

FEDERAL ELECTION COMMISSION

3 Correspondence Control Slips (5), 11 Routing Slips (5),

4 Voting memos (2), 8 internal memos (5),

5 objection sheets (5); 7 comment sheets (5)..

1 12-Day Report (5), 1 draft letter (5),

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act; 5 U.S.C. Section 552 (b):

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

Signed Joyce McEllen  
date 7/18/85

Mur 1703

FEC 9-21-77

85040532558



FEDERAL ELECTION COMMISSION

1125 K STREET NW.  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1763

Date Filmed 7/26/85 Camera No. --- 2

Cameraman J.A.O.

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need originals  
& original GC



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

David Ifshin, General Counsel  
Carolyn U. Oliphant, Deputy Counsel  
Mondale for President Committee, Inc.  
Suite 318  
2233 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Re: MUR 1703  
Mondale for President  
Committee, Inc. and  
Michael S. Berman,  
as treasurer

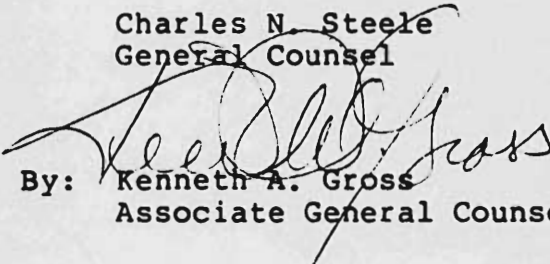
Dear Mr. Ifshin and Ms. Oliphant:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532560



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

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

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union  
et al.

Dear Mr. Wilson:

The Federal Election Commission has reviewed the allegations of your complaint received May 18, 1984. Based on the information provided in your complaint and information provided by the Respondents, the Commission, on October 2, 1984, made the following determinations:

1. Found reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and took no further action.
2. Found no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.
3. Found no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to these Respondents.
4. Found no reason to believe that the Mondale for President Committee, Inc. and Michael Berman, as treasurer, violated the Act with regard to the allegations in the complaint.
5. Found no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the act and closed the file with regard to these Respondents.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

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

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union  
et al.

Dear Mr. Hettinga:

The Federal Election Commission has reviewed the allegations of your complaint received May 18, 1984. Based on the information provided in your complaint and information provided by the Respondents, the Commission, on October 2, 1984, made the following determinations:

1. Found reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and took no further action.
2. Found no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.
3. Found no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to these Respondents.
4. Found no reason to believe that the Mondale for President Committee, Inc. and Michael Berman, as treasurer, violated the Act with regard to the allegations in the complaint.
5. Found no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the act and closed the file with regard to these Respondents.

85040532562



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

Ms. Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile  
Worker's Union  
15 Union Square  
New York, New York 10003

Re: MUR 1703  
Amalgamated Clothing and  
Textile Worker's Union  
Amalgamated Clothing and  
Textile Worker's Union  
Political Action Committee  
and Jacob Sheinkman,  
as treasurer

Dear Ms. Ruby:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532563



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

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

Re: MUR 1703  
National Education  
Association  
National Education  
Association Political  
Action Committee and  
Don Cameron, as treasurer

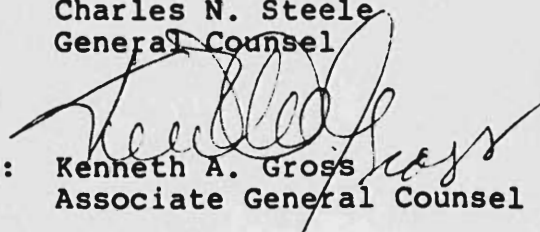
Dear Mr. Chanin:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated September 21, 1984

85040532564



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, IL 60611

Re: MUR 1703

Dear Mr. Taylor:

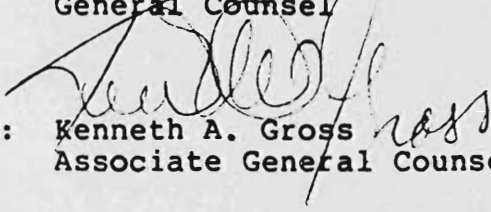
On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale and you, as treasurer, had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June 5, 1985, determined to take no further action and close its file.

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

If you have any questions, please direct them to Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated June 1985

85040532565

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1703  
Amalgamated Clothing and )  
Textile Workers Union )  
Mondale for President )  
Committee, Inc. )  
and Michael S. Berman, )  
as treasurer )  
7th Congressional District )  
Delegates for Mondale and )  
William H. Taylor, II, )  
as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 5, 1985, the Commission decided by a vote of 5-1 to take the following actions in MUR 1703:

1. Take no further action against the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer.
2. Close the file.
3. Approve the letters attached to the General Counsel's Report signed June 1, 1985.

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

Attest:

6/6/85  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

85040532566



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *OC*  
DATE: June 3, 1985  
SUBJECT: MUR 1703 - General Counsel's Report

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

CIRCULATIONS

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

Other                            [ ]

DISTRIBUTION

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, IL 60611

Re: MUR 1703

Dear Mr. Taylor:

On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale and you, as treasurer, had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June 1, 1985, determined to take no further action and close its file.

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

If you have any questions, please direct them to Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated June 1985

85040532568



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

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

Re: MUR 1703  
National Education  
Association  
National Education  
Association Political  
Action Committee and  
Don Cameron, as treasurer

*Handwritten initials*

Dear Mr. Chanin:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated September 21, 1984

85040532569



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

Ms. Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile  
Worker's Union  
15 Union Square  
New York, New York 10003

Re: MUR 1703  
Amalgamated Clothing and  
Textile Worker's Union  
Amalgamated Clothing and  
Textile Worker's Union  
Political Action Committee  
and Jacob Sheinkman,  
as treasurer

*JS*  
*6/17*

Dear Ms. Ruby:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532570



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

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

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union  
et al.

Dear Mr. Wilson:

The Federal Election Commission has reviewed the allegations of your complaint received May 18, 1984. Based on the information provided in your complaint and information provided by the Respondents, the Commission, on October 2, 1984, made the following determinations:

1. Found reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and took no further action.
2. Found no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.
3. Found no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to these Respondents.
4. Found no reason to believe that the Mondale for President Committee, Inc. and Michael Berman, as treasurer, violated the Act with regard to the allegations in the complaint.
5. Found no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the act and closed the file with regard to these Respondents.

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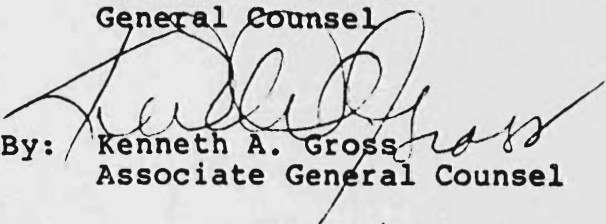
6. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441b by accepting an in-kind contribution (use of the union hall on the weekend of March 17 and 18, 1984, without charge) and took no further action.
7. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d.

On June 5 , 1985, the Commission determined to take no further action against the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, and closed the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532572



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

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

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union  
et al.

Dear Mr. Hettinga:

The Federal Election Commission has reviewed the allegations of your complaint received May 18, 1984. Based on the information provided in your complaint and information provided by the Respondents, the Commission, on October 2, 1984, made the following determinations:

1. Found reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and took no further action.
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3. Found no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to these Respondents.
4. Found no reason to believe that the Mondale for President Committee, Inc. and Michael Berman, as treasurer, violated the Act with regard to the allegations in the complaint.
5. Found no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the act and closed the file with regard to these Respondents.

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6. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441b by accepting an in-kind contribution (use of the union hall on the weekend of March 17 and 18, 1984, without charge) and took no further action.
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On June 5 , 1985, the Commission determined to take no further action against the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, and closed the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532574



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

Ms. Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile  
Worker's Union  
15 Union Square  
New York, New York 10003

Re: MUR 1703  
Amalgamated Clothing and  
Textile Worker's Union  
Amalgamated Clothing and  
Textile Worker's Union  
Political Action Committee  
and Jacob Sheinkman,  
as treasurer

Dear Ms. Ruby:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532575



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

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

Re: MUR 1703  
National Education  
Association  
National Education  
Association Political  
Action Committee and  
Don Cameron, as treasurer

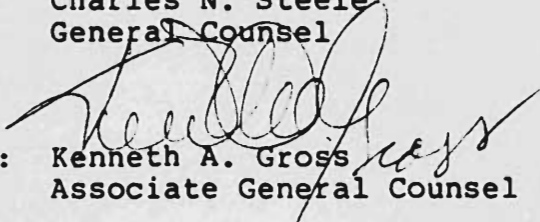
Dear Mr. Chanin:

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Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated September 21, 1984

85040532576



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1985

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, IL 60611

Re: MUR 1703

Dear Mr. Taylor:

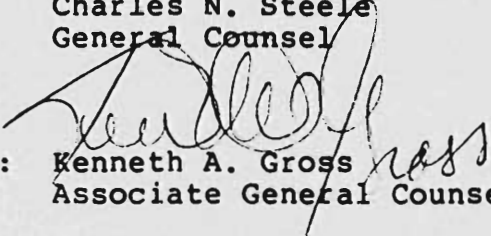
On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale and you, as treasurer, had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June 5, 1985, determined to take no further action and close its file.

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If you have any questions, please direct them to Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated June 1985

85040532577



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1985

David Ifshin, General Counsel  
Carolyn U. Oliphant, Deputy Counsel  
Mondale for President Committee, Inc.  
Suite 318  
2233 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Re: MUR 1703  
Mondale for President  
Committee, Inc. and  
Michael S. Berman,  
as treasurer

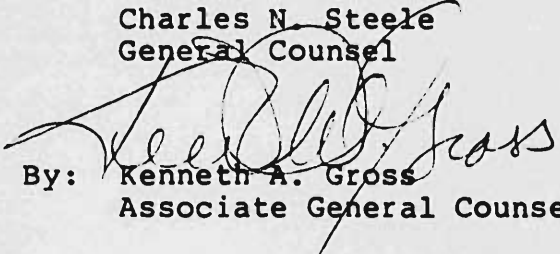
Dear Mr. Ifshin and Ms. Oliphant:

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Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532578

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Amalgamated Clothing and )  
 Textile Workers Union )  
 Mondale for President ) MUR 1703  
 Committee, Inc., )  
 and Michael S. Berman, )  
 as treasurer )  
 7th Congressional District )  
 Delegates for Mondale and )  
 William H. Taylor, II, )  
 as treasurer )

RECEIVED  
 FEDERAL ELECTION COMMISSION  
 OCT 10 1984  
 8 00:00

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale ("Delegate Committee") and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d and approved questions addressed to Mr. Taylor. In addition, the Commission also voted to take no action at that time against the Amalgamated Clothing and Textile Workers Union ("Amalgamated") with regard to the distribution of flyers supporting Walter Mondale.

A letter, with questions, was sent to Mr. Taylor on October 2, 1984. As no response was received, the Commission, on December 10, 1984, authorized the sending of an Order to Submit Written Answers to Mr. Taylor. On February 4, 1985, Mr. Taylor filed responses to our questions. See Attachment 5.

On September 12, 1984, the complainant in this matter filed an amendment to the complaint alleging that a Mondale campaign staff person, Sue Hofer, used Amalgamated's phone bank to call non-union members in support of Walter Mondale, in violation of

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2 U.S.C. § 441b. On October 2, 1984, the Commission voted to take no action at that time against the Mondale for President Committee, Inc. ("MPC") and Michael S. Berman, as treasurer, and Amalgamated with regard to this allegation.

On December 10, 1984, the Commission authorized the sending of an Order to Submit Written Answers to Sue Hofer. As no response was received, the Commission, on March 12, 1985, authorized this Office to institute a civil action seeking enforcement of the order issued to Ms. Hofer, should a second attempt to contact Ms. Hofer fail to yield a response. On March 18, 1985, a letter, enclosing a copy of the order, was sent to Ms. Hofer and the letter was returned unclaimed. Consequently, on April 24, 1984, this Office filed a Petition for Order to Show Cause and to Enforce Order to Submit Written Answers in U.S. District Court. Subsequently, counsel for Ms. Hofer contacted this Office and on May 14, 1985, Ms. Hofer filed answers to our questions. See Attachment 8.

## II. FACTUAL AND LEGAL ANALYSIS

### A. Flyers

The Act makes it unlawful for a labor organization to make a contribution or expenditure in connection with a federal election. 2 U.S.C. § 441b. The Act also prohibits a political committee from knowingly accepting or receiving any contribution prohibited by section 441b. It defines "contribution" and "expenditure" to include "any direct or indirect payment,

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distribution, loan, advance, deposit, or gift or money, or any services, or anything of value ... to any candidate, campaign committee, or political party or organization, in connection with ..." any federal election. 2 U.S.C. § 441b(b)(2). The Act excludes from this definition "communications by a ... labor organization to its members and their families on any subject." 2 U.S.C. § 441b(b)(2)(A). Pursuant to 11 C.F.R. § 114.3(a)(1), a labor organization may make partisan communications to its members and executive or administrative personnel, and their families, but it may not make contributions or expenditures for partisan communications to the general public in connection with a federal election. All permissible partisan communications must be produced at the expense of the labor organization and constitute a communication of the views of the labor organization. They may not be the republication or reproduction in whole or in part, of campaign materials prepared by the candidate, his campaign committee or authorized agents.

11 C.F.R. § 114.3(c)(1).

Pursuant to 2 U.S.C. § 441d, whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of

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

The complaint contained allegations that Amalgamated had violated 2 U.S.C. § 441b by distributing campaign flyers which supported Walter Mondale to the general public (some of the flyers were paid for by MPC) and 2 U.S.C. §441d by distributing flyers which endorsed Mondale but which failed to state who paid for and/or authorized them. The allegations were based on the affidavits of three private investigators: Ernest W. Lyles, Richard E. Lawrence and Mary Hemauer. According to Messrs. Lyles and Lawrence, who filed almost identical affidavits, they went to Amalgamated's union hall, located at 333 Ashland Avenue, Chicago, Illinois, on March 18, 1984, and talked to four youths who were about to go out and distribute campaign flyers at a church and on certain streets in Chicago. The campaign flyers stated that they had been paid for by MPC. See Attachment 1.

According to Ms. Hemauer, she went to the Mondale headquarters in Chicago to work on the phone banks but was told to go to Amalgamated's union hall. On March 17, 1984, Ms. Hamauer went to the union hall and was asked to distribute campaign flyers paid for by MPC. See Attachment 2. According to Ms. Hemauer, she and another woman were each given approximately

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500 of the flyers and distributed them in certain apartment buildings. In addition, Ms. Hemauer stated that she worked on the phone banks on both March 17 and 18. While at the union hall, Ms. Hemauer stated that she observed several people she believed to be volunteers. One of the volunteers was Bill Taylor who "seemed to be in charge of distribution of pamphlets." In a second affidavit, Ms. Hemauer stated that she observed flyers being given to volunteers with instructions to distribute the flyers to office buildings. In a third affidavit, Ms. Hemauer stated that stacks of 2 different flyers were given to Spanish-speaking volunteers for door to door distribution in the Latino community. The flyers attached to Ms. Hemauer's second and third affidavits did not state who had paid for and/or authorized them. See Attachment 3.

In response to the complaint, MPC stated that it was their policy to make literature available to volunteers and groups which may properly receive and distribute it and that if volunteer union employees and members took some of their literature to a union hall and distributed it, such activity was not a violation of the Act. In addition, MPC denied having paid for or having authorized those flyers which did not have a disclaimer. See Attachment 3.

A response from Amalgamated stated that Bill Taylor, treasurer of the Delegate Committee which had leased facilities and equipment from Amalgamated, had supervised volunteers in the distribution of Mondale campaign literature on March 18, 1984,

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and that Amalgamated had nothing to do with the distribution of such flyers.

Amalgamated did claim to have distributed an AFL-CIO COPE publication entitled "On Key Issues Good Ideas Top 'New Ideas' ... Mondale Tops Hart," but only to union members and their families. The flyer was identified as an AFL-CIO COPE publication. See Attachment 4. Exhibits appended to the attachments to the complaint appear to be modified versions of this COPE flyer although the COPE identification is missing. Amalgamated claimed to have no knowledge of who was responsible for the flyers attached to the complaint (see Attachment 3) and claimed that the COPE flyer was not xeroxed or amended by Amalgamated staff, adding that an ample supply of the COPE flyers was available on a table in the lobby of the building. Amalgamated claims to have consistently instructed its staff that partisan communications were meant to be distributed to only the permitted class pursuant to 11 C.F.R. § 114.3(c).

As the information received from the Respondents indicated that it was the Delegate Committee which was responsible for the distribution of flyers, the Commission on October 2, 1984, took no action against Amalgamated and found reason to believe that the Delegate Committee and Mr. Taylor, as treasurer, had violated 2 U.S.C. § 441d.

According to Mr. Taylor (see Attachment 5), the Delegate Committee did not produce the flyers in question (see Attachment 3) nor does Mr. Taylor ever remember seeing the COPE flyer

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(Attachment 4). Although Mr. Taylor remembered the wording "1984 The Choice Is Yours" and a comparison piece involving Mondale and Hart, he was not sure whether one of the flyers in question was that piece. If it was, however, Mr. Taylor stated that such literature was available at the Illinois State Headquarters for Mondale and that the Delegate Committee distributed approximately 5,000 pieces of such literature. However, the Delegate Committee neither designed nor paid for such literature. In addition, Mr. Taylor stated that the flyers which contained Spanish were never used by the Delegate Committee as the 7th district contained very few Hispanics and the Delegate Committee did not have the resources to print a Spanish language piece of literature. Further, Mr. Taylor stated that he never saw the flyers containing Spanish at Amalgamated's headquarters.

Based on their responses, it appears that neither Amalgamated, MPC nor the Delegate Committee printed up the flyers which were distributed without a disclaimer. See Attachment 3. The complainant has provided no evidence that either of these three Respondents was responsible. Although the flyers were located at Amalgamated's headquarters, Amalgamated claims that the only flyer it distributed was the COPE flyer (Attachment 4) and that the distribution of flyers to the public was done by the Delegate Committee which was operating out of Amalgamated headquarters. The Delegate Committee claims to have picked up some literature from the Illinois Mondale headquarters but there is some doubt as to whether it was one of the flyers in question.

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In additon, the Delegate Committee claims to have no knowledge of the flyers which contain Spanish even though it is the exact same flyer except for the fact that it is written in Spanish. MPC claims that it neither authorized nor paid for the flyers in question adding that it had a firm policy of printing its literature through union printers, including both authorization information and a printing "bug," as demonstrated by the other flyers attached to the complaint.

Although it appears that the Delegate Committee was responsible for the distribution of Mondale literature, this Office recommends that no further action be taken against the Delegate Committee and Mr. Taylor, as treasurer, with regard to a possible violation of 2 U.S.C. § 441d in light of Mr. Taylor's answers. In addition, this Office recommends that the file be closed with regard to this issue because it would be nearly impossible to ascertain at this point who actually was responsible for those flyers. The complainant alleged that Amalgamated was responsible for those flyers but provided no evidence to back up the allegation and the evidence in this matter does not indicate that Amalgamated was responsible for those flyers.

B. Phone Bank

Pursuant to 11 C.F.R. § 114.3(c)(3), a labor organization may establish and operate phone banks to communicate with its

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members and executive or administrative personnel, and their families, urging them to register and/or vote for a particular candidate.

The complaint originally alleged that Amalgamated violated 2 U.S.C. § 441b by allowing an agent of the National Education Association ("NEA"), Sue Hofer, to use Amalgamated's phone bank to call non-union members on behalf of Walter Mondale.

The allegation was based on the affidavit of a private investigator, Paul Kurgan. Mr. Kurgan stated in his affidavit that he did volunteer work on behalf of Walter Mondale at Amalgamated's union hall by assisting on the phone bank and by stuffing envelopes. While at the union hall, Mr. Kurgan met a woman later identified as Sue Hofer. According to Mr. Kurgan, he believed Ms. Hofer stated that she was from the "Teachers's Union" but later added that Ms. Hofer admitted to not being a teacher. In addition, Mr. Kurgan stated that all the others working on the phone banks were given a computer sheet with union members' names on it but that Ms. Hofer revealed that she was told by the main headquarters who to call "even if they are not union members." Mr. Kurgan claims to have spoken to a Joe Velasquez while at the union hall who stated that Ms. Hofer was from the NEA.

On September 12, 1984, the complainant filed an amendment to the complaint alleging that Ms. Hofer was an agent of MPC as MPC

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had disclosed on one its reports (1984 July Monthly Report) that it owed Ms. Hofer money in order to reimburse her for certain expenses.

In response to the amendment, Amalgamated claimed that it had no knowledge of the affiliations of the volunteer identified as Sue Hofer and had no reason to believe she was an agent of either NEA or MPC. See Attachment 6. In addition, it was stated that Amalgamated made good faith efforts to assure that the partisan phone bank was restricted to union members.

According to MPC, a review of its records indicated that Sue Hofer was an MPC field organizer in Iowa and the expenditures noted by the complainant were for expenses incurred in Iowa. Verifying documentation was attached to the response. MPC further claimed that Sue Hofer was not an agent of MPC during the Illinois primary (the allegations are in connection with the Illinois primary) nor was she authorized or directed by MPC to use Amalgamated's phone bank. See Attachment 7.

According to Ms. Hofer (see Attachment 8), she was a volunteer for Amalgamated and was never paid a salary or reimbursed for expenses. Ms. Hofer stated that she never worked on the phone bank, but did use the phones from time to time when the phone bank was not in use. Her main task was to recruit volunteers to help out at the union hall. Ms. Hofer claimed that she was not an agent of MPC or the Delegate Committee but took direction from Amalgamated's people.

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In light of Ms. Hofer's answers and the fact that the complainant has provided no evidence to show that Ms. Hofer was an agent of MPC while working at Amalgamated or that she called non-union members in support of Walter Mondale, this Office recommends that the file be closed in this matter. If anything, Mr. Kurgan's affidavit demonstrates that Ms. Hofer was not working on the phone bank because she appeared to be working alone and did not have lists like everyone else working on the phone bank.

**III. RECOMMENDATIONS**

1. Take no further action against the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer.
2. Close the file.
3. Approve the attached letters.

Charles N. Steele  
General Counsel

June 1, 1985  
Date

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

**Attachments**

1. Flyer paid for by MPC
2. Flyer paid for by MPC
3. Flyers without disclaimers
4. AFL-CIO COPE flyer
5. Response filed by Mr. Taylor
6. Response filed by Amalgamated
7. Response filed by MPC
8. Questions to, and response filed by, Ms. Hofer
9. Letters

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WHEN MARTIN REACHED OUT FOR A FRIEND IN THE U.S. SENATE, HE FOUND A WILLING AND STEADY PARTNER IN MONDALE. AND MONDALE HAS NEVER LET US DOWN. TODAY, WALTER MONDALE HAS THE SUPPORT OF THE KING FAMILY...OF HUNDREDS OF BLACK ELECTED OFFICIALS...OF MILLIONS OF BLACK VOTERS. AND ALL FOR GOOD REASON!

# WHEN MARTIN LUTHER KING WAS HERE IN ILLINOIS FIGHTING FOR OPEN HOUSING 4 YEARS AGO, WALTER MONDALE WAS IN WASHINGTON LEADING THE FIGHT FOR THE HISTORIC FAIR HOUSING ACT OF 1968!!

EXHIBIT 1

## Mondale's Commitment To Civil Rights And Social Justice Is Proven!!

<u>THEN</u>	<u>NOW</u>	<u>AS PRESIDENT</u>
Organized first civil rights demonstration in Minnesota history in 1962.	* Fighting Reaganomics from the beginning.	* Will reverse Reaganomics: raise taxes on the rich and big businesses; restore budget cuts affecting vital social programs, including AFDC and food stamps.
Sponsored original Voting Rights Act of 1965.	* Attacking Reagan's foot-dragging on voting rights and trashing of Civil Rights Commission.	* Bring deficits and interest rates down for jobs and economic growth.
Fought for school desegregation.	* Proposing jobs programs and help for unemployed.	* Encourage minority enterprise.
Pushed for affirmative action.	* Running presidential campaign with significant Black staff and services of Black business, including banks, accountants, and travel agencies.	* Strengthen education.
Helped increase funding for education and black colleges.		* Enforce Civil Rights Laws.

### AND MONDALE IS THE ONLY CANDIDATE WHO CAN DEFEAT REAGAN!

HE HAS THE EXPERIENCE—AND THE RECORD,  
 WE KNOW WHERE HE STANDS—FOR JOBS & SOCIAL JUSTICE,  
 AND HE NEEDS YOUR VOTE NOW—TO BEAT REAGAN.

\* Restore human rights to American foreign policy and freeze nuclear arms

On March 20th Vote for  
**MONDALE FOR PRESIDENT**  
**AND MONDALE DELEGATES**

Attachment 1

AC-T  
 3/18/84  
 Sec  
 1/20/84



# GOOD IDEAS VS. "NEW" IDEAS

MONDALE KNOWS THE DIFFERENCE

### NUCLEAR ARMS CONTROL

**MONDALE:** First Presidential Candidate to endorse the Nuclear Freeze. Opposes the Reagan Administration's Cohen-Mart "Build-Down" Resolution.

**HART:** Voted till it was popular before endorsing a freeze. Original co-sponsor of the Cohen-Mart "Build-Down" Resolution, which calls for building newer, more dangerous nuclear weapons to replace older ones.

### WOMEN'S ISSUES

**MONDALE:** Lobbied extensively for the ERA, authored the Women's Educational Equity Act and a comprehensive Pay Equity Plan.

**HART:** Failed to sponsor any women's issue legislation that has passed. Supports the ERA.

### SOARING HOSPITAL COSTS

**MONDALE:** Leading supporter of hospital cost containment legislation, a measure demonstrating Mondale's commitment to senior citizens, the chronically ill, and low-income Americans.

**HART:** Voted with the American Medical Assoc. (AMA) and hospital lobby to oppose hospital cost containment.

### OIL COMPANY PROFITS

**MONDALE:** Led the winning fight for a Windfall Profits Tax so that oil companies would pay their fair share.

**HART:** Opposed the corporate Windfall Profits Tax, now proposes a \$10/barrel surtax on imported oil, costing the average family more than \$340/year.

THE NOMINATION FOR PRESIDENT SHOULD BE DECIDED ON THE ISSUES...NOT "NEW" IDEAS OR "OLD" IDEAS...BUT GOOD IDEAS VS. BAD IDEAS.

LOOK BEYOND THE SLOGANS TO THE ISSUES...VOTE

# MONDALE

Printed by the National Committee for President, Inc.

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Attachment 2

2

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds-out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

ISSUE	MONDALE	HART
Jobs, the economy	Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries; trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
Help for the jobless	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
Trade	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
Job Safety/Health	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
Taxes	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted <del>against</del> adequate tax on windfall oil profits.

Attachment 3

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ISSUE

MONDALE

HART

Housing

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

Gas price control

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel. —would add \$140 to average home fuel bill.

Youth

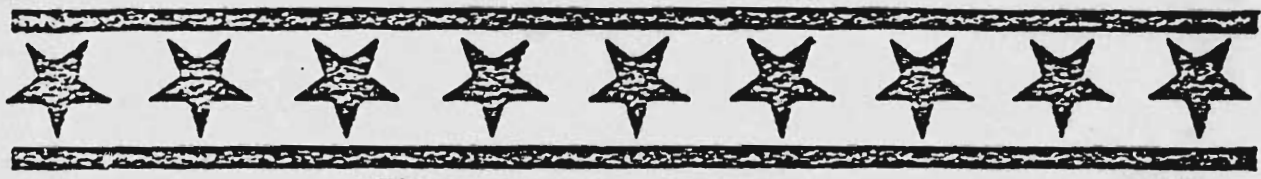
Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

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Mondale: A Good Idea of What America Can Be

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VOTE MONDALE

Democratc Primary



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THE CHOICE IS YOURS

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# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

for the well-being of average Americans, on the basis of record and program and a vision of what America can be. Walter Mondale's "good idea" candidacy holds out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

The comparison shows clearly that in concern

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ISSUE	MONDALE	HART
Jobs, the economy	Proposes full employment law with teeth in its policies that protect, expand jobs: revival of basic industries; trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
Help for the jobless	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
Trade	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
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SU VOTO ES SU VOZ (S) (S)  
... MONDALE

ISSUE

MONDALE

HART

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Mondale: A Good Idea of What America Can Be

VOTE MONDALE

Democratic Primary



1984

THE CHOICE IS YOURS

VOTE TUESDAY - MARCH 20<sup>TH</sup>

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CUANDO SE TRATA DE ASUNTOS IMPORTANTES  
 LAS BUENAS IDEAS VENCEN LAS "IDEAS NUEVAS"

\*\*\* MONDALE VENCE A HART \*\*\*

Lo que sigue es una comparación entre los récords de Walter Mondale y Gary Hart, los dos principales por la nominación democrática sobre ocho (8) asuntos importantes para la gente que trabaja y para sus familias.

La comparación demuestra claramente que, lo que se refiere al bienestar de la gente que vive en los Estados Unidos, tomando como base el récord, el programa y la visión de lo que este país debe ser, las BUENAS IDEAS de la candidatura de Walter Mondale ofrecen una promesa inmensamente más superior y más justa, que la candidatura de las llamadas "ideas nuevas" de Gary Hart.

ASUNTO  
 IMPORTANTE

MONDALE

HART

6  
 Trabajos,  
 Recono-

Propone una ley de empleo para todos, con fuerza, reglas que protejan, aumento de trabajos: revivir las industrias básicas; comercio que aumente, en lugar de disminuir los trabajos en E.U.; reconstruir los puentes, puertos, sistemas de transporte; tasas de intereses más bajas; tasas justas que obliguen a las corporaciones e individuos ricos a pagar una justa participación en contribuciones.

El votó contra los trabajos en E.U. cuando se opuso al préstamo a la compañía Chrysler; se opone a la ley de contenido doméstico; se opone a que se asignen algunos contratos de defensa a las áreas de alto desempleo; patrocinó el "comercio libre" en un mundo en que eso es un mito y mientras miles de gente de E.U. pierde sus trabajos por la competencia extranjera.

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 Coda para  
 de desem-  
 pleados

Como senador, Mondale apoyó constantemente el mejoramiento y extensión de beneficios a los desempleados. Apoya la ayuda especial a quienes perdieron sus trabajos por las importaciones.

Hart votó dos veces contra la extensión de beneficios por desempleo; apoyó los recortes que hizo Reagan en la ayuda especial para esos desempleados.

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 Comercio

Mondale hará que el comercio beneficie tanto a los que trabajan y a las industrias de E.U. como a nuestros socios en el comercio. Él insiste en que se quiten las barreras a los productos de los E.U. para propiciar un flujo real del comercio.

Hart votó contra la propuesta de "compre americano" en los proyectos de trabajos públicos pagados por el gobierno, negando con eso a los que trabajan en E.U. el beneficio de trabajos. No quiere se pida quitar esas barreras.

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 Seguridad/  
 Salubridad  
 en trabajo

Mondale patrocinó, peleó en favor y votó por la ley original de seguridad y salubridad en el trabajo; urge que se refuerce la ley y que se haga cumplir la ley.

Hart ha votado, a lo menos cuatro (4) veces, en el senado de los E.U. para debilitar la ley de seguridad y salubridad o para reducir la cobertura de la ley.

(7) [Redacted] 54

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El acabará con las ~~crisis~~ de las corporaciones e individuos ricos; revocará la mayoría de regalos de impuestos a los ricos de parte de Reagan; impondrá taxes más pesados por ganancias excesivas los Grandes Compañías petroleras.

Hart pide que haya un "tax de consumo" con el cual usted pagará taxes según lo que usted compra. Si la mayoría de sus gastos son para cubrir necesidades, usted tendría que pagar un porcentaje más alto de los que recortan cupones. Hart votó contra taxes adecuados a las ganancias excesivas del petróleo.

abitación

Mondale urge que se aumenten los fondos para construir casas habitacionales que puedan ser compradas por las familias de ingresos bajo o moderados.

Hart votó varias veces en el senado de los E.U. para que se negaran los fondos adecuados para la construcción de casas habitacionales para familias de ingreso bajo o moderado.

Control de precios de

Mondale apoya el control continuo de precios del gas y del aceite para proteger a los consumidores contra los grandes aumentos en el costo del aceite combustible para las casas habitaciones.

Hart votó para que se deregulara el precio del gas natural recientemente descubierto; pide que se ponga un tax de 30% al aceite importado, con eso se aumentarían \$110.00 al costo promedio del aceite para la casa.

Prentud

Mondale se opone a que se reduzca el sueldo mínimo para los jóvenes, porque eso incita a los patrones a despedir a los adultos que trabajan para emplear jóvenes pagados a sueldo menor; Mondale apoya el que haya un interés generoso para los préstamos a estudiantes y que se permita a quienes los reciben que comiencen a pagarlos hasta después que se gradúan.

Hart votó en favor de un sueldo sub-mínimo para los jóvenes que causaría algo como una puerta giratoria (los adultos trabajadores... afuera! los jóvenes con pago más bajo: adentro!); Hart votó para forzar a quienes reciben préstamos para colegio a que comiencen a pagar el interés de los préstamos tan pronto como los reciben, para muchos esto sucede en el momento en que entran al colegio.

8 MONDALE: UNA BUENA IDEA DE LO QUE AMÉRICA PUEDE SER.



1984

THE CHOICE IS YOURS

¡LA ELECCIÓN ES SUYA!



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Help for the jobless	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
Trade	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
Job Safety/Health	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
Taxes	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted against adequate tax on windfall oil profits.

Attachment 4

9

Exhibit 7

**ISSUE**

**MONDALE**

**HART**

**Housing**

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

**Gas price control**

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel, —would add \$140 to average home fuel bill.

**Youth**

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

85040532599 **Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

Democratic Primary

AFL-CIO COPE WASHINGTON, D.C.

10



05 FEB 4 AID: 56

FILED IN THE FEC

January 31, 1985

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

PI2: 05

Re: MUR 1703

Dear Mr. Gross:

Please excuse the delay in my responding to the December 12, 1984 order of the Federal Election Commission. Unfortunately, I have been out of my office and the country during the holiday season and have just recently returned.

The following are my sworn responses to your interrogatories:

1. Labeled as Attachment 1 is an AFL-CIO COPE flyer. The flyers labeled as Attachments 2, 3 and 4 appear to be variations of the AFL-CIO COPE flyer. Was the format and text of the AFL-CIO COPE flyer used in the production of the flyers labeled as Attachments 2, 3 and 4?

If not, how did the Delegate Committee come to use the format and text that was used in the flyers labeled as Attachments 2, 3 and 4?

RESPONSE:

I believe your questions assumes that the Delegate Committee did produce the flyers labeled as Attachments 2, 3 and 4 and did use Attachment #1 as a guide. These assumptions are wrong.

While I was extremely involved in the 7th Congressional District Delegate campaign, including the actual ordering and the distribution of the delegates literature, I do not remember ever seeing Attachment #1.

Attachment #2 is somewhat familiar, but only to the extent that the "1984 The Choice Is Yours" slogan was on one item that we passed out. I also remember a comparison piece

Attachment 5 (11)

85040532600

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 2

involving Mondale and Hart that was at the Illinois State Mondale office. Whether Attachment #2 is that piece I am not positive, but I would guess that it is the same.

Assuming that Attachment #2 is the item, the Delegate Committee would have received one box of that literature (approximately 5,000 pieces), from the Illinois State Headquarters. The delegate committee did not design nor did we pay for the literature.

Attachments 3 and 4 were never used by the 7th Congressional Delegate Committee. The 7th Congressional District has very few hispanics in the district and the Committee did not have the resources or desire to order and/or print a spanish language piece of literature.

2. Did someone from Amalgamated and/or AFL-CIO give the Delegate Committee authority to use the flyer (labeled as Attachment #1)?

- (a) If so, who?
- (b) If so, for what purpose?
- (c) If not, how did the Delegate Committee come to use the AFL-CIO COPE flyer?

RESPONSE:

No.

- (a) Not applicable.
- (b) Not applicalbe.
- (c) The Delegate Committee did not use the AFL-CIO COPE flyer (Attachment #1). See response to previous interrogatory.

3. Was the AFL-CIO and/or Amalgamated reimbursed for use of the flyer (labeled as Attachment #1)?

- (a) If so, how much?
- (b) If not, why not?

RESPONSE:

No.

- (a) Not applicable.

85040532601

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 3

- (b) The delegate committee never used or copied Attachment #1.

4. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 2?

- (a) If so, how much did the committee pay?  
(b) If so, who was paid?  
(c) If so, how many copies were made?  
(d) If so, how were these flyers distributed?  
(e) If so, was this flyer authorized by Walter Mondale and/or MPC?  
(f) If not, who did pay for the flyer?

RESPONSE:

No.

- (a) Not applicable.
- (b) If Attachment #2 is the leaflet I remember seeing, then, I believe the Mondale State Headquarters paid for Attachment #2. But, I do not have any direct knowledge concerning the duplication costs or the payment thereto.
- (c) Unknown. If Attachment #2 is the leaflet that I remember, then the delegate committee used approximately 5,000 pieces.
- (d) If the flyers were distributed by the delegate committee, we would have used volunteers to distribute them.
- (e) I believe it was, but again I have no knowledge of the MPC's authorization.
- (f) Unknown.

5. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 3?

85040532602

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 4

- (a) If so, how much did the committee pay?
- (b) If so, who was paid?
- (c) If so, how many copies were made?
- (d) If so, how were these flyers distributed?
- (e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- (f) If not, who did pay for the flyer?

RESPONSE:

No.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Unknown.
- (f) Unknown. I never saw Attachment #3 at the Delegate's Headquarters (i.e., Amalgamated), and, if it was there, the delegate committee never used it.

6. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 4?

- (a) If so, how much did the committee pay?
- (b) If so, who was paid?
- (c) If so, how many copies were made?
- (d) If so, how were these flyers distributed?
- (e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- (f) If not, who did pay for the flyer?

RESPONSE:

No.

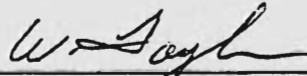
- (a) Not applicable.

85040532603

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 5

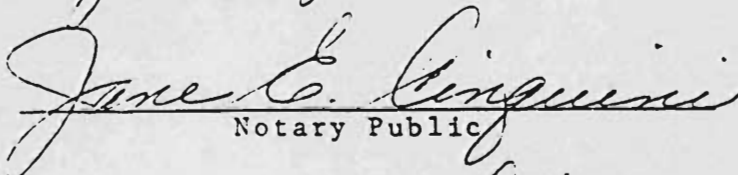
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Unknown.
- (f) Unknown. I never saw Attachment #4 at the delegate's Headquarters (i.e., Amalgamated) and if it was there, the delegate committee never used it.

85040532604



William H. Taylor, on behalf of  
the 7th Congressional District  
Delegate Committee and as its  
Treasurer.

SUBSCRIBED AND SWORN TO  
before me this 31<sup>st</sup> day  
of January, 1985.

  
Notary Public

My Commission Expires: April 13, 1985

15

AFL-CIO. CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003  
(212) 242-0700

October 9, 1984

Certified Mail, RRR, #P 627 803 684

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

Re: MUR 1703

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union (ACTWU) to the Amendment to the Complaint filed in MUR 1703. The additional information submitted by Complainants' National Right to Work Committee (NRWC) and Ralph Hettinga, Jr. regarding the alleged illegal use of the Union phone bank by one Sue Hoffer does nothing to bolster the original allegations.

Complainants have submitted an undated page from a report to the Federal Election Commission (FEC) showing \$186.26 owed to one Sue Hoffer for expense reimbursement by the Mondale Campaign. Upon inquiry, Mary Beth Tarrant of the FEC advised me that the attached schedule was taken from a report of June 1984. The alleged illegal use of the Union phone banks supposedly occurred in March 1984 (See Complaint, Attachment 6). The cited expense reimbursement is not probative of any illegal activity, nor can it support an inference that Sue Hoffer was an "agent" of the Mondale Campaign during the time she volunteered on the phone banks.

Originally, Complainants alleged Sue Hoffer was an agent of the National Education Association (NEA). (See Complaint Count I, Attachment 6) Now, Complainants allege she was an "agent" of the Mondale Campaign. Even if proven true, neither of these characterizations would establish wrong-doing on the part of ACTWU. At all times, ACTWU made good faith efforts to comply with the Federal Election Campaign Act and to assure that partisan communications through union operated phone banks were properly restricted to union members and their families. As stated in ACTWU's earlier response, the help of volunteers to work on the phone banks was gratefully accepted without interrogation or investigation into their personal background. ACTWU had no knowledge of the affiliations of the volunteer identified as Sue Hoffer and had no reason to believe she was an agent of either the NEA or the Mondale Campaign.

VICE PRESIDENTS

OCT 12 11:12 AM '84

85040532605

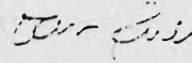
Attachment 6

16

Charles N. Steele, General Counsel  
October 9, 1984  
Page 2

For the above stated reasons and the reasons put forth in the original response, ACTWU respectfully requests that no further action be taken on this matter and that the Complaint be dismissed in its entirety.

Respectfully submitted,



Joan Ruby  
Assistant General Counsel

JR:hb

cc: Mary Beth Tarrant  
Arthur M. Goldberg  
George A. Kirschenbaum

85040532606

President  
2500 Wisconsin Avenue, N.W.  
Washington, D.C. 20007  
Tel. (202) 225-1600

MONDALE

GCC#5091p

October 9, 1984

04 OCT 11 12:47  
GENERAL COUNSEL

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

Re: MUR 1703

Dear Mr. Steele:

This letter constitutes the response of the Mondale for President Committee, Inc. ("MPC") to the amendment filed on September 12, 1984 to the complaint in MUR 1703. MPC urges the Commission to dismiss the amended complaint without further action against MPC because it alleges no facts which would comprise a violation of the Federal Election Campaign Act, as amended (the "Act") by MPC.

Count I of the original complaint alleged that a Sue Hofer, an agent of the National Education Association, ("NEA") illegally used Respondent Amalgamated Clothing and Textile Workers' Union (ACTWU) phone banks during the Illinois primary. However, the original complaint does not allege that MPC used the ACTWU phone bank. According to the affidavits attached to the original complaint, NRWC agents who went to MPC headquarters in Chicago to "volunteer" specifically asked to work on phone banks.

Attachment 7

18

85040532607

Unidentified MPC staff allegedly told these "volunteers" that MPC did not have any phone banks but that the unions were operating phone banks for calling union members. Neither the original affidavits, nor the information in the amended complaint provide any evidence that MPC was using the ACTWU phone bank.

By this amendment, complainant alleges that because MPC records indicate that MPC owes expense money to a Sue Hofer, she may have been an agent of MPC during the Illinois primary. A review of MPC's records indicate that Sue Hofer was not an agent of MPC during the Illinois primary. A woman named Sue Hofer, who, for the purposes of this response we assume is the same individual, was an MPC field organizer in Iowa. As the attached documentation demonstrates, the expenditures noted by complainant were for expenses incurred in Iowa. Even if this is the same individual, she was not an agent of MPC in Illinois. Furthermore, MPC staff did not authorize or direct her to use phones in Illinois.

85040532608

Thus, the amended complaint states no facts which would constitute a violation of the Act by MPC. For this reason and the reasons set forth in MPC's July 2, 1984 response to MUR 1703, the Commission should dismiss the complaint against MPC without further action against MPC.

Respectfully submitted,

*David M. Ifshin*  
David M. Ifshin  
General Counsel

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

Attachments

85040532609

11353

COST CENTER IOWA DATE \_\_\_\_\_

REQUESTED BY CS

DATE TO BE PAID \_\_\_\_\_ AMOUNT 185.76 186 26

367100 PAYEE Gue Hafur SAB

ADDRESS 2147 D St NW #108  
Washington DC 20037

Purpose of Expenditure (Details) travel  
expense reimbursement - Iowa

85040532610

Documentation attached: Receipts   
Purchase order  Invoice   
Cost estimate  Order form   
Proposal  Contract

ENTERED

MAR 27 1984

Cost Center Director \_\_\_\_\_

Authorizing Signature [Signature]

approved  disapproved

Manual

Check Date \_\_\_\_\_ Check # \_\_\_\_\_ \$ \_\_\_\_\_

Account Code 2402-131<sup>2</sup> 17.88 / 2230-131<sup>1</sup> 18.72 / 2240-131<sup>3</sup> 19.01 / 2210-131<sup>4</sup> 11.00 / 2302-131<sup>5</sup>

Data Entry A/P: Date entered \_\_\_\_\_ By \_\_\_\_\_

Data Entry Manual check: Date \_\_\_\_\_ By \_\_\_\_\_

USES:

SUE HOFER

2147 O ST. N.W. #108

WASHINGTON, D.C. 20037

SS#: 356-48-9082

AS - 10.00 ✓

MISC - BUS C.O.D. PICK-UPS

15.00 ✓

5.50 ✓

8.00 ✓

5.50 ✓

10.00 ✓

11.00

8.50 ✓

13.00 ✓

REG. VOTERS LIST

10.00 ✓

19.01 ✓

10.00 ✓

APPROVED EVENT EXP.

10.00 ✓

9.00 ✓

18.72 ✓

10.15 ✓

17.88 ✓

5.00 ✓

36.60

118.65

GAS: 118.65

MISC: 66.61

TOTAL → 185.26 + 1 = 186.26

(22)

Questions

The following questions pertain to a phone bank run by the Amalgamated Clothing and Textile Workers Union located at 333 S. Ashland Ave., Chicago, Illinois during March 1984 prior to the Illinois primary. It appears that the phone bank was set up for the purpose of encouraging union members to vote for Walter Mondale. The Amalgamated Clothing and Textile Workers Union will hereafter be referred to as "Amalgamated." The Mondale for President Committee, Inc. will hereafter be referred to as "MPC". The 7th Congressional District Delegates for Mondale will hereafter be referred to as the "Delegate Committee."

1. Were you present at Amalgamated's Union Hall in March 1984?
  - a) If so, were you working?
  - b) If so, were you acting as a volunteer?
  - c) If so, in what capacity were you working?
2. Please explain how you happened to be working and/or volunteering at the union hall.
3. Were you involved with the phone bank?  
If so, please explain your involvement.
4. Under whose instructions were you acting while at the union hall?
5. What duties were you performing while at the union hall?
6. Were you acting as an agent of Amalgamated while at the union hall?

85040532612

- a) If so, in what capacity?
- b) If so, was Amalgamated paying your salary at the time?
- c) If so, was Amalgamated reimbursing you for your expenses at the time?

7. While at the union hall, were you acting as an agent of MPC?

- a) If so, in what capacity?
- b) If so, was MPC paying your salary at the time?
- c) If so, was MPC reimbursing you for your expenses at the time?

8. While at the union hall, were you acting as an agent of the Delegate Committee?

- a) If so, in what capacity?
- b) If so, was the Delegate Committee paying your salary at the time?
- c) If so, was the Delegate Committee reimbursing you for your expenses at the time?

9. If you were not an agent of Amalgamated, MPC or the Delegate Committee, please explain your function at the union hall.

10. While using the phone bank, did you call union members to encourage them to vote for Walter Mondale?

85040532613

11. While using the phone bank, did you call non-union members to encourage them to vote for Walter Mondale?
  - a) If so, how many?
  - b) If so, at whose instruction did you call the non-union members?
12. Who supplied you with the list of names to be called while using the phone bank?
13. Was Amalgamated reimbursed by either MPC or the Delegate Committee for your use of the phone bank?
14. If you were not involved with the phone bank, please explain your use of the phones at the union hall.
15. Over what time period were you working and/or volunteering at the union hall?
16. Have you at any time worked for MPC?
  - a) If so, when?
  - b) If so, in what capacity?
  - c) If not, please explain why MPC was reimbursing you for expenses.

85040532614

REC'D  
OFFICE  
GENERAL

RECEIVED THE FEC  
GCC# 7442  
85 MAY 14 8:58

MAY 14 10:38

In response to written interrogatories submitted to Ms. Sue Hofer, 2147 "O" Street, NW, Apt. 408, Washington, DC, by the Federal Election Commission, Ms. Hofer responds as follows:

1. During March 1984 I was present at Amalgamated's Union Hall working as a volunteer. I was there from time to time.
2. A friend of mine who worked for the union told me that they needed help.
3. No. I was never asked to participate in the phone bank. I did use a phone to recruit volunteers.
4. Various people who worked for Amalgamated.
5. I was originally given 3 people to call. I was to ask them if they would volunteer to help at the Union Hall. I then asked them for the names of other people who might volunteer. I repeated the process with the new names. I did this off and on whenever I could find time to volunteer.
6. When I was at the Union Hall I was under the direction of Amalgamated's people. However, Amalgamated never paid me a salary or reimbursed me for expenses.
7. No.
8. No.
9. I was a volunteer for Amalgamated.
10. I never worked on the phone bank to encourage people to vote for Walter Mondale. I did use a phone there from time to time when the phone bank was not going on to ask for volunteers.

85040532615

I do hereby swear or affirm that the answers to interrogatories above written are true to the best of my belief and knowledge.

Subscribed and sworn to before me this 6th day of May, 1985.  
Arlington, Virginia

  
Notary Public

My Commission expires January 24, 1986.

(26)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union  
et al.

Dear Mr. Hettinga:

The Federal Election Commission has reviewed the allegations of your complaint received May 18, 1984. Based on the information provided in your complaint and information provided by the Respondents, the Commission, on October 2, 1984, made the following determinations:

1. Found reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and took no further action.
2. Found no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.
3. Found no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to these Respondents.
4. Found no reason to believe that the Mondale for President Committee, Inc. and Michael Berman, as treasurer, violated the Act with regard to the allegations in the complaint.
5. Found no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the act and closed the file with regard to these Respondents.

Attachment 9

27

85040532616

6. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441b by accepting an in-kind contribution (use of the union hall on the weekend of March 17 and 18, 1984, without charge) and took no further action.
7. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d.

On June , 1985, the Commission determined to take no further action against the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, and closed the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532617



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union  
et al.

Dear Mr. Wilson:

The Federal Election Commission has reviewed the allegations of your complaint received May 18, 1984. Based on the information provided in your complaint and information provided by the Respondents, the Commission, on October 2, 1984, made the following determinations:

1. Found reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and took no further action.
2. Found no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.
3. Found no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to these Respondents.
4. Found no reason to believe that the Mondale for President Committee, Inc. and Michael Berman, as treasurer, violated the Act with regard to the allegations in the complaint.
5. Found no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the act and closed the file with regard to these Respondents.

85040532618

6. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441b by accepting an in-kind contribution (use of the union hall on the weekend of March 17 and 18, 1984, without charge) and took no further action.
7. Found reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d.

On June , 1985, the Commission determined to take no further action against the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, and closed the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure

General Counsel's Report dated September 21, 1984

General Counsel's Report dated June 1985

85040532619



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, IL 60611

Re: MUR 1703

Dear Mr. Taylor:

On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale and you, as treasurer, had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June , 1985, determined to take no further action and close its file.

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

If you have any questions, please direct them to Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated June 1985

85040532620



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

Ms. Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile  
Worker's Union  
15 Union Square  
New York, New York 10003

Re: MUR 1703  
Amalgamated Clothing and  
Textile Worker's Union  
Amalgamated Clothing and  
Textile Worker's Union  
Political Action Committee  
and Jacob Sheinkman,  
as treasurer

Dear Ms. Ruby:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532621



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

David Ifshin, General Counsel  
Carolyn U. Oliphant, Deputy Counsel  
Mondale for President Committee, Inc.  
Suite 318  
2233 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Re: MUR 1703  
Mondale for President  
Committee, Inc. and  
Michael S. Berman,  
as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures

General Counsel's Report dated September 21, 1984  
General Counsel's Report dated June 1985

85040532622



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

Re: MUR 1703  
National Education  
Association  
National Education  
Association Political  
Action Committee and  
Don Cameron, as treasurer

Dear Mr. Chanin:

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

Should you have any questions, please contact Lois Lerner, Assistant General Counsel for Enforcement, at 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report dated September 21, 1984

85040532623

@CC#7442

May 6, 1985

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
MAY 14 1985  
AIO: 38

Mr. David Futter  
Federal Elections Commission  
1325 K Street, NW  
Washington, DC 20463

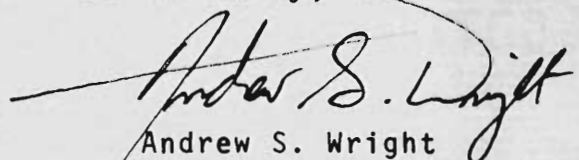
RE: FEC V. SUE HOFER

Dear David:

Thank you taking time to discuss the above referenced matter with me. As we agreed, I am sending you Ms. Hofer's response to your interrogatories, and in return you have agreed to dismiss the FEC's petition for an order to show cause now pending against Ms. Hofer without cost to her.

Should you have additional questions, please contact me.

Sincerely,

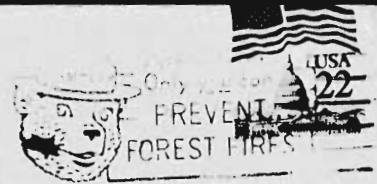


Andrew S. Wright  
644 Massachusetts Ave. NE  
#405  
Washington, DC 20002

85040532624

ew S. Wright  
Massachusetts Ave. NE  
ngton, DC 20002

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Mr. David Futter  
Federal Elections Commission  
1325 K Street, NW  
Washington, DC 20002

85 MAY 14 8:58

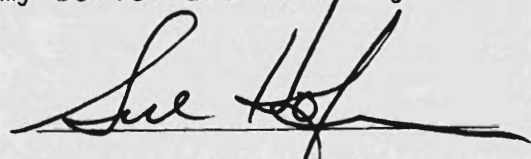
MAY 14 10:38

In response to written interrogatories submitted to Ms. Sue Hofer, 2147 "O" Street, NW, Apt. 404, Washington, DC, by the Federal Election Commission, Ms. Hofer responds as follows:

1. During March 1984 I was present at Amalgamated's Union Hall working as a volunteer. I was there from time to time.
2. A friend of mine who worked for the union told me that they needed help.
3. No. I was never asked to participate in the phone bank. I did use a phone to recruit volunteers.
4. Various people who worked for Amalgamated.
5. I was originally given 3 people to call. I was to ask them if they would volunteer to help at the Union Hall. I then asked them for the names of other people who might volunteer. I repeated the process with the new names. I did this off and on whenever I could find time to volunteer.
6. When I was at the Union Hall I was under the direction of Amalgamated's people. However, Amalgamated never paid me a salary or reimbursed me for expenses.
7. No.
8. No.
9. I was a volunteer for Amalgamated.
10. I never worked on the phone bank to encourage people to vote for Walter Mondale. I did use a phone there from time to time when the phone bank was not going on to ask for volunteers.

85040532626

I do hereby swear or affirm that the answers to interrogatories above written are true to the best of my belief and knowledge.



Subscribed and sworn to before me this 6th day of May, 1985.  
Arlington, Virginia

  
Notary Public

My Commission expires January 24, 1986.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 18, 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sue Hofer  
2147 "O" Street, N.W.  
Apt. 108  
Washington, D.C. 20037

Re: MUR 1703

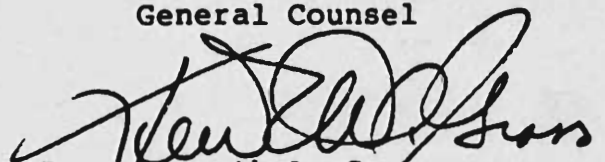
Dear Ms. Hofer:

On December 14, 1984, the Commission mailed to you the attached letter which enclosed an order requiring you to provide certain information within ten days of receipt of the order. As of this date, the Commission has not received a response from you. Please be advised that the attached order remains in effect and an immediate response is expected from you.

If you have any questions, please call Marybeth Tarrant at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures  
Letter of December 14, 1984  
Order with questions

85040532627

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Amalgamated Clothing and )  
Textile Workers Union )  
Mondale for President Committee, ) MUR 1703  
Inc., and Michael S. Berman, )  
as treasurer )  
7th Congressional District )  
Delegates for Mondale and )  
William H. Taylor, II, as )  
treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 12, 1985, do hereby certify that the Commission decided by a vote of 5-0 to authorize the Office of General Counsel to institute a civil action, pursuant to 2 U.S.C. § 437(d) (b), seeking enforcement of the Order to Submit Written Answers issued to Sue Hofer, after first trying to contact Ms. Hofer by the means suggested during the meeting.

Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision. Commissioner McDonald was not present at the time of the vote.

Attest:

3-14-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

8 5 0 4 0 5 3 2 6 2 8



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sue Hofer  
2147 "O" Street, N.W.  
Apt. 108  
Washington, D.C. 20037

Re: MUR 1703

Dear Ms. Hofer:

On December 14, 1984, the Commission mailed to you the attached letter which enclosed an order requiring you to provide certain information within ten days of receipt of the order. As of this date, the Commission has not received a response from you. Please be advised that the attached order remains in effect and an immediate response is expected from you.

If you have any questions, please call Marybeth Tarrant at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures

Letter of December 14, 1984  
Order with questions

MT  
3/15/85

85040532629

**SENSITIVE**

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

In the Matter of )  
 )  
Amalgamated Clothing and )  
Textile Workers Union )  
Mondale for President Committee, )  
Inc. and Michael S. Berman, )  
as treasurer )  
7th Congressional District )  
Delegates for Mondale and )  
William H. Taylor, II, as )  
treasurer )

05 MAR 4 A 9: 01

MUR 1703

**EXECUTIVE SESSION**

**MAR 12 1985**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale ("Delegate Committee") and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d and approved questions to be sent to the Delegate Committee. In addition, the Commission determined to take no action at that time with regard to the alleged use of a union phone bank by a Mondale campaign staff person, Sue Hofer. On December 10, 1984, the Commission authorized Orders to Submit Written Answers to Ms. Hofer and to Mr. Taylor, as treasurer of the Delegate Committee, because the Delegate Committee had not responded to the Commission's first set of questions. The orders were sent out December 14, 1984 and pursuant to those orders, answers were to be submitted to the Commission within 10 days of receipt. On February 4, 1985, Mr. Taylor filed a response to the order. As the order to Ms. Hofer has not been returned to the Commission as undeliverable, this Office will presume the order was received.

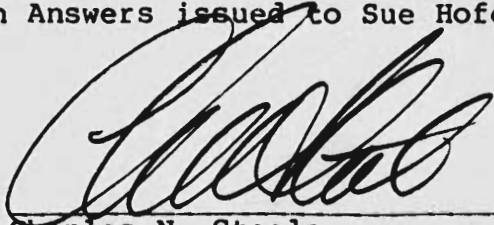
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At this writing this Office has not received a response from Ms. Hofer. The questions issued by the Commission to Ms. Hofer seek information regarding her use of Amalgamated Clothing and Textile Workers Union's phone bank and question whether she was acting as an agent of the Mondale for President Committee, Inc. at the time the phone bank was used. As this information is necessary to the Commission's investigation, this Office recommends the Commission authorize civil action to enforce the order.

II. RECOMMENDATION

Authorize the Office of the General Counsel to institute a civil action, pursuant to 2 U.S.C. § 437d(b), seeking enforcement of the Order to Submit Written Answers issued to Sue Hofer.

1 March 1985  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

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**SENSITIVE**

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
)  
Amalgamated Clothing and )  
Textile Workers Union )  
Mondale for President Committee, )  
Inc. and Michael S. Berman, )  
as treasurer )  
7th Congressional District )  
Delegates for Mondale and )  
William H. Taylor, II, as )  
treasurer )

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MUR 1703

**EXECUTIVE SESSION**

**MAR 12 1985**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale ("Delegate Committee") and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d and approved questions to be sent to the Delegate Committee. In addition, the Commission determined to take no action at that time with regard to the alleged use of a union phone bank by a Mondale campaign staff person, Sue Hofer. On December 10, 1984, the Commission authorized Orders to Submit Written Answers to Ms. Hofer and to Mr. Taylor, as treasurer of the Delegate Committee, because the Delegate Committee had not responded to the Commission's first set of questions. The orders were sent out December 14, 1984 and pursuant to those orders, answers were to be submitted to the Commission within 10 days of receipt. On February 4, 1985, Mr. Taylor filed a response to the order. As the order to Ms. Hofer has not been returned to the Commission as undeliverable, this Office will presume the order was received.

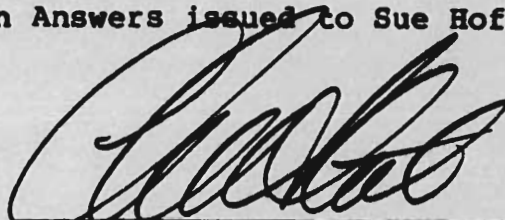
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At this writing this Office has not received a response from Ms. Hofer. The questions issued by the Commission to Ms. Hofer seek information regarding her use of Amalgamated Clothing and Textile Workers Union's phone bank and question whether she was acting as an agent of the Mondale for President Committee, Inc. at the time the phone bank was used. As this information is necessary to the Commission's investigation, this Office recommends the Commission authorize civil action to enforce the order.

II. RECOMMENDATION

Authorize the Office of the General Counsel to institute a civil action, pursuant to 2 U.S.C. § 437d(b), seeking enforcement of the Order to Submit Written Answers issued to Sue Hofer.

1 March 1985  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

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January 31, 1985

5 FEB 4  
P12:05

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1703

Dear Mr. Gross:

Please excuse the delay in my responding to the December 12, 1984 order of the Federal Election Commission. Unfortunately, I have been out of my office and the country during the holiday season and have just recently returned.

The following are my sworn responses to your interrogatories:

1. Labeled as Attachment 1 is an AFL-CIO COPE flyer. The flyers labeled as Attachments 2, 3 and 4 appear to be variations of the AFL-CIO COPE flyer. Was the format and text of the AFL-CIO COPE flyer used in the production of the flyers labeled as Attachments 2, 3 and 4?

If not, how did the Delegate Committee come to use the format and text that was used in the flyers labeled as Attachments 2, 3 and 4?

RESPONSE:

I believe your questions assumes that the Delegate Committee did produce the flyers labeled as Attachments 2, 3 and 4 and did use Attachment #1 as a guide. These assumptions are wrong.

While I was extremely involved in the 7th Congressional District Delegate campaign, including the actual ordering and the distribution of the delegates literature, I do not remember ever seeing Attachment #1.

Attachment #2 is somewhat familiar, but only to the extent that the "1984 The Choice Is Yours" slogan was on one item that we passed out. I also remember a comparison piece

85040532634

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 2

involving Mondale and Hart that was at the Illinois State Mondale office. Whether Attachment #2 is that piece I am not positive, but I would guess that it is the same.

Assuming that Attachment #2 is the item, the Delegate Committee would have received one box of that literature (approximately 5,000 pieces), from the Illinois State Headquarters. The delegate committee did not design nor did we pay for the literature.

Attachments 3 and 4 were never used by the 7th Congressional Delegate Committee. The 7th Congressional District has very few hispanics in the district and the Committee did not have the resources or desire to order and/or print a spanish language piece of literature.

2. Did someone from Amalgamated and/or AFL-CIO give the Delegate Committee authority to use the flyer (labeled as Attachment #1)?

- (a) If so, who?
- (b) If so, for what purpose?
- (c) If not, how did the Delegate Committee come to use the AFL-CIO COPE flyer?

RESPONSE:

No.

- (a) Not applicable.
- (b) Not applicalbe.
- (c) The Delegate Committee did not use the AFL-CIO COPE flyer (Attachment #1). See response to previous interrogatory.

3. Was the AFL-CIO and/or Amalgamated reimbursed for use of the flyer (labeled as Attachment #1)?

- (a) If so, how much?
- (b) If not, why not?

RESPONSE:

No.

- (a) Not applicable.

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Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 3

- (b) The delegate committee never used or copied Attachment #1.

4. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 2?

- (a) If so, how much did the committee pay?
- (b) If so, who was paid?
- (c) If so, how many copies were made?
- (d) If so, how were these flyers distributed?
- (e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- (f) If not, who did pay for the flyer?

RESPONSE:

No.

- (a) Not applicable.
- (b) If Attachment #2 is the leaflet I remember seeing, then, I believe the Mondale State Headquarters paid for Attachment #2. But, I do not have any direct knowledge concerning the duplication costs or the payment thereto.
- (c) Unknown. If Attachment #2 is the leaflet that I remember, then the delegate committee used approximately 5,000 pieces.
- (d) If the flyers were distributed by the delegate committee, we would have used volunteers to distribute them.
- (e) I believe it was, but again I have no knowledge of the MPC's authorization.
- (f) Unknown.

5. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 3?

85040532636

Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 4

- (a) If so, how much did the committee pay?
- (b) If so, who was paid?
- (c) If so, how many copies were made?
- (d) If so, how were these flyers distributed?
- (e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- (f) If not, who did pay for the flyer?

RESPONSE:

No.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Unknown.
- (f) Unknown. I never saw Attachment #3 at the Delegate's Headquarters (i.e., Amalgamated), and, if it was there, the delegate committee never used it.

6. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 4?

- (a) If so, how much did the committee pay?
- (b) If so, who was paid?
- (c) If so, how many copies were made?
- (d) If so, how were these flyers distributed?
- (e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- (f) If not, who did pay for the flyer?

RESPONSE:

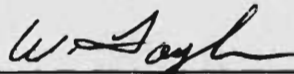
No.

- (a) Not applicable.

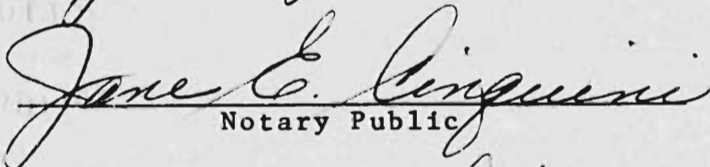
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Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
January 31, 1985  
Page 5

- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Unknown.
- (f) Unknown. I never saw Attachment #4 at the delegate's Headquarters (i.e., Amalgamated) and if it was there, the delegate committee never used it.

  
\_\_\_\_\_  
William W. Taylor, on behalf of  
the 7th Congressional District  
Delegate Committee and as its  
Treasurer.

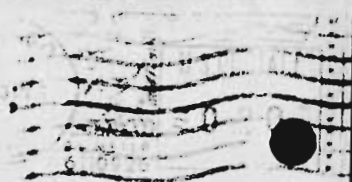
SUBSCRIBED AND SWORN TO  
before me this, 31<sup>st</sup> day  
of January, 1985.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: April 13, 1985

85040532638

William H. Taylor, II  
30 South Wacker Drive  
Suite 2900  
Chicago, Illinois 60606



Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Jacob Sheinkman, Treasurer  
Amalgamated Clothing & Textile  
Workers Union Political  
Action Committee  
15 Union Square  
New York, NY 10003

Identification Number: C00005728

Reference: 30 Day Post-General Report (10/18/84-11/26/84)

Dear Mr. Sheinkman:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please amend Schedule A supporting Line 11(c) by providing the aggregate year-to-date amount for each contribution received from a political committee. 11 CFR 104.3(a)(4)(ii) and (iii)(B).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Alva E. Smith  
Reports Analyst  
Reports Analysis Division

85040532640



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Elizabeth M. Smith, Treasurer  
Amalgamated Clothing and Textile  
Workers Union  
15 Union Square  
New York, NY 10003

Identification Number: C70000732

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear Ms. Smith:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please provide the class communicated with on FEC Form 7.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

J. Hunter Bryan  
Reports Analyst  
Reports Analysis Division

85040532641



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sue Hofer  
2147 "O" Street, N.W.  
Apt. # 108  
Washington, D.C. 20037

RE: MUR 1703

Dear Ms. Hofer:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. In connection with an investigation being conducted by the the Commission, the attached order which requires you to provide certain information has been issued. The Commission does not consider you a respondent in this matter; but rather a witness only.

Since this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. That section of the Act prohibits the making public of any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order. However, you are required to submit the information under oath within ten days of your receipt of this order.


85040532642

Letter to Sue Hofer  
Page 2

If you have any questions, please direct them to Marybeth Tarrant, the staff member handling this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures  
Order  
Questions

85040532643

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)

MUR 1703

ORDER TO SUBMIT WRITTEN ANSWERS

TO: Sue Hofer  
2147 "O" Street, N.W.  
Apt. # 108  
Washington, D.C. 20037

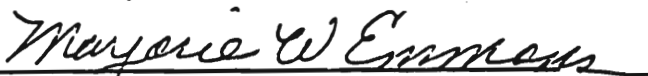
Pursuant to 2 U.S.C. § 437d(a) (1), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order.

Such answers must be submitted under oath and must be forwarded to the Commission within 10 days of your receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this *12<sup>th</sup>* day of *December*, 1984.

  
Lee Ann Elliott  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

85040532644

Questions

The following questions pertain to a phone bank run by the Amalgamated Clothing and Textile Workers Union located at 333 S. Ashland Ave., Chicago, Illinois during March 1984 prior to the Illinois primary. It appears that the phone bank was set up for the purpose of encouraging union members to vote for Walter Mondale. The Amalgamated Clothing and Textile Workers Union will hereafter be referred to as "Amalgamated." The Mondale for President Committee, Inc. will hereafter be referred to as "MPC". The 7th Congressional District Delegates for Mondale will hereafter be referred to as the "Delegate Committee."

1. Were you present at Amalgamated's Union Hall in March 1984?
  - a) If so, were you working?
  - b) If so, were you acting as a volunteer?
  - c) If so, in what capacity were you working?
2. Please explain how you happened to be working and/or volunteering at the union hall.
3. Were you involved with the phone bank?  
If so, please explain your involvement.
4. Under whose instructions were you acting while at the union hall?
5. What duties were you performing while at the union hall?
6. Were you acting as an agent of Amalgamated while at the union hall?

85040532645

- a) If so, in what capacity?
  - b) If so, was Amalgamated paying your salary at the time?
  - c) If so, was Amalgamated reimbursing you for your expenses at the time?
7. While at the union hall, were you acting as an agent of MPC?
- a) If so, in what capacity?
  - b) If so, was MPC paying your salary at the time?
  - c) If so, was MPC reimbursing you for your expenses at the time?
8. While at the union hall, were you acting as an agent of the Delegate Committee?
- a) If so, in what capacity?
  - b) If so, was the Delegate Committee paying your salary at the time?
  - c) If so, was the Delegate Committee reimbursing you for your expenses at the time?
9. If you were not an agent of Amalgamated, MPC or the Delegate Committee, please explain your function at the union hall.
10. While using the phone bank, did you call union members to encourage them to vote for Walter Mondale?

85040532646

11. While using the phone bank, did you call non-union members to encourage them to vote for Walter Mondale?
  - a) If so, how many?
  - b) If so, at whose instruction did you call the non-union members?
12. Who supplied you with the list of names to be called while using the phone bank?
13. Was Amalgamated reimbursed by either MPC or the Delegate Committee for your use of the phone bank?
14. If you were not involved with the phone bank, please explain your use of the phones at the union hall.
15. Over what time period were you working and/or volunteering at the union hall?
16. Have you at any time worked for MPC?
  - a) If so, when?
  - b) If so, in what capacity?
  - c) If not, please explain why MPC was reimbursing you for expenses.

85040532647



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, Illinois 60611

RE: MUR 1703

Dear Mr. Taylor:

On October 5, 1984, you were notified that the Commission found reason to believe that the 7th Congressional District Delegates for Mondale and you, as treasurer, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). At that time, you were requested to supply specific information in connection with the alleged violation.

As of this date we have received no response. An investigation of this matter is being conducted and it has been determined that such information from you is necessary.

Consequently, the Federal Election Commission has issued the attached order which requires you provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended.

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

85040532648

Letter to William H. Taylor, II  
Page Two

If you have any questions, please direct them to Marybeth Tarrant, the staff member handling this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures  
Order  
Questions

85040532649

MT  
12/12/84



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sue Hofer  
2147 "O" Street, N.W.  
Apt. # 108  
Washington, D.C. 20037

RE: MUR 1703

Dear Ms. Hofer:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. In connection with an investigation being conducted by the the Commission, the attached order which requires you to provide certain information has been issued. The Commission does not consider you a respondent in this matter; but rather a witness only.

Since this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. That section of the Act prohibits the making public of any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order. However, you are required to submit the information under oath within ten days of your receipt of this order.

85040532650

Letter to Sue Hofer  
Page 2

If you have any questions, please direct them to Marybeth Tarrant, the staff member handling this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures  
Order  
Questions

85040532651

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1703
Amalgamated Clothing and	)	
Textile Workers Union	)	
Mondale for President Committee,	)	
Inc. and Michael S. Berman,	)	
as treasurer	)	
7th Congressional District	)	
Delegates for Mondale and	)	
William H. Taylor, II, as	)	
treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 10, 1984, the Commission decided by a vote of 5-0 to take the following actions in MUR 1703:

1. Authorize the order to William H. Taylor, II submitted with the General Counsel's Report signed December 6, 1984.
2. Authorize the order to Sue Hofer as attached to the General Counsel's Report signed December 6, 1984.
3. Approve the questions attached to the General Counsel's Report signed December 6, 1984.
4. Approve the letters submitted with the General Counsel's Report signed December 6, 1984.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

12-11-84  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

85040532652

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 1703  
 )

ORDER TO SUBMIT WRITTEN ANSWERS

TO: Sue Hofer  
2147 "O" Street, N.W.  
Apt. # 108  
Washington, D.C. 20037

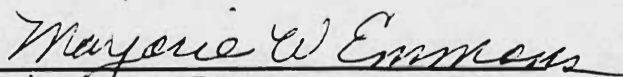
Pursuant to 2 U.S.C. § 437d(a)(1), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order.

Such answers must be submitted under oath and must be forwarded to the Commission within 10 days of your receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this *12<sup>th</sup>* day of *December*, 1984.

  
Lee Ann Elliott  
Chairman

ATTEST:

  
Majorie W. Emmons  
Secretary to the Commission

85040532653

Questions

The following questions pertain to a phone bank run by the Amalgamated Clothing and Textile Workers Union located at 333 S. Ashland Ave., Chicago, Illinois during March 1984 prior to the Illinois primary. It appears that the phone bank was set up for the purpose of encouraging union members to vote for Walter Mondale. The Amalgamated Clothing and Textile Workers Union will hereafter be referred to as "Amalgamated." The Mondale for President Committee, Inc. will hereafter be referred to as "MPC". The 7th Congressional District Delegates for Mondale will hereafter be referred to as the "Delegate Committee."

1. Were you present at Amalgamated's Union Hall in March 1984?
  - a) If so, were you working?
  - b) If so, were you acting as a volunteer?
  - c) If so, in what capacity were you working?
2. Please explain how you happened to be working and/or volunteering at the union hall.
3. Were you involved with the phone bank?  
If so, please explain your involvement.
4. Under whose instructions were you acting while at the union hall?
5. What duties were you performing while at the union hall?
6. Were you acting as an agent of Amalgamated while at the union hall?

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- a) If so, in what capacity?
  - b) If so, was Amalgamated paying your salary at the time?
  - c) If so, was Amalgamated reimbursing you for your expenses at the time?
7. While at the union hall, were you acting as an agent of MPC?
- a) If so, in what capacity?
  - b) If so, was MPC paying your salary at the time?
  - c) If so, was MPC reimbursing you for your expenses at the time?
8. While at the union hall, were you acting as an agent of the Delegate Committee?
- a) If so, in what capacity?
  - b) If so, was the Delegate Committee paying your salary at the time?
  - c) If so, was the Delegate Committee reimbursing you for your expenses at the time?
9. If you were not an agent of Amalgamated, MPC or the Delegate Committee, please explain your function at the union hall.
10. While using the phone bank, did you call union members to encourage them to vote for Walter Mondale?

85040532655

11. While using the phone bank, did you call non-union members to encourage them to vote for Walter Mondale?
  - a) If so, how many?
  - b) If so, at whose instruction did you call the non-union members?
12. Who supplied you with the list of names to be called while using the phone bank?
13. Was Amalgamated reimbursed by either MPC or the Delegate Committee for your use of the phone bank?
14. If you were not involved with the phone bank, please explain your use of the phones at the union hall.
15. Over what time period were you working and/or volunteering at the union hall?
16. Have you at any time worked for MPC?
  - a) If so, when?
  - b) If so, in what capacity?
  - c) If not, please explain why MPC was reimbursing you for expenses.

85040532656

**SENSITIVE**

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE FEC  
SECRETARY

In the Matter of )  
 )  
Amalgamated Clothing and )  
Textile Workers Union )  
Mondale for President Committee, )  
Inc. and Michael S. Berman, )  
as treasurer )  
7th Congressional District )  
Delegates for Mondale and )  
William H. Taylor, II, )  
as treasurer )

84 DEC 6 12: 52

MUR 1703

GENERAL COUNSEL'S REPORT

BACKGROUND

On October 2, 1984, the Commission found reason to believe that the 7th Congressional District Delegates for Mondale ("Delegate Committee") and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 44ld and approved questions addressed to Mr. Taylor. A letter notifying the Delegate Committee and Mr. Taylor of the Commission's finding and enclosing the questions was sent on October 5, 1984. Since that time, no response has been received from the Delegate Committee or Mr. Taylor.

In addition, the Commission also voted to take no action at that time against the Mondale for President Committee, Inc. ("MPC") and Michael S. Berman, as treasurer, and the Amalgamated Clothing and Textile Workers Union ("Amalgamated") with regard to the alleged use of a union phone bank by a Mondale campaign staff person, Sue Hofer, in violation of 2 U.S.C. § 441b.

Originally, the complainant alleged that Ms. Hofer (in the original complaint it was spelled Hoffer) was an agent of the National Education Association ("NEA") who was allowed to use

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Amalgamated's phone bank free of charge to call non-union members on behalf of Walter Mondale. The phone bank was being run out of an Amalgamated union hall in Chicago, Illinois in March 1984 prior to the Illinois primary and was used to encourage union members to vote for Walter Mondale. The complainant's allegations are based on the affidavit of a private investigator, Paul Kurgan, who stated that while at the union hall he engaged in conversation with Ms. Hofer who was working in the phone bank area. See Attachment 1. According to Mr. Kurgan, Ms. Hofer told him that she was told by the main headquarters "who to call even if they are not union members." Mr. Kurgan did not identify what was meant by the "main headquarters" but stated that he was told by someone else that Ms. Hofer was from NEA. In response to the complaint, NEA stated that it had no affiliation with Sue Hofer.

On September 12, 1984, the complainant filed an amendment to the complaint alleging that Ms. Hofer was an agent of MPC as MPC had disclosed on one its reports (1984 July Monthly Report) that it owed Ms. Hofer money in order to reimburse her for certain expenses. See Attachment 2. A copy of the amendment was sent to both MPC and Amalgamated on September 20, 1984. Responses to the amendment were filed October 11, 1984.

In response to the amendment, Amalgamated claims that they had no knowledge of the affiliations of the volunteer identified as Sue Hofer and had no reason to believe she was an agent of either NEA or MPC. In addition, it was stated that Amalgamated

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made good faith efforts to assure that the partisan phone bank was restricted to union members. See Attachment 3.

According to MPC, a review of their records indicated that Sue Hofer was an MPC field organizer in Iowa and that the expenditures noted by the complainant were for expenses incurred in Iowa. Verifying documentation was attached to the reponse. MPC further claimed that Sue Hofer was not an agent of MPC during the Illinois primary (the allegations are in connection with the Illinois primary) nor was she authorized or directed by MPC to use Amalgamated's phone banks. See Attachment 4.

In checking MPC's reports, MPC first reported a debt owed to Ms. Hofer (\$186.26) on its June Monthly Report which covered May 1, 1984 to May 31, 1984. See Attachment 5. The report indicates the debt was incurred on May 1, 1984. According to the documentation attached to MPC's response, Ms. Hofer's expense voucher was submitted in March 1984.

Due to the fact that the Delegate Committee and Mr. Taylor failed to answer the Commission's questions and because such information is necessary to our investigation, this Office recommends that compulsory process be used to obtain the needed answers. Therefore, this Office recommends that the Commission authorize the attached order to Mr. Taylor. The questions attached to the order are the same ones that were already approved by the Commission. See Attachment 6.

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In addition, due to the unanswered questions raised concerning Ms. Hofer in relation to Amalgamated's phone bank, this Office recommends that the Commission authorize the attached order to Sue Hofer. See Attachment 7.

RECOMMENDATIONS

1. Authorize the attached order to William H. Taylor, II.
2. Authorize the attached order to Sue Hofer.
3. Approve the attached questions.
4. Approve the attached letters.

Charles N. Steele  
General Counsel

Dec. 6, 1974  
Date

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

Attachments

1. Affidavit of Paul Kurgan
2. Amendment to Complaint
3. Response of Amalgamated
4. Response of MPC
5. Page from MPC's report
6. Order/questions to Taylor
7. Order/questions to Hofer
8. Proposed letters

85040532660

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, PAUL M. KURGAN, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, Va, being duly sworn, depose that:

1. While in Chicago, Illinois on March 6, 1984, I went to the Chicago Headquarters for Senator Mondale's Presidential primary campaign election on March 20th and volunteered to work on Senator Mondale's behalf. I was subsequently requested to do volunteer work at the Amalgamated Clothing and Textile Workers' Union Hall at 333 S. Ashland Avenue in Chicago. I went to that Union Hall and assisted in making calls on the phone bank and in mailings on behalf of Senator Mondale over the next 8 days.

2. On the afternoon of March 8, 1984, I was stuffing envelopes for a Mondale mailing with other volunteers at the Union Hall, and when I took a break and was walking around the building, I saw a girl I later identified as Sue Hoffer. She is a white female between the ages of 24-30, and about 5'7" tall, weighing about 120 lbs. with brown hair and wears eyeglasses. She was working in the phone bank area in the lower level of the building office by herself on one side of the room. At the time, there was no one else in the area. I introduced myself and asked her who she was and what she

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8 5 0 4 0 5 3 2 6 6 2  
was doing. She said she had been asked by, I believe, the Teachers' Union, to help out in the Mondale campaign. She said she had flown in from another state, but she did not make it clear, from which one. I asked her if she belonged to the AFL/CIO, and she said "No," that she was there because of the phone bank and "it was free to use for Mondale." Since I knew the people were working the phone bank with computer sheets to call Union people, I asked her what kind of computer sheet she used to call Union people and her answer was that she calls "the main headquarters office and they tell her where to call even if they are not union members." She said "it was no secret that there is no computer sheet sent out to her and she must call and find out what area or district is to be phoned." She also added that she is not a teacher.

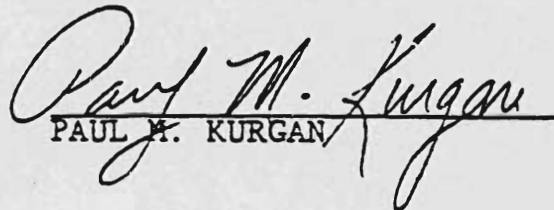
3. On March 9, 1984 at about 7:00 pm, Sue Hoffer asked me to give her a ride to where she was staying because the person that was to have driven her had not shown up or had left already. While driving her, she told me that she had come from Washington, D.C. "the day before yesterday." She also mentioned that the phone bank was to be closed on March 10th.

4. On the afternoon of March 12, 1984, while at the Clothing and Textile Workers' Union Hall, I observed Sue Hoffer talking to a black man who someone said was a lawyer. I heard her complaining and saying she was unhappy that she

was either not getting the results from canvassing or was unhappy with the results of the canvassing. Although I was unable to talk with her at length, as she was occupied, she did say that she had graduated from Chicago's Richie East High School in 1972.

5. While at the Clothing and Textile Union Hall on the afternoon of March 13, 1984, I observed Sue Hoffer there, but did not have an opportunity to talk to her. In a conversation with Joe Velasquez, whom I knew to be from the AFL/CIO Committee on Political Education (COPE) Headquarters in Washington, and who was at the Union Hall to coordinate the Latino phone banks calling on behalf of Mondale, he made several comments about Sue Hoffer. He stated that she was from the National Education Association (NEA). He also said that he and Hoffer did separate and unrelated tasks.

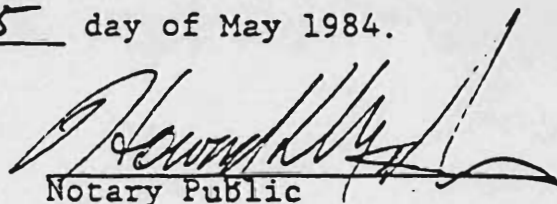
WITNESS THE FOLLOWING Signature:

  
PAUL M. KURGAN

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) To-Wit:

I, Howard L. Miller, a Notary Public in and for the County aforesaid, in the State of Virginia, do hereby certify that Paul M. Kurgan, whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15 day of May 1984.

  
Notary Public

My Commission expires: FEBRUARY 9, 1985

35040532663

MONDALE

GCC#5094

October 9, 1984

34 OCT 11 11:47  
GENERAL COUNSEL

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

Re: MUR 1703

Dear Mr. Steele:

This letter constitutes the response of the Mondale for President Committee, Inc. ("MPC") to the amendment filed on September 12, 1984 to the complaint in MUR 1703. MPC urges the Commission to dismiss the amended complaint without further action against MPC because it alleges no facts which would comprise a violation of the Federal Election Campaign Act, as amended (the "Act") by MPC.

Count I of the original complaint alleged that a Sue Hofer, an agent of the National Education Association, ("NEA") illegally used Respondent Amalgamated Clothing and Textile Workers' Union [ACTWU] phone banks during the Illinois primary. However, the original complaint does not allege that MPC used the ACTWU phone bank. According to the affidavits attached to the original complaint, NRWC agents who went to MPC headquarters in Chicago to "volunteer" specifically asked to work on phone banks.

Attachment 4

8

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Unidentified MPC staff allegedly told these "volunteers" that MPC did not have any phone banks but that the unions were operating phone banks for calling union members. Neither the original affidavits, nor the information in the amended complaint provide any evidence that MPC was using the ACTWU phone bank.

By this amendment, complainant alleges that because MPC records indicate that MPC owes expense money to a Sue Hofer, she may have been an agent of MPC during the Illinois primary. A review of MPC's records indicate that Sue Hofer was not an agent of MPC during the Illinois primary. A woman named Sue Hofer, who, for the purposes of this response we assume is the same individual, was an MPC field organizer in Iowa. As the attached documentation demonstrates, the expenditures noted by complainant were for expenses incurred in Iowa. Even if this is the same individual, she was not an agent of MPC in Illinois. Furthermore, MPC staff did not authorize or direct her to use phones in Illinois.

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Thus, the amended complaint states no facts which would constitute a violation of the Act by MPC. For this reason and the reasons set forth in MPC's July 2, 1984 response to MUR 1703, the Commission should dismiss the complaint against MPC without further action against MPC.

Respectfully submitted,

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

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

Attachments

85040532666

11353

COST CENTER IWA DATE \_\_\_\_\_

REQUESTED BY CS

DATE TO BE PAID \_\_\_\_\_ AMOUNT 185.76 186.26

368100 PAYEE Gue Hafw SAB

ADDRESS 2147 D St NW #108  
Washington, DC 20037

Purpose of Expenditure (Details) travel  
expense reimbursement - Iowa

7  
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3

Documentation attached: Receipts

Purchase order

Invoice

Cost estimate

Order form

Proposal

Contract

**ENTERED**

*MW*  
MAR 27 1984

Cost Center Director \_\_\_\_\_

Authorizing Signature [Signature]

approved

disapproved

Manual

Check Date \_\_\_\_\_ Check # \_\_\_\_\_ \$ \_\_\_\_\_

Account Code 2400-131 17.88 / 2230-131 18.72 / 2240-131 19.01 / 2210-131 11.00 / 2302-131 11

Data Entry A/P: Date entered \_\_\_\_\_ By \_\_\_\_\_

Data Entry Manual check: Date \_\_\_\_\_ By \_\_\_\_\_

11

NSES

SUE HOFER  
2147 O ST. N.W. #108  
WASHINGTON, D.C. 20037  
SS#: 356-48-9082

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GAS -	10.00 ✓	MISC - BUS C.O.D PICK-UPS	
	15.00 ✓		5.50 ✓
	8.00 ✓		<u>5.50</u> ✓
	10.00 ✓		<u>11.00</u>
	8.50 ✓		
	13.00 ✓	REG. VOTERS LIST	
	10.00 ✓		<u>19.01</u> ✓
	10.00 ✓		
	10.00 ✓	APPROVED EVENT EXP.	
	9.00 ✓		18.72 ✓
	10.05 ✓		<u>17.88</u> ✓
	5.00 ✓		<u>36.60</u>
	<u>118.65</u>		

GAS: 118.65  
MISC: 66.61  
TOTAL → 185.26 + 1 = 186.26

**SCHEDULE D-1**

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

**DEBTS AND OBLIGATIONS  
EXCLUDING LOANS**

Use separate  
schedules for  
each category  
of the detailed  
NATURE DEBT.

PAGE 49

OF (total pages) 119

LINE NUMBER 12

NAME OF COMMITTEE (in Full)	OUTSTANDING BALANCE BEGINNING THIS PERIOD	DATE AND AMOUNT INCURRED THIS PERIOD	PAYMENT THIS PERIOD	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
<b>MONDALE FOR PRESIDENT, INC.</b>  A. Full Name, Mailing Address and Zip Code of Debtor or Creditor  The Pittsburgh Hilton Gateway Center Pittsburgh, Pennsylvania 15222	-0-	5/3/84 521.83	-0-	521.83
Nature of Debt (Purpose): lodging				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Hitching Post Inn 1600 West Lincoln Way Cheyenne, Wyoming 82001	-0 -	5/1/84 229.37	-0-	229.37
Nature of Debt (Purpose): breakfast				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Susan Hixson Logan County Clerk, Paris Courthouse Paris, AR 72855	90.00	-0-	-0-	90.00
Nature of Debt (Purpose): voter lists				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Sue Hofer 2147 'O' Street, N.W., #108 Washington, D.C. 20037	-0-	5/1/84 186.26	-0-	186.26
Nature of Debt (Purpose): expense reimbursement				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Hoffman House Post Office Box 1025 Rochester, Minnesota 55903	129.32	-0-	-0-	129.32
Nature of Debt (Purpose): reception				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Holiday Inn Alton Parkway 3800 Beltline Parkway Drive Alton, Illinois 62002	-0-	5/2/84 258.69	-0-	258.69
Nature of Debt (Purpose): lodging				
1) SUBTOTALS This Period This Page (optional)				1415.47
2) TOTAL This Period (last page this line only)				
3) TOTAL OUTSTANDING LOANS from Schedule C-P (last page only)				
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)				

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Attachment 5

13

DEC 11 3 105  
FEDERAL ELECTION COMMISSION

12:32

AFL-CIO. CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003  
(212) 2-42-0700

October 9, 1984

Certified Mail, RRR, #P 627 803 684

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

Re: MUR 1703

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union (ACTWU) to the Amendment to the Complaint filed in MUR 1703. The additional information submitted by Complainants' National Right to Work Committee (NRWC) and Ralph Hettinga, Jr. regarding the alleged illegal use of the Union phone bank by one Sue Hoffer does nothing to bolster the original allegations.

Complainants have submitted an undated page from a report to the Federal Election Commission (FEC) showing \$186.26 owed to one Sue Hoffer for expense reimbursement by the Mondale Campaign. Upon inquiry, Mary Beth Tarrant of the FEC advised me that the attached schedule was taken from a report of June 1984. The alleged illegal use of the Union phone banks supposedly occurred in March 1984 (See Complaint, Attachment 6). The cited expense reimbursement is not probative of any illegal activity, nor can it support an inference that Sue Hoffer was an "agent" of the Mondale Campaign during the time she volunteered on the phone banks.

Originally, Complainants alleged Sue Hoffer was an agent of the National Education Association (NEA). (See Complaint Count I, Attachment 6) Now, Complainants allege she was an "agent" of the Mondale Campaign. Even if proven true, neither of these characterizations would establish wrong-doing on the part of ACTWU. At all times, ACTWU made good faith efforts to comply with the Federal Election Campaign Act and to assure that partisan communications through union operated phone banks were properly restricted to union members and their families. As stated in ACTWU's earlier response, the help of volunteers to work on the phone banks was gratefully accepted without interrogation or investigation into their personal background. ACTWU had no knowledge of the affiliations of the volunteer identified as Sue Hoffer and had no reason to believe she was an agent of either the NEA or the Mondale Campaign.

Attachment 3

VICE PRESIDENTS

SECRETARY

TREASURER

EXECUTIVE VICE PRESIDENT

GENERAL COUNSEL

6

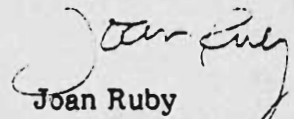
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OCT 12 11:12 P1

Charles N. Steele, General Counsel  
October 9, 1984  
Page 2

For the above stated reasons and the reasons put forth in the original response, ACTWU respectfully requests that no further action be taken on this matter and that the Complaint be dismissed in its entirety.

Respectfully submitted,

  
Joan Ruby  
Assistant General Counsel

JR:hb

cc: Mary Beth Tarrant  
Arthur M. Goldberg  
George A. Kirschenbaum

85040532671

7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
7th Congressional District )  
Delegates for Mondale and ) MUR 1703  
William H. Taylor, II, )  
as treasurer )

ORDER TO SUBMIT WRITTEN ANSWERS

TO: William H. Taylor, II, Treasurer  
7th Congressional District Delegates for Mondale  
One IBM Plaza, Suite 4700  
Chicago, Illinois 60611

Pursuant to 2 U.S.C. § 437d(a)(1), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order.

Such answers must be submitted under oath and must be forwarded to the Commission within 10 days of your receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this day of , 1984.

\_\_\_\_\_  
Lee Ann Elliott  
Chairman

ATTEST:

\_\_\_\_\_  
Majorie W. Emmons  
Secretary to the Commission

Attachment 6

14

85040532672

William H. Taylor, II, Treasurer  
7th Congressional District Delegates for Mondale  
MUR 1703

QUESTIONS

The following questions pertain to the attached flyers which are labeled. The 7th Congressional District Delegates for Mondale will hereafter be referred to as the "Delegate Committee." The Mondale for President Committee, Inc. will hereafter be referred to as "MPC". The Amalgamated Clothing and Textile Workers Union will hereafter be referred to as "Amalgamated."

1. Labeled as Attachment 1 is an AFL-CIO COPE flyer. The flyers labeled as Attachments 2, 3 and 4 appear to be variations of the AFL-CIO COPE flyer. Was the format and text of the AFL-CIO COPE flyer used in the production of the flyers labeled as Attachments 2, 3 and 4?

If not, how did the Delegate Committee come to use the format and text that was used in the flyers labeled as Attachments 2, 3 and 4?

2. Did someone from Amalgamated and/or AFL-CIO give the Delegate Committee authority to use the flyer (labeled as Attachment 1)?

- a) If so, who?
- b) If so, for what purpose?
- c) If not, how did the Delegate Committee come to use the AFL-CIO COPE flyer?

3. Was the AFL-CIO and/or Amalgamated reimbursed for use of the flyer (labeled as Attachment 1)?

- a) If so, how much?
- b) If not, why not?

4. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 2?

- a) If so, how much did the committee pay?
- b) If so, who was paid?
- c) If so, how many copies were made?
- d) If so, how were these flyers distributed?
- e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- f) If not, who did pay for the flyer?

5. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 3?

- a) If so, how much did the committee pay?
- b) If so, who was paid?
- c) If so, how many copies were made?
- d) If so, how were these flyers distributed?

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- e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- f) If not, who did pay for the flyer?

6. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 4?

- a) If so, how much did the committee pay?
- b) If so, who was paid?
- c) If so, how many copies were made?
- d) If so, how were these flyers distributed?
- e) If so, was this flyer authorized by Walter Mondale and/or MPC?
- f) If not, who did pay for the flyer?

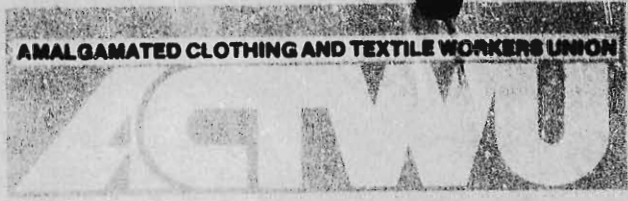
Attachments

- 1. COPE flyer
- 2. Flyer
- 3. Flyer
- 4. Flyer

85040532674

06C#5105  
RECEIVED AT THE FEC

MURRAY H. FINLEY  
President  
JACK SHEINKMAN  
SCOTT HOYMAN  
Executive Vice President



AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003  
(212) 242-0700

October 9, 1984

Certified Mail, RRR, #P 627 803 684

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

Re: MUR 1703

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
24 OCT 12 11:01 AM '84

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union (ACTWU) to the Amendment to the Complaint filed in MUR 1703. The additional information submitted by Complainants' National Right to Work Committee (NRWC) and Ralph Hettinga, Jr. regarding the alleged illegal use of the Union phone bank by one Sue Hoffer does nothing to bolster the original allegations.

Complainants have submitted an undated page from a report to the Federal Election Commission (FEC) showing \$186.26 owed to one Sue Hoffer for expense reimbursement by the Mondale Campaign. Upon inquiry, Mary Beth Tarrant of the FEC advised me that the attached schedule was taken from a report of June 1984. The alleged illegal use of the Union phone banks supposedly occurred in March 1984 (See Complaint, Attachment 6). The cited expense reimbursement is not probative of any illegal activity, nor can it support an inference that Sue Hoffer was an "agent" of the Mondale Campaign during the time she volunteered on the phone banks.

Originally, Complainants alleged Sue Hoffer was an agent of the National Education Association (NEA). (See Complaint Count I, Attachment 6) Now, Complainants allege she was an "agent" of the Mondale Campaign. Even if proven true, neither of these characterizations would establish wrong-doing on the part of ACTWU. At all times, ACTWU made good faith efforts to comply with the Federal Election Campaign Act and to assure that partisan communications through union operated phone banks were properly restricted to union members and their families. As stated in ACTWU's earlier response, the help of volunteers to work on the phone banks was gratefully accepted without interrogation or investigation into their personal background. ACTWU had no knowledge of the affiliations of the volunteer identified as Sue Hoffer and had no reason to believe she was an agent of either the NEA or the Mondale Campaign.

85040532675

**VICE PRESIDENTS**

JOHN ALLERUZO  
SAMUEL J. AZZINARO  
KILMER CABAN  
LES CALDER  
FRANK CALEGA  
CHARLES BUD CLARK

ED CLARK  
JEAN-MARC COUTURE  
OLGA DIAZ  
JAMES DILLON  
HENRY DROPKIN  
BRUCE DUNTON  
GARRY FERRARIS  
JOHN FOX

SAM FOX  
ANGELO G. GEORGIAN  
HARRY GORDON  
MARION E. GROCE  
NICHOLAS GYORY  
WILLIAM HALL  
JOSEPH HUIGHE  
JAMES JACKSON

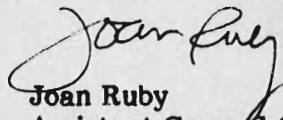
JAMES A. JOHNSON  
ARTHUR LOEVY  
RICHARD MacFADYEN  
JOYCE D. MILLER  
VERA MILLER  
MURRAY MORENO  
FRANK NICHOLAS JR.  
CARMEN PAPAIE

BRUCE RAYNOR  
CHARLES SALLEE  
LEON SPITZER  
PETER J. SWOBODA  
CECIL TOPPIN  
JIM WALRAVEN

Charles N. Steele, General Counsel  
October 9, 1984  
Page 2

For the above stated reasons and the reasons put forth in the original response, ACTWU respectfully requests that no further action be taken on this matter and that the Complaint be dismissed in its entirety.

Respectfully submitted,

  
Joan Ruby  
Assistant General Counsel

JR:hb

cc: Mary Beth Tarrant  
Arthur M. Goldberg  
George A. Kirschenbaum

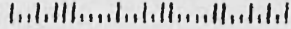
8 5 0 4 0 5 3 2 6 7 6

35040532677

15 UNION SQUARE • NEW YORK, N.Y. 10003-3377

AFL-CIO, CLC

Mary Beth Tarrant, Esq.  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463



84OCT11 A9:08

REC

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AFL-CIO, CLC

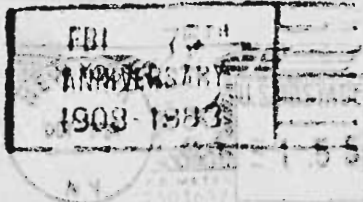
NEW YORK, N.Y. 10003-3377

**CERTIFIED**

P 627 803 684

**MAIL**

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CERTIFIED MAIL, RET. REC. REQ.

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

840CT12 PR: 32

RECEIVED BY THE FBI

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

RECEIVED AT THE FEC  
**MONDALE**

GOC#5096

October 9, 1984

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
84 OCT 11 12:47

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

Re: MUR 1703

Dear Mr. Steele:

This letter constitutes the response of the Mondale for President Committee, Inc. ("MPC") to the amendment filed on September 12, 1984 to the complaint in MUR 1703. MPC urges the Commission to dismiss the amended complaint without further action against MPC because it alleges no facts which would comprise a violation of the Federal Election Campaign Act, as amended (the "Act") by MPC.

Count I of the original complaint alleged that a Sue Hofer, an agent of the National Education Association, ("NEA") illegally used Respondent Amalgamated Clothing and Textile Workers' Union [ACTWU] phone banks during the Illinois primary. However, the original complaint does not allege that MPC used the ACTWU phone bank. According to the affidavits attached to the original complaint, NRWC agents who went to MPC headquarters in Chicago to "volunteer" specifically asked to work on phone banks.

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Unidentified MPC staff allegedly told these "volunteers" that MPC did not have any phone banks but that the unions were operating phone banks for calling union members. Neither the original affidavits, nor the information in the amended complaint provide any evidence that MPC was using the ACTWU phone bank.

By this amendment, complainant alleges that because MPC records indicate that MPC owes expense money to a Sue Hofer, she may have been an agent of MPC during the Illinois primary. A review of MPC's records indicate that Sue Hofer was not an agent of MPC during the Illinois primary. A woman named Sue Hofer, who, for the purposes of this response we assume is the same individual, was an MPC field organizer in Iowa. As the attached documentation demonstrates, the expenditures noted by complainant were for expenses incurred in Iowa. Even if this is the same individual, she was not an agent of MPC in Illinois. Furthermore, MPC staff did not authorize or direct her to use phones in Illinois.

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Thus, the amended complaint states no facts which would constitute a violation of the Act by MPC. For this reason and the reasons set forth in MPC's July 2, 1984 response to MUR 1703, the Commission should dismiss the complaint against MPC without further action against MPC.

Respectfully submitted,

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

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

Attachments

85040532681

Expenditure/Check Request

ATTACHMENTS  
(MUR 1703)

11353

COST CENTER IOWA DATE \_\_\_\_\_

REQUESTED BY CG

DATE TO BE PAID \_\_\_\_\_ AMOUNT 185.76 186.26

368100 PAYEE Gue Hofen SMS

ADDRESS 2147 D St NW #108  
Washington, DC 20037

Purpose of Expenditure (Details) travel  
expense reimbursement - Iowa

85040532682

Documentation attached: Receipts

Purchase order

Invoice

Cost estimate

Order form

Proposal

Contract

**ENTERED**

*MW*  
MAR 27 1984

Cost Center Director \_\_\_\_\_

Authorizing Signature \_\_\_\_\_

approved

disapproved

*A. Conrado*

Manual

Check Date \_\_\_\_\_ Check # \_\_\_\_\_ \$ \_\_\_\_\_

Account Code 2402-131<sup>\*</sup>17.88/2230-131<sup>\*</sup>18.72/2240-131<sup>\*</sup>19.01/2210-131<sup>\*</sup>11.00/2302-131<sup>\*</sup>11.9

Data Entry A/P: Date entered \_\_\_\_\_ By \_\_\_\_\_

Data Entry Manual check: Date \_\_\_\_\_ By \_\_\_\_\_

USES

SUE HOFER

2147 O ST. N.W. #108

WASHINGTON D.C. 20037

56# 356-48-9082

AST 10.00 ✓

MISC. - BUS C.O.D PICK-UPS

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REG. VOTERS LIST

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19.01 ✓

10.00 ✓

APPROVED EVENT EXP.

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9.00 ✓

18.72 ✓

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17.88 ✓

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118.65

GAS: 118.65

MISC: 66.61

TOTAL → 185.26 + 1 = 186.26

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2201 Wisconsin Ave. N.W.  
Washington, D.C. 20007

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**MONDALE**  
REQUESTED

**CERTIFIED**

04 584 196 342

**MAIL**

CERTIFIED MAIL



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

84OCT11 P12:12



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 5, 1984

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

Re: MUR 1703

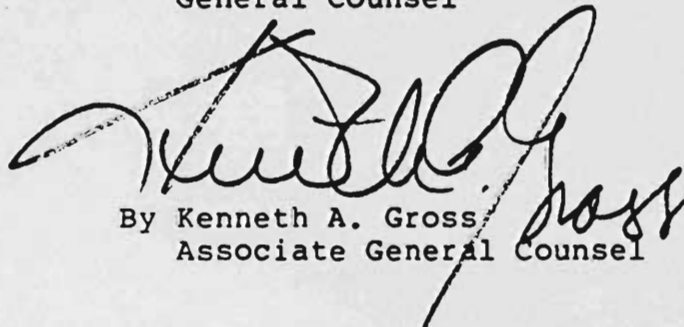
Dear Mr. Ifshin and Ms. Oliphant:

On May 29, 1984, the Commission notified Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 2, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Committee and Michael S. Berman, as treasurer. However, please note that the file is not closed regarding the Mondale for President Committee, Inc. and Michael Berman, as treasurer, due to the amendment to the complaint which was filed on September 12, 1984. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. If you have any questions, please call Marybeth Tarrant at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel



By Kenneth A. Gross  
Associate General Counsel

85040532685



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 5, 1984

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

RE: MUR 1703

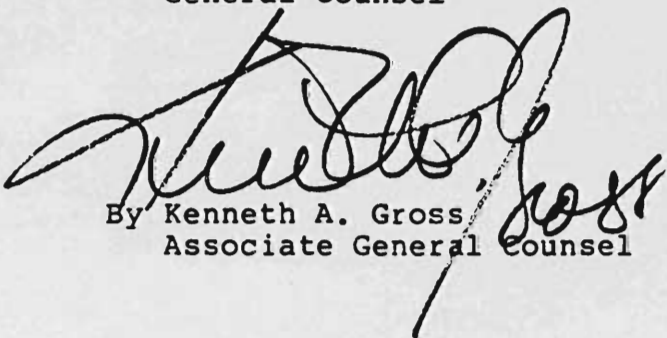
Dear Mr. Chanin:

On May 29, 1984, the Commission notified the National Education Association ("NEA"), National Education Association Political Action Committee ("NEA-PAC") and Don Cameron, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele  
General Counsel

  
By Kenneth A. Gross  
Associate General Counsel

85040532686



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 5, 1984

Ms. Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile Worker's Union  
15 Union Square  
New York, N.Y. 10003

RE: MUR 1703

Dear Ms. Ruby:

On October 2, 1984, the Commission found reason to believe that the Amalgamated Clothing and Textile Worker's Union had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by allowing the 7th Congressional District Delegates for Mondale to use the union hall without charge the weekend of March 17 and 18, 1984. However, after considering the circumstances of this matter, the Commission has determined to take no further action. In addition, the Commission found no reason to believe that the Amalgamated Clothing and Textile Worker's Union violated the Act with regard to certain other allegations in the complaint. Please note that the file has not been closed with regard to the union. The Commission also found no reason to believe that the Amalgamated Clothing and Textile Worker's Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to them.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

*Lee Ann Elliott*  
Lee Ann Elliott  
Chairman

85040532637



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 5, 1984

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, Illinois 60611

RE: MUR 1703

Dear Mr. Taylor:

On October 2, 1984, the Federal Election Commission determined that there is reason to believe the 7th Congressional District Delegates for Mondale and you, as treasurer, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). In addition, the Commission found reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441b but determined to take no further action with regard to that violation. The General Counsel's factual and legal analysis, which formed a basis for the Commission's findings, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202)523-4143.

Sincerely,

*Lee Ann Elliott*  
Lee Ann Elliott  
Chairman

Enclosures

- Questions
- General Counsel's Factual and Legal Analysis
- Procedures
- Designation of Counsel Statement

85040532689



FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR No. 1703  
STAFF MEMBER(S) & TEL. NO.  
Marybeth Tarrant  
(202) 523-4143

RESPONDENTS 7th Congressional District Delegates for Mondale  
William H. Taylor, II, as treasurer

SOURCE OF MUR: Complaint  
(Respondent Internally Generated)

SUMMARY OF ALLEGATIONS

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Based on information filed in response to a complaint, it is alleged that the 7th Congressional District Delegates for Mondale ("Delegate Committee") and William H. Taylor, II, as treasurer, accepted an in-kind contribution from the Amalgamated Clothing and Textile Workers Union ("Amalgamated") in violation of 2 U.S.C. § 441b. In addition, it is alleged that the Delegate Committee and William H. Taylor, as treasurer, financed a communication which supported Walter Mondale but did not specify on that communication who paid for the communication and whether or not it was authorized by Walter Mondale and/or the Mondale for President Committee, Inc. ("MPC") in violation of 2 U.S.C. § 441d.

FACTUAL BASIS AND LEGAL ANALYSIS

The Act makes it unlawful for a labor organization to make a contribution or expenditure in connectin with a federal election. 2 U.S.C. § 441b. The Act also prohibits a political committee from knowingly accepting or receiving any contribution prohibited by section 441b. It defines "contribution" and "expenditure"

to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift or money, or any services, or anything of value ... to any candidate, campaign committee, or political party or organization, in connection with ..." any federal election. 2 U.S.C. § 441b(b)(2).

Under 11 C.F.R. § 114.9(c), any person who uses the facilities of a labor organization to produce materials in connection with a federal election is required to reimburse the labor organization within a commercially reasonable time for the normal and usual charge for producing such materials in the commercial market. Pursuant to 11 C.F.R. § 114.9, persons, other than officials, members, and employees of a labor organization, who make any use of labor organization facilities, such as by using telephones or typewriters or borrowing office furniture, for activity in connection with a federal election are required to reimburse the labor organization within a commercially reasonable time in the amount of the normal and usual rental charge, as defined in 11 C.F.R. § 100.7(a)(1)(iii)(B), for the use of the facilities. Under 11 C.F.R. § 114.12(b), a labor organization which customarily makes its meeting rooms available to clubs, civic or community organizations, or other groups may make such facilities available to a political committee or candidate if the meeting rooms are made available on a non-partisan basis and on the same terms given to other groups using the meeting rooms.

85040532691

It appears that the Delegate Committee did store campaign material at Amalgamated's union hall and did operate out of the union hall in supervising volunteers in the distribution of campaign literature. 1/ As shown in Amalgamated's response, the Delegate Committee entered into an agreement with Amalgamated regarding the use of Amalgamated facilities and was billed for such use. 2/ The agreement, however, calls for the use of a meeting room between February 1, 1984, and March 14, 1984, and does not take into account the use of the building on the weekend of March 17 and 18, the dates of the alleged activity in the affidavits. 3/ The bill sent to the Delegate Committee is dated March 23, 1984, and does not indicate if use of the union hall's facilities for the weekend in question was included. Although Amalgamated claims that few, if any, Amalgamated staff members were present in the building on March 18, according to Ms. Hemauer and Mr. Klee (see affidavits attached to complaint) the phone bank was operating on that day.

---

1/ In her first affidavit, Ms. Hemauer identified Bill Taylor as the person "who seemed to be in charge of distribution of pamphlets." Mr. Taylor has now been identified as the treasurer of the Delegate Committee.

2/ The agreement between Amalgamated and the Delegate Committee calls for the use of a meeting room on Wednesday afternoons between February 1 and March 14, 1984, in addition to typing services and supplies. The Delegate Committee was billed a total of \$170 for such facilities and services.

3/ The agreement calls for use of the meeting room on Wednesday afternoons between February 1 and March 14. The bill indicates that the meeting room was used 7 times. There were 7 Wednesdays between and including the dates in question.

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The question then arises as to whether the Delegate Committee was required to reimburse Amalgamated for the use of the union facilities on the weekend of March 17 and 18. The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a federal election and are required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are increased. 11 C.F.R. § 114.9(b)(1). The distribution of the campaign literature appears not to be a union endeavor but rather to be under the direction of the Delegate Committee. It does not appear that the Delegate Committee volunteers were union members and/or employees. Therefore, the exception for the use of union facilities does not seem to apply. In addition, in light of the fact that the Delegate Committee incurred expenses for the use of union facilities prior to the weekend in question, it appears that it would expect to pay for use of such facilities on that weekend. As it appears that the Delegate Committee has not paid for such use, there is reason to believe that an in-kind contribution was made by Amalgamated and accepted by the Delegate Committee, although the value of the contribution seems to be de minimus in light of the expenses already incurred by the Delegate Committee, i.e., \$10 a day for a meeting room. As the

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union hall was apparently open on that weekend due to the phone banks and since we are only concerned with 2 days, Saturday and Sunday, for which the apparent charge would have been \$20, it is also recommended that no further action be taken.

Count II of the complaint alleges that Amalgamated violated 2 U.S.C. § 441d by failing to disclose who authorized and who paid for the flyers appended to Attachments 4 and 5 of the complaint. Pursuant to 2 U.S.C. § 441d, whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state whether it was paid for and/or authorized by the candidate, an authorized political committee of a candidate, or its agents.

The flyers in question have no disclaimer on them and appear to be modified versions of an AFL-CIO COPE flyer which, according to Amalgamated, was meant to be a partisan communication to union members. The flyer attached to Amalgamated's response (see attached) is identical to the flyer attached to Ms. Hemauer's second affidavit, however, on Ms. Hemauer's flyer the reference to the AFL-CIO COPE which appeared on the back of Amalgamated's flyer has been deleted and in large numbers "1984" has been

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added along with the words "The Choice is Yours." The flyers attached to Ms. Hemauer's third affidavit are again modified versions, one having handwritten wording on the bottom of the front and back and the other being written entirely in Spanish. It is apparent that the three flyers in question are versions of the AFL-CIO COPE flyer.

Both MPC and Amalgamated claim to have no knowledge of the flyers in question. Judging from statements made in the affidavits and the response from Amalgamated, it appears that the Delegate Committee paid for the reproduction of the flyers and was responsible for their distribution. As the flyers appear to be general public advertising expressly advocating the election of Walter Mondale, the Office of General Counsel recommends that the Commission find reason to believe that the Delegate Committee and William H. Taylor II, as treasurer, violated 2 U.S.C. § 441d.

Attachments

1. Complaint
2. COPE flyer

85040532695

✓

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Amalgamated Clothing and )  
Textile Workers Union )  
Amalgamated Clothing and Textile )  
Workers Union PAC and )  
Jacob Sheinkman, as treasurer ) MUR 1703  
Mondale for President Committee, )  
Inc., and Michael S. Berman, )  
as treasurer )  
National Education Association )  
National Education Association )  
Political Action Committee and )  
Don Cameron, as treasurer )  
7th Congressional District )  
Delegates for Mondale and )  
William H. Taylor, II, as )  
treasurer )

CERTIFICATION

I, Mary W. Dove, Recording Secretary for the Federal Election Commission Executive Session of October 2, 1984, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1703:

1. Find reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and take no further action.
2. Take no action at this time against the Amalgamated Clothing and Textile Workers Union with regard to the distribution of flyers supporting Walter Mondale.
3. Take no action at this time against the Amalgamated Clothing and Textile Workers Union with regard the alleged use of a union phone bank by a Mondale campaign staff person.
4. Find no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.

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5. Find no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and close the file with regard to these Respondents.
6. Take no action at this time against the Mondale for President Committee and Michael S. Berman, as treasurer, with regard to the alleged use of a union phone bank by a Mondale campaign staff person.
7. Find no reason to believe that the Mondale for President Committee and Michael Berman, as treasurer, violated the Act with regard to the other allegations in the complaint.
8. Find no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the Act and close the file with regard to these Respondents.
9. Find reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441b by accepting an in-kind contribution (use of the union hall on the weekend of March 17 and 18, 1984, without charge) and take no further action.
10. Find reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d.
11. Approve the questions attached to the General Counsel's Report dated September 21, 1984.
12. Approve the letters attached to the General Counsel's Report dated September 21, 1984.

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

Attest:

Mary W. Dove  
Mary W. Dove  
Recording Secretary

10-2-84  
Date

**SENSITIVE**

RECEIVED  
BEFORE THE FEDERAL ELECTION COMMISSION  
COMMISSION SECRETARY

In the Matter of	)	
Amalgamated Clothing and Textile Workers Union	)	94 SEP 21 P12:52
Amalgamated Clothing and Textile Workers Union PAC and Jacob Sheinkman, as treasurer	)	MUR 1703
Mondale for President Committee, Inc., and Michael S. Berman, as treasurer	)	
National Education Association	)	
National Education Association Political Action Committee and Don Cameron, as treasurer	)	
7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer	)	

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On May 18, 1984, complainants, Ralph Martin (Bud) Hettinga, Jr. and the National Right to Work Committee, filed a complaint alleging that the Amalgamated Clothing and Textile Workers Union ("Amalgamated") in Chicago violated 2 U.S.C. § 441b by warehousing campaign flyers which supported Walter Mondale and by distributing them to the general public. Some of the flyers were paid for by the Mondale for President Committee, Inc. ("MPC"). It is not alleged that MPC coordinated with Amalgamated in the reproduction and distribution of the flyers. Second, it is alleged that Amalgamated violated 2 U.S.C. § 441d by distributing flyers endorsing Mondale which did not state who paid for and/or authorized them. The third allegation concerns Amalgamated's partisan get-out-the-vote campaign whereby union phone bank operators were allegedly instructed to offer to provide transportation only to those union members who indicated

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they supported Mondale. Finally, it is alleged that Amalgamated allowed a National Education Association ("NEA") agent, Sue Hoffer, to use Amalgamated's office free of charge to make phone calls on behalf of Mondale in violation of 2 U.S.C. § 441b.

On June 12, 1984, NEA filed a response. On July 6, 1984, both MPC and Amalgamated filed responses after having requested extensions of time. On June 28, 1984, MPC filed a motion to strike the complaint or, in the alternative, strike certain evidence contained in the complaint. On August 7, 1984, the Commission denied MPC's motion. On September 12, 1984, the National Right to Work Committee filed an amendment to its complaint. See Attachment XI.

## II. FACTUAL AND LEGAL ANALYSIS

The complaint is based on the affidavits of five private investigators, Ernest W. Lyles, Richard E. Lawrence, Mary Hemauer, Paul M. Kurgan and Frank R. Klee. See Attachments I-VII. According to Messrs. Lyles and Lawrence, who filed almost identical affidavits (see Attachments I and II), they went to Amalgamated's union hall, located at 333 Ashland Avenue, Chicago, Illinois, on March 18, 1984, and talked to four youths who were about to go out and distribute campaign flyers at a church and on certain streets in Chicago. The campaign flyers stated that they were paid for by MPC.

According to Ms. Hemauer, she went to the Mondale headquarters in Chicago to work on the phone banks but was told to go to Amalgated's union hall. See Attachment III. On March 17, 1984, Ms. Hamauer went to the union hall and was asked

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to distribute campaign flyers which stated that they were paid for by MPC. According to Ms. Hemauer, she and another women were each given approximately 500 of the flyers and distributed them in certain apartment buildings. In addition, Ms. Hemauer stated that she worked on the phone banks on both March 17 and 18. While at the union hall, Ms. Hemauer stated that she observed several people whom she believed to be volunteers. One of the volunteers was Bill Taylor who "seemed to be in charge of distribution of pamphlets." In a second affidavit (see Attachment IV), Ms. Hemauer stated that she observed a flyer being given to volunteers with instructions to distribute the flyers to office buildings. In a third affidavit (see Attachment V), Ms. Hemauer stated that stacks of 2 different flyers were given to Spanish-speaking volunteers for door to door distribution in the Latino community. The flyers attached to Ms. Hemauer's second and third affidavits did not state who paid for and/or authorized them.

Mr. Kurgan stated in his affidavit (see Attachment VI) that he did volunteer work on behalf of Walter Mondale at Amalgamated's union hall by assisting on the phone bank and by stuffing envelopes. While at the union hall, Mr. Kurgan met a woman later identified as Sue Hoffer. According to Mr. Kurgan, he believed Ms. Hoffer stated that she was from the "Teacher's Union" but later added that Ms. Hoffer admitted to not being a teacher. In addition, Mr. Kurgan stated that all the others working on the phone banks were given a computer sheet with union members' names

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on it but that Ms. Hoffer revealed that she was told by the main headquarters who to call "even if they are not union members." Mr. Kurgan claims to have spoken to Joe Velasquez who was from the AFL-CIO COPE and that Mr. Velasquez stated Ms. Hoffer was from the NEA.

Mr. Klee in his affidavit (see Attachment VII) stated that he went to Amalgamated's union hall on March 18, 1984, and volunteered to work on the phone banks. He was given a computer print out which listed union members and was told to call those members whom the codes indicated were pro-Mondale and to encourage these people to vote for Walter Mondale. The next day he returned to the union hall and was instructed by Gerri Stone (a woman who had an office with social services written on the door) to call those pro-Mondale people on the print outs and to ask if they needed a ride to the polls and to place the names of such people on a yellow sheet. "Her specific instructions were that only those people who indicated that they were pro-Mondale should be told that they would be given transportation assistance...."

A response filed by NEA stated that inasmuch as the complaint did not name NEA as a respondent, a formal response was not called for, however, it was noted that Sue Hoffer was not at anytime employed by NEA and that if she was using Amalgamated's phone bank, she was not doing so with the knowledge or approval, much less at the direction of NEA. See Attachment VIII.

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A response filed on behalf of MPC reiterated MPC's position that the complaint should be dismissed based on its arguments presented in its Motion to Strike. See Attachment IX. In addition, MPC argued that it should not be considered a respondent in this matter as the complaint does not name MPC as a respondent, nor does it allege that MPC engaged in actions which violate the Act. Further, the response stated that it is MPC's policy to make literature available to volunteers and groups which may properly receive and distribute it and that even if volunteer union employees and members took some of this literature to a union hall and distributed it, there is no violation of the Act. MPC also stated that it denies that it authorized or paid for the literature in question in Count II of the complaint. Finally, MPC stated that with regard to Count III it was not involved in the alleged operation of a telephone bank.

A response filed on behalf of Amalgamated 1/ disclosed that the 7th Congressional District Delegates for Mondale Committee ("Delegate Committee") 2/ leased facilities and equipment from

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1/ In its response Amalgamated stated that although the Amalgamated Clothing and Textile Workers Union Political Action Committee ("ACTWU-PAC") was sent a copy of the complaint, as ACTWU-PAC was not named as a respondent in the complaint, it would not be responding.

2/ The Delegate Committee was not sent a copy of the complaint as there was no indication in the complaint that they may be a potential respondent.

the Chicago and Central States Joint Board of Amalgamated and was billed for the use and services pursuant to that lease. 3/ See Attachment X. Amalgamated claims that Mondale literature was stored in a drawer of a filing cabinet of Amalgamated's office for a short period of time and that the Delegate Committee was billed accordingly. Amalgamated further stated that it was their understanding that Bill Taylor, treasurer of the Delegate Committee, supervised volunteers in the distribution of campaign literature on Sunday, March 18, 1984 and that Amalgamated had nothing to do with the distribution of flyers on March 18, as few, if any, staff members were present in the building that weekend.

Amalgamated does claim to have distributed an AFL-CIO COPE publication entitled "On Key Issues Good Ideas Top 'New Ideas' ... Mondale Tops Hart," but only to union members and their families. The flyer was identified as an AFL-CIO COPE publication. See Attachment X. Exhibits appended to the attachments to the complaint appear to be modified versions of this COPE flyer although the COPE identification is missing. Amalgamated claims to have no knowledge of who was responsible for the flyers attached to the complaint (see Attachments IV and V) and claims that the COPE flyer was not xeroxed or amended by Amalgamated staff, adding that an ample supply of the COPE flyers

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3/ The agreement between Amalgamated and the Delegate Committee calls for the use of a meeting room on Wednesday afternoons between February 1 and March 14, 1984, in addition to typing services and supplies. The Delegate Committee was billed a total of \$170 for such facilities and services.

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was available on a table in the lobby of the building. Amalgamated claims to have consistently instructed its staff that partisan communications were meant to be distributed to only the permitted class pursuant to 11 C.F.R. § 114.3(c).

With regard to Sue Hoffer, Amalgamated stated that it had no knowledge as to her affiliation with NEA and that the help of volunteers was gratefully accepted without investigation into their backgrounds. Concerning the phone banks, Amalgamated stated that it did operate a phone bank during the weekend and evening hours prior to the primary election of March 20, 1984. Phone calls were made to union members and their families to encourage voter registration and votes for Mondale and follow-up calls were made to those identified as being pro-Mondale. Amalgamated claims, however, that no transportation services were provided to voters by either Amalgamated or AFL-CIO COPE.

Count I of the complaint alleges that Amalgamated violated 2 U.S.C. § 441b by warehousing and distributing to the general public campaign flyers which supported Walter Mondale. Some of the flyers stated that they were paid for by MPC and some did not identify who paid for and authorized them. The allegations are based on the affidavits of Ernest W. Lyles, Richard E. Lawrence and Mary Hemauer. See Attachments I-V.

The Act makes it unlawful for a labor organization to make a contribution or expenditure in connection with a federal election. 2 U.S.C. § 441b. The Act also prohibits a political committee from knowingly accepting or receiving any contribution

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prohibited by section 441b. It defines "contribution" and "expenditure" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift or money, or any services, or anything of value ... to any candidate, campaign committee, or political party or organization, in connection with ..." any federal election. 2 U.S.C. § 441b(b)(2). The Act excludes from this definition "communications by a ... labor organization to its members and their families on any subject." 2 U.S.C. § 441b(b)(2)(A). Pursuant to 11 C.F.R. § 114.3(a)(1), a labor organization may make partisan communications to its members and executive or administrative personnel, and their families, but it may not make contributions or expenditures for partisan communications to the general public in connection with a federal election. All permissible partisan communications must be produced at the expense of the labor organization and constitute a communication of the views of the labor organization. They may not be the republication or reproduction in whole or in part, of campaign materials prepared by the candidate, his campaign committee or authorized agents.

11 C.F.R. § 114.3(c)(1).

Under 11 C.F.R. § 114.9(c), any person who uses the facilities of a labor organization to produce materials in connection with a federal election is required to reimburse the labor organization within a commercially reasonable time for the normal and usual charge for producing such materials in the commercial market. Pursuant to 11 C.F.R. § 114.9, persons, other than officials, members, and employees of a labor organization,

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who make any use of labor organization facilities, such as by using telephones or typewriters or borrowing office furniture, for activity in connection with a federal election are required to reimburse the labor organization within a commercially reasonable time in the amount of the normal and usual rental charge, as defined in 11 C.F.R. § 100.7(a)(1)(iii)(B), for the use of the facilities. Under 11 C.F.R. § 114.12(b), a labor organization which customarily makes its meeting rooms available to clubs, civic or community organizations, or other groups may make such facilities available to a political committee or candidate if the meeting rooms are made available on a non-partisan basis and on the same terms given to other groups using the meeting rooms.

With regard to the warehousing and distribution of campaign literature supporting Walter Mondale, it appears that the Delegate Committee did store campaign material at Amalgamated's union hall and did operate out of the union hall in supervising volunteers in the distribution of campaign literature. 4/ As shown in Amalgamated's response, the Delegate Committee entered into an agreement with Amalgamated regarding the use of Amalgamated facilities and was billed for such use. The agreement, however, calls for the use of a meeting room between February 1, 1984, and March 14, 1984, and does not take into

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4/ In her first affidavit, Ms. Hemauer identified Bill Taylor as the person "who seemed to be in charge of distribution of pamphlets." See Attachment III. Mr. Taylor has now been identified as the treasurer of the Delegate Committee.

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account the use of the building on the weekend of March 17 and 18, the dates of the alleged activity in the affidavits. 5/ The bill sent to the Delegate Committee is dated March 23, 1984, and does not indicate if use of the union hall's facilities for the weekend in question was included. Although Amalgamated claims that few, if any, Amalgamated staff members were present in the building on March 18, according to Ms. Hemauer and Mr. Klee (see Attachment VII) the phone bank was operating on that day.

The question then arises whether the Delegate Committee was required to reimburse Amalgamated for the use of the union facilities on the weekend of March 17 and 18. The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a federal election and are required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are increased.

11 C.F.R. § 114.9(b)(1). The distribution of the campaign literature appears to be not a union endeavor but rather to be under the direction of the Delegate Committee. It does not appear that the Delegate Committee volunteers were union members and/or employees. Therefore, the exception for the use of union

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5/ The agreement calls for use of the meeting room on Wednesday afternoons between February 1 and March 14. The bill indicates that the meeting room was used 7 times. There were 7 Wednesdays between and including the dates in question.

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facilities does not seem to apply. In addition, in light of the fact that the Delegate Committee incurred expenses for the use of union facilities prior to the weekend in question, it appears that it also should have paid for use of such facilities on that weekend. As it appears that the Delegate Committee has not paid for such use, there is reason to believe that an in-kind contribution was made by Amalgamated and accepted by the Delegate Committee. The value of the contribution, however, seems to be de minimus in light of the expenses already incurred by the Delegate Committee, i.e., \$10 a day for a meeting room. The union hall was apparently already in use that weekend because of the phone banks, consequently the cost for the use of the building should be the same as the cost of using it on a weekday, or \$10 a day. Since we are only concerned with 2 days for which the apparent charge would have been \$20, it is also recommended that no further action be taken.

Pursuant to 11 C.F.R. § 100.7(b)(3), the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution. With regard to the distribution of the flyers in question, complainants have provided no evidence that union members were distributing flyers on union time. The distribution of literature appears to have been done solely on a volunteer basis. Therefore, there is no evidence of a union contribution.

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With respect to the five flyers in question, two stated they were paid for by MPC. However, the other three had no disclaimer and appear to be modified versions of an AFL-CIO COPE flyer which, according to Amalgamated, was meant to be a partisan communication to union members. 6/ The flyer attached to Amalgamated's response (see Attachment X) is identical to the flyer attached to Ms. Hemauer's second affidavit (see Attachment IV), however, on Ms. Hemauer's flyer the reference to the AFL-CIO COPE which appeared on the back of Amalgamated's flyer has been deleted and in large numbers "1984" has been added along with the words "The Choice is Yours." The flyers attached to Ms. Hemauer's third affidavit (see Attachment V) are again modified versions, one having handwritten wording on the bottom of the front and back and the other being written entirely in Spanish. It is apparent that the three flyers in question are versions of the AFL-CIO COPE flyer.

Amalgamated claims to have no knowledge of how the COPE flyer came to be used for purposes other than its original purpose. As there is no indication that the union was

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

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responsible for the distribution of this flyer to the general public, there does not appear to be a violation of 2 U.S.C. § 441b by Amalgamated for distributing partisan union communications to the general public. Although Amalgamated may have known that the Delegate Committee was using the COPE flyer, at this juncture there is no indication that that was the case. Therefore, this Office recommends that the Commission take no action at this time with respect to a section 441b violation by Amalgamated on these facts. 7/

Count II of the complaint alleges that Amalgamated violated 2 U.S.C. § 441d by failing to disclose who authorized and who paid for the flyers appended to Attachments IV and V. Pursuant to 2 U.S.C. § 441d, whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state whether it was paid for and/or authorized by the candidate, an authorized political committee of a candidate, or its agents.

Both MPC and Amalgamated claim to have no knowledge of the flyers in question. Judging from statements made in the

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7/ Because this Office is recommending that the Commission find reason to believe that the Delegate Committee violated 2 U.S.C. § 441d with regard to these flyers, questions have been prepared concerning the origin of the flyer. Should the answers from the Delegate Committee indicate that Amalgamated was involved in the distribution of those flyers, appropriate recommendations will be made at that time.

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affidavits and the response from Amalgamated, it appears that the Delegate Committee, not Amalgamated, paid for the reproduction of the flyers and was responsible for their distribution. As the flyers appear to be general public advertising expressly advocating the election of Walter Mondale, the Office of General Counsel recommends that the Commission find reason to believe that the Delegate Committee and William H. Taylor II, as treasurer, violated 2 U.S.C. § 441d.

Count III alleges that Amalgamated violated 2 U.S.C. § 441b by providing transportation to only those union members who indicated that they supported Mondale. The allegation is based on the affidavit of Mr. Klee (see Attachment VII) who, while working on the phone banks, claimed to have been instructed to offer transportation to only those who indicated they were pro-Mondale. A labor organization may conduct partisan registration and get-out-the-vote drives aimed at its members and executive or administrative personnel, and their families. However, if transportation or other services are offered in connection with a registration or get-out-the-vote drive, such transportation or services may not be withheld or refused on a partisan basis. 11 C.F.R. § 114.3(c)(4). According to Amalgamated, transportation services were not provided in connection with its partisan get-out-the-vote drive and the complainants have provided no evidence that transportation was provided. In light of these facts, the

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Office of General Counsel recommends that the Commission find no reason to believe that Amalgamated violated the Act with regard to this allegation.

The second part of Count I concerns the alleged use of Amalgamated's phone bank free of charge by an NEA agent, Sue Hoffer, in order to make calls in support of Walter Mondale. The allegation is based on the affidavit of Mr. Kurgan. See Attachment VI. 8/

Pursuant to 11 C.F.R. § 114.3(c)(3), a labor organization may establish and operate phone banks to communicate with its members and executive or administrative personnel, and their families, urging them to register and/or vote for a particular candidate. According to NEA (see Attachment VIII), there is no affiliation between NEA and Sue Hoffer. Although Mr. Kurgan states that Ms. Hoffer claimed to be told by the main headquarters "who to call even if they are not union members", there is no evidence at this time that Ms. Hoffer did call non-union members while participating in the phone bank. However, due to the new information received from the complainant concerning Ms. Hoffer, the Office of General Counsel recommends

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8/ On September 12, 1984, the complainant filed additional materials alleging that Sue Hoffer was an agent of the Mondale campaign and was illegally using Amalgamated's phone bank. See Attachment XI. As this appeared to be a new allegation, a copy of the amendment has been sent to both MPC and Amalgamated and each respondent has been afforded 15 days to respond. Pending such responses, appropriate recommendations will be made to the Commission.

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that the Commission take no action at this time against Amalgamated and MPC and Michael Berman, as treasurer, with regard to this allegation. As it appears that Ms. Hoffer has no affiliation with the NEA, the Office of the General Counsel recommends that the Commission find no reason to believe that NEA, NEA-PAC and Jacob Sheinkman, as treasurer, violated the Act. Even if Ms. Hoffer was a member of NEA, there is nothing in the Act which would prohibit Ms. Hoffer from volunteering to help on Amalgamated's phone bank.

### III. RECOMMENDATIONS

1. Find reason to believe that the Amalgamated Clothing and Textile Workers Union violated 2 U.S.C. § 441b by allowing the 7th Congressional District Delegates for Mondale to use their union hall the weekend of March 17 and 18, 1984, without charge and take no further action.
2. Take no action at this time against the Amalgamated Clothing and Textile Workers Union with regard to the distribution of flyers supporting Walter Mondale.
3. Take no action at this time against the Amalgamated Clothing and Textile Workers Union with regard the alleged use of a union phone bank by a Mondale campaign staff person.
4. Find no reason to believe that the Amalgamated Clothing and Textile Workers Union violated the Act with regard to the other allegations in the complaint.
5. Find no reason to believe that Amalgamated Clothing and Textile Workers Union Political Action Committee and Jacob

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Sheinkman, as treasurer, violated the Act and close the file with regard to these Respondents.

6. Take no action at this time against the Mondale for President Committee and Michael S. Berman, as treasurer, with regard to the alleged use of a union phone bank by a Mondale campaign staff person.

7. Find no reason to believe that the Mondale for President Committee and Michael Berman, as treasurer, violated the Act with regard to the other allegations in the complaint.

8. Find no reason to believe that the National Education Association, National Education Association Political Action Committee and Don Cameron, as treasurer, violated the Act and close the file with regard to these Respondents.

9. Find reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441b by accepting an in-kind contribution (use of the union hall on the weekend of March 17 and 18, 1984, without charge) and take no further action.

10. Find reason to believe that the 7th Congressional District Delegates for Mondale and William H. Taylor, II, as treasurer, violated 2 U.S.C. § 441d.

11. Approve the attached questions.

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12. Approve the attached letters.

Charles N. Steele  
General Counsel

September 24, 1984  
Date

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

Attachments

- I. Affidavit of Ernest W. Lyles (pp. 1-3)
- II. Affidavit of Richard E. Lawrence (pp.4-6)
- III. Affidavit of Mary Hemauer (pp.7-10)
- IV. Affidavit of Mary Hemauer (pp. 11-15)
- V. Affidavit of Mary Hemauer (pp.16-22)
- VI. Affidavit of Paul M. Kurgan (pp. 23-25)
- VII. Affidavit of Frank R. Klee (pp. 26-27)
- VIII. Response of NEA (pp. 28-29)
- IX. Response of MPC (pp. 30-37)
- X. Response of Amalgamated (pp. 38-47)
- XI. Amendment to Complaint (pp. 48-49)
- XII. Proposed letters (pp. 50-54)
- XIII. Proposed questions (pp. 55-56)
- XIV. General Counsel's Factual and Legal Analysis (pp. 57-62)

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STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

Attachment I

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ERNEST W. LYLES, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, Va, being duly sworn, depose that:

1. While in the company of Richard Lawrence, another investigator with Miller & Associates, Ltd. in the vicinity of the Amalgamated Clothing and Textile Workers' Union Hall at 333 Ashland Avenue, Chicago, Illinois, at approximately 2:00 pm on March 18, 1984, we observed the following:

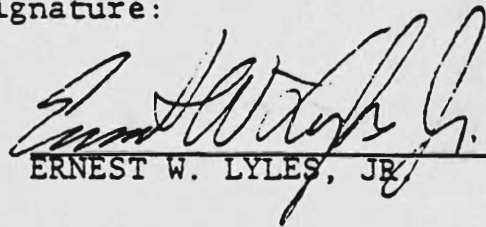
a. Four Black male youths between the approximate ages of 14 and 17, came out of the Union Hall with stacks of one-page flyers. We asked them what they were doing and where they were going. They said they were in a hurry to get to church before it let out so that they could distribute the flyers there. They also said that they were going to distribute them in the vicinity of 52nd and 55th Streets after they finished at the church. The boys got into a car and left, but before doing so, they gave me 17 copies of the flyer. A copy of the one-page flyer, the original of which was green in color, is Exhibit 1 to this Affidavit, and bears the heading "When Martin Luther King was Here in Illinois..." and bears my initials "EL" and the time "1400 hrs" and the date "3/18/84." The flyer reflects that it was "Paid for by Mondale for President, Inc."

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b. At approximately 4:15, we came back to the vicinity of the Clothing and Textile Workers' Union Hall and observed the vehicle which the Black youths who were distributing the flyers had been driving was parked by the Union Hall and observed that it bore Illinois License plates # BTZ 368 and was a red, mid-size vehicle, a 1978 Plymouth 4-Door.

2. Through sources available to Investigator Lawrence and me, we determined that Illinois License Plates # BTZ are registered to a Morris Donnell whose address is 1319 South Washtenaw, Chicago, IL.

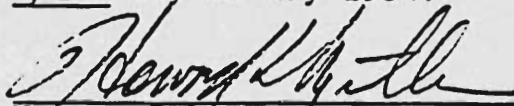
WITNESS THE FOLLOWING Signature:

  
ERNEST W. LYLES, JR.

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) To-Wit:

I, Howard L. Miller, a Notary Public in and for the County aforesaid, in the State of Virginia, do hereby certify that Ernest W. Lyles, Jr., whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15 day of May 1984.

  
Notary Public

My Commission Expires: 9 FEBRUARY 1985

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# WHEN MARTIN LUTHER KING WAS HERE IN ILLINOIS FIGHTING FOR OPEN HOUSING 14 YEARS AGO, WALTER MONDALE WAS IN WASHINGTON LEADING THE FIGHT FOR THE HISTORIC FAIR HOUSING ACT OF 1968!!

EXHIBIT 1

WHEN MARTIN REACHED OUT FOR A FRIEND IN THE U.S. SENATE, HE FOUND A WILLING AND STEADY PARTNER IN MONDALE. AND MONDALE HAS NEVER LET US DOWN. TODAY, WALTER MONDALE HAS THE SUPPORT OF THE KING FAMILY...OF HUNDREDS OF BLACK ELECTED OFFICIALS...OF MILLIONS OF BLACK VOTERS. AND ALL FOR GOOD REASON!

## Mondale's Commitment To Civil Rights And Social Justice Is Proven!!

### THEN

### NOW

### AS PRESIDENT

- |   |   |   |
|---|---|---|
| <p>1 Organized first civil rights demonstration in Minnesota history in 1962.</p> <p>2 Cosponsored original Voting Rights Act of 1965.</p> <p>3 Fought for school desegregation.</p> <p>4 Pushed for affirmative action.</p> <p>5 Helped increase funding for education and black colleges.</p> | <p>* Fighting Reaganomics from the begining.</p> <p>* Attacking Reagan's foot-dragging on voting rights and trashing of Civil Rights Commission.</p> <p>* Proposing jobs programs and help for unemployed.</p> <p>* Running presidential campaign with significant Black staff and services of Black business, including banks, accountants, and travel agencies.</p> | <p>* Will reverse Reaganomics: raise taxes on the rich and big businesses; restore budget cuts affecting vital social programs, including AFDC and food stamps.</p> <p>* Bring deficits and interest rates down for jobs and economic growth.</p> <p>* Encourage minority enterprise.</p> <p>* Strengthen education.</p> <p>* Enforce Civil Rights Laws.</p> <p>* Restore human rights to American foreign policy— and freeze nuclear arms.</p> |
|---|---|---|

## AND MONDALE IS THE ONLY CANDIDATE WHO CAN DEFEAT REAGAN!

HE HAS THE EXPERIENCE—AND THE RECORD,  
 WE KNOW WHERE HE STANDS—FOR JOBS & SOCIAL JUSTICE,  
 AND HE NEEDS YOUR VOTE NOW—TO BEAT REAGAN.

# On March 20th Vote for MONDALE FOR PRESIDENT AND MONDALE DELEGATES

ACT  
 3/19/84  
 1420 hrs  
 (3)

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

*Attachment II*

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, RICHARD E. LAWRENCE, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, VA, being duly sworn, depose that :

1. While in the company of Ernest Lyles, another investigator with Miller & Associates, Ltd. in the vicinity of the Amalgamated Clothing and Textile Workers' Union Hall at 333 Ashland Avenue, Chicago, Illinois, at approximately 2:00 pm on March 18, 1984 we observed the following:

a. Four Black male youths between the approximate ages of 14 and 17, came out of the Union Hall with stacks of one-page flyers. We asked them what they were doing and where they were going. They said they were in a hurry to get to church before it let out so that they could distribute the flyers there. They also said that they were going to distribute them in the vicinity of 52nd and 55th Streets after they finished at the church. The boys got into a car and left, but before doing so, they gave Investigator Lyles 17 copies of the flyer. A copy of the one-page flyer, the original of which was green in color, is Exhibit 1 to this Affidavit, and bears the initials "EL" and the time "1400 hrs" and the date "3/18/84", and

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bears the heading "When Martin Luther King was Here in Illinois. . ." The flyer reflects that it was "Paid for by Mondale for President, Inc."

b. At approximately 4:15, we came back to the vicinity of the Clothing and Textile Workers' Union Hall and observed the vehicle which the Black youths who were distributing the flyers had been driving was parked by the Union Hall and observed that it bore Illinois License plates #BTZ 368 and was a red, mid-size vehicle, a 1978 Plymouth 4-Door.

2. Through sources available to Investigator Lyles and me, we determined that Illinois License Plates # BTZ 368 are registered to a Morris Donnel, whose address is 1319 South Washtenaw, Chicago, IL.

WITNESS THE FOLLOWING Signature:

*Richard E. Lawrence*  
RICHARD E. LAWRENCE

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) TO-WIT:

I, Howard L. Miller, a Notary Public in and for the County of Fairfax, in the State of Virginia, do hereby certify that Richard E. Lawrence, whose name is signed to the foregoing affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 16 day of May, 1984.

*Howard L. Miller*  
Notary Public

My Commission Expires on the 9 of FEBRUARY 19 MAY 85.

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5

# WHEN MARTIN LUTHER KING WAS HERE IN ILLINOIS FIGHTING FOR OPEN HOUSING 14 YEARS AGO, WALTER MONDALE WAS IN WASHINGTON LEADING THE FIGHT FOR THE HISTORIC FAIR HOUSING ACT OF 1968!!

EXHIBIT 1

WHEN MARTIN REACHED OUT FOR A FRIEND IN THE U.S. SENATE, HE FOUND A WILLING AND STEADY PARTNER IN MONDALE. AND MONDALE HAS NEVER LET US DOWN.

TODAY, WALTER MONDALE HAS THE SUPPORT OF THE KING FAMILY...OF HUNDREDS OF BLACK ELECTED OFFICIALS...OF MILLIONS OF BLACK VOTERS. AND ALL FOR GOOD REASON!

## Mondale's Commitment To Civil Rights And Social Justice Is Proven!!

<u>THEN</u>	<u>NOW</u>	<u>AS PRESIDENT</u>
1 Organized first civil rights demonstration in Minnesota history in 1962.	* Fighting Reaganomics from the begining.	* Will reverse Reaganomics: raise taxes on the rich and big businesses; restore budget cuts affecting vital social programs, including AFDC and food stamps.
2 Cosponsored original Voting Rights Act of 1965	* Attacking Reagan's foot-dragging on voting rights and trashing of Civil Rights Commission.	* Bring deficits and interest rates down for jobs and economic growth.
3 Fought for school desegregation.	* Proposing jobs programs and help for unemployed.	* Encourage minority enterprise.
4 Pushed for affirmative action.	* Running presidential campaign with significant Black staff and services of Black business, including banks, accountants, and travel agencies.	* Strengthen education.
5 Helped increase funding for education and black colleges.		* Enforce Civil Rights Laws.
		* Restore human rights to American foreign policy— and freeze nuclear arms.

## AND MONDALE IS THE ONLY CANDIDATE WHO CAN DEFEAT REAGAN!

HE HAS THE EXPERIENCE—AND THE RECORD.  
 WE KNOW WHERE HE STANDS—FOR JOBS & SOCIAL JUSTICE.  
 AND HE NEEDS YOUR VOTE NOW—TO BEAT REAGAN.

# On March 20th Vote for MONDALE FOR PRESIDENT AND MONDALE DELEGATES

AC+T  
 3/18/84  
 8-2  
 1/20/85  
 (6)

STATE OF ILLINOIS)  
COUNTY OF COOK )

*Attachment III*

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At about 10:30 am on March 17, 1984, I went to the Walter Mondale campaign headquarters in Chicago and volunteered to work on the phone bank for the primary election on March 20th. I was told that they weren't using any phone banks there since they were all out in the Union Halls and I was told that I could go to the Union Building at 333 South Ashland Avenue to work on the phone bank there and I was also given a bunch of Mondale pamphlets to distribute and then I left the Mondale headquarters.

2. At about 1:00 I went to the Amalgamated Clothing and Textile Workers' Union Building at 333 South Ashland Street, where I volunteered to work on the phone banks. When I first arrived, I was asked to go to the Dearborn Park area to distribute Mondale flyers. A girl named "Liz Smith", a white girl, who resides in Chicago and who said she was a social worker for the city, was asked to go with me. The one-page flyers that I was given were headlined 'Good Ideas vs. "New Ideas" - Mondale Knows the Difference

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and a copy of which is Exhibit 1 to this Affidavit and bears my initials "mh" and the date 3/18/84. It is noted that the flyer is "Paid for by Mondale for President, Inc."

3. "Liz" and I were each given probably between 500 and 600 of the pamphlets and we went to ten different apartment buildings with probably a total of about 45 floors and distributed these pamphlets.

4. I returned to the Textile Workers' Building after I finished distributing the flyers in Dearborn Park and was given the job of calling people on behalf of Mondale. I came back again on March 18 and also worked on the phone banks.

5. Among the people that I identified while at the Clothing and Textile Workers' Union hall on March 17 and 18 were the following:

a. Tywander Bush, a 7th District Delegate for Mondale who was helping organize the staff and volunteer help.

b. Gerri Stone, whom I believed to be a Union Member.

c. Fran Hauser, a member of the Brotherhood of Railway and Airline Clerks (BRAC) and who was doing volunteer work.

d. Ralph Jefferson, whom I cannot further identify but who was doing volunteer work.

e. Bill Taylor, whom I cannot further identify but who seemed to be in charge of distribution of pamphlets.

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WITNESS THE FOLLOWING Signature:

Mary Hemaue  
MARY HEMAUER

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

I, MAXINE D. PARSONS, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that MARY HEMAUER, whose name is signed to the foregoing affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15TH day of May, 1984.

Maxine D. Parsons  
Notary Public

My Commission expires on the 8TH of DECEMBER 1985

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# GOOD IDEAS VS. "NEW" IDEAS

MONDALE KNOWS THE DIFFERENCE

### NUCLEAR ARMS CONTROL

**MONDALE:** First Presidential Candidate to endorse the Nuclear Freeze. Opposes the Reagan Administration's Cohen-Hart "Build-Down" Resolution.

**HART:** Voted till it was popular before endorsing a freeze. Original co-sponsor of the Cohen-Hart "Build-Down" Resolution, which calls for building newer, more dangerous nuclear weapons to replace older ones.

### WOMEN'S ISSUES

**MONDALE:** Lobbied extensively for the ERA, authored the Women's Educational Equity Act and a comprehensive Pay Equity Plan.

**HART:** Failed to sponsor any women's issue legislation that has passed. Supports the ERA.

### SOARING HOSPITAL COSTS

**MONDALE:** Leading supporter of hospital cost containment legislation, a measure demonstrating Mondale's commitment to senior citizens, the chronically ill, and low-income Americans.

**HART:** Voted with the American Medical Assoc. (AMA) and hospital lobby to oppose hospital cost containment.

### OIL COMPANY PROFITS

**MONDALE:** Led the winning fight for a Windfall Profits Tax so that oil companies would pay their fair share.

**HART:** Opposed the corporate Windfall Profits Tax. Now proposes a \$10/barrel surtax on imported oil, costing the average family more than \$340/year.

THE NOMINATION FOR PRESIDENT SHOULD BE DECIDED ON THE ISSUES...NOT "NEW" IDEAS OR "OLD" IDEAS... BUT GOOD IDEAS VS. BAD IDEAS.

LOOK BEYOND THE SLOGANS TO THE ISSUES...VOTE

# MONDALE

Printed by Mondale for President, Inc.

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10

STATE OF ILLINOIS )  
COUNTY OF COOK )

*Attachment IV*

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At about 10:30 am on March 17, 1984, I went to Senator Mondale's campaign headquarters in Chicago, and volunteered to work on the phone bank for the primary election on March 20th. I was told that they weren't using any phone bank there since they were all out in the Union Halls and I was told that I could go to the Union Building at 333 South Ashland Avenue to work on the phone bank there. I was also given a bunch of Mondale pamphlets to distribute and then I left the Mondale Headquarters.

2. I went to the Amalgamated Clothing and Textile Workers' Union Building which is at 333 South Ashland Street and volunteered to work on the phone banks, but I was asked to first distribute Mondale flyers. Another girl and I were given pamphlets to distribute in the Dearborn Park area.

3. I returned to the Textile Workers' Building after I finished distributing the flyers in Dearborn Park and was

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given the job of calling people on behalf of Senator Mondale. I came back again on March 18 and also worked on the phone banks.

4. While working on the phone bank on March 17th and 18th, I observed that stacks of a two-page flyer headlined on the first page "On Key Issues, 'Good Ideas top New Ideas' . . . and on the second page "Issue. . .Mondale. . .Hart" were being given to volunteers, most of whom were young Blacks, and they were given instructions to distribute these flyers to office buildings and leave them in stacks there. A copy of that flyer is attached as Exhibit 1 to this Affidavit and each page bears my initials "mh" and the date "3-18-84."

5. Among the people that I identified while at the Clothing and Textile Workers' Union Hall on March 17th and 18th were the following:

a. Tywander Bush, a 7th District Delegate for Mondale who was helping organize the staff and volunteer help.

b. Gerri Stone, whom I believed to be a union member.

c. Fran Hauser, a member of the Brotherhood of Railway and Airline Clerks (BRAC) and who was doing volunteer work.

d. Ralph Jefferson, whom I cannot further identify but who seemed to be in charge of distribution of pamphlets.

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WITNESS THE FOLLOWING Signature:

Mary Hemaue  
MARY HEMAUER

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

I, MAXINE D. PARSONS, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that MARY HEMAUER, whose name is signed to the foregoing affidavit, has personally appeared before me in the County aforesaid and sworn and acknowledged the same.

Given under my hand this 15TH day of May, 1984.

Maxine D. Parsons  
Notary Public

My Commission expires on the 8TH of DECEMBER 1985.

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# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds-out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

ISSUE	MONDALE	HART
Jobs, the economy	Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries; trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
Help for the jobless	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
Trade	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
Job Safety/Health	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
Taxes	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted against adequate tax on windfall oil profits.

MH  
3-18-84  
14

**ISSUE**

**MONDALE**

**HART**

Housing

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

Gas price control

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel. —would add \$140 to average home fuel bill.

Youth

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

**Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

Democratic Primary



**1984**

**THE CHOICE IS YOURS**

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mk  
3-18-84  
(15)

STATE OF ILLINOIS )  
COUNTY OF COOK )

Attachment IV

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At about 10:30 am on March 17, 1984, I went to Senator Mondale's campaign headquarters in Chicago, and volunteered to work on the phone bank for the primary election on March 20th. I was told that they weren't using any phone bank there since they were all out in the Union Halls and I was told that I could go to the Union Building at 333 South Ashland Avenue to work on the phone bank there. I was also given a bunch of Mondale pamphlets to distribute and then I left the Mondale Headquarters.

2. I went to the Amalgamated Clothing and Textile Workers' Union Building which is at 333 South Ashland Street and volunteered to work on the phone banks, but I was asked to first distribute Mondale flyers. Another girl and I were given pamphlets to distribute in the Dearborn Park area.

3. I returned to the Textile Workers' Building after I finished distributing the flyers in Dearborn Park and was given the job of calling people on behalf of Senator Mondale. I came back again on March 18 and also worked on the phone banks.

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4. While working on the phone bank on March 17th and 18th, I observed that Spanish speaking people came to the Union Hall and were given stacks of two different flyers to distribute door to door in the Latino community. The first flyer was in English and entitled "On Key Issues, 'Good Ideas top New Ideas'"... and on the second page "Issue... Mondale... Hart" and is printed front and back, and on the front has hand printing: "Su Vota es su voz Hispanica for Mondale," and a copy of this flyer is attached as Exhibit 1 to this Affidavit. The second flyer is an apparent Spanish translation of the first flyer and is entitled on the first page "CUANDO SE TRATA DE ASUNTOS IMPORTANTES-LAS BUENAS IDEAS..." A copy of that flyer is Exhibit 2 to this Affidavit. Each of the copies of the flyers bears my initials "mh" and the date "3-18-84."

5. Among the people that I identified while at the Clothing and Textile Workers' Union Hall on March 17th and 18th were the following:

- a. Tywander Bush, a 7th District Delegate for Mondale who was helping organize the staff and volunteer help.
- b. Gerri Stone, whom I believed to be a union member.
- c. Fran Hauser, a member of the Brotherhood of Railway and Airline Clerks (BRAC) and who was doing volunteer work.

d. Ralph Jefferson, whom I cannot further identify but who seemed to be in charge of distribution of pamphlets.

WITNESS THE FOLLOWING Signature:

Mary Hemaue  
MARY HEMAUER

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

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

Given under my hand this 15TH day of May, 1984.

Maxine D. Parsons  
Notary Public

My Commission expires: December 8, 1985

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18

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

## ISSUE

## MONDALE

## HART

Jobs, the economy

Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries: trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.

Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.

Help for the jobless

As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.

Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.

Trade

Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.

Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.

Job Safety/Health

Sponsored, fought for, voted for original job safety/health law, urges strengthening law and its enforcement.

Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.

Taxes

Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.

Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted against adequate tax on windfall oil profits.

SU VOTO ES SU VOZ  
HISPANICS FOR MONDALE (19)

**ISSUE**

**MONDALE**

**HART**

Housing

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

Gas price control

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel. —would add \$140 to average home fuel bill.

Youth

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

**Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

Democratic Primary



**1984**

**THE CHOICE IS YOURS**

**VOTE TUESDAY - MARCH 20<sup>TH</sup>**

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mt 2-18-84

CUANDO SE TRATA DE ASUNTOS IMPORTANTES  
 LAS BUENAS IDEAS VENCEN LAS "IDEAS NUEVAS"

\*\*\* MONDALE VENCE A HART \*\*\*

Lo que sigue es una comparación entre los records de Walter Mondale y Gary Hart, los dos principales por la nominación demócrata sobre ocho (8) asuntos importantes para la gente que trabaja y para sus familias.

La comparación demuestra claramente que, lo que se refiere al bienestar de la gente que vive en los Estados Unidos, tomando como base el record, el programa y la visión de lo que este país debe ser, las BUENAS IDEAS de la candidatura de Walter Mondale ofrecen una promesa inmensamente más superior y más justa, que la candidatura de las llamadas "ideas nuevas" de Gary Hart.

ASUNTO  
 IMPORTANTE

MONDALE

HART

Trabajos,  
 la econo-  
 mía

Propone una ley de empleo para todos, con fuerza, reglas que protejan, aumento de trabajos: revivir las industrias básicas; comercio que aumente, en lugar de disminuir los trabajos en E.U.; reconstruir los puentes, puertos, sistemas de transporte; tasas de intereses más bajas; tasas justas que obliguen a las corporaciones e individuos ricos a pagar una justa participación en contribuciones.

Él votó contra los trabajos en E.U. cuando se opuso al préstamo a la compañía Chrysler; se opone a la ley de contenido doméstico; se opone a que se asignen algunos contratos de defensa a las áreas de alto desempleo; patrocina el "comercio libre" en un mundo en que eso es un mito y mientras millares de gente de E.U. pierde sus trabajos por la competencia extranjera.

Ayuda para  
 los desem-  
 pleados

Como senador, Mondale apoyó constantemente el mejoramiento y extensión de beneficios a los desempleados. Apoya la ayuda especial a quienes perdieron sus trabajos por las importaciones.

Hart votó dos veces contra la extensión de beneficios por desempleo; apoyó los recortes que hizo Reagan en la ayuda especial para esos desempleados.

Comercio

Mondale hará que el comercio beneficie tanto a los que trabajan y a las industrias de E.U. como a nuestros socios en el comercio. Él insiste en que se quiten las barreras a los productos de los E.U. para propiciar un flujo real del comercio.

Hart votó contra la propuesta de "compre americano" en los proyectos de trabajos públicos pagados por el gobierno, negando con eso a los que trabajan en E.U. el beneficio de trabajos. No quiere se pida quitar esas barreras.

Seguridad/  
 salubridad  
 en trabajo

Mondale patrocinó, peleó en favor y votó por la ley original de seguridad y salubridad en el trabajo; urge que se refuerce la ley y que se haga cumplir la ley.

Hart ha votado, a lo menos cuatro (4) veces, en el senado de los E.U. para debilitar la ley de seguridad y salubridad e para reducir la cobertura de la ley.

Taxes

El acabará con las excusas de las corporaciones e individuos ricos; revocará la mayoría de regalos de de taxes a los ricos de parte de Reagan; impondrá taxes más pesados por ganancias excesivas los Grandes Compañías petroleras.

Hart pide que haya un "tax de consumo" con el cual usted pagará taxes según lo que usted compre. Si la mayoría de sus gastos son para cubrir necesidades, usted tendría que pagar un porcentaje más alto de los que recortan cupones. Hart votó contra taxes adecuados a las ganancias excesivas del petróleo.

Habitación

Wondale urge que se aumenten los fondos para construir casas habitacionales que puedan ser compradas por las familias de ingresos bajo o moderados.

Hart votó varias veces en el senado de los E.U. para que se negaran los fondos adecuados para la construcción de casas habitacionales para familias de ingreso bajo o moderado.

Control de precios de gas

Wondale apoya el control continuo de precios del gas y del aceite para proteger a los consumidores contra los grandes aumentos en el costo del aceite combustible para las casas habitaciones.

Hart votó para que se deregulara el precio del gas natural recientemente descubierto; pide que se ponga un tax de 30% al aceite importado, con eso se aumentarían \$110.00 al costo promedio del aceite para la casa.

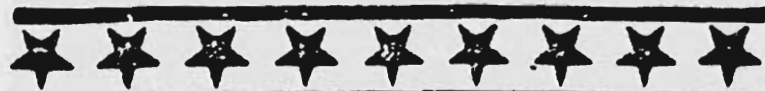
Prentud

Wondale se opone a que se reduzca el sueldo mínimo para los jóvenes, porque eso incita a los patrones a despedir a los adultos que trabajan para emplear jovenes pagados a sueldo menor; Wondale apoya el que haya un interés generoso para los préstamos a estudiantes y que se permita a quienes los reciben que comiencen a pagarlos hasta después que se gradúan.

Hart votó en favor de un sueldo submínimo para los jóvenes que causaría algo como una puerta giratoria (los adultos trabajadores... afuera! los jóvenes con pago más bajo: adentro!); Hart votó para forzar a quienes reciben préstamos para colegio a que comiencen a pagar el interés de los préstamos tan pronto como los reciben, para muchos esto sucede en el momento en que entran al colegio.

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**1984**

**THE CHOICE IS YOURS**

**¡LA ELECCIÓN ES SUYA!**

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(HA.)

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

Attachment VI

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, PAUL M. KURGAN, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, Va, being duly sworn, depose that:

1. While in Chicago, Illinois on March 6, 1984, I went to the Chicago Headquarters for Senator Mondale's Presidential primary campaign election on March 20th and volunteered to work on Senator Mondale's behalf. I was subsequently requested to do volunteer work at the Amalgamated Clothing and Textile Workers' Union Hall at 333 S. Ashland Avenue in Chicago. I went to that Union Hall and assisted in making calls on the phone bank and in mailings on behalf of Senator Mondale over the next 8 days.

2. On the afternoon of March 8, 1984, I was stuffing envelopes for a Mondale mailing with other volunteers at the Union Hall, and when I took a break and was walking around the building, I saw a girl I later identified as Sue Hoffer. She is a white female between the ages of 24-30, and about 5'7" tall, weighing about 120 lbs. with brown hair and wears eyeglasses. She was working in the phone bank area in the lower level of the building office by herself on one side of the room. At the time, there was no one else in the area. I introduced myself and asked her who she was and what she

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was doing. She said she had been asked by, I believe, the Teachers' Union, to help out in the Mondale campaign. She said she had flown in from another state, but she did not make it clear, from which one. I asked her if she belonged to the AFL/CIO, and she said "No," that she was there because of the phone bank and "it was free to use for Mondale." Since I knew the people were working the phone bank with computer sheets to call Union people, I asked her what kind of computer sheet she used to call Union people and her answer was that she calls "the main headquarters office and they tell her where to call even if they are not union members." She said "it was no secret that there is no computer sheet sent out to her and she must call and find out what area or district is to be phoned." She also added that she is not a teacher.

3. On March 9, 1984 at about 7:00 pm, Sue Hoffer asked me to give her a ride to where she was staying because the person that was to have driven her had not shown up or had left already. While driving her, she told me that she had come from Washington, D.C. "the day before yesterday." She also mentioned that the phone bank was to be closed on March 10th.

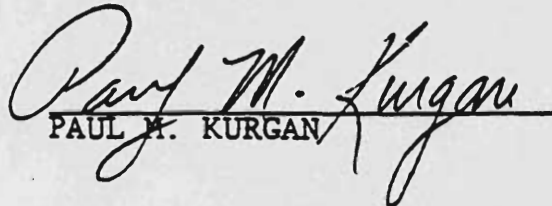
4. On the afternoon of March 12, 1984, while at the Clothing and Textile Workers' Union Hall, I observed Sue Hoffer talking to a black man who someone said was a lawyer. I heard her complaining and saying she was unhappy that she

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was either not getting the results from canvassing or was unhappy with the results of the canvassing. Although I was unable to talk with her at length, as she was occupied, she did say that she had graduated from Chicago's Richie East High School in 1972..

5. While at the Clothing and Textile Union Hall on the afternoon of March 13, 1984, I observed Sue Hoffer there, but did not have an opportunity to talk to her. In a conversation with Joe Velasquez, whom I knew to be from the AFL/CIO Committee on Political Education (COPE) Headquarters in Washington, and who was at the Union Hall to coordinate the Latino phone banks calling on behalf of Mondale, he made several comments about Sue Hoffer. He stated that she was from the National Education Association (NEA). He also said that he and Hoffer did separate and unrelated tasks.

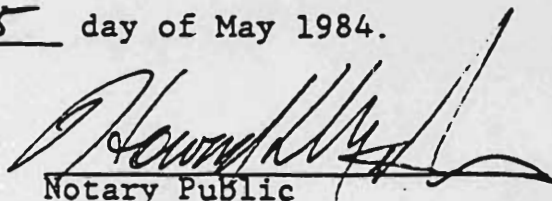
WITNESS THE FOLLOWING Signature:

  
PAUL M. KURGAN

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) To-Wit:

I, Howard L. Miller, a Notary Public in and for the County aforesaid, in the State of Virginia, do hereby certify that Paul M. Kurgan, whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15 day of May 1984.

  
Notary Public

My Commission expires: FEBRUARY 9, 1985

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STATE OF ILLINOIS)  
COUNTY OF COOK )

Attachment VII

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At approximately 11:00 on March 18th, I went to the Amalgamated Clothing and Textile Workers' Union Hall at 333 South Ashland Street in Chicago in order to do volunteer work on behalf of Walter Mondale in the Presidential primary election on March 20th. The building was locked, but it was opened about 1:00 when I went in and volunteered to work on the phone banks.

2. I was given a computer printout listing Union Members. I was instructed to call those people whom the codes indicated were pro-Mondale and I was to encourage the people to vote for him in the primary.

3. Gerri Stone, a woman whose office I had observed on the first floor of the building with the title "Social Services" on the door, was the one giving out phone bank assignments.

4. On March 19th I went back to the Textile Union Hall at about 11:00 and stayed until 5:00. I was instructed by Gerri Stone to call people on the computer printouts who were identified as being pro-Mondale, but in this instance, to ask them if they needed a ride to the polls. She told us to place the name and

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number of people needing rides on a yellow sheet. Her specific instructions were that only those people who indicated that they were pro-Mondale should be told that they would be given transportation assistance and stated either exactly or nearly that "Of course, if they say they are for Hart or Republican, forget about it."

5. Among the people that I could identify as working on the phone banks were a Byran Whitehead (phonetic) from the hierarchy of the Brotherhood of Railway and Air Line Clerks (BRAC), and a Jim Shannon, who I understood to be in charge of "Special Interest" for BRAC, as well as a number of Blacks from the United Auto Workers' Union, Local #210 but whom I could not further identify.

WITNESS THE FOLLOWING Signature:

Frank R. Klee -  
FRANK R. KLEE

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

I, Marilyn A. Amoy, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that Frank R. Klee, whose name is signed to the foregoing affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15<sup>th</sup> day of May, 1984.

Marilyn A. Amoy  
Notary Public

My Commission expires on the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_.

MY COMMISSION EXPIRES OCT. 1, 1985

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

RECEIVED THE FEC  
 6c# 3576

LEGAL SERVICES: 05  
 OFFICE OF GENERAL COUNSEL

June 11, 1984

MUR 1703  
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**Attachment VIII**

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

Re: MUR 1703

Dear Mr. Steele:

On May 29, 1984, you wrote to the National Education Association ("NEA") regarding the above MUR, which is based upon a complaint that has been filed against the Amalgamated Clothing and Textile Workers by the National Right to Work Committee and Ralph Martin (Bud) Hettinga, Jr. Inasmuch as the complaint does not name NEA as a respondent, a formal response does not appear to be called for under the DESCRIPTION OF PRELIMINARY PROCEDURES FOR PROCESSING COMPLAINTS FILED WITH THE FEDERAL ELECTION COMMISSION that accompanied your letter. I am nonetheless sending you this letter on behalf of NEA.

The only reference to NEA in the complaint is the following statement that appears in Count I:

Attachment 6 reflects that an agent of the [NEA] was permitted to use Respondent's office free of charge to make calls in support of Mondale at the direction of her headquarters.

Attachment 6 is an affidavit by Paul M. Kurgan, a private investigator, in which he states, among other things, that a woman named Sue Hoffer "said she had been asked by, I believe, the Teachers' Union, to help out in the Mondale campaign;" that "she calls 'the main headquarters office and they tell her where

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MUR 1703  
 JUN 12 10:22

to call even if they are not union members;" and that "she must call and find out what area or district is to be phoned." Kurgan asserts further that he was told by someone named Joe Velasquez that Hoffer "was from the National Education Association," and it is solely on the basis of this assertion that complainants accuse the respondent Amalgamated Clothing and Textile Workers of having "permit[ted] the NEA to use Respondent's office free of charge for presidential election purposes [in violation of] 2 U.S.C. § 441b."

The Commission's Regulations require that a complaint "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 CFR § 111.4(d)(3). Although it is patently clear that the vague assertions in Mr. Kurgan's affidavit do not pass muster under this standard, we defer to the respondent Amalgamated Clothing and Textile Workers in regard to this and other defenses. The dispositive point for present purposes is that the complaint does not even allege a violation of the Act on the part of NEA, and in the absence of such an allegation we think it inappropriate to provide information vis-a-vis activities that may or may not have been undertaken by NEA in connection with the Democratic primary in Illinois. We note, however, that Sue Hoffer has not at any time been employed by NEA, and if she was in fact "us[ing] Respondent's office free of charge to make calls in support of Mondale", Complaint, Count I, (an allegation as to which we offer no comment) she was not doing so with the knowledge or approval, much less "at the direction of", NEA.

Accordingly, we respectfully request that the Commission take no action against NEA in connection with this MUR.

Sincerely,



Robert H. Chanin  
General Counsel

RHC:gm

July 2, 1984 JUL 6 P2:13

*Carroll*

## Attachment IX

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

RE: MUR 1703

Dear Mr. Steele:

This letter constitutes the response of the Mondale for President Committee, Inc. ("MPC") to the complaint in MUR 1703.

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### I. BACKGROUND

In the instant complaint the National Right to Work Committee ("NRWC") seeks to harvest the fruits of its deliberate and continuing program of using paid spies to infiltrate MPC and organizations of citizens working on behalf of MPC. The complaint alleges that the Amalgamated Clothing and Textile Workers Union ("ACTWU"), the only named respondent, violated the Federal Election Campaign Act, as amended (the "Act") by certain activities undertaken in support of Walter F. Mondale.

The complaint contains three Counts. Count I alleges in essence that the ACTWU office in Chicago was used to distribute literature favoring Mondale. Count II alleges that certain literature was distributed without appropriate information as to who authorized and paid for it. Count III alleges that instructions

were given that get-out-the-vote assistance should be provided on a partisan basis.

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The sole evidentiary support for the allegations are affidavits prepared by persons employed by NRWC as part of its ongoing dirty-tricks campaign. According to the affidavits, several of NRWC's paid agents infiltrated an ACTWU office in Chicago shortly before the Illinois Presidential Primary Election by identifying themselves as Mondale volunteers and participating in various activities to further Mr. Mondale's candidacy. The affidavits describe the agents' perceptions of certain activities they observed while engaged in their spy mission. Based on the statements of its hirelings, NRWC has attempted to construct certain legal theories to the effect that ACTWU's conduct violated the Act. MPC is not named in the complaint as a respondent, nor is MPC accused in the complaint of conduct violative of the Act.

It is the position of MPC that the conduct of NRWC and its agents is unlawful, morally reprehensible and contrary to the public policies which the Commission is mandated to protect. Accordingly, MPC urges the Commission to dismiss the complaint forthwith or, alternatively, to strike the affidavits which comprise the factual bases for the complaint. See the Motion to Strike filed by MPC on June 25, 1984 with respect to MURs 1702, 1703 and 1704. MPC here reiterates that position and respectfully submits that NRWC's lawlessness and dirty tricks so pervade the complaint that no resolution by the Commission other than dismissal is appropriate.

MPC further submits that the complaint should be dismissed by the Commission against MPC without further action against MPC

for the additional reasons that MPC is not a proper respondent, that the complaint lacks credible factual support, and that the complaint alleges no facts which, even if considered by the Commission and taken as true, would constitute a violation of the Act by MPC. The evil here is in the eyes -- and the conduct -- of the beholders: NRWC and its paid spies.

## II. RESPONSE

A. MPC is Not a Proper Respondent; the Commission's Procedures Allow No Further Action Against MPC in the Absence of Respondent Status.

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

The instant complaint does not name MPC as a respondent, nor

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

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

B. The Affidavits Provide Insufficient Credible Factual Support to Base a Valid Complaint; in the Absence of Factual Support the Complaint Should Be Dismissed and No Further Action Taken.

The affidavits from NRWC's paid spies provide the sole factual support for the complaint. The credibility of those affidavits is open to serious question. There is no dispute that affiants routinely and extensively lied in the course of their "mission". Each affiant made false representations that they wanted to volunteer to support the election of Mondale. They took and disposed of Mondale literature under false pretenses. Indeed, in order to justify their fees and their continued em-

ployment, there would be incentive for NRWC's spies to create evidence. At a minimum, the statements of persons paid to report "violations" should be subjected to special scrutiny. So viewed, affiants' tactics certainly raise the question of whether facts were omitted or twisted in the affidavits in order to further affiants' interests and mission.

It is apparent from a reading of the affidavits that NRWC's spies had little, if any, knowledge of how political activity takes place, had very limited comprehension of what they were observing, and had no access to information concerning the payment for or arrangement of any of the activities they observed.

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Indeed, every instance which NRWC's agents describe is consistent with activities that would be perfectly proper under the Act. It is only the NRWC's strained speculations which convert them into possible violations. The facts alleged in this complaint are consistent with activities permissible under the Act and provide no reason to believe that a violation of the Act has occurred.

C. The Complaint Fails to State a Violation by MPC; the Complaint Should Be Dismissed as Against MPC and No Further Action Taken.

As set forth above, the complaint fails to name MPC as a respondent. None of the counts of the complaint allege conduct by MPC which would violate the Act.

1. Count I fails to state a violation of the Act by MPC.

Insofar as Count I might bear on MPC, it merely alleges that some persons -- identified by the complaint as volunteers -- obtained literature in support of Mondale from the ACTWU headquarters on a weekend day shortly before the Illinois Primary and distributed it. To the extent that this count alleges that the

union was communicating with the general public, such allegation is belied by the disclaimer which complainants describe on the literature that indicates that it was paid for by MPC.

There is no allegation that MPC provided the literature expressly to have it distributed through a union hall or that MPC was involved in the distribution effort.\*/ There is also no basis given for their assertion that MPC was "warehousing" literature in the union hall. While the affidavits indicate that some NRWC spies who presented themselves as volunteers at MPC headquarters to work on phone banks were referred to the union phone bank, there is no allegation that MPC referred volunteers to the union hall for the purpose of distributing literature.

MPC's policy is to make literature available to volunteers and groups which may properly receive and distribute it. Obviously, MPC literature was widely available in Illinois immediately before the Illinois primary. Many Mondale supporters obtained such literature in quantity and then proceeded to distribute it. Even if volunteer union employees and members took some of this literature to a union hall and distributed it, there is no violation of the Act. 11 C.F.R. Section 114.9(b).

In short, Count I alleges nothing which would comprise a violation of the Act by MPC. It should, therefore, be dismissed as against MPC and no further action should be taken.

\*/ MPC is unable to identify any of the individuals described in the affidavits who allegedly organized the distribution of literature.

2. Count II fails to state a violation of the Act by MPC.

Count II alleges that certain literature which supported Mondale did not contain information regarding authorization and payment. The complaint does not allege that MPC authorized or paid for the literature and, based on a review of MPC records and MPC's firm policy of printing its literature through union printers, including both authorization information and a printing "bug", MPC denies that it authorized or paid for the literature in question.

More importantly, the Act requires a disclaimer only if the literature is distributed through general public advertising, including direct mail. 2 U.S.C. Section 441d(a); 11 C.F.R.

Section 110.11(a). Affiants themselves admit that the literature in question was distributed only by hand. Therefore, even if the allegations are taken as true, the absence of authorization and payment information on the literature was not violative of the Act. Since Count II states no violation of the Act, it should be dismissed and no further action should be taken.

3. Count III fails to state a violation of the Act by MPC.

Count III alleges that a union member or employee told one of NRWC's infiltrators to call union members and determine who would receive voter assistance based on candidate preference. No allegation is made that such calls were in fact made, that such determinations were made, or that assistance was offered to members on a partisan basis. Again, no involvement by MPC in the alleged operation of the telephones in question is asserted. Since MPC was not involved in the described activities, Count III should be dismissed with respect to MPC and no further action

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shall be taken.

III. CONCLUSION

For the reasons set forth above and in MPC's June 25, 1984, Motion to Strike, the Commission should find no reason to believe that MPC has violated the Act and should take no further action in this matter.

Respectfully submitted,

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

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

*M. David Vaughn*  
M. David Vaughn  
of Counsel *By CWO*

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AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION

MURRAY H. FINLEY President  
JACK SHEINKMAN Secretary-Treasurer  
SCOTT HOYMAN Executive Vice President

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AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003  
(212) 242-0700

Attachment X

July 5, 1984

EXPRESS MAIL No. B 3866303Z

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

Re: MUR 1703

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union ("ACTWU") to the Complaint filed in MUR 1703.<sup>1/</sup> The National Right to Work Committee ("NRWC") and Ralph Hettinga claim to have filed the Complaint "on behalf of all working men and women who are compelled, under threat of losing their jobs to support unions financially." (Complaint at 1) It must be noted, that no affidavits or factual allegations were submitted to support this serious assertion of misconduct. Moreover, the factual allegations and affidavits proffered with the Complaint fail to establish any violation of the Federal Election Campaign Act ("FECA"), as outlined more fully below in a discussion of the three counts of the Complaint.

<sup>1/</sup> Amalgamated Clothing and Textile Workers Union Political Action Committee (ACTWU-PAC) was invited to submit a response to MUR 1703. ACTWU-PAC has neither been named as a Respondent in the Complaint, nor referenced in any of the factual allegations. Consequently, as it appears that no response by ACTWU-PAC would be relevant or helpful, no response will be submitted.

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VICE PRESIDENTS

JOHN ALLEPUZO  
SAMUEL A. AZONARC  
KLEMPER CASAN  
LES CALDER  
FRANK CALECA  
CHARLES BUD CLARK

ED CLARK  
JEAN-MARC COUTURE  
OLGA DIAZ  
JAMES DILLON  
HENRY DROPKIN  
BRUCE DUNTON  
GARRY FERRARIS  
JOHN FOX

SAM FOX  
ANGELO G. GEORGIAN  
HARRY GORDON  
MARION E. GROCE  
NICHOLAS GYORY  
WILLIAM HALL  
JOSEPH HUIGHE  
JAMES JACKSON

JAMES A. JOHNSON  
ARTHUR LOEVY  
RICHARD MACFADYEN  
JOYCE D. MILLER  
VERA MILLER  
MURRAY MORENO  
FRANK NICHOLAS JR.  
CARMEN PAPALE

BRUCE RAYNOR  
CHARLES SALLEE  
LEON SPITZER  
PETER J. SWOBODA  
CECIL TOPPIN  
JIM WALRAVEN

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Count I

ACTWU denies communicating with the general public in an effort to encourage the public to vote for Walter Mondale in the primary election in violation of 2 U.S.C. § 441b.

Affidavits of NRWC's private investigators are submitted to "reflect that Mondale campaign flyers were being warehoused and distributed through Respondent's phone bank." (Complaint at 2; Attachments 1-3) Significantly, the attached affidavits fail to identify any connection between ACTWU or any of its staff members and the volunteers distributing Mondale campaign literature. Nor do the affidavits establish any unlawful connection between the volunteers to the Mondale campaign and the Union operated phone banks. The Complainants' assertions of wrongdoing are based on speculation. Any appearance of wrongdoing, as vaguely suggested in the affidavits of NRWC's private investigators, are easily dispelled when the facts are reviewed in the context of the leasing arrangement and the legitimate Union activities in support of Walter Mondale.

The 7th Congressional District Delegates for Mondale Committee ("Delegate Committee") leased facilities and equipment from Chicago and Central States Joint Board of ACTWU, and has been billed for the use and services pursuant to that lease. (Copies of the lease and invoice are attached hereto as Exhibits 1 and 2) The leasing and reimbursement arrangement complies with federal regulations. 11 C.F.R. 114.9(d) Our investigation

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reveals that Mondale literature was stored in a drawer of a filing cabinet of ACTWU's office for a short period of time, and the Delegate Committee was billed accordingly. It is our understanding that Bill Taylor, delegate and Treasurer for the Delegate Committee, supervised volunteers in distributing campaign literature on Sunday, March 18, 1984. The Union had nothing to do with a distribution of flyers on March 18th. In fact, to our knowledge there were few, if any, Union staff members or representatives present in the building that weekend. Rather, the ACTWU staff was present at a Joint Board meeting at the Chicago Ambassador West Hotel.

ACTWU denies directing or participating in the distribution of literature to the general public. The only flyer distributed by ACTWU staff or members was a COPE piece entitled "On Key Issues Good Ideas Top 'New Ideas' . . . Mondale Tops Hart," which was distributed to Union members and their families. (An original copy of this flyer is attached hereto as Exhibit 3.) This flyer was a one page document, printed with the Union bug and identified as an AFL-CIO COPE communication. The exhibits appended to the attachments to the Complaint appear to be modified versions of the COPE flyer, and we cannot identify the source of the modified flyers.<sup>2/</sup> It is possible that copies of the COPE flyer left on lobby table in the ACTWU building could have been inadvertently picked up by a volunteer, but such a misappropriation of the COPE flyer was beyond

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<sup>2/</sup> On information and belief, the COPE flyer was not xeroxed or amended by ACTWU staff or members. There was an ample supply of the printed flyer and no need to reproduce additional copies.

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the control of ACTWU. ACTWU has consistently made best efforts and instructed its staff to assure that partisan communications were properly distributed to members of the permissible class pursuant to 11 C.F.R. § 114.3(c) of the federal regulations.

Three separate, but redundant, affidavits were submitted by private investigator Mary Hemauer in support of Count I. (See Attachments 3-5 to Complaint). No violations of the FECA on the part of ACTWU are described in these statements.<sup>3/</sup> There is no impropriety in accepting volunteer help to work on phone banks or to assist in mailings to the appropriate class of Union members and their families. Similarly, the factual allegations in the affidavit of private investigator Paul M. Kurgan, Attachment 6, fail to establish any misconduct or violation on the part of ACTWU. ACTWU had no knowledge as to the affiliations of the volunteer identified as Sue Hoffer and had no reason to believe she was an "agent of the National Education Association (the "NEA")" as alleged in the Complaint. The help of volunteers was gratefully accepted without interrogation or investigation into their backgrounds, as is evident from the number of paid NRWC spies who offered assistance to Union phone banks and direct mail projects.

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<sup>3/</sup> Investigator Hemauer suggests that versions of the COPE flyer entitled "On Key Issues . . . were given to volunteers to distribute in the community. (Attachment 4, ¶ 4; Attachment 5, ¶ 4) Significantly, she fails to identify who was distributing or instructing the volunteers on the weekend of March 17-18th. As stated above, the Union denies that any of its representatives directed the distribution of partisan communications to the general public.

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COUNT II

ACTWU denies violating § 441(d) of FECA by failing to disclose who authorized or paid for flyers appended to Attachments 4 and 5, entitled "On Key Issues . . . ." The disclosure requirements of § 441(d) apply to general public political advertising, and do not pertain to a labor organization's partisan communications to union members and their families. As stated above, the COPE flyer "On Key Issues . . ." was communicated to the permissible class and best efforts were made to comply with FECA and federal regulations. 11 CFR § 114.3(a).

COUNT III

ACTWU denies violating federal election law or federal regulations by conducting a partisan get-out-the-vote campaign in support of Walter Mondale. Labor organizations are permitted to engage in partisan communications through phone banks and get-out-the-vote drives. 11 CFR § 114.3(c), (3) and (4). The Union activities in support of Mondale were lawful partisan communication in compliance with federal regulations.

An AFL-CIO COPE phone bank operated at ACTWU's offices at 333 South Ashland Boulevard, Chicago, during the weekend and evening hours prior to the Democratic primary election of March 20, 1984. Phone calls were made to AFL-CIO union members and their families to encourage voter registration and votes for Mondale. Follow-up calls were made to those union members and their families who identified themselves as being pro-Mondale. No transportation services were provided by ACTWU or COPE in connection with this phone bank. Since no transportation services were provided, complainants' allegation that transportation was withheld on a partisan basis must fail.

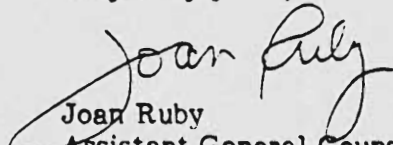
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CONCLUSION:

ACTWU has made good faith efforts to comply with the letter and spirit of the FECA, and no evidence has been presented to demonstrate any misuse of ACTWU's treasury funds or unlawful partisan communications. The Complaint is replete with vague allegations and suggestions of wrongdoing unsupported by fact. The integrity of the federal election process will not be served by pursuing meritless allegations and attempted distortions of legitimate election activity.

For all of the above stated reasons, Respondent ACTWU respectfully requests that no further action be taken on this matter and that the Complaint be dismissed in its entirety.

Very truly yours,

  
Joan Ruby  
Assistant General Counsel

JR:hb

cc: Kenneth A. Gross  
Marybeth Tarrant  
Arthur M. Goldberg  
George A. Kirschenbaum

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AGREEMENT FOR THE USE OF LABOR ORGANIZATION  
FACILITIES AND EQUIPMENT

1. The 7th Congressional District Delegates for Mondale Committee ("Committee") and the Chicago and Central States Joint Board of the Amalgamated Clothing and Textile Workers Union (ACTWU) ("labor organization") agree this 1st day of February, 1984 that for the consideration set forth below, the Committee will use the following facilities and equipment of the labor organization on the dates indicated:

2. Dates of Use: From February 1st to March 14th on Wednesday afternoons from 4:00 p.m. to 6:00 p.m.
3. Location of facilities to be used: Library at ACTWU Center 333 S. Ashland Ave., Chicago, IL
4. Description of facilities and equipment: Meeting room
5. Other (e.g., supplies, services): Typing if necessary at \$9.00 per hour

The labor organization agrees to invoice the Committee for the actual use of the facilities and equipment set forth above in an amount based on the normal and usual rental charge for such facilities and equipment in this community and including any actual telephone charges incurred by the Committee. The invoice will also include billing for the cost of any supplies provided to the Committee. The labor organization will promptly provide its invoice to the Committee, 2201 Wisconsin Avenue, N.W., Washington, D.C. 20007.

The Committee agrees to reimburse the labor organization for use of the labor organization's facilities within a commercially reasonable time (60 to 90 days).

The undersigned Committee representative is authorized to sign this Agreement on behalf of the Committee.

Signed:

6. *Libby Saines*  
Name

7. *[Signature]*  
Name of Treasurer

8. Political Action & Education Director  
Position

429 W. Superior Street  
Apartment 511  
Chicago, IL 60610

Chicago & Central States Joint Board  
Amalgamated Clothing and Textile  
Workers Union  
333 S. Ashland Ave.  
Chicago, IL 60607

7th Congressional District  
Delegates for Mondale Committee

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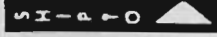
NO. 1101



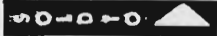
**AMALGAMATED CLOTHING & TEXTILE WORKERS UNION**  
333 SOUTH ASHLAND AVE. CHICAGO, ILLINOIS 60607  
AREA CODE 312/738-6100

DATE

March 23, 1984



7th Congressional District  
Delegates for Mondale  
c/o Bill Taylor  
429 W. Superior St.  
Chicago, IL 60610



QUANTITY	DESCRIPTION	PRICE	AMOUNT
1 7	Room for Meetings	10.00	70.00
2 4 hours	Secretarial Time	9.00	36.00
3 /	Other: including use of automobiles,		
4	copy machines and storage cabinet.		64
5			
6			
<b>TOTAL</b>		<b>▶</b>	<b>\$170.00</b>

**PLEASE MAKE CHECK PAYABLE TO:**

CHICAGO & CENTRAL STATES JOINT BOARD, ACTWU       AMALGAMATED CENTRE

REMITTANCE COPY - PLEASE RETURN WITH PAYMENT

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

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ISSUE	MONDALE	HART
Jobs, the economy	Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries; trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
Help for the jobless	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against: extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
Trade	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
Job Safety/Health	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
Taxes	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted against adequate tax on windfall oil profits.

**ISSUE**

**MONDALE**

**HART**

**Housing**

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

**Gas price control**

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel, —would add \$140 to average home fuel bill.

**Youth**

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers. hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

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**Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

Democratic Primary

AFL-CIO COPE WASHINGTON, D.C.

RECORDED AT THE FEC  
GCC # 4661  
84 SEP 12 12:19

# National Right To Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS  
HEADQUARTERS AT THE NATION'S CAPITAL

SEP 11 14:58  
September 11, 1984

17112  
1703

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

Attachment VI

Dear Mr. Gross:

On May 18, 1984, The National Right to Work Committee and Ralph Martin (Bud) Hettinga, Jr., filed a complaint alleging violations of the federal election laws by the Amalgamated Clothing and Textile Workers' Union in Chicago, Illinois.

Count I of the complaint alleged illegal use of the Textile Workers' phone bank by an agent of the National Education Association, Sue Hoffer.

While reviewing reports filed by Mondale for President, Inc., we discovered that the Mondale campaign owes expense money to a Sue Hofer. (See, attached page bearing FEC No. 84033034679.) Therefore, it appears that the individual using the Textile Workers' phone bank may have been an agent of the Mondale campaign, and the investigation should be expanded accordingly.

Sincerely,

THE NATIONAL RIGHT TO WORK COMMITTEE

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

Subscribed and sworn to before me this 11<sup>th</sup> day of September, 1984, by William A. Wilson as Vice President of The National Right to Work Committee.

Anne Mary C. Kelly  
Notary Public

My commission expires on 19 May 1985

cc: Mr. Hettinga

Enclosure

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Sue Hofer 2147 'O' Street, N.W. Washington, D.C. 20037	186.26	-0-	-0-	186.26
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Nature of Debt (Purpose):  
expense reimbursement

E. Full Name, Mailing Address and Zip Code of Debtor or Creditor Hoffman House Post Office Box 1025 Rochester, Minnesota 55903	129.32	-0-	-0-	129.32
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Nature of Debt (Purpose):  
meetings/food

C. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn Alton Parkway 3800 Beltine Parkway Drive Alton, Illinois 62002	258.69	-0-	-0-	258.69
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Nature of Debt (Purpose):  
lodging

D. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn of Minn. Dtn. 1313 Nicollet Avenue Minneapolis, MN 55407	-0-	6/1/84 151.25	-0-	151.25
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Nature of Debt (Purpose):  
lodging

E. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn/KC Int'l. Airport 11832 Plaza Circle Kansas City, MO 64153	-0-	6/6/84 52.04	-0-	52.04
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Nature of Debt (Purpose):  
lodging

F. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn of Cullman Cullman, Alabama 35056	-0-	6/1/84 358.40	-0-	358.40
--	-----	------------------	-----	--------

Nature of Debt (Purpose):  
lodging

1. SUBTOTALS This Period This Page (optional) 1135.96

2. TOTAL This Period (see page this line only)

3. TOTAL OUTSTANDING LOANS from Schedule C-2 (see page only) (49)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Attachment XII

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

Re: MUR 1703

Dear Mr. Ifshin and Ms. Oliphant:

On May 29, 1984, the Commission notified Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on \_\_\_\_\_, 1984, determined that on the basis of the information in the complaint, and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Committee and Michael S. Berman, as treasurer. However, please note that the file is not closed regarding the Mondale for President Committee, Inc. and Michael Berman, as treasurer, due to the amendment to the complaint which was filed on September 12, 1984. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. If you have any questions, please call Marybeth Tarrant at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Ms. Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile Worker's Union  
15 Union Square  
New York, N.Y. 10003

RE: MUR 1703

Dear Ms. Ruby:

On , 1984, the Commission found reason to believe that the Amalgamated Clothing and Textile Worker's Union had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by allowing the 7th Congressional District Delegates for Mondale to use the union hall without charge the weekend of March 17 and 18, 1984. However, after considering the circumstances of this matter, the Commission has determined to take no further action. In addition, the Commission found no reason to believe that the Amalgamated Clothing and Textile Worker's Union violated the Act with regard to certain other allegations in the complaint. Please note that the file has not been closed with regard to the union. The Commission also found no reason to believe that the Amalgamated Clothing and Textile Worker's Union Political Action Committee and Jacob Sheinkman, as treasurer, violated the Act and closed the file with regard to them.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

RE: MUR 1703

Dear Mr. Chanin:

On May 29, 1984, the Commission notified the National Education Association ("NEA"), National Education Association Political Action Committee ("NEA-PAC") and Don Cameron, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

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

Sincerely,

Charles N. Steele  
General Counsel

By Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

William H. Taylor, II, Treasurer  
7th Congressional District Delegates  
for Mondale  
One IBM Plaza, Suite 4700  
Chicago, Illinois 60611

RE: MUR 1703

Dear Mr. Taylor:

On September , 1984, the Federal Election Commission determined that there is reason to believe the 7th Congressional District Delegates for Mondale and you, as treasurer, violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). In addition, the Commission found reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441b but determined to take no further action with regard to that violation. The General Counsel's factual and legal analysis, which formed a basis for the Commission's findings, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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Letter to William H. Taylor  
Page 2

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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202)523-4143.

Sincerely,

Enclosures

Questions  
General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

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William H. Taylor, II, Treasurer  
 7th Congressional District Delegates for Mondale  
 MUR 1703

QUESTIONS

The following questions pertain to the attached flyers which are labeled. The 7th Congressional District Delegates for Mondale will hereafter be referred to as the "Delegate Committee." The Mondale for President Committee, Inc. will hereafter be referred to as "MPC". The Amalgamated Clothing and Textile Workers Union will hereafter be referred to as "Amalgamated."

1. Labeled as Attachment 1 is an AFL-CIO COPE flyer. The flyers labeled as Attachments 2, 3 and 4 appear to be variations of the AFL-CIO COPE flyer. Was the format and text of the AFL-CIO COPE flyer used in the production of the flyers labeled as Attachments 2, 3 and 4.
  - a) If not, how did the Delegate Committee come to use the format and text that was used in the flyers labeled as Attachments 2, 3 and 4.
2. Did someone from Amalgamated and/or AFL-CIO give the Delegate Committee authority to use the flyer (labeled as Attachment 1)?
  - a) If so, who?
  - b) If so, for what purpose?
  - c) If not, how did the Delegate Committee come to use the AFL-CIO COPE flyer?
3. Was the AFL-CIO and/or Amalgamated reimbursed for use of the flyer? (labeled as Attachment 1)
  - a) If so, how much?
  - b) If not, why not?
4. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 2?
  - a) If so, how much did the committee pay?
  - b) If so, who was paid?
  - c) If so, how many copies were made?
  - d) If so, how were these flyers distributed?
  - e) If so, was this flyer authorized by Walter Mondale and/or MPC?
  - f) If not, who did pay for the flyer?
5. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 3?
  - a) If so, how much did the committee pay?
  - b) If so, who was paid?
  - c) If so, how many copies were made?
  - d) If so, how were these flyers distributed?

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- e) If so, was this flyer authorized by Walter Mondale and/or MPC?
  - f) If not, who did pay for the flyer?
6. Did the Delegate Committee pay for the duplication costs of the flyer labeled as Attachment 4?
- a) If so, how much did the committee pay?
  - b) If so, who was paid?
  - c) If so, how many copies were made?
  - d) If so, how were these flyers distributed?
  - e) If so, was this flyer authorized by Walter Mondale and/or MPC?
  - f) If not, who did pay for the flyer?

Attachments

- 1. COPE flyer
- 2. Flyer
- 3. Flyer
- 4. Flyer

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR No. 1703  
STAFF MEMBER(S) & TEL. NO.  
Marybeth Tarrant  
(202) 523-4143

RESPONDENTS 7th Congressional District Delegates for Mondale  
William H. Taylor, II, as treasurer

SOURCE OF MUR: Complaint  
(Respondent Internally Generated)

SUMMARY OF ALLEGATIONS

Based on information filed in response to a complaint, it is alleged that the 7th Congressional District Delegates for Mondale ("Delegate Committee") and William H. Taylor, II, as treasurer, accepted an in-kind contribution from the Amalgamated Clothing and Textile Workers Union ("Amalgamated") in violation of 2 U.S.C. § 441b. In addition, it is alleged that the Delegate Committee and William H. Taylor, as treasurer, financed a communication which supported Walter Mondale but did not specify on that communication who paid for the communication and whether or not it was authorized by Walter Mondale and/or the Mondale for President Committee, Inc. ("MPC") in violation of 2 U.S.C. § 441d.

FACTUAL BASIS AND LEGAL ANALYSIS

The Act makes it unlawful for a labor organization to make a contribution or expenditure in connectin with a federal election. 2 U.S.C. § 441b. The Act also prohibits a political committee from knowingly accepting or receiving any contribution prohibited by section 441b. It defines "contribution" and "expenditure"

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to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift or money, or any services, or anything of value ... to any candidate, campaign committee, or political party or organization, in connection with ..." any federal election. 2 U.S.C. § 441b(b)(2).

Under 11 C.F.R. § 114.9(c), any person who uses the facilities of a labor organization to produce materials in connection with a federal election is required to reimburse the labor organization within a commercially reasonable time for the normal and usual charge for producing such materials in the commercial market. Pursuant to 11 C.F.R. § 114.9, persons, other than officials, members, and employees of a labor organization, who make any use of labor organization facilities, such as by using telephones or typewriters or borrowing office furniture, for activity in connection with a federal election are required to reimburse the labor organization within a commercially reasonable time in the amount of the normal and usual rental charge, as defined in 11 C.F.R. § 100.7(a)(1)(iii)(B), for the use of the facilities. Under 11 C.F.R. § 114.12(b), a labor organization which customarily makes its meeting rooms available to clubs, civic or community organizations, or other groups may make such facilities available to a political committee or candidate if the meeting rooms are made available on a non-partisan basis and on the same terms given to other groups using the meeting rooms.

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It appears that the Delegate Committee did store campaign material at Amalgamated's union hall and did operate out of the union hall in supervising volunteers in the distribution of campaign literature. 1/ As shown in Amalgamated's response, the Delegate Committee entered into an agreement with Amalgamated regarding the use of Amalgamated facilities and was billed for such use. 2/ The agreement, however, calls for the use of a meeting room between February 1, 1984, and March 14, 1984, and does not take into account the use of the building on the weekend of March 17 and 18, the dates of the alleged activity in the affidavits. 3/ The bill sent to the Delegate Committee is dated March 23, 1984, and does not indicate if use of the union hall's facilities for the weekend in question was included. Although Amalgamated claims that few, if any, Amalgamated staff members were present in the building on March 18, according to Ms. Hemauer and Mr. Klee (see affidavits attached to complaint) the phone bank was operating on that day.

---

1/ In her first affidavit, Ms. Hemauer identified Bill Taylor as the person "who seemed to be in charge of distribution of pamphlets." Mr. Taylor has now been identified as the treasurer of the Delegate Committee.

2/ The agreement between Amalgamated and the Delegate Committee calls for the use of a meeting room on Wednesday afternoons between February 1 and March 14, 1984, in addition to typing services and supplies. The Delegate Committee was billed a total of \$170 for such facilities and services.

3/ The agreement calls for use of the meeting room on Wednesday afternoons between February 1 and March 14. The bill indicates that the meeting room was used 7 times. There were 7 Wednesdays between and including the dates in question.

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The question then arises as to whether the Delegate Committee was required to reimburse Amalgamated for the use of the union facilities on the weekend of March 17 and 18. The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a federal election and are required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are increased. 11 C.F.R. § 114.9(b)(1). The distribution of the campaign literature appears not to be a union endeavor but rather to be under the direction of the Delegate Committee. It does not appear that the Delegate Committee volunteers were union members and/or employees. Therefore, the exception for the use of union facilities does not seem to apply. In addition, in light of the fact that the Delegate Committee incurred expenses for the use of union facilities prior to the weekend in question, it appears that it would expect to pay for use of such facilities on that weekend. As it appears that the Delegate Committee has not paid for such use, there is reason to believe that an in-kind contribution was made by Amalgamated and accepted by the Delegate Committee, although the value of the contribution seems to be de minimus in light of the expenses already incurred by the Delegate Committee, i.e., \$10 a day for a meeting room. As the

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union hall was apparently open on that weekend due to the phone banks and since we are only concerned with 2 days, Saturday and Sunday, for which the apparent charge would have been \$20, it is also recommended that no further action be taken.

Count II of the complaint alleges that Amalgamated violated 2 U.S.C. § 441d by failing to disclose who authorized and who paid for the flyers appended to Attachments 4 and 5 of the complaint. Pursuant to 2 U.S.C. § 441d, whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication must clearly state whether it was paid for and/or authorized by the candidate, an authorized political committee of a candidate, or its agents.

The flyers in question have no disclaimer on them and appear to be modified versions of an AFL-CIO COPE flyer which, according to Amalgamated, was meant to be a partisan communication to union members. The flyer attached to Amalgamated's response (see attached) is identical to the flyer attached to Ms. Hemauer's second affidavit, however, on Ms. Hemauer's flyer the reference to the AFL-CIO COPE which appeared on the back of Amalgamated's flyer has been deleted and in large numbers "1984" has been

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added along with the words "The Choice is Yours." The flyers attached to Ms. Hemauer's third affidavit are again modified versions, one having handwritten wording on the bottom of the front and back and the other being written entirely in Spanish. It is apparent that the three flyers in question are versions of the AFL-CIO COPE flyer.

Both MPC and Amalgamated claim to have no knowledge of the flyers in question. Judging from statements made in the affidavits and the response from Amalgamated, it appears that the Delegate Committee paid for the reproduction of the flyers and was responsible for their distribution. As the flyers appear to be general public advertising expressly advocating the election of Walter Mondale, the Office of General Counsel recommends that the Commission find reason to believe that the Delegate Committee and William H. Taylor II, as treasurer, violated 2 U.S.C. § 441d.

Attachments

1. Complaint
2. COPE flyer

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 20, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: MUR 1703  
Mondale for President Committee, Inc.  
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

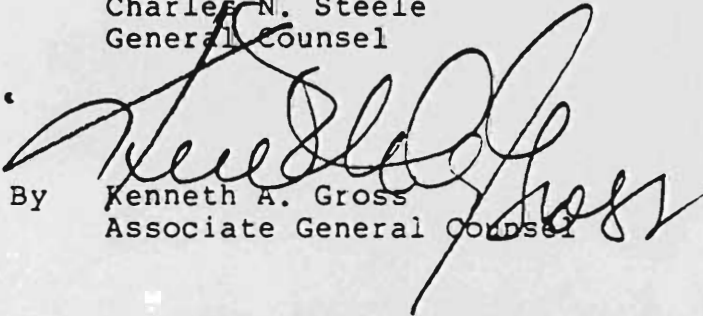
On May 29, 1984, you were notified that the Federal Election Commission received a complaint from the National Right to Work Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, by your clients. You were also given a copy of the complaint and informed that your response to the complaint should be submitted within fifteen days of your receipt of the notification.

On September 12, 1984, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter. As this letter is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

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

Sincerely,

Charles N. Steele  
General Counsel

By  Kenneth A. Gross  
Associate General Counsel

Enclosure

85040532778



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 20, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile  
Workers Union  
15 Union Square  
New York, New York 10003

Re: MUR 1703  
Amalgamated Clothing and Textile  
Workers Union

Dear Ms. Ruby:

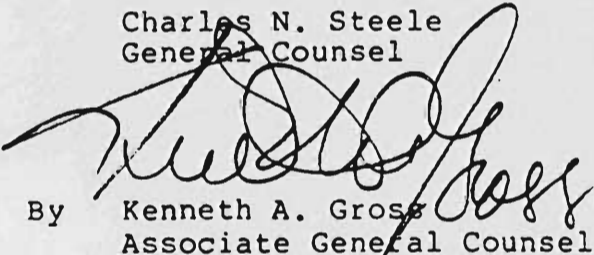
On May 29, 1984, your client was notified that the Federal Election Commission received a complaint from the National Right to Work Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. Your client was also given a copy of the complaint and informed that a response to the complaint should be submitted within fifteen days of your receipt of the notification.

On September 12, 1984, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter. As this letter is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

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

Sincerely,

Charles N. Steele  
General Counsel

  
By Kenneth A. Gross  
Associate General Counsel

Enclosure

85040532779



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1984

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

Dear Mr. Wilson:

This letter is to acknowledge receipt of your letter dated September 11, 1984, containing additional information regarding your original complaint filed on May 18, 1984. The original complaint alleges violations of certain sections of the Federal Election Campaign Act of 1971, as amended, by the Amalgamated Clothing and Textile Workers Union in Chicago, Illinois. This new information will be considered as an amendment to your original complaint and will be analyzed by the staff member assigned to the complaint. The respondents will be notified of this amendment within five days.

You will be notified as soon as the Commission takes final action on your complaint. If you have any questions, please contact Barbara Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

A handwritten signature in dark ink, appearing to read "Kenneth A. Gross".

By: Kenneth A. Gross  
Associate General Counsel

85040532780

# National Right To Work Committee

RECEIVED AT THE FEC  
GCC # 4661  
84 SEP 12 PM 12:19

A COALITION OF EMPLOYEES AND EMPLOYERS  
HEADQUARTERS AT THE NATION'S CAPITAL

September 11, 1984

1703

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

Dear Mr. Gross:

On May 18, 1984, The National Right to Work Committee and Ralph Martin (Bud) Hettinga, Jr., filed a complaint alleging violations of the federal election laws by the Amalgamated Clothing and Textile Workers' Union in Chicago, Illinois.

Count I of the complaint alleged illegal use of the Textile Workers' phone bank by an agent of the National Education Association, Sue Hoffer.

While reviewing reports filed by Mondale for President, Inc., we discovered that the Mondale campaign owes expense money to a Sue Hofer. (See, attached page bearing FEC No. 84033034679.) Therefore, it appears that the individual using the Textile Workers' phone bank may have been an agent of the Mondale campaign, and the investigation should be expanded accordingly.

Sincerely,

THE NATIONAL RIGHT TO WORK COMMITTEE

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

Subscribed and sworn to before me this 11<sup>th</sup> day of September, 1984, by William A. Wilson as Vice President of The National Right to Work Committee.

Anne Mary O'Reilly  
Notary Public  
19 May 1985

My commission expires on

cc: Mr. Hettinga

Enclosure

Attachment 2 (4)

85040532781





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 14, 1984

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

Re: MURs 1702, 1703 and 1704

Dear Mr. Ifshin and Ms. Oliphant:

This responds to your motion to dismiss the complaints in MURs 1702, 1703 and 1704 or, in the alternative, to dismiss certain evidence from the Commission's consideration of those MURs.

On August 7, 1984, the Commission considered your motion and has determined, under the circumstances presented, to deny your motion. Accordingly, your motion to dismiss the complaints and certain evidence in MURs 1702, 1703 and 1704 is denied.

If you have any questions, please contact Lois Lerner at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

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Mondale for President  
2201 Wisconsin Avenue, N.W.  
Washington, D.C. 20007  
Telephone: 202-825-1600

0229787  
**MONDALE**

July 30, 1984

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

Re: MURS 1702, 1703 and 1704

Dear Mr. Steele:

On June 25, 1984, the Mondale for President Committee, Inc. (MPC) asked the Commission to reject the complaints in MURS 1702, 1703 and 1704, because of complainant's unscrupulous, unlawful infiltration of and spying on the Mondale campaign. In the cover letter submitting this request, MPC asked the Commission to withhold further determination on these three matters until the tapes or transcripts of certain television interviews with an NRWC "spy" could be viewed. This has now been done and this further submission provides the results of this review.

MPC requested that the television station involved, WMAQ-TV, Channel 5, Chicago, Illinois, provide either the spy tapes, or transcripts of those tapes, to MPC so the tapes or transcripts could be forwarded to the Commission. The television station declined to do this, but did allow an MPC volunteer lawyer to view the tapes and make notes. This attorney has prepared an affidavit setting forth the contents of the

Mr. Charles N. Steele  
July 30, 1984  
Page 2

tapes he viewed, which is attached to this letter. The station has informed MPC that it will turn over the tapes to the Commission in response to an FEC subpoena.

Facts Shown By The Tapes

The tapes involved record two television segments aired in March 1984 by WMAQ. Two NRWC spies -- Paul M. Kurgan and Howard Miller -- are interviewed on the tapes.

The facts revealed by these tapes are truly shocking and revive memories of the Watergate era when campaign infiltration was unfortunately a commonplace occurrence. The tapes show, inter alia, that:

- Paul M. Kurgan was an undercover agent who worked for a private detective firm in the Washington, D.C. area.
- Kurgan's assignment for that firm was to infiltrate the Mondale Illinois campaign staff to uncover embarrassing facts about organized labor's role in the Mondale campaign.
- Kurgan tried to recruit a WMAQ reporter named Rich Samuels to help him obtain information from the Mondale Illinois campaign staff. Samuels' reward would have been a story provided by Kurgan.

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- Kurgan came to Chicago around two and one-half weeks before his taped interview and volunteered at the Chicago headquarters of the Illinois Mondale campaign. Among other things, he worked in the staff room, did volunteer mailings, and drove in a Mondale motorcade.
- Kurgan transmitted information he gathered while working as a volunteer for the Mondale Illinois campaign to Kurgan's Washington area employer, which in turn passed it on to the "client".
- On March 15, 1984, Samuels called Kurgan, and they agreed to meet in front of the Richard J. Daley Center in downtown Chicago. At that meeting, Kurgan gave Samuels a typewritten list of further information about the Mondale campaign that Kurgan needed. Kurgan also then admitted that he had surreptitiously "accessed" the Mondale computer and had surreptitiously inspected Mondale financial data.
- Kurgan also informed Samuels at this meeting that he had worked on telephone banks for the Mondale campaign.

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- Howard Miller, who was also interviewed on tape, is a private detective with an office in Falls Church, Virginia. Miller controlled a team of spies who infiltrated the Mondale Illinois campaign and the phone banks run by organized labor on Mondale's behalf.
- Miller's spies posed as volunteers for the Mondale Illinois campaign; one of those spies was Kurgan.
- After Kurgan was publicly unmasked by Samuels, Miller quickly flew to Chicago and dissolved his network of spies. Miller refused to disclose the name of the "client" for whom he had organized the team of spies.<sup>1/</sup>

The Complaints Should Be  
Dismissed Because Of NRWC's  
Egregious Conduct

The conduct described above, and in previous filings with the Commission, is not only egregious and dishonest, it is unlawful. It is a crime to use corporate funds to influence or affect the election of any candidate for federal office,<sup>2/</sup> but

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<sup>1/</sup> The Complaint submitted by NRWC in MUR 1704 shows that Howard Miller was hired by NRWC to perform clandestine operations in the Mondale campaign. See Attachment K.

<sup>2/</sup> 2 U.S.C. § 441b(a)

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this is precisely what NRWC has done by spending some \$100,000 for its spying and infiltration efforts to defeat Walter Mondale. It is unlawful to conspire to "intimidate" any citizen entitled to vote "from giving his support or advocacy in a legal manner" to a candidate for federal office,<sup>3/</sup> but this is precisely what NRWC has done by publicized activities<sup>4/</sup> that plainly intimidate persons lawfully working for the MPC.<sup>5/</sup>

MPC already has contended that NRWC's complaints should be dismissed for two essential reasons. First, strong public policy reasons compel the dismissal of complaints based on a reprehensible, unlawful scheme to infiltrate a campaign and gain information from it under false pretenses. Second, the Commission should not, implicitly or explicitly, condone such activities that, NRWC has confirmed, are continuing. For the Commission in any way to give its imprimatur to such illegal conduct would serve to encourage future spying, infiltration,

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<sup>3/</sup> 42 U.S.C. § 1985(3).

<sup>4/</sup> NRWC publicly has boasted about its spying campaign on May 18, 1984. See Washington Post, May 19, 1984, p. A6.

<sup>5/</sup> Various Illinois statutes apparently were also violated. See, e.g., ILL. ANN. STAT. ch. 46 § 29-4, which make it a felony to prevent any person by "intimidation . . . from . . . lawfully supporting . . . the nomination or election of any person for public office." See further ILL. ANN. STAT. ch. 38, § 16-9. ("Unlawful use of a computer"), which makes it a crime, inter alia, to use computer data without the consent of the owner.

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pilfering and similar dirty tricks by NRWC and others. The Commission's task is to prevent improper campaign activities, not to give them support.

The additional facts presented above bring into even clearer focus the nature of NRWC's intolerable actions. What follows below are further legal reasons for the principal relief the MPC seeks -- dismissal of the complaints because of NRWC's unconscionable conduct.

In MUR 1704, NRWC asks that the Mondale campaign "be ordered to return [allegedly] excessive contributions and . . . be ordered to pay the maximum civil penalty for [an allegedly] knowing and willful violation." NRWC thus is in an analogous position to a private plaintiff that seeks injunctive relief from a court. Consequently, for reasons similar to those underlying the "unclean hands" doctrine, NRWC's complaints should be dismissed.

The "unclean hands" doctrine is based on the maxim that "he who comes into equity must come with clean hands." Precision Company v. Automotive Co., 324 U.S. 806, 814 (1945). The doctrine bars relief to "those guilty of improper conduct in the matters to which they seek relief." C.J.S. Equity § 93 at 1006. Courts apply the doctrine "not to favor a defendant, but because of the interest of the public." Bell and Howard

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Co. v. Bliss, 262 F. 131, 135 (7th Cir. 1919). In particular, courts have employed the doctrine to prevent the judicial process from abuse by litigants attempting to use the courts to further fraudulent or illegal schemes. As the Supreme Court has said, "to aid such a party in such a case would make this court the abettor of inequity." Keystone Co. v. Excavator Co., 290 U.S. 240, 245 (1933), citing Bein v. Heath, 47 U.S. (6 How.) 228, 247 (1848). See also Precision Co. v. Automotive Co., 324 U.S. at 814.

The unclean hands doctrine applies when three conditions are present: (1) the conduct of the applicant is fraudulent, illegal, or otherwise unconscionable; (2) the misconduct relates directly to the subject matter of the dispute; and (3) application of the doctrine will further the public interest and will not work an injustice. C.J.S. Equity §§ 93-98.

As to the first criterion, the "misconduct need not necessarily have been of such a nature to be punishable as a crime so as to justify legal proceedings of any character. Any willful act concerning the cause of action which rightfully can be said to transgress equitable standards of conduct is sufficient cause for the invocation of the [doctrine] . . ." Precision Co., 324 U.S. at 815. See also Hanson and Associates v. Farmers Cooperative Assoc., 403 F.2d 65, 70 (8th Cir. 1968)

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(wrongdoing need not be "sufficient to constitute a basis for legal action"). Thus, courts have applied the doctrine to bar recovery for applicants (1) who failed to report a competitor's perjury to a patent office and instead pressured the competitor to assign the patent to the applicant (Precision Co., supra), (2) who mismanaged a company to obtain better terms for an option to buy the company (Hanson & Associates, supra), and (3) who concealed evidence in a patent infringement suit (Keystone Co. v. Excavator Co., 290 U.S. 240 (1933)). In the present circumstance, the facts show more than mere unconscionable conduct; rank illegalities are present.

The second condition is that "the inequitable conduct which will defeat plaintiff's recovery must be conduct with reference to the transaction on which he bases his suit . . ." H. McClintock, Handbook of the Principles of Equity 62 (2d Ed. 1948). In other words, the misconduct must be related in some way to the subject matter of the suit or to abuses of the judicial processes regarding the action before the court. For example, the Supreme Court barred a plaintiff from recovering in a suit alleging five patent violations where plaintiff improperly concealed evidence regarding one of those patents. Keystone Co. v. Excavator Co., supra. In another patent infringement case, the Court denied recovery because plaintiff attempted to expand a patent's protection and contravened

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congressional policies found in the antitrust laws. Morton Salt v. G.S. Suppiger Co., 314 U.S. 488, 493 (1942). In the immediate situation, NRWC's illegal conduct provided information on which it based its complaints, and the second condition allowing the doctrine's application is plainly met.

The third condition is that application of the doctrine be consistent with the public interest. In Morton Salt, the Supreme Court applied the doctrine to further the public interest, stating that "additional consideration must be taken into account where maintenance of the suit concerns the public interest as well as private interest of suitors . . ." The public interest here demands that the Commission take all possible steps to deter NRWC's clandestine, illegal activities. To do so will not prevent the Commission from investigating the alleged violations of federal election laws here involved. If the NRWC complaints are dismissed, the delegate committee issue will still be decided by the Commission since it has been raised in MUR 1667.

Although the doctrine of clean hands traditionally has been applied only in equitable proceedings, a number of courts have used it in actions at law. See, e.g. Ranchers Exploration and Development Co. v. Anaconda Co., 248 F. Supp. 708, 728 (C.D. Utah 1965) ("the unclean hands doctrine, in its proper

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application, is not limited to action purely equitable . . ."); Union Pacific Railroad Co. v. Chicago and Northwestern Railroad Co., 226 F. Supp. 400, 410 (N.D. Ill. 1964) ("the clean hands doctrine is not peculiar to equity, but expresses a general principle equally applicable to damage actions"); Fibreboard Paper Product Corp. v. East Bay Union of Machinists, 39 Cal. Reprtr. 64, 97 (1964) (" . . . the equitable defense of clean hands is available in this state as a defense to a legal action.").

Moreover, the National Labor Relations Board on occasion has applied the unclean hands doctrine to administrative actions similar to FEC proceedings.<sup>6/</sup> The NLRB uses the doctrine to dismiss actions that abuse its administrative processes to further the illegal or unethical ends of the complaining parties. For example, the NLRB dismissed a complaint by the Meatcutter's Union against a rival union because "we will not countenance a charging party misusing the Board's processes by constantly filing and withdrawing repetitious charges both with and without merit . . ." Fernandez

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<sup>6/</sup> The NLRB, like the FEC, receives complaints from individuals regarding violations of a federal act, investigates those charges, and attempts to obtain compliance with the federal laws under its jurisdiction. Like the Federal Election Campaign Act, the federal labor laws provide that only the agency can act on an initial complaint to enforce the federal act under its jurisdiction.

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Mr. Charles N. Steele  
July 30, 1984  
Page 11

Supermarket, Inc., 203 NLRB 568, 569 (1973). The NLRB dismissed a Teamsters complaint against an incumbent union after the NLRB learned that the Teamsters had persuaded an employer to hire two employees knowing that the rival union would demand their discharge -- an event allowing the Teamsters to file NLRB charges against the rival union. The NLRB observed that "the Board's process has . . . been invoked . . . for the sole purpose of getting the Board to assist the Teamsters in its scheme . . ." Vaughn Bower, 93 NLRB 1147, 1153-54 (1951). See also Laura Modes Co., 144 NLRB 1592 (1953) (NLRB declined to provide remedy because of complainant union's violence against employer); Doral Beach Hotel, 245 NLRB 774 (1979).

The Supreme Court has upheld the NLRB's authority to dismiss complaints because of a complainant's misconduct. In NLRB v. Indiana and Michigan Electric Co., 318 U.S. 9, 18-19 (1943), the Court declared:

The Board has wide discretion in the issue of complaints . . . [I]t is not required by the statute to move on every charge; it is merely enabled to do so. It may decline to be imposed on or to submit its processes to abuse . . .

Like the NLRB, the FEC has discretion to dismiss a complaint without an investigation. Congress contemplated such action in 2 U.S.C. § 437(g)(a)(1), which provides that the

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Mr. Charles N. Steele  
July 30, 1984  
Page 12

Commission need not provide a respondent the opportunity to answer a complaint if, prior to a "reason to believe" investigation, it votes to dismiss the complaint. See also 11 C.F.R. § 111.6(b).

Surely, dismissal here is appropriate where the NRWC has used illegal, unscrupulous means to attempt to defeat Walter Mondale and attack organized labor, but nonetheless seeks the Commission's acquiescence -- indeed, its cooperation -- in this reprehensible scheme. Any other action by the Commission, besides dismissal, inevitably would encourage unlawful vigilante election activities, a result the Commission obviously should avoid. The Commission should dismiss NRWC's complaints in MURS 1702, 1703, and 1704.

Sincerely,

David M. Ifshin

David M. Ifshin  
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant  
Deputy General Counsel

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STATE OF ILLINOIS )  
                          ) SS.  
COUNTY OF COOK    )

AFFIDAVIT OF  
ERIC N. MACEY

Eric N. Macey, being first duly sworn, on oath deposes and states as follows:

1. I am an attorney licensed to practice law in the State of Illinois and a partner in the law firm of Levy and Erens located at Suite 1100, 208 South LaSalle Street, Chicago, Illinois 60604.

2. On Thursday morning, July 26, 1984, the law firm of Reuben & Proctor located at 19 South LaSalle Street, Chicago, Illinois 60603, made available to me for viewing a videotape ("the Tape") of two investigative reports compiled by Rich Samuels ("Samuels"), a television reporter for WMAQ-TV, Channel 5 in Chicago, Illinois. The duration of the Tape was approximately eleven minutes. On information and belief, the aforesaid investigative reports were included as part of two separate newscasts produced by WMAQ-TV.

3. I viewed the Tape three times and, based on that viewing and my notes thereof, the Tape indicated as follows:

- Paul M. Kurgan ("Kurgan") was an "undercover mole" who worked for a private detective firm in the Washington, D.C. area.
- Kurgan was an ex-marine who had lived in Fairfax,

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Virginia and had previously worked for the Columbia, Maryland branch of the Ecoles security firm.

- Kurgan's assignment for the private detective firm who employed him was to "infiltrate" the Illinois campaign staff of Democratic presidential nominee Walter F. Mondale ("Mondale"). Kurgan's goal was to "dig up dirt on organized labor's role" in the Mondale campaign.
- Kurgan tried to recruit Samuels to help him in connection with infiltrating the Illinois campaign staff of Mondale in exchange for giving Samuels a story.
- Kurgan signed his name as "Paul M. Kurgan" on the volunteer sign-up sheet at the Chicago headquarters of the Illinois Mondale campaign.
- Kurgan came to Chicago two and one-half weeks prior to the date of the Tape and presented himself as a volunteer for Mondale at the Chicago headquarters of the Illinois Mondale campaign.
- In performing volunteer services, Kurgan worked in the staff room, did volunteer mailings, and drove in a Mondale motorcade on at least one occasion.
- Kurgan admitted that information he gathered while working as a volunteer for the Illinois Mondale campaign was passed on to his employer in the Washington, D.C. area which, in turn, passed it on to the "client"; however, Kurgan claimed he was never told who the "client" was.

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- Reed Larson ("Larson"), the President of the National Right to Work Committee, charged that the use of union dues to support Walter Mondale was "legalized extortion." Larson stated that the National Right to Work Committee was hiring private investigators to use all lawful means to gather information concerning organized labor's activities in the Mondale campaign.
- The National Right to Work Committee is based in Springfield, Virginia and has been "waging a pitched battle against organized labor" for more than three decades.
- One of the announced goals of the National Right to Work Committee is to infiltrate the Mondale campaign to ascertain the role of organized labor therein, and, in pursuance of that objective, Larson stated that he envisions the cost of the project to go well into six figures. According to Samuels, the goals described to him by Kurgan were consistent with the goals announced by the National Right to Work Committee.
- March 13, 1984 was the first time Kurgan surfaced in Illinois. The occasion was a Mondale fund raiser at which Kurgan was wearing a Mondale for President button. At that fund raiser, Kurgan approached Samuels and asked to speak with him in private.
- During that private conversation, Kurgan disclosed to Samuels that he was not really working for the Mondale

campaign but was working for a group trying to gather information on the campaign.

- Samuels asked Kurgan if he was working for the National Right to Work Committee, but Kurgan only smiled in response.
- Kurgan told Samuels in their private conversation that he was trying to get certain telephone records but was not having much luck and thought Samuels would have better access to the telephone records. Kurgan then gave Samuels a telephone number which was an answering service.
- Late Thursday afternoon (i.e., March 15, 1984), Samuels called Kurgan, and they agreed to meet at the Picasso statue in front of the Richard J. Daley Center in downtown Chicago. At that meeting, Kurgan gave Samuels a typewritten list of information Kurgan needed on the Mondale campaign. In addition, Kurgan admitted that he had "accessed the Mondale computer" at the Chicago Mondale campaign headquarters "when nobody was looking" and that he had "inspected Mondale financial data" at the campaign headquarters "when nobody was looking."
- At the top of Kurgan's typewritten list were questions concerning "labor union telephone banks."
- Kurgan also informed Samuels at this second meeting that he had hired two bi-linguals to obtain information on Spanish voters and that he had been working on telephone

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banks for the Mondale campaign.

- That evening, Samuels asked Kurgan to speak on camera, but Kurgan declined. Kurgan has never been seen again by Samuels or the Mondale campaign staff.
- Howard Miller ("Miller") is a private detective with an office in Falls Church, Virginia. Miller controlled a "team of spies" who infiltrated the Mondale campaign, including phone banks run by organized labor on Mondale's behalf.
- Miller admitted looking into alleged labor activities in the Mondale campaign.
- Miller's spies posed as volunteers for the Mondale campaign, and "one of those spies was Kurgan."
- After Kurgan was publicly unmasked by Samuels, Miller quickly flew to Chicago and dissolved his network of spies. Miller refused to disclose the name of the "client" on whose behalf he had organized a team of spies; however, the National Right to Work Committee publicly announced it hired private detectives to spy on labor's contribution to Walter Mondale.
- Larson previously hired the private detective firm of Associated Investigators located in Washington, D.C. to conduct spying activities. These activities included:
  - spying on the senatorial campaign of Donald Frazier in Minnesota;

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- posing as graduate students to infiltrate the Georgia State archives to look at Jimmy Carter campaign records; and
- pumping a union staffer for information at the Hyatt Regency O'Hare Hotel in Chicago, Illinois.

4. I have personal knowledge of the foregoing, and if I were ever sworn as a witness, I could competently testify thereto.

Further, Affiant sayeth naught.

Eric N. Macey  
Eric N. Macey

SUBSCRIBED AND SWORN to  
before me this 26<sup>th</sup> day  
of July, 1984.

Margaret J. Herman  
Notary Public

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**SENSITIVE**

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

**FEDERAL ELECTION COMMISSION**

1325 K Street, N.W.

Washington, D.C. 20468 84 JUL 6 A 9: 22

**FIRST GENERAL COUNSEL'S REPORT**

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

MUR # 1703  
DATE COMPLAINT RECEIVED  
BY OGC 5/18/84  
DATE OF NOTIFICATION TO  
RESPONDENT 5/29/84  
STAFF MEMBER M. Tarrant

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

RESPONDENTS' NAMES: Mondale for President Committee, Inc.  
and Michael S. Berman, as treasurer,  
National Education Association Political  
Action Committee and Don Cameron, as  
treasurer, National Education  
Association, Amalgamated Clothing and  
Textile Worker's Union, Amalgamated  
Clothing and Textile Worker's Union PAC  
and Jacob Sheinkman, as treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 441b, 441d  
11 C.F.R. §§ 114.3(c)(1) and (4)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

**SUMMARY OF ALLEGATIONS**

Complainants have alleged that the Amalgamated Clothing and Textile Workers' Union ("Amalgamated") in Chicago violated 2 U.S.C. § 441b by warehousing and distributing Mondale campaign flyers to the general public. Some of the flyers were paid for by the Mondale for President Committee, Inc. ("MPC"). It is not alleged that MPC coordinated with Amalgamated in the reproduction and distribution of the flyers. In addition, it is alleged that the union violated 2 U.S.C. § 441d by distributing flyers endorsing Mondale which did not state who paid for and/or

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authorized them. The third allegation concerns Amalgamated's partisan get-out-the-vote campaign whereby union phone bank operators were instructed to provide transportation to only those union members who indicated they supported Mondale. Finally, it is alleged that Amalgamated allowed an National Education Association ("NEA") agent, Sue Hoffer, to use Amalgamated's office free of charge to make phone calls on behalf of Mondale in violation of 2 U.S.C. § 441b.

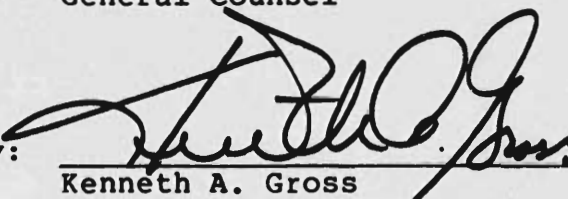
**REQUESTS FOR EXTENSIONS**

On June 8, 1984, a request for an extension was received from counsel representing Amalgamated. The Office of the General Counsel granted an extension until July 6, 1984. On June 11, 1984, a request for an extension was received from counsel representing MPC and Michael Berman. The Office of the General Counsel granted an extension until July 2, 1984. On June 12, 1984, a response was received from NEA.

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

Charles N. Steele  
General Counsel

8 5 0 4 0 5 3 2 8 0 3  
July 5, 1984  
Date

By:   
Kenneth A. Gross  
Associate General Counsel

GCC#3543

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1703

NAME OF COUNSEL: Arthur M. Goldberg, George A. Kirschenbaum, Barbara Jane Carey  
~~Amalgamated Clothing & Textile Workers Union~~

ADDRESS: 15 Union Square West  
New York, N.Y. 10003

TELEPHONE: 212-242-0700

JUN 8 11:12

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

June 6, 1984  
Date

\_\_\_\_\_  
Signature

RESPONDENT'S NAME: Amalgamated Clothing & Textile Workers Union  
ADDRESS: 333 South Ashland Avenue  
Chicago, Illinois 60607

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

BUSINESS PHONE: 312-738-6100

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G CC # 3543

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1703

NAME OF COUNSEL: Arthur M. Goldberg, George A. Kirschenbaum, Barbara Jane Carey  
Amalgamated Clothing & Textile Workers Union

ADDRESS: 15 Union Square West  
New York, N.Y. 10003

TELEPHONE: 212-242-0700

1118 P 1:12

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

June 6, 1984  
Date

\_\_\_\_\_  
Signature

RESPONDENT'S NAME: Amalgamated Clothing & Textile Workers Union

ADDRESS: 333 South Ashland Avenue  
Chicago, Illinois 60607

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

BUSINESS PHONE: 312-738-6100

85040532805





AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003  
(212) 242-0700

662946  
RECEIVED AT THE FEC

MURRAY H. FRIEL  
President

**HAND DELIVERED**  
84 JUL 6 AM 11:33  
SCOTT HOYMAN  
Executive Vice President

JUL 6 P 2: 14

*Jarrant*

July 5, 1984

**EXPRESS MAIL No. B 38663032**

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

Re: **MUR 1703**

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union ("ACTWU") to the Complaint filed in MUR 1703.<sup>1/</sup> The National Right to Work Committee ("NRWC") and Ralph Hettinga claim to have filed the Complaint "on behalf of all working men and women who are compelled, under threat of losing their jobs to support unions financially." (Complaint at 1) It must be noted, that no affidavits or factual allegations were submitted to support this serious assertion of misconduct. Moreover, the factual allegations and affidavits proffered with the Complaint fail to establish any violation of the Federal Election Campaign Act ("FECA"), as outlined more fully below in a discussion of the three counts of the Complaint.

<sup>1/</sup> Amalgamated Clothing and Textile Workers Union Political Action Committee (ACTWU-PAC) was invited to submit a response to MUR 1703. ACTWU-PAC has neither been named as a Respondent in the Complaint, nor referenced in any of the factual allegations. Consequently, as it appears that no response by ACTWU-PAC would be relevant or helpful, no response will be submitted.

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**VICE PRESIDENTS**

JOHN ALLERUZO  
SAMUEL J AZZINARO  
KILMER CABAN  
LES CALDER  
FRANK CALECA  
CHARLES BUD CLARK

ED CLARK  
JEAN-MARC COUTURE  
OLGA DIAZ  
JAMES DILLON  
HENRY DROPKIN  
BRUCE DUNTON  
GARRY FERRARIS  
JOHN FOX

SAM FOX  
ANGELO G GEORGIAN  
HARRY GORDON  
MARION E GROCE  
NICHOLAS GYORY  
WILLIAM HALL  
JOSEPH HUIGHE  
JAMES JACKSON

JAMES A JOHNSON  
ARTHUR LOEVY  
RICHARD MacFADYEN  
JOYCE D MILLER  
VERA MILLER  
MURRAY MORENO  
FRANK NICHOLAS JR  
CARMEN PAPAIE

BRUCE RAYNOR  
CHARLES SALLEE  
LEON SPITZER  
PETER J SWOBODA  
CECIL TOPPIN  
JIM WALRAVEN

Count I

ACTWU denies communicating with the general public in an effort to encourage the public to vote for Walter Mondale in the primary election in violation of 2 U.S.C. § 441b.

Affidavits of NRWC's private investigators are submitted to "reflect that Mondale campaign flyers were being warehoused and distributed through Respondent's phone bank." (Complaint at 2; Attachments 1-3) Significantly, the attached affidavits fail to identify any connection between ACTWU or any of its staff members and the volunteers distributing Mondale campaign literature. Nor do the affidavits establish any unlawful connection between the volunteers to the Mondale campaign and the Union operated phone banks. The Complainants' assertions of wrongdoing are based on speculation. Any appearance of wrongdoing, as vaguely suggested in the affidavits of NRWC's private investigators, are easily dispelled when the facts are reviewed in the context of the leasing arrangement and the legitimate Union activities in support of Walter Mondale.

The 7th Congressional District Delegates for Mondale Committee ("Delegate Committee") leased facilities and equipment from Chicago and Central States Joint Board of ACTWU, and has been billed for the use and services pursuant to that lease. (Copies of the lease and invoice are attached hereto as Exhibits 1 and 2) The leasing and reimbursement arrangement complies with federal regulations. 11 C.F.R. 114.9(d) Our investigation

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reveals that Mondale literature was stored in a drawer of a filing cabinet of ACTWU's office for a short period of time, and the Delegate Committee was billed accordingly. It is our understanding that Bill Taylor, delegate and Treasurer for the Delegate Committee, supervised volunteers in distributing campaign literature on Sunday, March 18, 1984. The Union had nothing to do with a distribution of flyers on March 18th. In fact, to our knowledge there were few, if any, Union staff members or representatives present in the building that weekend. Rather, the ACTWU staff was present at a Joint Board meeting at the Chicago Ambassador West Hotel.

ACTWU denies directing or participating in the distribution of literature to the general public. The only flyer distributed by ACTWU staff or members was a COPE piece entitled "On Key Issues Good Ideas Top 'New Ideas' . . . Mondale Tops Hart," which was distributed to Union members and their families. (An original copy of this flyer is attached hereto as Exhibit 3.) This flyer was a one page document, printed with the Union bug and identified as an AFL-CIO COPE communication. The exhibits appended to the attachments to the Complaint appear to be modified versions of the COPE flyer, and we cannot identify the source of the modified flyers.<sup>2/</sup> It is possible that copies of the COPE flyer left on lobby table in the ACTWU building could have been inadvertently picked up by a volunteer, but such a misappropriation of the COPE flyer was beyond

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<sup>2/</sup> On information and belief, the COPE flyer was not xeroxed or amended by ACTWU staff or members. There was an ample supply of the printed flyer and no need to reproduce additional copies.

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the control of ACTWU. ACTWU has consistently made best efforts and instructed its staff to assure that partisan communications were properly distributed to members of the permissible class pursuant to 11 C.F.R. § 114.3(c) of the federal regulations.

Three separate, but redundant, affidavits were submitted by private investigator Mary Hemauer in support of Count I. (See Attachments 3-5 to Complaint). No violations of the FECA on the part of ACTWU are described in these statements.<sup>3/</sup> There is no impropriety in accepting volunteer help to work on phone banks or to assist in mailings to the appropriate class of Union members and their families. Similarly, the factual allegations in the affidavit of private investigator Paul M. Kurgan, Attachment 6, fail to establish any misconduct or violation on the part of ACTWU. ACTWU had no knowledge as to the affiliations of the volunteer identified as Sue Hoffer and had no reason to believe she was an "agent of the National Education Association (the "NEA")" as alleged in the Complaint. The help of volunteers was gratefully accepted without interrogation or investigation into their backgrounds, as is evident from the number of paid NRWC spies who offered assistance to Union phone banks and direct mail projects.

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<sup>3/</sup> Investigator Hemauer suggests that versions of the COPE flyer entitled "On Key Issues . . . were given to volunteers to distribute in the community. (Attachment 4, ¶ 4; Attachment 5, ¶ 4) Significantly, she fails to identify who was distributing or instructing the volunteers on the weekend of March 17-18th. As stated above, the Union denies that any of its representatives directed the distribution of partisan communications to the general public.

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COUNT II

ACTWU denies violating § 441(d) of FECA by failing to disclose who authorized or paid for flyers appended to Attachments 4 and 5, entitled "On Key Issues . . ." The disclosure requirements of § 441(d) apply to general public political advertising, and do not pertain to a labor organization's partisan communications to union members and their families. As stated above, the COPE flyer "On Key Issues . . ." was communicated to the permissible class and best efforts were made to comply with FECA and federal regulations. 11 CFR § 114.3(a).

COUNT III

ACTWU denies violating federal election law or federal regulations by conducting a partisan get-out-the-vote campaign in support of Walter Mondale. Labor organizations are permitted to engage in partisan communications through phone banks and get-out-the-vote drives. 11 CFR § 114.3(c), (3) and (4). The Union activities in support of Mondale were lawful partisan communication in compliance with federal regulations.

An AFL-CIO COPE phone bank operated at ACTWU's offices at 333 South Ashland Boulevard, Chicago, during the weekend and evening hours prior to the Democratic primary election of March 20, 1984. Phone calls were made to AFL-CIO union members and their families to encourage voter registration and votes for Mondale. Follow-up calls were made to those union members and their families who identified themselves as being pro-Mondale. No transportation services were provided by ACTWU or COPE in connection with this phone bank. Since no transportation services were provided, complainants' allegation that transportation was withheld on a partisan basis must fail.

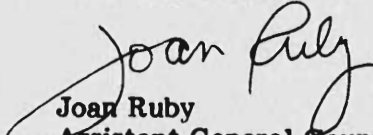
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CONCLUSION

ACTWU has made good faith efforts to comply with the letter and spirit of the FECA, and no evidence has been presented to demonstrate any misuse of ACTWU's treasury funds or unlawful partisan communications. The Complaint is replete with vague allegations and suggestions of wrongdoing unsupported by fact. The integrity of the federal election process will not be served by pursuing meritless allegations and attempted distortions of legitimate election activity.

For all of the above stated reasons, Respondent ACTWU respectfully requests that no further action be taken on this matter and that the Complaint be dismissed in its entirety.

Very truly yours,

  
Joan Ruby  
Assistant General Counsel

JR:hb

cc: Kenneth A. Gross  
Marybeth Tarrant  
Arthur M. Goldberg  
George A. Kirschenbaum

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AGREEMENT FOR THE USE OF LABOR ORGANIZATION  
FACILITIES AND EQUIPMENT

1. The 7th Congressional District Delegates for Mondale Committee ("Committee") and the Chicago and Central States Joint Board of the Amalgamated Clothing and Textile Workers Union (ACTWU) ("labor organization") agree this 1st day of February, 1984 that for the consideration set forth below, the Committee will use the following facilities and equipment of the labor organization on the dates indicated:
2. Dates of Use: From February 1st to March 14th on Wednesday afternoons from 4:00 p.m. to 6:00 p.m.
3. Location of facilities to be used: Library at ACTWU Center 333 S. Ashland Ave., Chicago, IL
4. Description of facilities and equipment: Meeting room
5. Other (e.g., supplies, services): Typing if necessary at \$9.00 per hour

The labor organization agrees to invoice the Committee for the actual use of the facilities and equipment set forth above in an amount based on the normal and usual rental charge for such facilities and equipment in this community and including any actual telephone charges incurred by the Committee. The invoice will also include billing for the cost of any supplies provided to the Committee. The labor organization will promptly provide its invoice to the Committee, 2201 Wisconsin Avenue, N.W., Washington, D.C. 20007.

The Committee agrees to reimburse the labor organization for use of the labor organization's facilities within a commercially reasonable time (60 to 90 days).

The undersigned Committee representative is authorized to sign this Agreement on behalf of the Committee.

Signed:

6. Libby Savies  
Name

7. [Signature]  
Name of Treasurer

8. Political Action & Education Director  
Position

429 W. Superior Street  
Apartment 511  
Chicago, IL 60610

Chicago & Central States Joint Board  
Amalgamated Clothing and Textile  
Workers Union  
333 S. Ashland Ave.  
Chicago, IL 60607

7th Congressional District  
Delegates for Mondale Committee

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NO. 1101



**AMALGAMATED CLOTHING & TEXTILE WORKERS UNION**  
333 SOUTH ASHLAND AVE. CHICAGO, ILLINOIS 60607  
AREA CODE 312/738-6100

DATE

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7th Congressional District  
Delegates for Mondale  
c/o Bill Taylor  
429 W. Superior St.  
Chicago, IL 60610

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March 23, 1984

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1 7	Room for Meetings	10 00	70 00
2 4 hours	Secretarial Time	9 00	36 00
3	Other: including use of automobiles,		
4	copy machines and storage cabinet.		64 00
5			
6			
<b>PLEASE MAKE CHECK PAYABLE TO:</b>			<b>TOTAL ▶ \$170 00</b>

CHICAGO & CENTRAL STATES JOINT BOARD, ACTWU     AMALGAMATED CENTRE

REMITTANCE COPY - PLEASE RETURN WITH PAYMENT

Exhibit 2

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

ISSUE	MONDALE	HART
<b>Jobs, the economy</b>	Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries; trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
<b>Help for the jobless</b>	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
<b>Trade</b>	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
<b>Job Safety/Health</b>	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
<b>Taxes</b>	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted <b>against</b> adequate tax on windfall oil profits.

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**ISSUE****MONDALE****HART****Housing**

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to **deny adequate funding** for low and middle income housing.

**Gas price control**

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel, —would add \$140 to average home fuel bill.

**Youth**

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

8 5 0 4 0 5 3 2 8 1 5 **Mondale: A Good Idea of What America Can Be**

# VOTE MONDALE

**Democratic Primary**

**AFL-CIO COPE WASHINGTON, D.C.**

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

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The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

ISSUE	MONDALE	HART
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**ISSUE**

**MONDALE**

**HART**

**Housing**

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to **deny adequate funding** for low and middle income housing.

**Gas price control**

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**Youth**

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Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

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**Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

**Democratic Primary**

**AFL-CIO COPE WASHINGTON, D.C.**



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AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003-3377



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

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Mondale for President  
2201 Wisconsin Avenue, N.W.  
Washington, D.C. 20007  
Telephone: 202-625-1800

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**MONDALE**  
OFFICE OF THE  
FEDERAL ELECTION COMMISSION

July 2, 1984 JUL 6 P2:13

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

RE: MUR 1703

Dear Mr. Steele:

This letter constitutes the response of the Mondale for President Committee, Inc. ("MPC") to the complaint in MUR 1703.

I. BACKGROUND

In the instant complaint the National Right to Work Committee ("NRWC") seeks to harvest the fruits of its deliberate and continuing program of using paid spies to infiltrate MPC and organizations of citizens working on behalf of MPC. The complaint alleges that the Amalgamated Clothing and Textile Workers Union ("ACTWU"), the only named respondent, violated the Federal Election Campaign Act, as amended (the "Act") by certain activities undertaken in support of Walter F. Mondale.

The complaint contains three Counts. Count I alleges in essence that the ACTWU office in Chicago was used to distribute literature favoring Mondale. Count II alleges that certain literature was distributed without appropriate information as to who authorized and paid for it. Count III alleges that instructions

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were given that get-out-the-vote assistance should be provided on a partisan basis.

The sole evidentiary support for the allegations are affidavits prepared by persons employed by NRWC as part of its ongoing dirty-tricks campaign. According to the affidavits, several of NRWC's paid agents infiltrated an ACTWU office in Chicago shortly before the Illinois Presidential Primary Election by identifying themselves as Mondale volunteers and participating in various activities to further Mr. Mondale's candidacy. The affidavits describe the agents' perceptions of certain activities they observed while engaged in their spy mission. Based on the statements of its hirelings, NRWC has attempted to construct certain legal theories to the effect that ACTWU's conduct violated the Act. MPC is not named in the complaint as a respondent, nor is MPC accused in the complaint of conduct violative of the Act.

It is the position of MPC that the conduct of NRWC and its agents is unlawful, morally reprehensible and contrary to the public policies which the Commission is mandated to protect. Accordingly, MPC urges the Commission to dismiss the complaint forthwith or, alternatively, to strike the affidavits which comprise the factual bases for the complaint. See the Motion to Strike filed by MPC on June 25, 1984 with respect to MURs 1702, 1703 and 1704. MPC here reiterates that position and respectfully submits that NRWC's lawlessness and dirty tricks so pervade the complaint that no resolution by the Commission other than dismissal is appropriate.

MPC further submits that the complaint should be dismissed by the Commission against MPC without further action against MPC

for the additional reasons that MPC is not a proper respondent, that the complaint lacks credible factual support, and that the complaint alleges no facts which, even if considered by the Commission and taken as true, would constitute a violation of the Act by MPC. The evil here is in the eyes -- and the conduct -- of the beholders: NRWC and its paid spies.

## II. RESPONSE

A. MPC is Not a Proper Respondent; the Commission's Procedures Allow No Further Action Against MPC in the Absence of Respondent Status.

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

The instant complaint does not name MPC as a respondent, nor

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

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

B. The Affidavits Provide Insufficient Credible Factual Support to Base a Valid Complaint; in the Absence of Factual Support the Complaint Should Be Dismissed and No Further Action Taken.

The affidavits from NRWC's paid spies provide the sole factual support for the complaint. The credibility of those affidavits is open to serious question. There is no dispute that affiants routinely and extensively lied in the course of their "mission". Each affiant made false representations that they wanted to volunteer to support the election of Mondale. They took and disposed of Mondale literature under false pretenses. Indeed, in order to justify their fees and their continued em-

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ployment, there would be incentive for NRWC's spies to create evidence. At a minimum, the statements of persons paid to report "violations" should be subjected to special scrutiny. So viewed, affiants' tactics certainly raise the question of whether facts were omitted or twisted in the affidavits in order to further affiants' interests and mission.

It is apparent from a reading of the affidavits that NRWC's spies had little, if any, knowledge of how political activity takes place, had very limited comprehension of what they were observing, and had no access to information concerning the payment for or arrangement of any of the activities they observed.

Indeed, every instance which NRWC's agents describe is consistent with activities that would be perfectly proper under the Act. It is only the NRWC's strained speculations which convert them into possible violations. The facts alleged in this complaint are consistent with activities permissible under the Act and provide no reason to believe that a violation of the Act has occurred.

C. The Complaint Fails to State a Violation by MPC; the Complaint Should Be Dismissed as Against MPC and No Further Action Taken.

As set forth above, the complaint fails to name MPC as a respondent. None of the counts of the complaint allege conduct by MPC which would violate the Act.

1. Count I fails to state a violation of the Act by MPC.

Insofar as Count I might bear on MPC, it merely alleges that some persons -- identified by the complaint as volunteers -- obtained literature in support of Mondale from the ACTWU headquarters on a weekend day shortly before the Illinois Primary and distributed it. To the extent that this count alleges that the

union was communicating with the general public, such allegation is belied by the disclaimer which complainants describe on the literature that indicates that it was paid for by MPC.

There is no allegation that MPC provided the literature expressly to have it distributed through a union hall or that MPC was involved in the distribution effort.\*/ There is also no basis given for their assertion that MPC was "warehousing" literature in the union hall. While the affidavits indicate that some NRWC spies who presented themselves as volunteers at MPC headquarters to work on phone banks were referred to the union phone bank, there is no allegation that MPC referred volunteers to the union hall for the purpose of distributing literature.

MPC's policy is to make literature available to volunteers and groups which may properly receive and distribute it. Obviously, MPC literature was widely available in Illinois immediately before the Illinois primary. Many Mondale supporters obtained such literature in quantity and then proceeded to distribute it. Even if volunteer union employees and members took some of this literature to a union hall and distributed it, there is no violation of the Act. 11 C.F.R. Section 114.9(b).

In short, Count I alleges nothing which would comprise a violation of the Act by MPC. It should, therefore, be dismissed as against MPC and no further action should be taken.

\*/ MPC is unable to identify any of the individuals described in the affidavits who allegedly organized the distribution of literature.

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2. Count II fails to state a violation of the Act by MPC.

Count II alleges that certain literature which supported Mondale did not contain information regarding authorization and payment. The complaint does not allege that MPC authorized or paid for the literature and, based on a review of MPC records and MPC's firm policy of printing its literature through union printers, including both authorization information and a printing "bug", MPC denies that it authorized or paid for the literature in question.

More importantly, the Act requires a disclaimer only if the literature is distributed through general public advertising, including direct mail. 2 U.S.C. Section 441d(a); 11 C.F.R. Section 110.11(a). Affiants themselves admit that the literature in question was distributed only by hand. Therefore, even if the allegations are taken as true, the absence of authorization and payment information on the literature was not violative of the Act. Since Count II states no violation of the Act, it should be dismissed and no further action should be taken.

3. Count III fails to state a violation of the Act by MPC.

Count III alleges that a union member or employee told one of NRWC's infiltrators to call union members and determine who would receive voter assistance based on candidate preference. No allegation is made that such calls were in fact made, that such determinations were made, or that assistance was offered to members on a partisan basis. Again, no involvement by MPC in the alleged operation of the telephones in question is asserted. Since MPC was not involved in the described activities, Count III should be dismissed with respect to MPC and no further action

shall be taken.

III. CONCLUSION

For the reasons set forth above and in MPC's June 25, 1984, Motion to Strike, the Commission should find no reason to believe that MPC has violated the Act and should take no further action in this matter.

Respectfully submitted,

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

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

*M. David Vaughn*  
M. David Vaughn  
Of Counsel *By CWO*

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**MONDALE**

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

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# United Steelworkers of America 84 JUL 2

AFL-CIO-CLC

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

June 29, 1984

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

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

Dear Ms. Tarrant:

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

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

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

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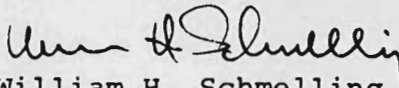
JUN 1 1984

Charles N. Steele, General Counsel  
Attention: Marybeth Tarrant

June 29, 1984

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

Very truly yours,

  
William H. Schmelling  
Assistant General Counsel

WHS/am  
Enclosure

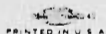
cc: USWA PAF  
USWA Local Union 65  
AFL-CIO Political Contributions Committee

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United Steelworkers of America

AFL-CIO

ONE EAST WACKER DRIVE  
SUITE 1910  
CHICAGO, ILLINOIS 60601



85040532830



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

STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF COOK    )

AFFIDAVIT OF LUPE VALADEZ

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

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

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

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

05040532831

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

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

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

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

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

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

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

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

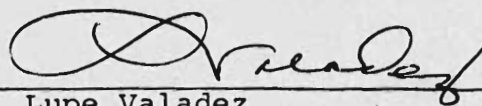
11. The reference in paragraph 4 of Ms. Delagarza's affidavit to her being directed to distribute election-related material "in the area of 103rd Street . . ." is unspecific. 103rd Street runs all the way from the Indiana-Illinois state line through the 2nd Congressional District in Illinois.

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

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

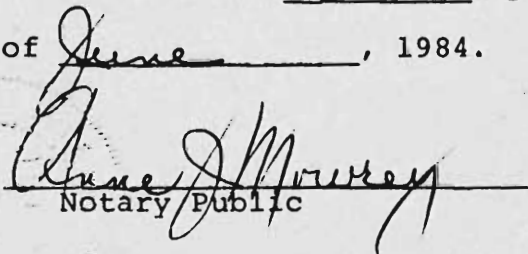
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13. In the main entrance area of Local Union 65's offices and hall, Local Union 65 maintains an "information table," which usually is stacked with copies of the Steelworkers' International Union newspaper, Steelabor, the USWA District 31 Voice, Local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



Lupe Valadez

Subscribed and Sworn to  
Before me this 28<sup>th</sup> day  
of June, 1984.

  
Notary Public

85040502835



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1984

Joan Ruby, Assistant General Counsel  
Amalgamated Clothing and Textile  
Workers Union  
15 Union Square  
New York, New York 10003

Re: MUR 1703  
Amalgamated Clothing and  
Textile Workers Union

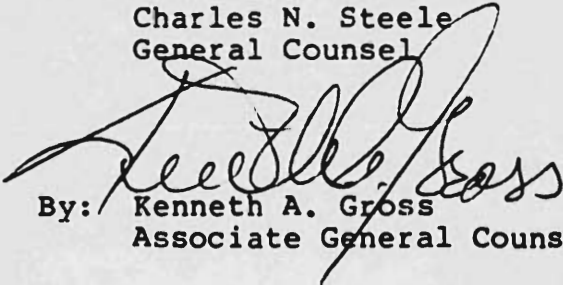
Dear Ms. Ruby:

This is in reference to your letter dated June 6, 1984, requesting an extension until July 6, 1984, to respond to the Commission's notification that a complaint has been filed against your client. After considering the circumstances presented in your letter, the Office of General Counsel has determined to grant you your requested extension. Accordingly, your response will be due on July 6, 1984.

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

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

cc: Arthur Goldberg  
George A. Kirschenbuam  
Barbara Jane Carey

35040532836



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1984

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

Re: MUR 1703  
Mondale for President  
Committee, Inc.  
Michael S. Berman, Treasurer

Dear Ms. Oliphant:

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

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

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

85040532837





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

DON CAMERON, Executive Director

RECEIVED AT THE FEC  
 60# 3576

LEGAL SERVICES: 05  
 OFFICE OF GENERAL COUNSEL

MUR 1703  
 Tarrant

June 11, 1984

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

Re: MUR 1703

Dear Mr. Steele:

On May 29, 1984, you wrote to the National Education Association ("NEA") regarding the above MUR, which is based upon a complaint that has been filed against the Amalgamated Clothing and Textile Workers by the National Right to Work Committee and Ralph Martin (Bud) Hettinga, Jr. Inasmuch as the complaint does not name NEA as a respondent, a formal response does not appear to be called for under the DESCRIPTION OF PRELIMINARY PROCEDURES FOR PROCESSING COMPLAINTS FILED WITH THE FEDERAL ELECTION COMMISSION that accompanied your letter. I am nonetheless sending you this letter on behalf of NEA.

The only reference to NEA in the complaint is the following statement that appears in Count I:

Attachment 6 reflects that an agent of the [NEA] was permitted to use Respondent's office free of charge to make calls in support of Mondale at the direction of her headquarters.

Attachment 6 is an affidavit by Paul M. Kurgan, a private investigator, in which he states, among other things, that a woman named Sue Hoffer "said she had been asked by, I believe, the Teachers' Union, to help out in the Mondale campaign;" that "she calls 'the main headquarters office and they tell her where

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MUR 1703  
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to call even if they are not union members;" and that "she must call and find out what area or district is to be phoned." Kurgan asserts further that he was told by someone named Joe Velasquez that Hoffer "was from the National Education Association," and it is solely on the basis of this assertion that complainants accuse the respondent Amalgamated Clothing and Textile Workers of having "permit[ted] the NEA to use Respondent's office free of charge for presidential election purposes [in violation of] 2 U.S.C. § 441b."

The Commission's Regulations require that a complaint "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 CFR § 111.4(d)(3). Although it is patently clear that the vague assertions in Mr. Kurgan's affidavit do not pass muster under this standard, we defer to the respondent Amalgamated Clothing and Textile Workers in regard to this and other defenses. The dispositive point for present purposes is that the complaint does not even allege a violation of the Act on the part of NEA, and in the absence of such an allegation we think it inappropriate to provide information vis-a-vis activities that may or may not have been undertaken by NEA in connection with the Democratic primary in Illinois. We note, however, that Sue Hoffer has not at any time been employed by NEA, and if she was in fact "us[ing] Respondent's office free of charge to make calls in support of Mondale", Complaint, Count I, (an allegation as to which we offer no comment) she was not doing so with the knowledge or approval, much less "at the direction of", NEA.

Accordingly, we respectfully request that the Commission take no action against NEA in connection with this MUR.

Sincerely,



Robert H. Chanin  
General Counsel

RHC:gm

85040532840

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1703

NAME OF COUNSEL: Robert Chanin

ADDRESS: National Education Association

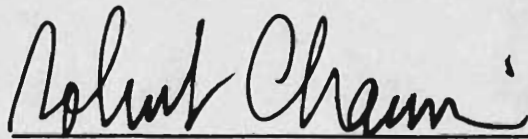
1201 16th Street, NW

Washington, D.C. 20036

TELEPHONE: 202-822-7035

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

6/11/84  
Date

  
Signature  
For Mary Futrell

~~RESPONDENT~~ NAME: Mary Futrell

ADDRESS: same as above

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

BUSINESS PHONE: 202-822-7026

85040532841

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1703

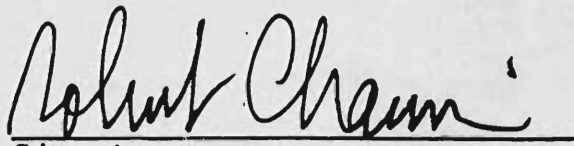
NAME OF COUNSEL: Robert Chanin

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

TELEPHONE: 202-822-7035

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

6/11/84  
Date

  
Signature  
For Mary Futrell

~~RESPONDENT~~ NAME: Mary Futrell

ADDRESS: same as above

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

BUSINESS PHONE: 202-822-7026

85040532842



NATIONAL EDUCATION ASSOCIATION

1200 16th St., N.W.  
Washington, D C 20036

95040532



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

602# 3572

June 11, 1984

KEN,

FYI

JUN 11 11 43:43

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

RE: MUR 1703

Dear Mr. Steele,

As indicated in my phone conversation with Mary Beth Tarrant on Friday, June 8, the Mondale for President Committee, Inc. respectfully requests an extension of time of 15 days in which to file a response to MUR 1703.

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

Thank you for your consideration of this request.

Sincerely,

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

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AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003  
(212) 242-0700

MURRAY H. FINLEY  
President

RECEIVED AT THE FEC  
601 # 3 643  
JACK SHEINMAN  
84908 AID: 43  
SCOTT HOYMAN  
Executive Vice President

June 6, 1984

Certified Mail-R.R.R.412670516

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

Re: MUR 1703

Dear Ms. Tarrant:

Enclosed please find a Statement of Designation of Counsel in MUR 1703 for Respondent Amalgamated Clothing and Textile Workers Union, wherein the undersigned is included in the designated counsel.

On behalf of Respondent Amalgamated Clothing and Textile Workers Union, I respectfully request an extension of time to gather the necessary information to respond to the allegations in the complaint.

I understand that a copy of MUR 1703 was received in Arthur Loevy's office on Friday, June 1, 1984. The people with information relevant to the allegations in the Complaint will be unavailable during the period from June 4, 1984 thru June 15, 1984 because of Amalgamated Clothing and Textile Workers Union's General Executive Board meeting and Triennial International Convention in Florida. I will also be required to be out of the office the following week of June 18, 1984.

Due to these circumstances and scheduling conflicts, I respectfully request an extension of time until July 6, 1984. I thank you for your consideration of this request.

Very truly yours,

*Joan Ruby*  
Joan Ruby  
Assistant General Counsel

JR/mdc

cc: Arthur M. Goldberg  
George A. Kirschenbaum  
Barbara Jane Carey

VICE PRESIDENTS

JOHN ALLERUZO  
SAMUEL J. AZZINARO  
KILMER CABAN  
LES CALDER  
FRANK CALECA  
CHARLES BUD CLARK

ED CLARK  
JEAN-MARC COUTURE  
OLGA D'AZ  
JAMES DILLON  
HENRY DROPKIN  
BRUCE DUNTON  
GARRY FERRARIS  
JOHN FOX

SAM FOX  
ANGELO G. GEORGIAN  
HARRY GORDON  
MARION E. GROCE  
NICHOLAS GYORY  
WILLIAM HALL  
JOSEPH HUIGHE  
JAMES JACKSON

JAMES A. JOHNSON  
ARTHUR LOEVY  
RICHARD MacFADYEN  
JOYCE D. MILLER  
VERA MILLER  
MURRAY MORENO  
FRANK NICHOLAS JR.  
CARMEN PAPALE

BRUCE RAYNOR  
CHARLES SALLEE  
LEON SPITZER  
PETER J. SWOBOGA  
CECIL TOPPIN  
JIM WALRAVEN

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JUN 8 11:12

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AFL-CIO, CLC

NEW YORK, N.Y. 10003-3377

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**CERTIFIED**

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**MAIL**

RECEIVED BY THE FBI

84 JUN 8 AIO: 43

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

SCOTT HOYMAN  
Executive Vice President

AFL-CIO, CLC

IN SQUARE • NEW YORK, N.Y. 10003  
2-0700

June 6, 1984

Certified Mail-R.R.R.412670516

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

Ken,

FYI

JUN 8 11:12

Re: MUR 1703

Dear Ms. Tarrant:

Enclosed please find a Statement of Designation of Counsel in MUR 1703 for Respondent Amalgamated Clothing and Textile Workers Union , wherein the undersigned is included in the designated counsel.

On behalf of Respondent Amalgamated Clothing and Textile Workers Union , I respectfully request an extension of time to gather the necessary information to respond to the allegations in the complaint.

I understand that a copy of MUR 1703 was received in Arthur Loevy's office on Friday, June 1, 1984. The people with information relevant to the allegations in the Complaint will be unavailable during the period from June 4, 1984 thru June 15, 1984 because of Amalgamated Clothing and Textile Workers Union's General Executive Board meeting and Triennial International Convention in Florida. I will also be required to be out of the office the following week of June 18, 1984.

Due to these circumstances and scheduling conflicts, I respectfully request an extension of time until July 6, 1984. I thank you for your consideration of this request.

Very truly yours,

*Joan Ruby*  
Joan Ruby

JR/mdc

cc: Arthur M. Goldberg  
George A. Kirschenbaum  
Barbara Jane Carey

Assistant General Counsel

VICE PRESIDENTS

JOHN ALLERUZO  
SAMUEL J. AZZINARO  
KILMER CABAN  
LES CALDER  
FRANK CALECA  
CHARLES BUD CLARK

ED CLARK  
JEAN-MARC COUTURE  
OLGA DIAZ  
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JOHN FOX

SAM FOX  
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HARRY GORDON  
MARION E. GROCE  
NICHOLAS GYOPY  
WILLIAM HALL  
JOSEPH HUIGHE  
JAMES JACKSON

JAMES A. JOHNSON  
ARTHUR LOEVY  
RICHARD MacFADYEN  
JOYCE D. MILLER  
VERA MILLER  
MURRAY MORENO  
FRANK NICHOLAS JR.  
CARVEN PAPALE

BRUCE RAYNOR  
CHARLES SALLEE  
LEON SPITZER  
PETER J. SWOBODA  
CECIL TOPPIN  
JIM WALRAVEN

85040532847



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: MUR 1703

Dear Mr. Ifshin and Ms. Oliphant:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1703. Please refer to this number in all future correspondence.

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

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

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

05040532848

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

Sincerely,

Charles N. Steele  
General Counsel

*[Handwritten Signature]*  
By Kenneth A. Gross  
Associate General Counsel

85040532849

- Enclosures
- 1. Complaint
  - 2. Procedures

cc: Walter F. Mondale

5/29/84

PS Form 3811, July 1982

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

(CONSULT POSTMASTER FOR FEES)

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

Show to whom and date delivered .....

Show to whom, date, and address of delivery .....

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

TOTAL \$

3. ARTICLE ADDRESSED TO: *Martin/ouphant Mondale for Pres. Cncl, Inc. 2201 Wisconsin Ave, NW Suite 100 - Wash, DC 20007*

4. TYPE OF SERVICE:

REGISTERED       INSURED      ARTICLE NUMBER

CERTIFIED       COD      *943732*

EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*Andrew Gust*

5. DATE OF DELIVERY *5/30/84*

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

\* GPO: 1982-379-603

*Mull 1703-Tarrant*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don Cameron, Treasurer  
National Education Association  
Political Action Committee  
1201 16th Street, N.W.  
Washington, D.C. 20036

Re: MUR 1703

Dear Mr. Cameron:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that the National Education Association Political Action Committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1703. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the National Education Association Political Action Committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

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

95040532850

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

Sincerely,

Charles N. Steele  
General Counsel

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

85040562851

Enclosures

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

5/19/84

Pg. Form 3811, July 1982

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

**(CONSULT POSTMASTER FOR FEES)**

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

Show to whom and date delivered .....

Show to whom, date, and address of delivery .....

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

TOTAL \$ .....

3. **ARTICLE ADDRESSED TO:**  
Don Cameron, Treas  
NEA - PAC  
1201 - 16th St., NW  
Washington, DC 20036

4. **TYPE OF SERVICE:**

<input type="checkbox"/> REGISTERED	<input type="checkbox"/> INSURED	ARTICLE NUMBER  943733
<input checked="" type="checkbox"/> CERTIFIED	<input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL		

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized Agent

*al young*

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (only if requested)

*Wheat*

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

MAY 30 1984

GPO: 1982-379-503

Nub 1703 Tarrant

RETURN RECEIPT



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mary Futrell, President  
National Education Association  
1201 16th Street, N.W.  
Washington, D.C. 20006

Re: MUR 1703

Dear Ms. Futrell:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your union, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1703. Please refer to this number in all future correspondence.

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

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

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

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

05040532852

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

Sincerely,

Charles N. Steele  
General Counsel

*[Handwritten Signature]*  
By Kenneth A. Gross  
Associate General Counsel

85040532853

Enclosures

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

5/29/04

PS Form 3811, July 1982

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

**(CONSULT POSTMASTER FOR FEES)**

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

Show to whom and date delivered ..... \$

Show to whom, date, and address of delivery .. \$

2.  RESTRICTED DELIVERY ..... \$  
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:** *Mary Futrell, Pres*  
*NEA*  
*1201 - 16th St., NW*  
*Washington, DC 20006*

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**

REGISTERED  INSURED

CERTIFIED  COD *943734*

EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

**SIGNATURE**  Addressee  Authorized agent

*[Handwritten Signature]*

5. **DATE OF DELIVERY** **POSTMARK**  
(may be on reverse side)

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

*[Handwritten Address]*

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**

GPO: 1982-379-503

*Mel 1703-Tarrant*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Arthur Loevy, President  
Amalgamated Clothing and Textile  
Worker's Union  
333 South Ashland Avenue  
Chicago, ILL 60607

Re: MUR 1703

Dear Mr. Loevy:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that your union, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1703. Please refer to this number in all future correspondence.

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

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

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

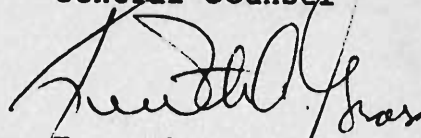
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040532854

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

Sincerely,

Charles N. Steele  
General Counsel



By Kenneth A. Gross  
Associate General Counsel

65040532855

Enclosures

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jacob Sheinkman, Treasurer  
Amalgamated Clothing and Textile  
Worker's Union PAC  
15 Union Square  
New York, NY 10003

Re: MUR 1703

Dear Mr. Sheinkman:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that the Amalgamated Clothing and Textile Worker's Union PAC and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1703. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the Amalgamated Clothing and Textile Worker's Union PAC and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

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

65040532856

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

Sincerely,

Charles N. Steele  
General Counsel

*[Handwritten Signature]*  
By Kenneth A. Gross  
Associate General Counsel

95040532857

Enclosures

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

5/29/84

PS Form 3811, July 1982

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

**(CONSULT POSTMASTER FOR FEES)**

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

Show to whom and date delivered .....

Show to whom, date, and address of delivery .....

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

TOTAL \$ .....

3. **ARTICLE ADDRESSED TO:** *Jacob Sheinkman  
Amalgamated Clothing & Textile  
Workers' Union PAC  
15 Union Square - NY, NY 10003*

4. **TYPE OF SERVICE:**

<input type="checkbox"/> REGISTERED	<input type="checkbox"/> INSURED	<b>ARTICLE NUMBER</b>  943736
<input checked="" type="checkbox"/> CERTIFIED	<input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL		

(Always obtain signature of addressee or agent)

I have received the article described above.

**SIGNATURE**  Addressee  Authorized agent

*Donna Marie Smith*

5. **DATE OF DELIVERY** \_\_\_\_\_ **POSTMARK**  
(may be on reverse side)

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

7. **UNABLE TO DELIVER BECAUSE:** \_\_\_\_\_ **7b. EMPLOYEE'S INITIALS**

\* GPO: 1982-379-503

1703 - Tarrant



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

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

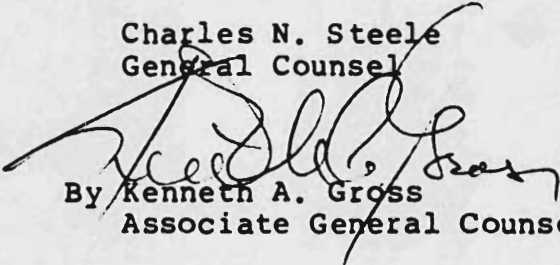
Dear Mr. Hettinga:

This letter is to acknowledge receipt of your complaint which we received on May 18, 1984, against Amalgamated Clothing and Textile Workers' Union, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By Kenneth A. Gross  
Associate General Counsel

Enclosure

85040502858



3 5 0 4 0 5 3 2 8 5 9

PS Form 3811, July 1982

MAIL 1703 Tenant

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

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).
- Show to whom and date delivered ..... c
  - Show to whom, date, and address of delivery .. s
  - 2.  **RESTRICTED DELIVERY** ..... s  
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:** Ralph Martin (Bud)  
Helena, MT  
646 Compress Road  
Las Cruces, New Mexico 88001

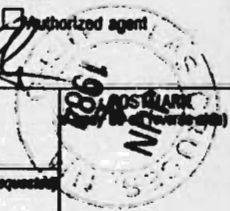
4. <b>TYPE OF SERVICE:</b>	<b>ARTICLE NUMBER</b>
<input type="checkbox"/> REGISTERED	943727
<input checked="" type="checkbox"/> CERTIFIED	
<input type="checkbox"/> EXPRESS MAIL	
<input type="checkbox"/> INSURED	
<input type="checkbox"/> COD	

(Always obtain signature of addressee or agent)

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

5. **DATE OF DELIVERY**

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



7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT

5/29/84



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 1984

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

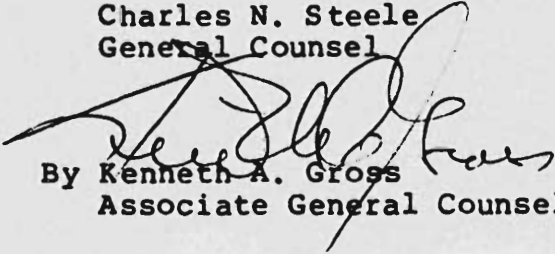
Dear Sir/Madam:

This letter is to acknowledge receipt of your complaint which we received on May 18, 1984, against Amalgamated Clothing and Textile Workers' Union, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By Kenneth A. Gross  
Associate General Counsel

Enclosure

85040532860

85040532861

MAIL 1703 Tenant

PS Form 3811, July 1982

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

**(CONSULT POSTMASTER FOR FEES)**

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

Show to whom and date delivered ..... \$

Show to whom, date, and address of delivery .. \$

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

**TOTAL \$** \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:** The National Rights to Work Committee  
8001 Braddock Road Suite 500  
Springfield, VA 22160

4. **TYPE OF SERVICE:**

REGISTERED       INSURED

CERTIFIED       COD

EXPRESS MAIL

**ARTICLE NUMBER**  
943728

*(Always obtain signature of addressee or agent)*

I have received the article described above.

**SIGNATURE**  Addressee     Authorized agent

*O. Quinones*

5. **DATE OF DELIVERY**  
5/31/84

**POSTMARK**  
(may be on reverse side)

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

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT

5/29/84

• GPO: 1982-579-503

BEFORE THE  
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, )  
 and )  
 RALPH MARTIN (BUD) HETTINGA, JR., )  
 Complainants, )  
 v. )  
 AMALGAMATED CLOTHING AND TEXTILE )  
 WORKERS' UNION, )  
 Respondent. )

MUR 1703

Attachment 1

85040532862

COMPLAINT

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

Respondent is the Amalgamated Clothing and Textile Workers' Union, located at 333 South Ashland Avenue, Chicago, Illinois 60607.

Complainants are filing this Complaint on behalf of all working men and women who are compelled, under threat of losing their jobs, to support unions financially. Section 441b of Title 2, United States Code, prohibits unions from using general treasury funds to make contributions and expenditures in connec-

tion with federal elections. Any misuse of treasury funds must be remedied immediately both to protect the rights of employees who are forced, against their will, to support the pet political goals of union officials and to protect the integrity of the federal election process. Complainants believe that Respondent has violated § 441b and other provisions of the Federal Election Campaign Act, as amended, as is specifically detailed below.

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

COUNT I .

Respondent has engaged in a campaign of communicating with the general public in an effort to encourage members of the general public to vote for Walter F. Mondale in the Illinois primary held this year, in violation of 2 U.S.C. § 441b.

Attachments 1, 2, and 3 reflect that Mondale campaign flyers were being warehoused and distributed to the general public through Respondent's phone bank operation. These flyers were distributed at a church in the vicinity of Chicago's 52nd and 55th Streets, and at apartment buildings in the Dearborn Park area of Chicago.

85040532863

Attachments 4 and 5 also reflect that flyers were being distributed to the general public through Respondent's phone bank operation. The flyers described in Attachment 4 were distributed in office buildings. The flyers described in Attachment 5 were distributed in the Hispanic community.

Attachment 6 reflects that an agent of the National Education Association (the "NEA") was permitted to use Respondent's office free of charge to make calls in support of Mondale at the direction of her headquarters' office. Complainants are aware of no relationship between Respondent and the NEA which would allow Respondent to permit the NEA to use Respondent's office free of charge for presidential election purposes without violating 2 U.S.C. § 441b.

COUNT II

Respondent has violated 2 U.S.C. § 441d by failing to disclose who authorized and who paid for the flyers appended to Attachments 4 and 5.

COUNT III

Respondent violated 2 U.S.C. § 441b by conducting a partisan get-out-the-vote campaign in support of Walter F. Mondale.

Attachment 7 reflects that union phone bank operators were instructed to offer transportation only to those union members who indicated that they supported Mondale for President.

85040532864

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

THE NATIONAL RIGHT TO WORK COMMITTEE

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

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

Lorraine A. Colson  
Notary Public

My Commission expires on November 30, 1987

85040532865

Bud Hettznga, Jr.  
Ralph Martin (Bud) Hettznga, Jr.

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

[Signature]  
Notary Public

My Commission expires on 1/5/87

85040532866



# National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

HEADQUARTERS AT THE NATION'S CAPITAL

RECEIVED AT THE FED  
GCC # 4661  
84 SEP 12 PR: 10

September 11, 1984

1703

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

Dear Mr. Gross:

On May 18, 1984, The National Right to Work Committee and Ralph Martin (Bud) Hettinga, Jr., filed a complaint alleging violations of the federal election laws by the Amalgamated Clothing and Textile Workers' Union in Chicago, Illinois.

Count I of the complaint alleged illegal use of the Textile Workers' phone bank by an agent of the National Education Association, Sue Hoffer.

While reviewing reports filed by Mondale for President, Inc., we discovered that the Mondale campaign owes expense money to a Sue Hofer. (See, attached page bearing FEC No. 84033034679.) Therefore, it appears that the individual using the Textile Workers' phone bank may have been an agent of the Mondale campaign, and the investigation should be expanded accordingly.

Sincerely,

THE NATIONAL RIGHT TO WORK COMMITTEE

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

Subscribed and sworn to before me this 11<sup>th</sup> day of September, 1984, by William A. Wilson as Vice President of The National Right to Work Committee.

Anne Mary O'Reilly  
Notary Public

My commission expires on 19 May 1985

cc: Mr. Hettinga

Enclosure

85040532867

94033034679

Sue Hofer 2147 'O' Street, N.W. Washington, D.C. 20037	186.26	-0-	-0-	186.26
Nature of Debt (Purpose): expense reimbursement				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor Hoffman House Post Office Box 1025 Rochester, Minnesota 55903	129.32	-0-	-0-	129.32
Nature of Debt (Purpose): meetings/food				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn Alton Parkway 3800 Beltine Parkway Drive Alton, Illinois 62002	258.69	-0-	-0-	258.69
Nature of Debt (Purpose): lodging				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn of Minn. Dtn. 1313 Nicollet Avenue Minneapolis, MN 55407	-0-	6/1/84 151.25	-0-	151.25
Nature of Debt (Purpose): lodging				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn/KC Int'l. Airport 11832 Plaza Circle Kansas City, MO 64153	-0-	6/6/84 52.04	-0-	52.04
Nature of Debt (Purpose): lodging				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor Holiday Inn of Cullman Cullman, Alabama 35056	-0-	6/1/84 358.40	-0-	358.40
Nature of Debt (Purpose): lodging				
1) SUBTOTALS This Period This Page (optional)				1135.96
2) TOTAL This Period (last page this line only)				
3) TOTAL OUTSTANDING LOANS from Schedule D-P (last page only)				

RECEIVED AT THE FEC  
HAND DELIVERED

BEFORE THE  
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE,  
and  
RALPH MARTIN (BUD) HETTINGA, JR.,  
Complainants,  
v.  
AMALGAMATED CLOTHING AND TEXTILE  
WORKERS' UNION,  
Respondent.

MUR 1703

COMPLAINT

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

Respondent is the Amalgamated Clothing and Textile Workers' Union, located at 333 South Ashland Avenue, Chicago, Illinois 60607.

Complainants are filing this Complaint on behalf of all working men and women who are compelled, under threat of losing their jobs, to support unions financially. Section 441b of Title 2, United States Code, prohibits unions from using general treasury funds to make contributions and expenditures in connec-

85040532869

tion with federal elections. Any misuse of treasury funds must be remedied immediately both to protect the rights of employees who are forced, against their will, to support the pet political goals of union officials and to protect the integrity of the federal election process. Complainants believe that Respondent has violated § 441b and other provisions of the Federal Election Campaign Act, as amended, as is specifically detailed below.

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

COUNT I .

Respondent has engaged in a campaign of communicating with the general public in an effort to encourage members of the general public to vote for Walter F. Mondale in the Illinois primary held this year, in violation of 2 U.S.C. § 441b.

Attachments 1, 2, and 3 reflect that Mondale campaign flyers were being warehoused and distributed to the general public through Respondent's phone bank operation. These flyers were distributed at a church in the vicinity of Chicago's 52nd and 55th Streets, and at apartment buildings in the Dearborn Park area of Chicago.

85040532870

Attachments 4 and 5 also reflect that flyers were being distributed to the general public through Respondent's phone bank operation. The flyers described in Attachment 4 were distributed in office buildings. The flyers described in Attachment 5 were distributed in the Hispanic community.

Attachment 6 reflects that an agent of the National Education Association (the "NEA") was permitted to use Respondent's office free of charge to make calls in support of Mondale at the direction of her headquarters' office. Complainants are aware of no relationship between Respondent and the NEA which would allow Respondent to permit the NEA to use Respondent's office free of charge for presidential election purposes without violating 2 U.S.C. § 441b.

COUNT II

Respondent has violated 2 U.S.C. § 441d by failing to disclose who authorized and who paid for the flyers appended to Attachments 4 and 5.

COUNT III

Respondent violated 2 U.S.C. § 441b by conducting a partisan get-out-the-vote campaign in support of Walter F. Mondale.

Attachment 7 reflects that union phone bank operators were instructed to offer transportation only to those union members who indicated that they supported Mondale for President.

85040532871

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

THE NATIONAL RIGHT TO WORK COMMITTEE

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

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

Lorraine A. Colson  
Notary Public

My Commission expires on November 30, 1987

85040532872

*Bud Hettinga, Jr.*

Ralph Martin (Bud) Hettinga, Jr.

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

*Samuel J. Forest*

Notary Public

My Commission expires on 1/5/87

85040532873

**HAND DELIVERED**  
84 MAY 18 P 3: 18

BEFORE THE  
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, )  
and )  
RALPH MARTIN (BUD) HETTINGA, JR., )  
Complainants, )  
v. )  
AMALGAMATED CLOTHING AND TEXTILE )  
WORKERS' UNION, )  
Respondent. )

MUR

1703

COMPLAINT

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

Respondent is the Amalgamated Clothing and Textile Workers' Union, located at 333 South Ashland Avenue, Chicago, Illinois 60607.

Complainants are filing this Complaint on behalf of all working men and women who are compelled, under threat of losing their jobs, to support unions financially. Section 441b of Title 2, United States Code, prohibits unions from using general treasury funds to make contributions and expenditures in connec-

85040532874

tion with federal elections. Any misuse of treasury funds must be remedied immediately both to protect the rights of employees who are forced, against their will, to support the pet political goals of union officials and to protect the integrity of the federal election process. Complainants believe that Respondent has violated § 441b and other provisions of the Federal Election Campaign Act, as amended, as is specifically detailed below.

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

COUNT I

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35040532873

85040532876

Attachments 4 and 5 also reflect that flyers were being distributed to the general public through Respondent's phone bank operation. The flyers described in Attachment 4 were distributed in office buildings. The flyers described in Attachment 5 were distributed in the Hispanic community.

Attachment 6 reflects that an agent of the National Education Association (the "NEA") was permitted to use Respondent's office free of charge to make calls in support of Mondale at the direction of her headquarters' office. Complainants are aware of no relationship between Respondent and the NEA which would allow Respondent to permit the NEA to use Respondent's office free of charge for presidential election purposes without violating 2 U.S.C. § 441b.

COUNT II

Respondent has violated 2 U.S.C. § 441d by failing to disclose who authorized and who paid for the flyers appended to Attachments 4 and 5.

COUNT III

Respondent violated 2 U.S.C. § 441b by conducting a partisan get-out-the-vote campaign in support of Walter F. Mondale.

Attachment 7 reflects that union phone bank operators were instructed to offer transportation only to those union members who indicated that they supported Mondale for President.

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

THE NATIONAL RIGHT TO WORK COMMITTEE

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

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

Lorraine A. Colson  
Notary Public

My Commission expires on November 30, 1987

85040532877

Bud Hettinga, Jr.  
Ralph Martin (Bud) Hettinga, Jr.

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

Samuel J. Forest  
Notary Public

My Commission expires on 1/5/87

85040532878

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ERNEST W. LYLES, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, Va, being duly sworn, depose that:

1. While in the company of Richard Lawrence, another investigator with Miller & Associates, Ltd. in the vicinity of the Amalgamated Clothing and Textile Workers' Union Hall at 333 Ashland Avenue, Chicago, Illinois, at approximately 2:00 pm on March 18, 1984, we observed the following:

a. Four Black male youths between the approximate ages of 14 and 17, came out of the Union Hall with stacks of one-page flyers. We asked them what they were doing and where they were going. They said they were in a hurry to get to church before it let out so that they could distribute the flyers there. They also said that they were going to distribute them in the vicinity of 52nd and 55th Streets after they finished at the church. The boys got into a car and left, but before doing so, they gave me 17 copies of the flyer. A copy of the one-page flyer, the original of which was green in color, is Exhibit 1 to this Affidavit, and bears the heading "When Martin Luther King was Here in Illinois..." and bears my initials "EL" and the time "1400 hrs" and the date "3/18/84." The flyer reflects that it was "Paid for by Mondale for President, Inc."

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b. At approximately 4:15, we came back to the vicinity of the Clothing and Textile Workers' Union Hall and observed the vehicle which the Black youths who were distributing the flyers had been driving was parked by the Union Hall and observed that it bore Illinois License plates # BTZ 368 and was a red, mid-size vehicle, a 1978 Plymouth 4-Door.

2. Through sources available to Investigator Lawrence and me, we determined that Illinois License Plates # BTZ are registered to a Morris Donnell whose address is 1319 South Washtenaw, Chicago, IL.

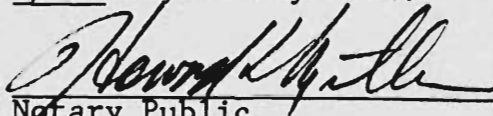
WITNESS THE FOLLOWING Signature:

  
ERNEST W. LYLES, JR

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) To-Wit:

I, Howard L. Miller, a Notary Public in and for the County aforesaid, in the State of Virginia, do hereby certify that Ernest W. Lyles, Jr., whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15 day of May 1984.

  
Notary Public

My Commission Expires: 9 FEBRUARY 1985

05040532830

# WHEN MARTIN LUTHER KING WAS HERE IN ILLINOIS FIGHTING FOR OPEN HOUSING 14 YEARS AGO, WALTER MONDALE WAS IN WASHINGTON LEADING THE FIGHT FOR THE HISTORIC FAIR HOUSING ACT OF 1968!!

EXHIBIT 1

WHEN MARTIN REACHED OUT FOR A FRIEND IN THE U.S. SENATE, HE FOUND A WILLING AND STEADY PARTNER IN MONDALE. AND MONDALE HAS NEVER LET US DOWN. TODAY, WALTER MONDALE HAS THE SUPPORT OF THE KING FAMILY...OF HUNDREDS OF BLACK ELECTED OFFICIALS...OF MILLIONS OF BLACK VOTERS. AND ALL FOR GOOD REASON!

## Mondale's Commitment To Civil Rights And Social Justice Is Proven!!

### THEN

- \* Organized first civil rights demonstration in Minnesota history in 1962.
- \* Cosponsored original Voting Rights Act of 1965 .
- \* Fought for school desegregation.
- \* Pushed for affirmative action.
- \* Helped increase funding for education and black colleges.

### NOW

- \* Fighting Reaganomics from the beginning.
- \* Attacking Reagan's foot-dragging on voting rights and trashing of Civil Rights Commission.
- \* Proposing jobs programs and help for unemployed.
- \* Running presidential campaign with significant Black staff and services of Black business, including banks, accountants, and travel agencies.

### AS PRESIDENT

- \* Will reverse Reaganomics: raise taxes on the rich and big businesses; restore budget cuts affecting vital social programs, including AFDC and food stamps.
- \* Bring deficits and interest rates down for jobs and economic growth.
- \* Encourage minority enterprise.
- \* Strengthen education.
- \* Enforce Civil Rights Laws.
- \* Restore human rights to American foreign policy-- and freeze nuclear arms.

## AND MONDALE IS THE ONLY CANDIDATE WHO CAN DEFEAT REAGAN!

HE HAS THE EXPERIENCE—AND THE RECORD.  
WE KNOW WHERE HE STANDS—FOR JOBS & SOCIAL JUSTICE.  
AND HE NEEDS YOUR VOTE NOW—TO BEAT REAGAN.

**On March 20th Vote for  
MONDALE FOR PRESIDENT  
AND MONDALE DELEGATES**

AC+T  
3/14/54  
E.K.  
1920 hrs

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, RICHARD E. LAWRENCE, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, VA, being duly sworn, depose that :

1. While in the company of Ernest Lyles, another investigator with Miller & Associates, Ltd. in the vicinity of the Amalgamated Clothing and Textile Workers' Union Hall at 333 Ashland Avenue, Chicago, Illinois, at approximately 2:00 pm on March 18, 1984 we observed the following:

a. Four Black male youths between the approximate ages of 14 and 17, came out of the Union Hall with stacks of one-page flyers. We asked them what they were doing and where they were going. They said they were in a hurry to get to church before it let out so that they could distribute the flyers there. They also said that they were going to distribute them in the vicinity of 52nd and 55th Streets after they finished at the church. The boys got into a car and left, but before doing so, they gave Investigator Lyles 17 copies of the flyer. A copy of the one-page flyer, the original of which was green in color, is Exhibit 1 to this Affidavit, and bears the initials "EL" and the time "1400 hrs" and the date "3/18/84", and

05040532382

bears the heading "When Martin Luther King was Here in Illinois. . ." The flyer reflects that it was "Paid for by Mondale for President, Inc."

b. At approximately 4:15, we came back to the vicinity of the Clothing and Textile Workers' Union Hall and observed the vehicle which the Black youths who were distributing the flyers had been driving was parked by the Union Hall and observed that it bore Illinois License plates #BTZ 368 and was a red, mid-size vehicle, a 1978 Plymouth 4-Door.

2. Through sources available to Investigator Lyles and me, we determined that Illinois License Plates # BTZ 368 are registered to a Morris Donnel, whose address is 1319 South Washtenaw, Chicago, IL.

WITNESS THE FOLLOWING Signature:

*Richard E. Lawrence*  
RICHARD E. LAWRENCE

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) TO-WIT:

I, Howard L. Miller, a Notary Public in and for the County of Fairfax, in the State of Virginia, do hereby certify that Richard E. Lawrence, whose name is signed to the foregoing affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 16 day of May, 1984.

*Howard L. Miller*  
Notary Public

My Commission Expires on the 9 of FEBRUARY 19 85.

05040532890

# WHEN MARTIN LUTHER KING WAS HERE IN ILLINOIS FIGHTING FOR OPEN HOUSING 14 YEARS AGO, WALTER MONDALE WAS IN WASHINGTON LEADING THE FIGHT FOR THE HISTORIC FAIR HOUSING ACT OF 1968!!

EXHIBIT 1

WHEN MARTIN REACHED OUT FOR A FRIEND IN THE U.S. SENATE, HE FOUND A WILLING AND STEADY PARTNER IN MONDALE. AND MONDALE HAS NEVER LET US DOWN. TODAY, WALTER MONDALE HAS THE SUPPORT OF THE KING FAMILY...OF HUNDREDS OF BLACK ELECTED OFFICIALS...OF MILLIONS OF BLACK VOTERS. AND ALL FOR GOOD REASON!

## Mondale's Commitment To Civil Rights And Social Justice Is Proven!!

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### THEN

### NOW

### AS PRESIDENT

- \* Organized first civil rights demonstration in Minnesota history in 1962.
- \* Cosponsored original Voting Rights Act of 1965
- \* Fought for school desegregation.
- \* Pushed for affirmative action.
- \* Helped increase funding for education and black colleges.

- \* Fighting Reaganomics from the beginning.
- \* Attacking Reagan's foot-dragging on voting rights and trashing of Civil Rights Commission.
- \* Proposing jobs programs and help for unemployed.
- \* Running presidential campaign with significant Black staff and services of Black business, including banks, accountants, and travel agencies.

- \* Will reverse Reaganomics: raise taxes on the rich and big businesses; restore budget cuts affecting vital social programs, including AFDC and food stamps.
- \* Bring deficits and interest rates down for jobs and economic growth.
- \* Encourage minority enterprise.
- \* Strengthen education.
- \* Enforce Civil Rights laws.
- \* Restore human rights to American foreign policy-- and freeze nuclear arms.

## AND MONDALE IS THE ONLY CANDIDATE WHO CAN DEFEAT REAGAN!

HE HAS THE EXPERIENCE—AND THE RECORD.  
 WE KNOW WHERE HE STANDS—FOR JOBS & SOCIAL JUSTICE.  
 AND HE NEEDS YOUR VOTE NOW—TO BEAT REAGAN.

**On March 20th Vote for  
 MONDALE FOR PRESIDENT  
 AND MONDALE DELEGATES**

ACT  
 3/14/84  
 EAC  
 1420 HPS

STATE OF ILLINOIS)  
COUNTY OF COOK )

## A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At about 10:30 am on March 17, 1984, I went to the Walter Mondale campaign headquarters in Chicago and volunteered to work on the phone bank for the primary election on March 20th. I was told that they weren't using any phone banks there since they were all out in the Union Halls and I was told that I could go to the Union Building at 333 South Ashland Avenue to work on the phone bank there and I was also given a bunch of Mondale pamphlets to distribute and then I left the Mondale headquarters.

2. At about 1:00 I went to the Amalgamated Clothing and Textile Workers' Union Building at 333 South Ashland Street, where I volunteered to work on the phone banks. When I first arrived, I was asked to go to the Dearborn Park area to distribute Mondale flyers. A girl named "Liz Smith", a white girl, who resides in Chicago and who said she was a social worker for the city, was asked to go with me. The one-page flyers that I was given were headlined 'Good Ideas vs. "New Ideas" - Mondale Knows the Difference

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and a copy of which is Exhibit 1 to this Affidavit and bears my initials "mh" and the date 3/18/84. It is noted that the flyer is "Paid for by Mondale for President, Inc."

3. "Liz" and I were each given probably between 500 and 600 of the pamphlets and we went to ten different apartment buildings with probably a total of about 45 floors and distributed these pamphlets.

4. I returned to the Textile Workers' Building after I finished distributing the flyers in Dearborn Park and was given the job of calling people on behalf of Mondale. I came back again on March 18 and also worked on the phone banks.

5. Among the people that I identified while at the Clothing and Textile Workers' Union hall on March 17 and 18 were the following:

a. Tywander Bush, a 7th District Delegate for Mondale who was helping organize the staff and volunteer help.

b. Gerri Stone, whom I believed to be a Union Member.

c. Fran Hauser, a member of the Brotherhood of Railway and Airline Clerks (BRAC) and who was doing volunteer work.

d. Ralph Jefferson, whom I cannot further identify but who was doing volunteer work.

c. Bill Taylor, whom I cannot further identify but who seemed to be in charge of distribution of pamphlets.

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WITNESS THE FOLLOWING Signature:

Mary Hemaue  
MARY HEMAUER

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

I, MAXINE D. PARSONS, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that MARY HEMAUER, whose name is signed to the foregoing affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15TH day of May, 1984.

Maxine D. Parsons  
Notary Public

My Commission expires on the 8TH of DECEMBER 1985

85040532007



# GOOD IDEAS VS. "NEW" IDEAS

MONDALE KNOWS THE DIFFERENCE

### NUCLEAR ARMS CONTROL

**MONDALE:** First Presidential Candidate to endorse the Nuclear Freeze. Opposes the Reagan Administration's Cohen-Hart "Build-Down" Resolution.

**HART:** Waited till it was popular before endorsing a freeze. Original co-sponsor of the Cohen-Hart "Build-Down" Resolution, which calls for building newer, more dangerous nuclear weapons to replace older ones.

### WOMEN'S ISSUES

**MONDALE:** Lobbied extensively for the ERA, authored the Women's Educational Equity Act and a comprehensive Pay Equity Plan.

**HART:** Failed to sponsor any women's issue legislation that has passed. Supports the ERA.

### SOARING HOSPITAL COSTS

**MONDALE:** Leading supporter of hospital cost containment legislation, a measure demonstrating Mondale's commitment to senior citizens, the chronically ill, and low-income Americans.

**HART:** Voted with the American Medical Assoc. (AMA) and hospital lobby to oppose hospital cost containment.

### OIL COMPANY PROFITS

**MONDALE:** Led the winning fight for a Windfall Profits Tax so that oil companies would pay their fair share.

**HART:** Opposed the corporate Windfall Profits Tax. Now proposes a \$10/barrel surtax on imported oil, costing the average family more than \$340/year.

THE NOMINATION FOR PRESIDENT SHOULD BE DECIDED ON THE ISSUES... NOT "NEW" IDEAS OR "OLD" IDEAS... BUT GOOD IDEAS VS. BAD IDEAS.

LOOK BEYOND THE SLOGANS TO THE ISSUES...VOTE

# MONDALE

Paid for by Mondale for President, Inc.

85040532088

STATE OF ILLINOIS )  
COUNTY OF COOK )

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At about 10:30 am on March 17, 1984, I went to Senator Mondale's campaign headquarters in Chicago, and volunteered to work on the phone bank for the primary election on March 20th. I was told that they weren't using any phone bank there since they were all out in the Union Halls and I was told that I could go to the Union Building at 333 South Ashland Avenue to work on the phone bank there. I was also given a bunch of Mondale pamphlets to distribute and then I left the Mondale Headquarters.

2. I went to the Amalgamated Clothing and Textile Workers' Union Building which is at 333 South Ashland Street and volunteered to work on the phone banks, but I was asked to first distribute Mondale flyers. Another girl and I were given pamphlets to distribute in the Dearborn Park area.

3. I returned to the Textile Workers' Building after I finished distributing the flyers in Dearborn Park and was

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given the job of calling people on behalf of Senator Mondale. I came back again on March 18 and also worked on the phone banks.

4. While working on the phone bank on March 17th and 18th, I observed that stacks of a two-page flyer headlined on the first page "On Key Issues, 'Good Ideas top New Ideas' . . . and on the second page "Issue. . .Mondale. . .Hart" were being given to volunteers, most of whom were young Blacks, and they were given instructions to distribute these flyers to office buildings and leave them in stacks there. A copy of that flyer is attached as Exhibit 1 to this Affidavit and each page bears my initials "mh" and the date "3-18-84."

5. Among the people that I identified while at the Clothing and Textile Workers' Union Hall on March 17th and 18th were the following:

- a. Tywander Bush, a 7th District Delegate for Mondale who was helping organize the staff and volunteer help.
- b. Gerri Stone, whom I believed to be a union member.
- c. Fran Hauser, a member of the Brotherhood of Railway and Airline Clerks (BRAC) and who was doing volunteer work.
- d. Ralph Jefferson, whom I cannot further identify but who seemed to be in charge of distribution of pamphlets.

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WITNESS THE FOLLOWING Signature:

Mary Hemaue  
MARY HEMAUER

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

I, MAXINE D. PARSONS, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that MARY HEMAUER, whose name is signed to the foregoing affidavit, has personally appeared before me in the County aforesaid and sworn and acknowledged the same.

Given under my hand this 15TH day of May, 1984.

Maxine D. Parsons  
Notary Public

My Commission expires on the 8TH of DECEMBER 1985.

85040532091

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds-out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

ISSUE	MONDALE	HART
<b>Jobs, the economy</b>	Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries: trade that increases rather than costs U.S. jobs: rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
<b>Help for the jobless</b>	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
<b>Trade</b>	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
<b>Job Safety/Health</b>	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
<b>Taxes</b>	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted against adequate tax on windfall oil profits.

MK  
3-18-84

**ISSUE**

**MONDALE**

**HART**

**Housing**

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

**Gas price control**

Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel. —would add \$140 to average home fuel bill.

**Youth**

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

**Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

**Democratic Primary**



**1984**

**THE CHOICE IS YOURS**

850405328

mk  
3-18-84

STATE OF ILLINOIS )  
 COUNTY OF COOK )

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At about 10:30 am on March 17, 1984, I went to Senator Mondale's campaign headquarters in Chicago, and volunteered to work on the phone bank for the primary election on March 20th. I was told that they weren't using any phone bank there since they were all out in the Union Halls and I was told that I could go to the Union Building at 333 South Ashland Avenue to work on the phone bank there. I was also given a bunch of Mondale pamphlets to distribute and then I left the Mondale Headquarters.

2. I went to the Amalgamated Clothing and Textile Workers' Union Building which is at 333 South Ashland Street and volunteered to work on the phone banks, but I was asked to first distribute Mondale flyers. Another girl and I were given pamphlets to distribute in the Dearborn Park area.

3. I returned to the Textile Workers' Building after I finished distributing the flyers in Dearborn Park and was given the job of calling people on behalf of Senator Mondale. I came back again on March 18 and also worked on the phone banks.

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4. While working on the phone bank on March 17th and 18th, I observed that Spanish speaking people came to the Union Hall and were given stacks of two different flyers to distribute door to door in the Latino community. The first flyer was in English and entitled "On Key Issues, 'Good Ideas top New Ideas'... and on the second page "Issue... Mondale... Hart" and is printed front and back, and on the front has hand printing: "Su Vota es su voz Hispanica for Mondale," and a copy of this flyer is attached as Exhibit 1 to this Affidavit. The second flyer is an apparent Spanish translation of the first flyer and is entitled on the first page "CUANDO SE TRATA DE ASUNTOS IMPORTANTES-LAS BUENAS IDEAS..." A copy of that flyer is Exhibit 2 to this Affidavit. Each of the copies of the flyers bears my initials "mh" and the date "3-18-84."

5. Among the people that I identified while at the Clothing and Textile Workers' Union Hall on March 17th and 18th were the following:

a. Tywander Bush, a 7th District Delegate for Mondale who was helping organize the staff and volunteer help.

b. Gerri Stone, whom I believed to be a union member.

c. Fran Hauser, a member of the Brotherhood of Railway and Airline Clerks (BRAC) and who was doing volunteer work.

d. Ralph Jefferson, whom I cannot further identify but who seemed to be in charge of distribution of pamphlets.

WITNESS THE FOLLOWING Signature:

Mary Hemaue  
MARY HEMAUER

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

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

Given under my hand this 15TH day of May, 1984.

Maxine D. Parsons  
Notary Public

My Commission expires: December 8, 1985

85040532096

# On Key Issues, Good Ideas Top 'New Ideas'... Mondale Tops Hart

Following is a comparison of the records of Walter Mondale and Gary Hart, the two leading candidates for the Democratic nomination, on eight key issues for working people and their families.

The comparison shows clearly that in concern

for the well-being of average Americans, on the basis of record and program and a vision of what America can be, Walter Mondale's "good idea" candidacy holds out vastly more promise, and is fairer, than Gary Hart's "new idea" candidacy.

ISSUE	MONDALE	HART
<b>Jobs, the economy</b>	Proposes full employment law with teeth in it, policies that protect, expand jobs: revival of basic industries; trade that increases rather than costs U.S. jobs; rebuilding roads, bridges, ports, transport systems; lower interest rates; tax justice that obliges corporations, rich individuals to pay fair share.	Voted against jobs for U.S. auto workers in opposing Chrysler loan; opposes domestic content bill; opposed designating some defense contracts for high jobless areas; espouses "free trade" in a world where it's a myth, while hundreds of thousands of U.S. workers lose jobs to unfair foreign competition.
<b>Help for the jobless</b>	As Senator, consistently supported improved, extended benefits for jobless workers. Backs special aid for workers displaced by imports.	Twice has voted against extended unemployment comp; backed Reagan cuts in special help for thousands of workers displaced by imports.
<b>Trade</b>	Would make trade a two-way street helping U.S. workers and industries as well as our trading partners. Insists they remove barriers to U.S. products to encourage real free flow of goods.	Voted against "buy American" proposal in government-funded public works, denying U.S. workers benefit in terms of jobs from funds put up by U.S. taxpayers. No call to trading partners to remove barriers to U.S. goods.
<b>Job Safety/Health</b>	Sponsored, fought for, voted for original job safety/health law; urges strengthening law and its enforcement.	Has voted at least four times in U.S. Senate to weaken job safety/health law and/or reduce its coverage.
<b>Taxes</b>	Would close loopholes for corporations, wealthy individuals; revoke most of huge Reagan tax hand-outs to rich; impose heavier windfall profits tax on Big Oil. Over-all, would seek to oblige corporations and the rich to pay fair share of tax burden, as workers always have.	Calls for so-called "consumption tax" under which you pay taxes based on what you buy. If most of your income is for necessities, you'd pay higher percentage than coupon-clippers. Voted against adequate tax on windfall oil profits.

SU VOTO ES SU VOZ  
HISPANICS FOR MONDALE

**ISSUE**

**MONDALE**

**HART**

Housing

Urges increased funding to construct homes within financial reach of low and middle income families.

In Senate, has voted several times to deny adequate funding for low and middle income housing.

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Supports continued control of gas/oil prices to protect consumers from huge increases in home fuel bills.

Voted to deregulate price of newly-found natural gas; calls for 30% tax on imported fuel. —would add \$140 to average home fuel bill.

Youth

Opposes slashing minimum wage for teenagers because it invites employers to fire adult workers, hire lower-paid youth; backs generous low interest college loans and to permit recipients to begin payment upon graduation.

Voted for sub-minimum wage revolving-door scheme (adults out, lower-paid youth in); voted to force college loan recipients to start payment on loan interest soon as received, for most at the moment they enter college.

**Mondale: A Good Idea of What America Can Be**

**VOTE MONDALE**

**Democratic Primary**



**1984**

**THE CHOICE IS YOURS**

**VOTE TUESDAY - MARCH 20<sup>TH</sup>**

*mk 3-18-84*

0504053200

CUANDO SE TRATA DE ASUNTOS IMPORTANTES  
LAS BUENAS IDEAS VENCEN LAS "IDEAS NUEVAS"

\*\*\* MONDALE VENCE A HART \*\*\*

Lo que sigue es una comparación entre los récords de Walter Mondale y Gary Hart, los dos principales por la nominación demócrata sobre ocho (8) asuntos importantes para la gente que trabaja y para sus familias.

La comparación demuestra claramente que, lo que se refiere al bienestar de la gente que vive en los Estados Unidos, tomando como base el record, el programa y la visión de lo que este país debe ser, las BUENAS IDEAS de la candidatura de Walter Mondale ofrecen una promesa inmensamente más superior y más justa, que la candidatura de las llamadas "ideas nuevas" de Gary Hart.

ASUNTO  
 IMPORTANTE

MONDALE

HART

Trabajos, la economía	Propone una ley de empleo para todos, con fuerza, reglas que protejan, aumento de trabajos: revivir las industrias básicas; comercio que aumente, en lugar de disminuir los trabajos en E.U.; reconstruir los puentes, puertos, sistemas de transporte; tasas de intereses más bajas; taxes justos que obliguen a las corporaciones e individuos ricos a pagar una justa participación en contribuciones.	El votó contra los trabajos en E.U. cuando se opuso al préstamo a la compañía Chrysler; se opondrá a la ley de contenido doméstico; se opondrá a que se asignen algunos contratos de defensa a las áreas de alto desempleo; patrocina el "comercio libre" en un mundo en que eso es un mito y mientras millares de gente de E.U. pierde sus trabajos por la competencia extranjera.
Ayuda para los desempleados	Como senador, Mondale apoyó constantemente el mejoramiento y extensión de beneficios a los desempleados. Apoya la ayuda especial a quienes perdieron sus trabajos por las importaciones.	Hart votó dos veces contra la extensión de beneficios por desempleo; apoyó los recortes que hizo Reagan en la ayuda especial para esos desempleados.
Comercio	Mondale hará que el comercio beneficie tanto a los que trabajan y a las industrias de E.U. como a nuestros socios en el comercio. El insiste en que se quiten las barreras a los productos de los E.U. para propiciar un flujo real del comercio.	Hart votó contra la propuesta de "compre americano" en los proyectos de trabajos públicos pagados por el gobierno, negando con eso a los que trabajan en E.U. el beneficio de trabajos. No quiere se pida quitar esas barreras.
Seguridad/salubridad en trabajo	Mondale patrocinó, pelsó en favor y votó por la ley original de seguridad y salubridad en el trabajo; urge que se refuerce la ley y que se haga cumplir la ley.	Hart ha votado, a lo menos cuatro (4) veces, en el senado de los E.U. para debilitar la ley de seguridad y salubridad o para reducir la cobertura de la ley.

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Taxes

El acabará con las excusas de las corporaciones e individuos ricos; revocará la mayoría de regalos de de taxes a los ricos de parte de Reagan; impondrá taxes más pesados por ganancias excesivas los Grandes Compañías petroleras.

Hart pide que haya un "tax de consumo" con el cual usted pagará taxes según lo que usted compre. Si la mayoría de sus gastos son para cubrir necesidades, usted tendría que pagar un porcentaje más alto de los que recortan cupones. Hart votó contra taxes adecuados a las ganancias excesivas del petróleo.

Habitación

Mondale urge que se aumenten los fondos para construir casas habitacionales que puedan ser compradas por las familias de ingresos bajo o moderados.

Hart votó varias veces en el senado de los E.U. para que se negaran los fondos adecuados para la construcción de casas habitacionales para familias de ingreso bajo o moderado.

Control de precios de gas

Mondale apoya el control continuo de precios del gas y del aceite para proteger a los consumidores contra los grandes aumentos en el costo del aceite combustible para las casas habitaciones.

Hart votó para que se deregulara el precio del gas natural recientemente descubierto; pide que se ponga un tax de 30% al aceite importado, con eso se aumentarían \$110.00 al costo promedio del aceite para la casa.

Juventud

Mondale se opone a que se reduzca el sueldo mínimo para los jóvenes, porque eso incita a los patrones a despedir a los adultos que trabajan para emplear jóvenes pagados a sueldo menor; Mondale apoya el que haya un interés generoso para los préstamos a estudiantes y que se permita a quienes los reciben que comiencen a pagarlos hasta después que se gradúan.

Hart votó en favor de un sueldo submínimo para los jóvenes que causaría algo como una puerta giratoria (los adultos trabajadores... afuera! los jóvenes con pago más bajo: adentro!); Hart votó para forzar a quienes reciben préstamos para colegio a que comiencen a pagar el interés de los préstamos tan pronto como los reciben, para muchos esto sucede en el momento en que entran al colegio.

MONDALE: UNA BUENA IDEA DE LO QUE AMÉRICA PUEDE SER.



**1984**

**THE CHOICE IS YOURS**

**¡LA ELECCIÓN ES SUYA!**

(MA)

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

THAT I, PAUL M. KURGAN, a private investigator and an associate of Miller & Associates, Ltd. of Falls Church, Va, being duly sworn, depose that:

1. While in Chicago, Illinois on March 6, 1984, I went to the Chicago Headquarters for Senator Mondale's Presidential primary campaign election on March 20th and volunteered to work on Senator Mondale's behalf. I was subsequently requested to do volunteer work at the Amalgamated Clothing and Textile Workers' Union Hall at 333 S. Ashland Avenue in Chicago. I went to that Union Hall and assisted in making calls on the phone bank and in mailings on behalf of Senator Mondale over the next 8 days.

2. On the afternoon of March 8, 1984, I was stuffing envelopes for a Mondale mailing with other volunteers at the Union Hall, and when I took a break and was walking around the building, I saw a girl I later identified as Sue Hoffer. She is a white female between the ages of 24-30, and about 5'7" tall, weighing about 120 lbs. with brown hair and wears eyeglasses. She was working in the phone bank area in the lower level of the building office by herself on one side of the room. At the time, there was no one else in the area. I introduced myself and asked her who she was and what she

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was doing. She said she had been asked by, I believe, the Teachers' Union, to help out in the Mondale campaign. She said she had flown in from another state, but she did not make it clear, from which one. I asked her if she belonged to the AFL/CIO, and she said "No," that she was there because of the phone bank and "it was free to use for Mondale." Since I knew the people were working the phone bank with computer sheets to call Union people, I asked her what kind of computer sheet she used to call Union people and her answer was that she calls "the main headquarters office and they tell her where to call even if they are not union members." She said "it was no secret that there is no computer sheet sent out to her and she must call and find out what area or district is to be phoned." She also added that she is not a teacher.

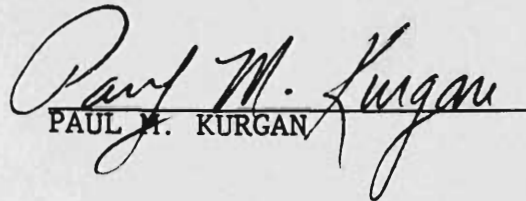
3. On March 9, 1984 at about 7:00 pm, Sue Hoffer asked me to give her a ride to where she was staying because the person that was to have driven her had not shown up or had left already. While driving her, she told me that she had come from Washington, D.C. "the day before yesterday." She also mentioned that the phone bank was to be closed on March 10th.

4. On the afternoon of March 12, 1984, while at the Clothing and Textile Workers' Union Hall, I observed Sue Hoffer talking to a black man who someone said was a lawyer. I heard her complaining and saying she was unhappy that she

was either not getting the results from canvassing or was unhappy with the results of the canvassing. Although I was unable to talk with her at length, as she was occupied, she did say that she had graduated from Chicago's Richie East High School in 1972.

5. While at the Clothing and Textile Union Hall on the afternoon of March 13, 1984, I observed Sue Hoffer there, but did not have an opportunity to talk to her. In a conversation with Joe Velasquez, whom I knew to be from the AFL/CIO Committee on Political Education (COPE) Headquarters in Washington, and who was at the Union Hall to coordinate the Latino phone banks calling on behalf of Mondale, he made several comments about Sue Hoffer. He stated that she was from the National Education Association (NEA). He also said that he and Hoffer did separate and unrelated tasks.

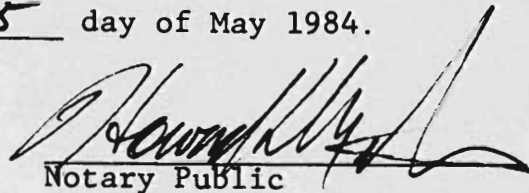
WITNESS THE FOLLOWING Signature:

  
PAUL M. KURGAN

STATE OF VIRGINIA )  
COUNTY OF FAIRFAX ) To-Wit:

I, HOWARD L. MILLER, a Notary Public in and for the County aforesaid, in the State of Virginia, do hereby certify that Paul M. Kurgan, whose name is signed to the foregoing Affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15 day of May 1984.

  
Notary Public

My Commission expires:

FEBRUARY 9, 1985

STATE OF ILLINOIS)  
COUNTY OF COOK )

## A F F I D A V I T

KNOW ALL MEN BY THESE PRESENTS:

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

1. At approximately 11:00 on March 18th, I went to the Amalgamated Clothing and Textile Workers' Union Hall at 333 South Ashland Street in Chicago in order to do volunteer work on behalf of Walter Mondale in the Presidential primary election on March 20th. The building was locked, but it was opened about 1:00 when I went in and volunteered to work on the phone banks.

2. I was given a computer printout listing Union Members. I was instructed to call those people whom the codes indicated were pro-Mondale and I was to encourage the people to vote for him in the primary.

3. Gerri Stone, a woman whose office I had observed on the first floor of the building with the title "Social Services" on the door, was the one giving out phone bank assignments.

4. On March 19th I went back to the Textile Union Hall at about 11:00 and stayed until 5:00. I was instructed by Gerri Stone to call people on the computer printouts who were identified as being pro-Mondale, but in this instance, to ask them if they needed a ride to the polls. She told us to place the name and

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number of people needing rides on a yellow sheet. Her specific instructions were that only those people who indicated that they were pro-Mondale should be told that they would be given transportation assistance and stated either exactly or nearly that "Of course, if they say they are for Hart or Republican, forget about it."

5. Among the people that I could identify as working on the phone banks were a Byran Whitehead (phonetic) from the hierarchy of the Brotherhood of Railway and Air Line Clerks (BRAC), and a Jim Shannon, who I understood to be in charge of "Special Interest" for BRAC, as well as a number of Blacks from the United Auto Workers' Union, Local #210 but whom I could not further identify.

WITNESS THE FOLLOWING Signature:

Frank R. Klee -  
FRANK R. KLEE

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

I, Marilyn A. Amoy, a Notary Public in and for the County aforesaid, in the State of Illinois, do hereby certify that Frank R. Klee, whose name is signed to the foregoing affidavit, has personally appeared before me in my County aforesaid and sworn and acknowledged the same.

Given under my hand this 15<sup>th</sup> day of May, 1984.

Marilyn A. Amoy  
Notary Public

My Commission expires on the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_.

MY COMMISSION EXPIRES OCT. 1, 1985

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FEDERAL ELECTION COMMISSION

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

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THIS IS THE BEGINNING OF MUR # 1703

Date Filmed 7/26/85 Camera No. --- 2

Cameraman J.A.D.