June 16 or June 17, 1980 they received through the regular mails, a copy of an item in a plain envelope which, from their description, I recognize to be copies of the Complaint.

Attorney Norman Holtz represents employers with whom MFT affiliates collectively bargain and I have bargained and expect to negotiate labor agreements again with Attorney Holtz. Mr. Holtz informed me that early in the week of June 16 his office received in the mail a copy of the Complaint in a plain envelope without a covering letter. Mr. Holtz is forwarding a copy of the item mailed to his office with his letter affirming its receipt which I am instructing MFT Counsel to

submit to the Commission.

I am presently serving as principal spokesman in negotiations between the Boston School Committee and Boston Teachers, Local 66, for new collective bargaining agreements covering **about** 5,000 employees. Attorney Allan Drachman is the School Committee's negotiator and during a June 18 session he informed me that in the last day or so previously his office had received a copy of an item in plain wrappings which appears to be a copy of the Complaint herein.

I am also informed by MFT Counsel that Fritz Castleman, General Counsel, Massachusetts Labor Relations Commission, reports that the Labor Relations Commission received in its regular mail on June 19, 1980 a copy of the Complaint enclosed in a plain envelope. That envelope bears a Boston June 16 postmark.

This distribution, in my judgment, impairs the ability of MFT to carry out its responsibilities to negotiate and administer collective bargaining agreements on behalf of its affiliates. I believe that distribution was intended to compromise me in my employment as MFT President. Local union officers, employer representatives, and public agencies must have confidence in my integrity. The tactic employed here, regardless of the validity of the item, leaves a stain on my character and on the reputation of the MFT.

Signed and sworn to under the
pains and penalties of perjury,

June 27, 1980


Paul L. Devlin

90010120767

Suffolk, ss

Then appeared Paul L. Devlin and made oath before me
that he has read this Affidavit and that its contents are
true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/7/86

DATED: *June 27, 1980*

30010123758

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

Re: MUR-1246

AFFIDAVIT OF JOAN A. BUCKLEY

I, Joan A. Buckley, 15 Winton Street, Roslindale,
Massachusetts, state:

1) I am employed as a field representative by the
Massachusetts Federation of Teachers. My duties involve
organizing non-union represented employees, the negotiation
and administration of labor agreements, and other activities
associated with the collective bargaining processes in Massachu-
setts public and private education.

2) During that service, I have become a social friend
of Paul and Dorothy Devlin. Dorothy, Paul's wife, is incapac-
itated permanently and unable to operate a car. On Sunday,
February 10, 1980 there was a year's memorial mass honoring
Paul's deceased father, Leo, followed by a coffee hour at the
Devlin residence. As an accommodation to Dorothy, I offered
and did drive her from her home to the Salem State College
campus so that she could attend the Sixth Congressional District
Caucus. My recollection is that Paul and his children left
their residence earlier to attend and I wanted to help Dorothy
with her guests and her transportation.

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3) I was present during the Caucus as an accommodation to, and out of friendship for, Dorothy Devlin, and for no other purpose. I had several conversations about politics and the Caucus process generally with other individuals only as an observer of the event.

I was not a part of any campaign for Delegate to the Democratic National Convention prior to or during the day of that Caucus.

4) As an MFT employee my "normal" work week is a Monday through Friday one, with fairly frequent Saturday work. Sunday, February 10, 1980, was a day off the job and my presence at the Devlin residence and at the Caucus site was a voluntary one and an incident of social friendship with the Devlins.

5) I reject totally any suggestion that I was present in any other capacity than as a family friend.

6) My duties require frequent contact with local union officers. After June 10, 1980, the following individuals, all local union presidents, informed me that they had received in mailings to their homes copies of the "Complaint and Request for an Investigation for Violation of 2 U.S.C. 4416" in plain envelopes without return address:

Cheryl Supko
136 Harding Street
Medfield, MA 02052

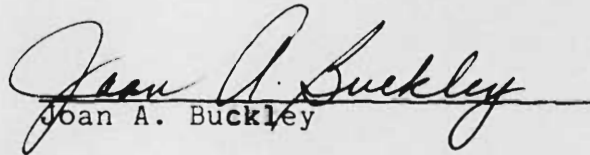
Donald Nickerson
478 Rogers Street
Tewksbury, MA 01876

Rose Greenside
41 Ohio Avenue
Lawrence, MA 01841

Thomas Mazzarini
19 Dearborn Street
Salem, MA 01970

Frank Nolan
12 Regent Drive
Danvers, MA 01923

Signed and sworn to under the
pains and penalties of perjury,


Joan A. Buckley

June 27, 1980

Suffolk, ss

Then appeared Joan A. Buckley before me and swore
that she had read this Affidavit and that its contents are
true and accurate to the best of her present knowledge and
belief, and that as to such contents as may be matters of
belief, she believes them to be true.


Notary Public
My Commission Expires: 11/7/84

Dated: *June 29th*, 1980

300101200771

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

Re: MUR 1246

AFFIDAVIT OF FREDERICK F. DRISCOLL

I, Frederick F. Driscoll, 15 Greenwood Road, Andover,
Massachusetts attest:

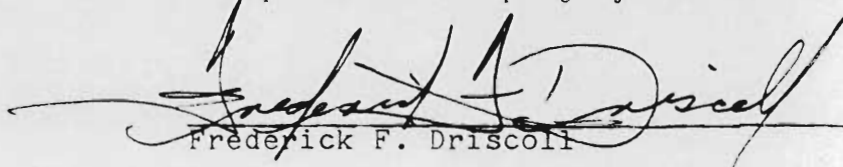
(1) I am a member of the Executive Board of Massachusetts
Federation of Teachers and have served successive terms since 1976.

(2) I attended the January 12, 1980 board meeting and
recall that the executive board voted to permit and endorse the
candidacies of board member Dottie Palmer and associate executive
secretary Paul Devlin as delegates to the 1980 Democratic National
Convention from their respective congressional districts. I recall
Mr. Devlin asking board members to encourage eligible persons to
attend the Sixth Congressional District Caucus and to vote for
him. There was no request for any monetary, staff, or any other
form of support from MFT otherwise. I also recall Mr. Carpenter
stating that other unspecified individuals might be interested in
standing for delegate from the Sixth Congressional District. I am

confident that he made no statements as to unethical practices nor gave any warnings. There was simply no occasion for such comments and warnings. And I am sure that there was no discussion of "hard money versus soft money" at that meeting.

(3) I am not a resident of the Sixth Congressional District. I did not campaign on Mr. Devlin's behalf prior to or at the Caucus meeting. I was not present at the Caucus meeting contrary to the allegations at p. 4 of the Complaint.

Signed and sworn to under the pains and penalties of perjury.


Frederick F. Driscoll

Suffolk, ss

Then appeared Frederick F. Driscoll and made oath before me that he has read this Affidavit and that its contents are true of his personal knowledge and he signed it in my presence.


Laura A. Tweedale, Notary Public
My Commission Expires 11/7/56

DATED: June 27th, 1980

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RE: Massachusetts Federation of
Teachers Executive Board

RE: MUR-1246

AFFIDAVIT OF ROBERT J. MARLAND

I, Robert J. Marland, 53 Old Fall River Road, North
Dartmouth, Massachusetts, attest:

1) I am employed as a field representative by
Massachusetts Federation of Teachers.

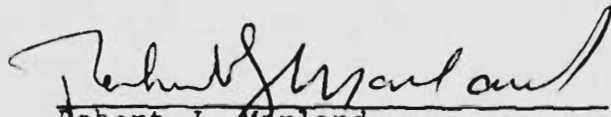
2) I did not participate directly or indirectly in
any way in Mr. Devlin's effort to be elected a delegate to the
1980 Democratic Convention. I did not attend the Caucus at
Salem State College. I can think of no reason why I am described
as a potential witness in the Complaint.

3) Thomas Karpicus, President of the Tahonto Teachers
Association, Local 3225, informs me that after June 10, 1980,
he received through the mail a copy of the Complaint in a plain
envelope.

4) Cynthia Founds, President of the Westport Federation
of Teachers, Local 1906, also informs me that after June 10,
1980 she also received through the mails a copy of the

Complaint without a covering letter.

Signed and sworn to under the
pains and penalties of perjury,


Robert J. Marland

June 27, 1980

Suffolk, ss

Then appeared Robert J. Marland and made oath before
me that he had read this Affidavit and that its contents are
true of his personal knowledge and he signed it in my presence.


Notary Public
My Commission Expires: 11/9/84

DATED: *July 27th*, 1980

3 7 7 1 9 1 0 3 7 7 3



Massachusetts Federation of Teachers

AFT, AFL-CIO

MAIN OFFICE: 114 Western Avenue • Lynn, MA 01904 • 617-599-6800

LEGAL / LEGISLATIVE OFFICE: 14 Beacon Street • Boston, MA 02108 • 617-227-7986

RECEIVED

07
GOC#
1775

June 24, 1980

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

508746

Re: MUR-1246

Dear Mr. Steele:

May I advise that the Massachusetts Federation of Teachers (MFT) and its Executive Board are represented by Albert L. Goldman and John F. McMahon, and the firm of Angoff, Goldman, Manning, Pyle and Wanger, P.C., 44 School Street, Boston, MA 02108, Tel. No. (617) 723-5500. Counsel is authorized to receive any and all notifications and other communications from the Commission on behalf of MFT and its Executive Board.

Very truly yours,

Paul L. Devlin
President

smf

cc: Lee Anderson, Esq.
Federal Election Commission

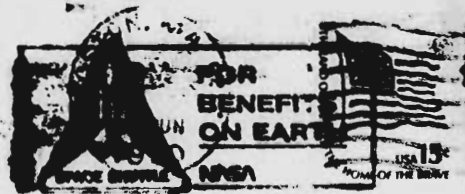
02 JUN 26 11:26

RECEIVED
GENERAL COUNSEL

Massachusetts Federation of Teachers



AFT, AFL-CIO
114 Western Avenue
Lynn, Massachusetts 01904



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

800 101 2077



Anderson

Massachusetts Federation of Teachers

AFT, AFL-CIO

MAIN OFFICE: 114 Western Avenue • Lynn, MA 01904 • 617-599-8900

LEGAL / LEGISLATIVE OFFICE: 14 Beacon Street • Boston, MA 02108 • 617-727-7986

RECEIVED
GENERAL COUNSEL
JUN 26 P2:10

June 24, 1980

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

Re: MUR-1246

Dear Mr. Steele:

300778

May I advise that the Massachusetts Federation of Teachers (MFT) and its Executive Board are represented by Albert L. Goldman and John F. McMahon, and the firm of Angoff, Goldman, Manning, Pyle and Wanger, P.C., 44 School Street, Boston, MA 02108, Tel. No. (617) 723-5500. Counsel is authorized to receive any and all notifications and other communications from the Commission on behalf of MFT and its Executive Board.

Very truly yours,

Paul L. Devlin
President

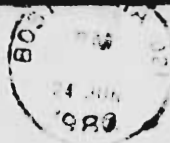
smf

cc: Lee Anderson, Esq.
Federal Election Commission

Massachusetts Federation of Teachers



AFT, AFL-CIO
114 Western Avenue
Lynn, Massachusetts 01904



Lee Anderson, Esq.
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
JUN 26 AM 11:41



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Massachusetts Federation of Teachers
Executive Board
114 Western Avenue
Lynn, Massachusetts 01904

Re: MUR 1246

Dear Sir or Madam:

This letter is to notify you that on June 10, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1246. 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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

30040220790

Letter to: Massachusetts Federation
of Teachers Executive Board

Page Two

If you have any questions, please contact Lee Andersen, the attorney assigned to this matter at (202) 523-5-71. For your information, we have attached a brief description of the Commission's preliminary procedures for handling complaints.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

30040100781

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

2. The following service is requested (check one):
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY.
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

3. ARTICLE ADDRESSED TO:
-Mass. Fed. of Teachers
Exec. Bd.

4. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
25556

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

6. DATE OF DELIVERY

7. ADDRESS (Complete only if requested)

8. UNABLE TO DELIVER BECAUSE:
1

1246 Andersen

U.S. MAIL
JUN 18 1980
U.S. MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul L. Devlin
Associate Executive Secretary
114 Western Avenue
Lynn, Massachusetts 01904

Re: MUR 1246

Dear Mr. Devlin:

This letter is to notify you that on June 10, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1246. Please refer to this number in all future correspondence.

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

30040220782

Letter to: Mr. Paul L. Devlin
Page Two

If you have any questions, please contact Lee Andersen, the attorney assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's preliminary procedures for handling complaints.

Sincerely,



Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

17740220783

MAIL THE "RETURN TO" ADDRESS TO THE POSTMASTER

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

1. The following service is required (check one):
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Paul Devlin

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
LSLSH6

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY:
6/19/80

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

U.S. MAIL
JUN 19 1980
USPO

Mar 12th Andersen



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald A. Pofcher
8 Locust Street
Salem, Massachusetts 01970

Dear Mr. Pofcher:

This letter is to acknowledge receipt of your complaint of June 5, 1980, against the Massachusetts Federation of Teachers Executive Board and Paul L. Devlin which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Very truly,

Charles N. Steele
Legal Counsel

3007400220784

1. ARTICLE ADDRESSED TO: <i>Donald A. Pofcher</i>	
2. ARTICLE DESCRIPTION: REGISTERED NO. <i>551516</i>	INSURED NO.
3. I have received the article described above. SIGNATURE <i>Donald A. Pofcher</i> ☒ Address ☐ Authorized agent	
4. DATE OF DELIVERY <i>6/19</i>	POSTMARK <i>JUN 19 1980</i>
5. ADDRESS (Complete only if requested) <i>8 Locust Street Salem, MA 01970</i>	
6. UNABLE TO DELIVER BECAUSE <i>1246</i>	

PS Form 3811, Aug. 1978



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin J. Cassidy
127 Woodlawn Street
Everett, Massachusetts 02149

Dear Mr. Cassidy:

This letter is to acknowledge receipt of your complaint of June 5, 1980, against the Massachusetts Federation of Teachers and Paul Devlin which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

12 46

10 10 12 07 85

RETURN RECEIPT REQUESTED, REGISTERED, INSURED AND CERTIFIED MAIL

1. ARTICLE DESCRIPTION: *Kevin J. Cassidy*

2. ARTICLE ADDRESSED TO: *Kevin J. Cassidy*

3. REGISTERED NO.: *69576*

4. CERTIFIED NO.: *69576*

5. INSURED NO.: *69576*

6. DATE OF DELIVERY: *6/18/80*

7. ADDRESS (Complete only if requested): *Kevin J. Cassidy*

8. UNABLE TO DELIVER BECAUSE:

9. POSTMARK: *CHESAPEAKE, VA INC - NORTH*

10. ALWAYS SHOW TO WHOM AND DATE DELIVERED

11. DELIVERED TO: *Kevin J. Cassidy*

12. DELIVERED DATE: *6/18/80*

13. DELIVERED TIME: *11:11 AM*

14. DELIVERED BY: *111111*

15. DELIVERED TO: *Kevin J. Cassidy*

16. DELIVERED DATE: *6/18/80*

17. DELIVERED TIME: *11:11 AM*

18. DELIVERED BY: *111111*

19. DELIVERED TO: *Kevin J. Cassidy*

20. DELIVERED DATE: *6/18/80*

21. DELIVERED TIME: *11:11 AM*

22. DELIVERED BY: *111111*



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

June 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Grace M. Dunn
10 Smith Street
Chelmsford, Massachusetts 01824

Dear Ms. Dunn:

This letter is to acknowledge receipt of your complaint of June 5, 1980, against the Massachusetts Federation of Teachers Executive Board and Paul Devlin which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

1. The following service is requested (check one): ☐ Show to whom and date delivered _____ ☐ Show to whom, date, and address of delivery _____ ☐ RESTRICTED DELIVERY _____ ☐ Show to whom and date delivered _____ ☐ RESTRICTED DELIVERY _____ Show to whom, date, and address of delivery: _____ (CONSULT POSTMASTER FOR FEES)		2. ARTICLE ADDRESSED TO: <i>Grace Dunn</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>671545</i>		CERTIFIED NO. _____ INSURED NO. _____	
4. I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>M. J. Dunn</i>			
5. ADDRESS (complete only if requested) <i>124 Anderson</i>			
6. UNABLE TO DELIVER BECAUSE: _____			

U.S. POSTAL SERVICE
 OFFICE OF THE CLERK
 1986

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

on JUN 10 P12:54

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

TO THE GENERAL COUNSEL OF
THE FEDERAL ELECTION COMMISSION
CHARLES N. STELLE

COMPLAINT AND REQUEST FOR AN
INVESTIGATION FOR VIOLATION OF
2 USC 441b IN THE MATTER OF:

CHELSEAFORD FEDERATION OF
TEACHERS LOCAL 3569
AFT, AFL-CIO

BILLERICA FEDERATION OF
TEACHERS, LOCAL 1677
AFT, AFL-CIO

CHELSEA TEACHERS UNION
LOCAL 1340, AFT, AFL-CIO

LYNN TEACHERS UNION
LOCAL 1037, AFT, AFL-CIO

VS

MASSACHUSETTS FEDERATION OF TEACHERS EXECUTIVE BOARD
AND
ONE PAUL L. DEVLIN

JUNE 2, 1980

PRELIMINARY STATEMENT

The Massachusetts Federation of Teachers is a federation of approximately forty labor unions. The Federation has its headquarters located at 114 Western Avenue, Lynn, Massachusetts 01904 (telephone 1-617-599-6800)

The Federation executive board has the power to carry on all the business affairs of the organization. The executive board is composed of a president and twenty vice presidents; these officers are elected by delegates from locals of the Federation every two years (see Exhibit I Bylaws of the Massachusetts Federation of Teachers p 8 & 9).

The complainants of these charges are all citizens of the United States of America and members in good standing of locals which are affiliated with the Massachusetts Federation of Teachers

THE CHARGES

It is with deep regret that we the under signed make the following charges. However, we are responsible citizens and dedicated teacher unionists who are militant in our concern that the federal election processes and our labor organization be maintained with integrity; we now request that the Federal Election Commission in order to protect our rights as American citizens and to safeguard and preserve the democratic processes of our union investigate the following charges that the Massachusetts Federation of Teachers Executive Board and one Paul L. Devlin, Associate Executive Secretary did knowingly and willingly commit unethical practices in violation of Federal Election Law:

2 United States Code 441b:

441b Contributions or expenditures by national banks, corporations, or labor organizations

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure

in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b) (1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work

(2) For purposes of this section and section 791(h) of Title 15, the term contribution or expenditure shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful--

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction;

(B) for any person soliciting an employee for any contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal

(4) (A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful--

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other

than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) it shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employees of a corporation or the families of such persons. A solicitation under this subparagraph that be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so assigned that the corporation, labor organization, or separate segregated fund conducting such solicitations cannot determine who makes a contribution of \$50 or less as a result of such solicitations and who does not make such a contribution.

(C) this paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate integrated fund established by a membership organization, cooperative as a fund from members of such organization, cooperative, or corporation without capital stock.

The substantial nature of the charges is as follows:

At a formal monthly meeting of the Massachusetts Federation of Teachers executive board in March, 1980, the board voted its support and the Federation resources were put at the disposal of one Mr. Paul L Devlin to assist Mr Devlin's candidacy to become an elected delegate to the 1980 Democratic National Convention. Prior to taking a voice vote on the matter and at the aforesaid meeting a discussion on the matter was had. The executive board discussed with Mr Devlin what kind of aid he would need and he responded by making a reference to "hard money versus soft money" and the use of secretarial help in preparing campaign literature (see Exhibit II a campaign flyer produced in Federation headquarters by Federation secretarial staff).

During the discussion the Executive Board was warned that giving Mr. Devlin help was an unethical practice; they were told that supporting his candidacy with Federation resources and materials put him at an unfair advantage over other union members who have little or no resources and may be desirous of running for delegate from the sixth Congressional district. Executive officers, executive board members and a staff union representative were present when Associate Executive Secretary JOHN J CARPENTER, also an attorney, gave the board the aforesaid warning. No response was made to the warning and immediately the board voted to help Mr Devlin's candidacy.

Mr. Devlin used a Federation staff vehicle, a telephone credit card of the Federation, a Federation expense allowance, and Federation employees in his behalf prior to the Democratic Caucus meeting at Salem State College in Salem Massachusetts and during the day of the caucus meeting. Potential witnesses to the use of staff may be elicited from Federation employees, Ms. Joan Buckley, Mr. Jay Porter, and Mr. Robert Harland. New England Telephone Company records will verify

phone use and Mr Devlin's expense records with the Federation will verify expense allowances.

Members of the executive board, Mr Peter Whelton and Mr Frederick Driscoll and others were campaigning and present at the caucus meeting on Mr Devlin's behalf

The Federal Election Commission should be aware that these charges are only the "tip of the iceberg" Mr Devlin and the executive board are presently under investigation by the American Federation of Teachers for violations of the Labor-Management Disclosure Act and the established policies of the Federation. We and other union members are presently filing with the United States Secretary of Labor a charge that the executive board in collusion with Mr Devlin did by illegal use of Federation funds (the origins of which is member's dues) violate the provisions of the Labor-Management Disclosure Act. Further we and other union members consider the Constitution and/or Bylaws of our Federation to be a good faith contract between the Massachusetts Federation of Teachers and each member of the Federation which has been violated by the executive board and Mr Devlin in that board members with agreement with Mr Devlin have been expending over a three

year period, against long standing union policy, general funds of the Federation to pay their local union legal expenses. Said expenses are normally incurred by local unions from local treasuries. Southeastern Regional Vocational School (Board member Matthew Foley), Salem Teachers Union (Board member Gaynor Riley), New Bedford Paraprofessionals Local (by agreement with Paul L. Devlin), the Springfield Federation of Teachers (Board member Martin Manooogian) all among locals of other board members have been draining the general funds of the state Federation for expenses which local unions which have no board representation pay in the normal course of administration of collective bargaining agreements. These matters are currently being brought before proper legal forums for redress but we want the Commission to be aware of the corrupt practices of our executive board and Mr Paul L Devlin.

Upon investigation the Federal Election Commission will find willing testimony from Federation employees and union members who were present when the aforesaid events occurred and possesses documentary evidence substantially all charges.

It is imperative that the Commission act quickly in that records of the Federation are being scrutinized by some of those who may be conspirators in the aforesaid violations and we worry taht records may be altered, destroyed or hidden by those who are in power and may deem this best intest to cover up the true record.

, Lynn Teachers Union, Local 1037, AFT, AFL-CIO,
the aforesaid is true according to my knowledge and therefore, I accordingly in good faith swear to the veracity of its content.

Donald A. Pofeker, Billerica Federation of Teachers, Local 1677,

AFT, AFL-CIO the aforesaid is true according to my knowledge and therefore, I

accordingly in good faith swear to the veracity of its content.

8 Locust St.

Salem, MA 01970

Sworn before me this 5th day of May 1980

Thomas D O'Brien, Notary Public

my commission expires September 19, 1986

Kevin J. Casady

, Chelsea Teachers Union, Local 1340, AFT, AFL-CIO,

the aforesaid is true according to my knowledge and therefore, I accordingly

in good faith swear to the veracity of its content.

157 WOODLAWN ST.

EVERETT, MA. 02149

Sworn before me this the 5th day of June 1980

Anthony J. Frasca - Notary Public

My comm expires 5-11-84

Margaret Paresky
Grace M. Dunn

Chelmsford Federation of Teachers, Local 3569,

AFT, AFL-CIO, the aforesaid is true according to my knowledge and therefore, I

accordingly in good faith swear to the veracity of its content.

10 Smith Street, Chelmsford, Massachusetts 01824

10 Smith Street, Chelmsford, Massachusetts 01824

Sworn before me this 5th day of
June, 1980

William F. Tsaffaris
Notary Public

Paul L. Devlin

KENNEDY DELEGATE
SIXTH CONGRESSIONAL DISTRICT
DEMOCRATIC NATIONAL CONVENTION

PERSONAL

Son of Mary C. and the late Leo G. Devlin
Husband of Dorothy A. Terrio
Father of Mary, Elizabeth, Paul, Peter, Sarah

6 Columbus Road, Peabody, MA 01960

EDUCATION

St. John's Preparatory School	1956
Boston College -- B.S.	1961
Salem State College -- M.Ed.	1964

EMPLOYMENT

Vic's Drive-In, Danvers	1958 - 1962
Salem Public Schools	1961 - 1967
Peabody Public Schools	1967 - 1970
Massachusetts Federation of Teachers AFT, AFL-CIO	1971 - present

ORGANIZATION

International Vice President American Federation of Teachers AFL-CIO	1976 - present
Vice President Massachusetts State Labor Council AFL-CIO	1975 - present
Peabody Democratic City Committee Ward 2	1968 - 1972
Ward 4	1976 - present
Steering Committee Labor for Kennedy	1979 - present

ELECT

Paul L. Devlin

ENDORSED BY NORTH SHORE LABOR COUNCIL

Paul L. Devlin

KENNEDY DELEGATE SIXTH CONGRESSIONAL DISTRICT DEMOCRATIC NATIONAL CONVENTION

PERSONAL

Son of Mary C. and the late Leo G. Devlin

Husband of Dorothy A. Terrio

Father of Mary, Elizabeth, Paul, Peter, Sarah

6 Columbus Road, Peabody, MA 01960

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Salem State College -- M.Ed.	1964

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Salem Public Schools	1961 - 1967
Peabody Public Schools	1967 - 1970
Massachusetts Federation of Teachers AFT, AFL-CIO	1971 - present

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Vice President Massachusetts State Labor Council AFL-CIO	1975 - present
Peabody Democratic City Committee Ward 2	1968 - 1972
Ward 4	1976 - present
Steering Committee Labor for Kennedy	1979 - present

ELECT

Paul L. Devlin

ENDORSED BY NORTH SHORE LABOR COUNCIL

DONALD POFCHER
8 LOCUST ST.
SALEM MASS
01970

RECEIVED



RETURN RECEIPT
REQUESTED

CERTIFIED

P04 1859649

MAIL

THE FEDERAL ELECTION COMMISSION CHAIRMAN
OFFICE OF THE GENERAL COUNSEL CHARLES N STEELE
1325 K STREET NW
WASHINGTON DC 20463



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR #

1246

Date Filmed

10/12/80

Camera No. --- 2

Cameraman

SPC

8004022799



FEDERAL ELECTION COMMISSION

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

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 10246.



00040023134

910087
0002632

ANGOFF, GOLDMAN, MANNING, PYLE & WANGER
Counsellors at Law

44 SCHOOL STREET

BOSTON, MASS 02108

(617) 723-5500

ALBERT L. GOLDMAN
ROBERT D. MANNING
WARREN H. PYLE
E. DAVID WANGER
JOHN F. McMAHON
JOANNE F. GOLDSTEIN
JONATHAN P. HIATT
ELIZABETH A. KOVALCIC
DAVID B. ROME
HOWARD B. LENOW

SAMUEL E. ANCOFF
Of Counsel

SIDNEY S. GRANT
(1929-1957)

September 11, 1980

30 SEP 15 AM 11:37

RECEIVED
GENERAL COUNSEL

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

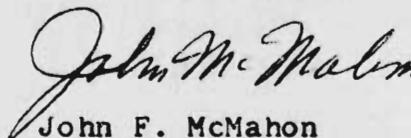
RE: MUR 1246 and MUR 1251

Dear Mr. Steele:

Massachusetts Federation of Teachers and its executive board respondents in MUR1246 consent to immediate publication of the Commission's determination on September 2, 1980, and the closing of its file in that matter.

My clients inquire as to the status of the Federation's Complaint in MUR1251 against the Massachusetts Teachers Association, NEA and four (4) named individuals.

Very truly yours,


John F. McMahon

JFM/keb

cc: Paul Devlin

00049023135

CANGOFF, GOLDMAN, MANNING, PYLE & WANGER, P. C.

44 SCHOOL STREET
BOSTON MASS. 02108



80SEP15 A9:07

RECEIVED

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

3112040000

RECEIVED
070586
80 OCT 17 P2:48

October 14, 1980

Federal Election Commission
Washington, DC 20463

Attention: Mr. R. Lee Andersen

Dear Mr. Andersen:

Please send me a copy of the Federal Election Commission's
report on MUR 1246.

Also, can you give me information on the status of MUR 1251.

Thank you very much for your co-operation.

Fraternally,

Donald A. Pofcher
Donald A. Pofcher

8 Locust Street
Salem, MA 01970
(617) 744-3710

72 10 11 00 00

TECHNICAL SERVICES

01. 100

00040223137

Donald A. Pofcher
8 Locust Street
Salem, MA 01970



Federal Election Commission
Washington, DC 20463

Attention: Mr. R. Lee Andersen

6001092313

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



CLAIM CHECK
NO.

515045

☐ HOLD

DATE

9/8/80

1ST NOTICE

2ND NOTICE

RETURN

9/2/80

Detached from
PS Form 3849-A
May 1979



Grace W. Dunn
10 Smith Street
Chelmsford, MA 01824

OGC

CERTIFIED

946104

0 0 1 0 2 6 1 4 0

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is required (check one):
☐ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery.\$ ____

(CONSULT POSTMASTER FOR LIES)

2. **ARTICLE ADDRESSED TO** Grace Lunn
 10 Smith St
 Chelmsford, MA 01824

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	916104	

 (Always obtain signature of addressee or agent)

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

4. **DATE OF DELIVERY**

5. **ADDRESS (Complete only if requested)**

6. **UNABLE TO DELIVER BECAUSE:**
 UNCLAIMED

CLERK'S INITIALS
 RB

Mar 1246 Address

GPO : 1979-288-846

Received in a...

11-19141

515044

☐ HOLD

DATE _____

9/8/80
1ST NOTICE

2ND NOTICE

RETURN

Revised from
PS Form 3849-A
May 1979



~~Marianne J. Paresky~~
~~10 Smith Street~~
~~Chelmsford, MA 01824~~

POSTAGE AND FEES PAID

060

CERTIFIED

946104

00040223142

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one.) ☐ Show to whom and date delivered.....¢ ☐ Show to whom, date and address of delivery.....¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery \$ ____ (CONSULT POSTMASTER FOR FEES)								
2. ARTICLE ADDRESSED TO: <i>Maurice Packer</i> <i>10 Smith Street</i> <i>Chelmsford, MA 01824</i>								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td><i>909943</i></td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		<i>909943</i>	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	<i>909943</i>							
(Always obtain signature of addressee or agent)								
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent								
4. DATE OF DELIVERY <i>10/8/80</i>								
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE: UNCLAIMED		CLERK'S INITIALS <i>AB</i>						


Mr 1046 Andrew

Received 10-8-80

MEMO TO THE FILE

From: R. Lee Andersen

R.L.H.

To: the File'

Date: 10/8/80

Re: MUR 1246

Notification of no RTB letters to Grace M. Dunn and Marriane Parefsky, both of 10 Smith, Street, Chelmsford, MA 01824, were both returned without receipt. These letters should be returned to the file as several other respondents as well as counsel for a respondent~~***~~ labor organization have apparently been given notice so that the Commission can ~~xx~~ assume that all respondents interested in the matter will receive notice of the Commission's action.

80040023143



FEDERAL ELECTION COMMISSION

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

END OF ADDITIONAL MATERIAL FOR CLOSED MUR 1246.

80040023144

