FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1824

Date Filmed 3/25/85 Camera No. --- 4

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MUR 1824

FEDERAL ELECTION COMMISSION

All routing cards

Commissioner's comments and objection memos

Copies of letters - signed off

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):

___	(1) Classified Information	___	(6) Personal privacy
___	(2) Internal rules and practices	___	(7) Investigatory files
___	(3) Exempted by other statute	___	(8) Banking Information
___	(4) Trade secrets and commercial or financial information	___	(9) Well Information (geographic or geophysical)
X	(5) Internal Documents		

Signed Maryboth Tarsant

date 3/21/85

FEC 9-21-77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Civic Participation/ Project Vote	)	MUR 1824
	)	
National Education Association	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of February 20, 1985, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 1824:

1. Find no reason to believe that Americans for Civic Participation/Project Vote violated 2 U.S.C. §§ 433, 434 and 441b.

2. Find no reason to believe that National Education Association violated 2 U.S.C § 441b.

3. Close the file.

4. Approve the letters attached to the General Counsel's report dated February 6, 1985.

Commissioners Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision; Commissioner Aikens did not cast a vote.

Attest:

2-20-85
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1985

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

Re: MUR 1824
Americans for Civic Participation/
Project Vote
National Education Association

Dear Mr. Wilson:

On February 20, 1985, the Federal Election Commission reviewed the allegations of your complaint received October 17, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504052001 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1985

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

Re: MUR 1824

Dear Mr. Chanin:

On October 24, 1984, the Commission notified the National Education Association of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 20, 1985, determined that on the basis of the information in the complaint, and information provided by the Respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1985

William C. Oldaker, Esquire
Epstein, Becker, Borsody & Green, P.C.
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1824
Americans for Civic Participation/
Project Vote

Dear Mr. Oldaker:

On October 24, 1984, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 20, 1985, determined that on the basis of the information in the complaint, and information provided by your client, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504052001 87

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: February 6, 1985

SUBJECT: MUR 1824 - General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Americans for Civic Participation/) MUR 1824
Project Vote)
National Education Association)

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 17, 1984, the National Right to Work Committee filed a complaint alleging that the Americans for Civil Participation ("ACP"), a non-profit corporation, and the National Education Association ("NEA") violated the Act. Specifically, the complainant alleged that Project Vote, an arm of ACP, was "masquerading as a non-partisan registration and get-out-the-vote effort" but was really a partisan Democratic political operation. As ACP is incorporated, the complainant alleged that ACP violated 2 U.S.C. § 441b by making prohibited expenditures. In addition, the complainant alleged that ACP and/or Project Vote violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Further, the complainant alleged that NEA violated 2 U.S.C. § 441b by donating office space to ACP/Project Vote.

Both respondents asked for extensions of time in order to respond to the complaint. On November 19, 1984, NEA filed a response (see Attachment 11) and on December 4, 1984, counsel for ACP/Project Vote filed a response. See Attachments 5-10.

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II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for any corporation or labor organization to make a contribution or expenditure in connection with any federal election. Pursuant to 2 U.S.C. § 441b(b)(2), the term "contribution or expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with a federal election. Under 2 U.S.C. §§ 433 and 434, a political committee is required to file a statement of organization and reports of receipts and disbursements.

The complaint is based mainly on the affidavits of private investigators (see Attachments 1-4) and cites numerous "facts" as evidence of its allegations. Included in the response for ACP/Project Vote were 4 affidavits from employees of Project Vote in addition to letters from the Internal Revenue Service ("IRS") to ACP confirming its tax exempt status. See Attachments 6-10. For reasons of clarity, this report will list each of the complainants charges separately followed by ACP/Project Vote's response.

1. Complaint: ACP has an advisory board composed of representatives of 43 nonprofit organizations. Seven of these organizations (16% of the advisory board) endorsed the Democratic Party's presidential candidate, Walter F. Mondale. These endorsements raise an inference that activities sponsored by members of the advisory board are partisan in nature. See Advisory Opinion 1984-17 and American Federation of Government Employees v. O'Connor, (U.S.D.C. D.C., Nos. 84-0972 and 84-0974, decided June 29, 1984).

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Response: The fact that 7 of the 43 organizations on Project Vote's Advisory Board endorsed Walter Mondale has no bearing on Project Vote's nonpartisanship. There is no evidence that any of these board members requested that Project Vote engage in partisan activity, nor were any such requests made or honored. See Attachment 6, pp.36-37. Further it is noted that FEC regulations allow labor organizations and corporations to engage in both partisan and nonpartisan activities. Counsel also claims that the advisory opinion and court case cited by the complainant are irrelevant and do not support the complainant's argument.

2. Complaint: Sanford Newman, Executive Director of Project Vote, attended a fundraising event which was held in conjunction with the Democratic National Convention. The event was sponsored by the Committee to Register and Vote the Missing Half ("CRVMH") and $135,000 was donated to Project Vote. See Attachment 1, pp.1-2. Two people associated with CRVMH, Frank A. Weil and Tim Cardin, may be associated with Mondale.

Response: Sanford Newman did go to San Francisco during the time of the Democratic National Convention to take advantage of the fact that many wealthy potential contributors to Project Vote would be there. He did not, however, attend the fundraising event in question nor did he receive help from the Democratic Party. See Attachment 6, pp. 37-38. Mr. Newman also contacted the Republican National Committee concerning his possible attendance at the Republican convention and was informed that the granting of such a request would not be possible. See Attachment 6, pp. 38, 50-52. In addition, Mr. Newman confirms having asked and received assistance from the CRVMH to encourage individuals to contribute to Project Vote, consistant with Project Vote's policy of accepting help from all supporters. The political affiliations of Mr. Weil and Mr. Cardin are irrelevant. See Attachment 6, pp. 38-39.

3. Complaint: In August 1984, Mr. Newman met with James Kennedy who was recently assigned by the AFL-CIO to the Mondale campaign. Afterwards, Mr. Newman sent 2 letters to Jesse Jackson. This meeting appears to be in conjunction with Jesse Jackson's endorsement of Mondale. See Attachment 2, p. 9.

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Response: Project Vote did not play any role in Jesse Jackson's endorsement of Walter Mondale. Mr. Newman's meeting with James Kennedy concerned a request for fundraising assistance from the unions. See Attachment 6, p. 39.

4. Complaint: Barbara Bowen, Project Vote's Southern Region Director, stated that the Democrats were helping Project Vote in Delaware. See Attachment 1, p. 4.

Response: Project Vote requested assistance from all federal candidates in Delaware. See Attachment 6, pp. 39-40. Attached to the response is a copy of a form letter sent to all candidates. See Attachment 6, p. 53.

5. Complaint: Project Vote held meetings for its regional coordinators in September 1984 and Ralph Nader spoke at one of the meetings. Mr. Nader spoke out against President Reagan's policies. When questioned about his statements vis a vis Project Vote's tax exempt status, Mr. Nader replied that there's no problem as long as "... we don't tell people whom to vote for i.e., 'Vote for Mondale,' our tax status will not be in danger." Nancy Amidei, a Project Vote fundraiser, also spoke at the meeting and reiterated much of what Mr. Nader had said. See Attachment 1, pp. 3-4.

Response: Ralph Nader and Nancy Amidei have never been retained as Project Vote staff or consultants nor have their statements been endorsed by Project Vote. See Attachment 6, p. 40.

6. Complaint: Service Employees International Union ("SEIU") COPE Fund contributed to the campaign of a Democratic congressional candidate in Missouri. SEIU Local 96 assigned its political coordinator, Sharon Dennis, to coordinate voter turn out with Project Vote. Project Vote relied on Ms. Dennis for information and advice and the turn out effort was used as a basis for an experiment on the impact of follow-up contact on voter turnout. See Attachment 2, pp. 9-10.

Response: No specific response except to say that it is Project Vote's policy to accept assistance from anyone willing to support or participate in nonpartisan efforts to register voters.

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7. Complaint: Sanford Newman wrote a letter containing the following: "Once Reagan was elected, I felt like I had to quit lawyering and start organizing again, and it seemed like we had a golden opportunity to turn the social service distribution processes into weapons to register, turn out, mobilize poor people...." The letter further states: "...running a campaign organization often leaves me feeling pretty overwhelmed....It's wearing me down, but I guess I can keep going through November...." See Attachment 2, p. 10.

   Response: The letter is irrelevant to the issue of Project Vote's non-partisanship. The quotes are from a personal letter Mr. Newman had written to a college friend who had dropped him a note with a contribution in it. Mr. Newman also notes that the word "campaign" is used in much of Project Vote's correspondence to signify an intensive effort to achieve a numerical goal within set time constraints. See Attachment 6, pp. 44-45.

8. Complaint: Project Vote was assisted in Chicago by the primary campaign chairman for then Democratic senatorial candidate, Paul Simon. Mr. Newman said that could be a problem in lawsuits which will probably come up regarding the non-partisan status of Project Vote. Project Vote's efforts in Chicago were financed by earmarked funds totalling $80,000 given by CRVMH. Mr. Newman instructed the staff to keep this contribution confidential. See Attachment 1, p. 2.

   Response: Project Vote, because of its effective voter registration work and litigation against obstruction of voter registration, anticipated attempts by certain groups to intimidate its funders by attacking its tax status. The person from the Simon campaign was never Chair of the campaign but rather a member of its field staff. He was retained by Project Vote as a paid consultant and assisted in coordinating a city-wide non-partisan voter registration drive. This person signed a contract as did all Project Vote consultants guaranteeing that all his efforts would be non-partisan and that while acting in that capacity he would not indicate support or opposition for any candidate or party. See Attachment 6, pp. 42-43,46.

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9. Complaint: The NAACP in Chicago wanted its name removed from Project Vote's letterhead. See Attachment 1, p.2.

   Response: No specific response.

10. Complaint: An investigator who was working at Project Vote packaging registrant data for a computer list was instructed to omit from the Pittsburgh list those registrants who said they were Republican. See Attachment 1, p. 4.

    Response: Project Vote staffers continually direct those employees and volunteers under their supervision to perform their duties in a non-partisan manner and would certainly not instruct staff to delete the names of Republican registrants. See Attachment 6, p. 41, Attachment 7, p.54, Attachment 8, p.56, Attachment 9, pp. 59-60. With regard to this specific incident, Project Vote claims that it was the private investigator who had in fact crossed off Republican names from some of the forms in clear violation of Project Vote's policy, adding that a check of their computer tapes will show many thousands of Republican registrants. Once Project Vote became aware of the fact that names had been crossed out, the forms were sent back to data entry personnel to have the names added to the tapes. See Attachment 6, pp. 41-42.

11. Complaint: A Project Vote employee, Kirby Urner, was told by another Project Vote employee, Diana Neidle, not to number a certain word processing disk that he was working on because she would not want the IRS to find it. See Attachment 1, p. 4.

    Response: First, why leaving a disk unnumbered would make it harder for the IRS to find a document is difficult to understand. A search of unnumbered disks in Project Vote's possession reveals no document which would jeopardize their tax status and Project Vote will gladly make such disks available to the IRS. See Attachment 6, p. 44. Moreover, Diana Neidle has signed a notorized affidavit stating that she "never instructed a Project Vote employee or volunteer or any other individual to destroy, alter or otherwise tamper with Project Vote records or documents for the purpose of concealing such documentation from any federal or state regulatory agency or governmental authority." See Attachment 7, pp. 54-55.

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12. Complaint: Project Vote destroyed materials containing Muhammed Ali's name after he endorsed President Reagan and replaced such materials with Jesse Jackson's name as Jesse Jackson endorsed Walter Mondale. Project Vote personnel appeared to have knowledge of Rev. Jackson's endorsement before it was official. See Attachment 1, pp. 5,7,8.

    Response: Project Vote had not reprinted the Muhammed Ali flyer since 1982 and by the time of Ali's endorsement, they probably had less than 100 left. As they all said "Vote November 2nd" (the date of the 1982 election), they could not be used for 1984. The remaining flyers are being used as samples. The reason why Project Vote used Jesse Jackson in its 1984 flyers was because Jackson's appeal in the black community is so strong. Jackson's permission to use his picture had been requested weeks before the Ali endorsement. The complaint even noted that the Jackson literature had come out at least 12 days before the Ali endorsement. See Attachment 6, pp. 43-44.

13. Complaint: Private investigators concluded that Project Vote's registration operation in Cleveland was basically run by "liberal Democrats" and when asked by these investigators to demostrate otherwise, Project Vote would only name one person who was a "Republican." Private investigators spent days trying to track this person down but their attempts were unsuccessful. See Attachments 3 and 4, pp. 12-21.

    Response: The significance of these allegations is unclear.

14. Complaint: Flyers used by Project Vote claimed that the government has cut hundreds of thousands of people from certain programs which help low income people and encouraged people to fight back by registering to vote. The complainant claims that the flyers are a direct reference to the Reagan administration. See Attachment 3, pp. 15-16.

    Response: No specific response.

15. Complaint: The following statements made by Project Vote employees and/or volunteers demonstrate Project Vote's partisanship:

    a. Complaint: On July 27, 1984, Julian Anthony, identified as an adminstrative assistant to Mr. Newman, commented that he felt uncomfortable saying that Project Vote was non-partisan when everyone knew it was

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a Democratic organization. In response to this statement, a Project Vote volunteer told Julian that he should not talk like that in front of other people and that Project Vote could lose its tax-exempt status. See Attachment 1, pp. 1-2.

Response: Julian Anthony was a student intern. His statement was based on the erroneous belief that the people whom Project-Vote were registering were generally low-income people and, therefore, such registrants would overwhelmingly vote Democratic. Both national polling data and Project Vote's own information indicate that this assumption was wrong as a substantial number of registrants supported Republican candidates. See Attachment 6, pp. 40-41.

b. Complaint: A Project Vote volunteer named Ed Lopez from the Democratic National Committee was recruiting volunteers around the country by phone and told someone that "Project Vote is officially non-partisan, but really we're Democrats." See Attachment 1, p. 4.

Response: Statement based on same mistaken belief as discussed in response to 15a.

c. Complaint: On August 9, 1984, in Kansas City, Project Vote staff person Sally Timmel made the comment, "We won!" in regard to a congressional election in which a Democrat won. See Attachment 1, p. 2.

Response: It is apparent that the staff person was expressing a personal preference. The complainant does not even allege that Project Vote's work in Kansas City was partisan. See Attachment 5, p. 30.

d. Complaint: On September 12, 1984, a private investigator overheard Project Vote volunteer, Ira Glass, tell a caller that 90% of the people Project Vote registers are Democrats. See Attachment 1, p. 4.

Response: See response to 15a.

e. Complaint: While Diana Neidle and a private investigator were talking Diana asked the investigator if she didn't think it was wonderful "now that Jesse [Jackson] had come out for us." She said we had no place to go but up since we were "16 points behind in the polls."

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Response: Diana Neidle was using the word "we" to mean herself and the private investigator, who had expressed similar personal views. See Attachment 5, p. 29. According to Ms. Neidle, her statement was "an expression of my personal political preference and in no way was meant to reflect the opinion or orientation of Project Vote and/or ACP." See Attachment 7, p. 54.

In general with regard to the various alleged statements made by Project Vote employees and/or volunteers, and assistance from those with political ties, counsel reiterated Project Vote's policy to accept assistance from anyone willing to support or participate in non-partisan efforts to register voters. Project Vote does not require that such participants be subjected to a test to ensure that they have no political views or partisan interests. See Attachment 5, p. 26. Counsel further stated that allegations that money and assistance from individuals or groups with political preferences somehow "taints" Project Vote is preposterous. See Attachment 5, pp. 26-27. The quotes in question represent personal views and the complainant has provided no evidence that the word "we" was meant to mean Project Vote. The personal motivation of individual Project Vote staff or volunteers is irrelevant. The question is whether partisan actions were taken by Project Vote on behalf of a campaign or candidate and, according to counsel, the complainant has not provided any evidence of such action. See Attachment 5, pp. 28-29.

16. Complaint: Albert Raby, Mr. Newman's Deputy Director, who came from Democratic Mayor Harold Washington's staff, refused to provide the names of requestors of Project Vote's registrant list to one of the private investigators. See Attachment 3, p. 14.

    Response: No specific response.

17. Complaint: While in Project Vote's Cleveland office a private investigator noticed a manila envelope addressed to the Communist Party of Ohio. He was told they were registration forms. See Attachment 4, p. 19.

    Response: Project Vote's policy is to permit all persons and organizations willing to join in non-partisan voter registration to participate in Project Vote's efforts. A decision to exclude the Communist Party on the basis of party affiliation might run afoul of non-partisanship requirements. See Attachment 6, p. 41.

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18. Complaint: On August 1, 1984, George Engle, assistant to the Director of the Cuyahoga County GOP in Ohio, informed a private investigator that Project Vote had never asked the Republicans for help. This conflicted with what Jim Dixon, who was visiting from Project Vote's national office had told the investigator earlier. See Attachment 4, pp. 20-21.

Response: No specific response.

In addition to addressing specific points made by the complainant, counsel for ACP/Project Vote also made the following points:

1. ACP and Project Vote are non-partisan and the Internal Revenue Service has so found in certifying, as recently as June 1, 1984, that ACP continues to qualify for tax-exempt status under section 501(c)(3) of the Internal Revenue Code. See Attachment 10, pp. 61-66.

2. All consultants and staff must sign a contractual guarantee that they will refrain, while acting on behalf of Project Vote, from acting in a partisan manner and to so instruct other volunteers. See Attachment 6, p. 46.

3. All expense reimbursement requests from regional directors and district coordinators contain a signed certification that "all activities for which these expenses were incurred were entirely non-partisan...and did not provide support or opposition to any candidate or party." This is also true for reimbursements for volunteers. See Attachment 6, pp. 47-48.

4. Project Vote routinely sends letters to all federal candidates, Republican, Democrat and Independent, in districts in which Project Vote works, asking for help and offering lists of its registrants for cost. See Attachment 6, p. 49.

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In sum, counsel claims that all the allegations, inferences and innuendos included in the complaint (including those not addressed specifically) are irrelevant, inaccurate and meritless and that the complaint should be dismissed.

In response to the complaint, NEA stated that it does donate office space to Project Vote and that such a donation is in

accordance with the Commission's regulations. Pursuant to 11 C.F.R. § 114.4(c)(2), a labor organization may donate funds to nonprofit organizations, which are exempt from federal taxation under 26 U.S.C. § 501(c)(3) or (4) and which do not support, endorse or oppose candidates or political parties, for use in non-partisan voter registration drives. Under 11 C.F.R. § 114.4(c)(3), a non-partisan tax-exempt organization, in conducting non-partisan registration and get-out-the-vote actvities, is allowed to utilize the facilites of a labor organization. As Project Vote appears to be precisely the type of organization referred to in these regulations and as the IRS has so determined, NEA claims it is precluded from being found in violation of the Act. NEA further stated that good faith contributors to organizations classified under certain sections of the Internal Revenue Code are entitled to rely upon these classifications until the IRS publishes notice to the public that the organization has been removed from the classification. NEA claims to have acted in good-faith reliance upon the IRS determination. Therefore, NEA argues that even if the Commission concludes that Project Vote is a partisan political operation (adding that it does not feel the complaint is sufficient for such a finding), there is no merit to the charge made against NEA. See Attachment 11.

The complainant claims that since ACP is incorporated and has made expenditures in connection with a federal election through Project Vote, (citing AO 1983-43 as supporting its conclusion), it has violated 2 U.S.C. § 441b. As ACP has no

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members (see ACP's Bylaws attached to the complaint), it is not entitled to the membership exceptions to 2 U.S.C. § 441b. In addition, the complainant claims that ACP and Project Vote are violating the registration and reporting requirements of the Act by failing to register and report one or the other as a political committee. Finally, the complainant alleges that NEA, a labor organization, has violated 2 U.S.C. § 441b by making an in-kind contribution to ACP/Project Vote.

The question in this matter is whether Project Vote conducted its activities in a partisan manner, specifically whether it attempted and caused the registration of Democratic voters and deliberately discouraged the registration of Republican voters, consequently having election-influencing results. The complainant has provided no hard evidence of such activity. The allegations are mostly the result of inferences, not facts. Because some of the people and groups associated with Project Vote may have partisan views does not, in and of itself, turn Project Vote's activities into a partisan venture. There were very few allegations that even suggest partisan activity and those allegations were successfully countered by the Respondents, as, for example, the incident of Republican names being crossed off a list of registrants. Conspicuously, in that case the complainant fails to identify who instructed the investigator to eliminate certain names.

It appears that Project Vote was attempting to register new voters and their target was low-income people, who

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tend to be the largest category of non-registrants. To appeal to such a group, Project Vote's flyers talk about the government cutting programs which directly affect these people. As stated on the first page of Mr. Newman's affidavit (see Attachment 6, p. 35), Project Vote uses the strategy of registering citizens to vote while they wait in unemployment, cheese, food stamps and other social service lines. Project Vote is merely informing these people that in order to change the system you have to be able to vote. The flyers do not identify a political party or candidate with a certain position on the issues. The flyers merely refer to "your government" and the complainant has assumed that this is directly advocating the defeat of Ronald Reagan. There is no mention at all in the complaint that at any point a Project Vote employee or vounteer tried to influence a potential registrant as to how to register or vote. These flyers simply do not favor one candidate or political party over another and to that extent they, therefore, cannot be considered for the purpose of influencing an election. This conclusion is supported by both AO 1983-43 and AO 1984-17, two advisory opinions which the complainant erroneously cited as supporting its position with regard to Project Vote's activities. See Attachments 12 and 13, pp. 71-80.

In AO 1983-43, the Commission determined that a non-profit corporation, which was exempt from federal income taxation, was permitted to distribute voter guides describing candidates and their positions on a particular subject because the materials

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did not favor one candidate over another. Therefore, the materials were not considered for the purpose of influencing a federal election and expenditures for such materials were not considered to be in violation of 2 U.S.C. § 441b.

In AO 1984-17, the Commission determined that another non-profit corporation with tax exempt status would be allowed to distribute the voting records of members of Congress, pertaining to a particular subject, to the general public. The voting records were determined to be issue-orientated and not election-orientated or candidate-orientated. The advisory opinion also dealt with the issue of the establishment of a separate segregated fund by another non-profit corporation with tax exempt status. The separate segregated fund would support and endorse federal candidates. As a corporation is permitted to control its separate segregated fund, it was concluded that the establishment of such a fund by such an organization would make that organization one that supports, endorses or opposes candidates or political parties. As there is no indication that ACP/Project Vote has contemplated the formation of a separate segregated fund, the relevancy of this advisory opinion to complainant's position is questionable.

Despite the statements made by various Project Vote employees and/or volunteers, complainant failed to demonstrate that these statements were the view of Project Vote, rather than the personal views of its volunteers. Furthermore, complainant did not demonstrate that such employees/volunteers carried out their duties in a partisan manner.

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Likewise, the fact that some members of the advisory board and certain other people associated with groups that assisted Project Vote demonstrated partisan views does not mean that Project Vote carried out its functions in a partisan manner. The complainant does not even allege that such individuals or groups requested Project Vote to act in a partisan manner. In addition, Project Vote had all consultants and employees/volunteers who were reimbursed for expenses sign an agreement which confirmed that the activities in which they engaged were conducted in a non-partisan manner. ACP/Project Vote has also demonstrated that it has conducted its activities in a non-partisan manner by asking for help from both the Democrats and the Republicans and by attempting to assist both parties through its efforts.

Based on the above, the Office of the General Counsel recommends that the Commission find no reason to believe that ACP/Project Vote and NEA violated the Act and close the file.

III. RECOMMENDATIONS

1. Find no reason to believe that Americans for Civic Participation/Project Vote violated 2 U.S.C. §§ 433, 434 and 441b.

2. Find no reason to believe that National Education Association violated 2 U.S.C. § 441b.

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3. Close the file.

4. Approve the attached letters.

Charles N. Steele
General Counsel

Feb 6, 1985
Date

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

Attachments

1. Affidavit of Miller (pp. 1-8)
2. Affidavit of Martin (pp. 9-11)
3. Affidavit of Hemmig (pp. 12-16)
4. Affidavit of Martin (pp. 17-21)
5. Response from counsel for ACP/Project Vote (pp. 22-34)
6. Affidavit of Newman (pp. 35-53)
7. Affidavit of Neidle (pp. 54-55)
8. Affidavit of Dickson (pp. 56-57)
9. Affidavit of Urner (pp. 58-60)
10. Letters from IRS (pp. 61-66)
11. Response from NEA (pp. 67-71)
12. AO 1983-43 (pp. 72-75)
13. AO 1984-17 (pp. 76-81)
14. Proposed letters (pp. 82-84)

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AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, Howard Miller, being first duly sworn, depose and state:

(1) I am President of the investigative firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041. I assigned one of my investigators, Rhoda E. Brown, to investigate Project Vote. She submitted regular reports on her activities and observations. The facts asserted, below, are set forth in Rhoda's reports and have been verified in person with her.

(2) On Monday, July 16, 1984, Rhoda volunteered to work for Project Vote, located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036.

(3) On Tuesday, July 24, 1984, an office meeting was held. Sanford Newman spoke about the Democratic convention held in San Francisco. He attended a fund raising event at which one million dollars was collected. He thought Project Vote would receive five to ten thousand dollars of that amount.

(4) On Friday, July 27, 1984, Julian Anthony, administrative aide to Newman since January, commented that Project Vote was the only arm of Americans for Civic Participation and that he felt uncomfortable saying that Project Vote was nonpartisan when everyone knew it was a Democratic organization. In response, one of the Project Vote volunteers, Liz Benedict, told Julian, "You

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- EXHIBIT "D" - Attachment 1 (1)

shouldn't talk like that in front of me. You don't know who I am. I could be a reporter. Project Vote could lose its tax-exempt status." Julian returned to Brown University in August.

(5) A staff meeting was held on Tuesday, August 7, 1984, at which it was reported that the Committee to Register and Vote the Missing Half had donated $125,000 to Project Vote. Rhoda understood that this was the same fund raising source referred to in paragraph 3, above, and that a total of $135,000 had been received from this source. This was confirmed at a staff meeting held on August 14, 1984, when it was also disclosed that $80,000 of the contribution had been earmarked for use in Chicago. Newman instructed the staff to keep this contribution very confidential.

(6) On August 9, 1984, Project Vote volunteer Diana Neidle asked, "Who won the Kansas race?" Sally Timmel answered, "We won!"

(7) At the August 14 staff meeting, the staff was also informed that a Mr. Hill, chairman for Senate candidate Paul Simon's primary campaign in the Chicago area will be actively working on Project Vote in Chicago. Newman said that could be a problem in lawsuits which will probably be coming up about the nonpartisan status of Project Vote, adding, "We are dealing in a lot of gray areas." On September 17, 1984, Rhoda learned that the NAACP in Chicago wanted its name removed from Project Vote's letterhead.

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(8) (a) On Saturday, September 8, 1984, Project Vote held a meeting for regional coordinators. See attached Exhibit 1. Among those present were Beth Goldberg, Gloria Fauss, Sally Timmel, Kirby Urner, Steve Miller, Barbara Bowen, Sharon Corrigan, Joyce Guthrie, Les Goldner, Jim Dickson, Nancy Amidei, and Newman.

(b) Ralph Nader, the principal speaker, attended with his lawyer and an aide. He stated that not only is voter registration important, voter education is essential. He said that it's a pity that the polls are looking so good for Reagan; with a record like Reagan's, it is unbelievable that he is doing so well. The reason, according to Nader, is that Reagan is insulated from the people. People are being led to believe that it is Reagan's administration, and not Reagan himself, making all the "negative" decisions. Reagan is made to look like the "nice guy." Issues such as toxic waste, carcinogens, aid to welfare mothers, and rights of children must be brought out. He said people must be told that it is Reagan who is responsible for the mess we're in.

(c) In response to a question from Beth Goldberg about the possible effect of this on Project Vote's tax status, Nader replied, "It's no problem. As long as we don't tell the people whom to vote for, i.e., 'Vote for Mondale,' our tax status will not be in danger."

(d) After Nader left, Nancy Amidei, a Project Vote fund raiser, spoke. She repeated much of what Nader said -- Reagan is insensitive to the needs of the poor, insulated by his aides,

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etc. She pointed out that Reagan could be vulnerable if only someone would try to get to him, and said that Mondale should try to attack him more.

9. On September 10, 1984, Barbara Bowen, Project Vote's Southern Region Director, stated that the Democrats were helping Project Vote in Delaware. Also on this date, a Project Vote volunteer Rhoda understood was named Ed Lopez, from the Democratic National Committee, was recruiting volunteers around the country by phone. He told someone in California that "Project Vote is officially nonpartisan, but really we're Democrats."

(10) On September 12, 1984, Rhoda overheard Project Vote volunteer Ira Glass tell a caller that 90% of the people Project Vote registers are Democrats.

(11) On September 17, 1984, Rhoda was given the job of packaging registrant data for Project Vote's computer list company, Automatic Data Processing in New Jersey. Rhoda was assigned the states of Tennessee, Ohio, Pennsylvania, and Rhode Island, and she was instructed to omit from the Pittsburgh list those registrants who had said they were Republican.

(12) On September 19, 1984, Kirby was working on the word processor. Diana told him not to number the disc he was working on, saying that if Project Vote records were ever subpoenaed by IRS, she would not want them to find that particular section of what he was working on.

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(13) Also on September 19, Newman commented that Muhammed Ali had endorsed Reagan. Project Vote had been using Ali's name or picture on its printed materials. All remaining supplies of such materials were destroyed. Flyers with Jesse Jackson's picture were substituted. Copies of such materials are attached hereto as Exhibits 2 and 3.

Further affiant sayeth not.

Howard Miller Jr.
HOWARD MILLER

Subscribed and sworn to before me, a notary public, this 16th day of October, 1984.

Anne Mac O'Neill
Notary Public

My Commission expires: 19 May 1985

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Project VOTE!

BOARD OF ADVISORS
Women USA
Food Research and Action Center
Citizen Action
American Friends Service Committee
Children's Foundation
National Council of Churches
Social Development Corporation
SANE
United Presbyterian Church
National Low Income Housing Coalition
National Student Education Foundation
Americans for Democratic Action
Children's Defense Fund
Center for Community Change
United Auto Workers
National Education Association
Citizens Clearinghouse for Hazardous Waste
National Organization for Women
United Computers To Prevent Nuclear War
Center on Budget and Policy Priorities
National Association for the Advancement of Colored People
National Council for Senior Citizens
National Urban League
Humanserve Campaign
Labor Council for Latin American Advancement
Sierra Club
Affiliated Leadership League of and for the Blind of America
American Federation of State, County and Municipal Employees
United States Student Association
Friends of the Earth
Rural America
League of Women Voters
National Association of Community Health Centers
ACORN
U.S. Catholic Conference Conf. of Bishops
Rainbush
Fair Budget Action Coalition
National People's Action
Southwest Voter Registration Education Project
Communications Workers of America
United Steelworkers of America

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

Samuel A. Newman
Albert A. Raby
James Dickson

August 31, 1984

Dear Regional Coordinators:

All of us here in D.C. very much look forward to your arrival on September 8th! We will try to make sure you have a good time with some work put in between. (smile!)

We will begin at 6 p.m. on Saturday, September 8th. We will hold the meetings at the Center of Concern which is an office in an old house in NE. The address is:

Center of Concern
3700 13th street, NE
telephone: 202-635-2757

We hope to have some volunteers pick you up at the airport, but if all else fails, call the Center first in case someone there is waiting for you (at the airport).

If no one picks you up, take the Metro line - connect to the RED line and get off at CUA-Brookland station. Walk out the Brookland exit. Walk across the parking lot, turn left on 10th (or 9th) and come to Otis Street. Turn right and walk up Otis street until you come to 13th Street. The Center of Concern is on the corness of 13th and Otis NE.

I am trying to make sleeping arrangements that will be convenient --

The meetings will end Sunday night. I have made reservations for most of you either Sunday night or Monday morning.

peace,
Sally

Exhibit 1

(6)

VOTE!

Muhammed Ali Knows:

"Voting is a great equalizer. We each get just one vote. Use it!"

Stand Up For Our People!

VOTE

THIS TUESDAY

FED UP?

with policies that . . .

- Throw people out of work
- Cut support for our schools and student aid
- Cut school meals, Medicaid, food stamps, housing, welfare, job training
- Put the cost of decent housing out of reach
- Give huge tax handouts to the rich

NO ONE CARES WHAT YOU THINK

UNLESS YOU

VOTE NEXT TUESDAY

Exhibit 2

FED UP?

ick of Politicians Listening
Only to the Rich?

Politicians Listen to
Registered Voters!

3 out of every 4 rich people
voted in 1980.
Only 1 out of every 4 low-income
people voted.

You Don't Vote — Politicians
on't Care If You or Your Kids:

Go Hungry
Can't Get a Job
Can't Get a Decent Home
Can't Afford a Doctor
Can't Get a Good Education

AKE THEM LISTEN!
FIGHT BACK!

Register and Vote!

If the poor and the locked-out, if ALL OF US who want to control our future, VOTE, WE CAN MAKE A DIFFERENCE.

REGISTER AND VOTE!

Exhibit 3

(8)

AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, Elfrida L. Martin, being first duly sworn, depose and state:

(1) I am an investigator employed by the firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041.

(2) On August 22, 1984, I began temporary work for Project Vote, located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036. I reported to Mrs. Diana Neidle.

(3) On August 30, 1984, I was doing word processing for Project Vote. I learned that Sanford Newman had a luncheon meeting with a James Kennedy at the Mondale campaign headquarters. Newman was gone from noon until about 1:00 p.m. Afterwards, he typed two letters which were sent by Federal Express to Jesse Jackson at Operation PUSH in Chicago.

(4) After work on August 30, while Diana Neidle and I were walking to the Ballston subway stop, Diana asked me if I didn't think it was wonderful "now that Jesse [Jackson] had come out for us." She said we had no place to go but up since we were "16 points behind in the polls."

(5) The word processing discs at Project Vote contained a letter to Mr. Walter Pearson, President, SEIU Local 96, Kansas City, Missouri. The letter thanked Mr. Pearson for "releasing Sharon Dennis to coordinate [Project Vote's] voter turnout effort

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Attachment 2 (9)

EXHIBIT "G"

in Kansas City." The letter said that Dennis gave Project Vote the "information and sage advice" Project Vote needed to transform its "general experience with GOTV efforts to a specific plan tailored to Kansas City." The letter also said that Project Vote was "using the turnout efforts [Dennis] directed as the basis for a critical controlled experiment which will enable [Project Vote] to determine more precisely than any studies yet done what various combinations of follow-up contact have on turnout."

(6) A Newman letter on the discs stated the following:

> Project Vote! has been exciting, and I do feel like we've done a lot of good. Once Reagan was elected, I felt like I had to quit lawyering and start organizing again, and it seemed like we had a golden opportunity to turn the social service distribution processes into weapons to register, turn out, mobilize poor people. . . .
>
> * * *
>
> . . . running a campaign organization often leaves me feeling pretty overwhelmed. . . . It's wearing me down, but I guess I can keep going through November. . . .
>
> * * *

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(10)

(7) A third letter on the discs was addressed to Frank Weil and Tim Cardin at the Committee to Register and Vote the Missing Half.

Further affiant sayeth not.

Elfrida L. Martin

ELFRIDA L. MARTIN

Subscribed and sworn to before me, a notary public, this 5th day of October, 1984.

Lorraine A. Colson

Notary Public

My Commission expires: November 30, 1987

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(11)

AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, Robert H. Hemmig, being first duly sworn, depose and state:

(1) I am an investigative reporter and a private investigator duly licensed in the State of Virginia.

(2) This year I was employed by the firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041, to investigate the voter registration and get-out-the-vote activities of Project Vote ("PV") a program of Americans for Civic Participation ("ACP").

(3) During my investigation, the Executive Director of Project Vote, Sanford Newman, told me that PV's offices on the second floor of the National Education ("NEA") building, located at 1201 16th street, N.W., Washington, D.C. 20036, were a donation from NEA to PV. PV moved to the NEA building in late May or early June of this year. PV was previously located at 1200 15th Street, N.W., Suite 201, Washington, D.C. 20005.

(4) Newman arranged for me to visit a PV operation in Cleveland, Ohio, which I did from July 1 through July 3, 1984, spending the time primarily with Joyce Johnson, office manager and staff coordinator for PV's Cleveland office.

(5) It appeared to me that all the PV volunteers I met would fall within the classification of "liberal democrat," as that term is generally understood. At that time, I had met

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Attachment 3 (12)
EXHIBIT "K"

Eugene Robinson, Logan Bean, Jr., Ervin Lee (chief coordinator for PV's Cleveland operation), Daniel Brown, Cora Cowans, Pamela Gates, and Soraido Cortez.

(6) I was scheduled to meet a "Margaret Griffin" from the Lakewood area, west of Cleveland along Lakeshore Drive. Griffin was supposed to be upper middle class, white, in her early 30's, married, Republican, and of the "country club" set.

(7) "Griffin," however, supposedly refused to talk with me and supposedly told her group of twelve volunteers not to talk to me or allow me to take photographs of them in action, even when I indicated that I was looking for some balance to my information. Joyce Johnson gave me a phone number to reach "Margaret Griffin" (451-9415). I called the number on a number of occasions, but each time, the woman who answered indicated that Griffin was not available. The voice of the woman who answered sounded like that of a black woman. The woman, who said her name was "Dorothy," claimed to be Griffin's mother. When I asked for Griffin's mailing address, "Dorothy" said that any material should be sent to her at 528 E. 117th Street (in the Euclid area), and that she would see that "Griffin" would receive it.

(8) I had my associate, Lee Martin, also employed by Miller & Associates, Ltd., attempt to find this "Margaret Griffin." As the accompanying affidavit by him indicates, he was unsuccessful.

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(9) On July 25, 1984, I spoke with Albert Raby of PV's national office. He said he understood that the Margaret Griffin story had not checked out, but he could not help; he had only been in Cleveland once.

(10) I had been informed by Erwin Lee that any requests for PV's voter registration list are directed to Newman in PV's national office; also, that Albert Raby, Newman's Deputy Director, most recently came from the staff of Chicago's Democratic Mayor, Harold Washington.

(11) I asked Raby if he would give me the names of persons to whom PV had given their registrant list and whom PV would consider to be "good guys" and "bad guys." Raby defined the terms "good guys" and "bad guys" as whether the persons agreed with PV's position on issues, but he refused to identify any requesters as "good guys" or "bad guys," and he refused to provide any names of list requesters for further investigation.

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(12) Attached is a flyer used by PV in its registration drives. It was given to me by Joyce Johnson.

Further affiant sayeth not.

Robert H. Hemmig

Subscribed and sworn to before me, a notary public, this 12th day of October, 1984.

Notary Public

My Commission expires: [illegible].

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(15)

YOUR FOOD STAMPS AND AFDC BENEFITS WILL BE CUT THIS FALL . . .

. . . along with Housing Assistance, Child Nutrition Programs, CETA Jobs, Energy Assistance, Legal Aid, and most other services which help low income people.

Your govemment has cut hundreds of thousands of people from these programs. They have:

- Taken away your right to a yearly cost of living raise.
- Cut your benefits.
- Cut you off the rolls.

Even bigger cuts are planned for next year.

Your pocket is being picked.

FIGHT BACK!

REGISTER TO VOTE HERE TODAY!

If you want to help, call PROJECT VOTE 861-5200

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AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, R. Lee Martin, being first duly sworn, depose and state:

(1) I am an investigator employed by the firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041.

(2) I assisted Robert Hemmig in following up on certain information he had been given with respect to the activities of Project Vote in Cleveland, Ohio.

(3) The primary focus of my efforts was to locate an individual by the name of "Margaret Griffin," who was described as being upper middle class, white, in her early 30's, married, Republican, and of the "country club" set. She was supposed to be from the Lakewood area, west of Cleveland along Lakeshore Drive. The phone number at which she could be reached was supposed to be 451-9415.

(4) Six full days of attempting to locate such an individual were unsuccessful.

(5) On July 15, 1984, I traveled to Cleveland, checked into a hotel, and searched the local phone directory for a "Griffin" with the phone number I was given (451-9415). The results were negative.

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EXHIBIT "L"

Attachment 4 (17)

(6) The next day, I was able to check a police directory, but again the number and address were unlisted. The Cuyahoga County Board of Elections gave me the names and addresses of six Margaret Griffins, all of whose phone numbers differed from the one I had been given. I drove by the two most promising addresses, but found they did not match the lifestyle of the individual I was looking for. One was a dilapidated structure in a black, working-class neighborhood; the other was too far from the area of concern, that is, the "Lakewood" or "Lakeshore" area. Phone calls to a number of country clubs also produced negative results. Hemmig called that evening to tell me that Griffin's mother was supposed to live at 528 E. 117th Street in the Euclid area.

(7) In the morning of July 17, Hemmig called to tell me that Griffin's mother was supposed to be named "Dorothy." Griffin's husband was supposed to be an intern or doctor at Mt. Sinai Hospital. I visited 528 E. 117th street. It was a dead-end street with a grass divider. The house was half of a dilapidated yellow duplex in an all black neighborhood. The other half of the structure was condemned. An elderly black female was sitting on the front porch. A check with the Strongsville Police Department revealed that 528 E. 117th Street -- Euclid has been occupied for at least nine years by Arnette Washington (ph. 249-7773). This, of course, did not correspond with the information I had, unless two families and two phones

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were in the house. In addition, the personnel department at Mt. Sinai Hospital, 1800 E. 105th Street, informed me that they had no Dr. Griffin on either an intern or staff basis.

(8) On July 18, I checked several country clubs, doctors and hospitals, but could not locate "Margaret Griffin." I phoned Tika Susuki, Joyce Johnson's replacement at Project Vote's Cleveland office and made an appointment to see her at 1:00 p.m. and for dinner that evening. During our meeting, Tika told me she had been indirectly involved with Project Vote for months, but had just become a paid staffer. She told me she could not give me any information on "Griffin" or on how the registrant lists are used because she had been in her present job only two and one-half days. As I was leaving, I noticed thirteen large, brown, manila envelopes stacked on top of each other. Tika told me they were registration forms segregated by source, such as unemployment office, food stamps, welfare, etc. On the top one was written, "Send to Communist Party 4309 Lorain." A subsequent check of the phone book showed the "Communist Party of Ohio" listed at a different address: 4307 Lorain (ph. 281-7141). Erwin Lee, also from Project Vote, said he had never seen or talked with "Margaret Griffin," but if Joyce did not have any other information, to call him at home (641-8423) and he would give me the name of another Republican. Tika was also supposed to talk with Joyce Johnson. Lee stated that the registrant lists are used for follow-up only and that no one has ever requested them. When I called Lee that evening, he appeared to have

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forgotten to give me a replacement name telling me, "Maybe you guys should give up. I wouldn't rack my brain [over] it." When I insisted on another name, he brought Joyce Johnson in on a conference call, but neither one could give me another name or shed any new light on the subject of my search.

(9) I spent the next day, July 19, checking miscellaneous leads, i.e., additional addresses I had received from the Cuyahoga County Board of Elections, country clubs, and Republican Party officers. These included Timothy Cosgrove, Jr., President of the Northeast GOP Club, his father, Timothy Cosgrove, Sr., Dorothy Stoner, Secretary of the Northeast GOP Club, and the Briarwood County Club, where the Northeast GOP Club meets. All results were negative.

(10) On July 20, 1984, I located the Chairperson of the Women's Division of the Cuyahoga County GOP, Claudia Guzzo, at the Board of Elections (ph. 621-6415). She had never heard of any Margaret Griffin, any Dr. Griffin, or any Griffin active in politics.

(11) I made a follow-up trip to Cleveland on July 29 through August 3, 1984. Similar negative results were obtained.

(12) On August 1, George Engle, assistant to the Director of the Cuyahoga County GOP, informed me that Project Vote never asked the Republicans for volunteers or anything else. He added, "We keep a phone call log and I am here every day and I would

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certainly know if they had ever called us." This conflicted with what Jim Dixon, who was visiting from Project Vote's national office, had told me minutes earlier.

(13) I contracted to have Cleveland's Damar Investigative Agency observe activity at 528 E. 117th Street on August 3, 1984. The investigator observed six different automobiles stop at the house. Some of the vehicle occupants went in. Others sat in their cars for a while and then drove away. Most of the individuals involved were well-dressed blacks. At no time during the day did the investigator observe any whites going to, coming from or visiting the house.

Further affiant sayeth not.

R. Lee Martin

R. Lee Martin

Subscribed and sworn to before me, a notary public, this ___ day of October, 1984.

Notary Public

My Commission expires: _____

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GCC #3864

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(817) 334-0701

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LOS ANGELES, CALIFORNIA 90067†
(213) 556-8861

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104†
(415) 398-3565

†P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

December 4, 1984

FEC 4 P1:49

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

Re: MUR 1824

Dear Mr. Steele:

This letter is the response of Americans for Civic Participation (ACP) to the complaint filed by the National Right to Work Committee (NRWC) alleging that ACP's Project Vote! is a partisan organization and that its expenditures therefore violate the prohibition on corporate expenditures.

I. PROJECT VOTE! GOES TO GREAT LENGTHS TO ASSURE ITS EFORTS REMAIN SCRUPULOUSLY NON-PARTISAN

ACP and Project VOTE! are strictly non-partisan, and the Internal Revenue Service has so found in certifying, as recently as June 1, 1984, that ACP continues to qualilfy for tax-exempt status under section 501(c)(3) of the Internal Revenue Code. Exhibits A and B.

ACP and Project VOTE! in fact go far above and beyond the minimum legal requirements in order to insure that Project VOTE!'s efforts remain scrupulously non-partisan. For example:

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Attachment 5 (22)

* All consultants and staff must sign a contractual guarantee that they will refrain, while acting on behalf of Project VOTE!, "from engaging in any activities whatsoever which are intended to assist, support or oppose any candidate or party," that they will instruct other volunteers to refrain "from indicating support or opposition for any candidate or party, or from otherwise acting in a partisan manner," and that they will "immediately take necessary corrective steps if such instructions are violated."
* As a constant remainder, it requires that all expense reimbursement requests from regional directors and district coordinators contain a signed certification that "all activities for which these expenses were incurred were entirely non-partisan. They were not designed to, and did not, provide support or opposition to any candidate or party."
* Even the receipts volunteers fill out when they need a few dollars to cover their out-of-pocket expenses contain a signed certification that "all activities for

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which these expenses were incurred were conducted in a non-partisan manner."

* Project Vote! routinely sends letters to all federal candidates, Republican, Democrat and independent, in the districts in which Project Vote! works, asking for their help, and offering to make lists of its registrants available at market costs, so that candidates, of whatever persuasion, can seek to turn out their supporters among our new registrants.

The NRWC has now announced that as part of a $100,000 espionage program, it paid two private investigators to pose as Project VOTE! volunteers, and two others to pose as sympathetic newspaper reporters, in an attempt to find evidence that we had somehow slipped up and crossed the line of partisanship. These undercover agents had keys to the office, with unimpeded access, during and after office hours.

The NRWC has spent a lot of money to drill a very deep well, and it has come up with a dry hole. It has presented not a shred of evidence of partisan activity by Project VOTE! or illegal activity by any of Project VOTE!'s supporters. Its complaint and affidavits are replete with inaccurate statements and wild speculation. Many of the factual statements are corrected in the affidavits which accompany this response. But the Commission need not even inquire into the truth of the allegations because, even

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if all the facts had been as alleged in the complaint, they would not constitute evidence of partisan activity by Project VOTE!. The complaint should therefore be dismissed forthwith.

II. EVEN ASSUMING FOR THE SAKE OF ARGUMENT THAT THE NATIONAL RIGHT TO WORK COMMITTEE'S ALLEGATIONS WERE TRUE, THEY WOULD NOT CONSTITUTE EVIDENCE THAT PROJECT VOTE HAD ENGAGED IN PARTISAN ACTIVITY OR VIOLATED FECA

a. Allegations Concerning Advisory Board Members (Complaint at paragraph 5).

The fact that seven of the forty-three organizations represented on Project Vote!'s Advisory Board endorsed the same presidential candidate has not bearing whatsoever on Project Vote!'s nonpartisanship. Whether the activities of a § 501(c)(3) organization are conducted in a partisan or nonpartisan manner, not whether the individuals or groups assisting the § 501(c)(3) organization have personal political preferences, is the sole issue appropriate for Commission review. Moreover, FEC regulations expressly allow labor organizations and corporations to engage in both partisan and nonpartisan activities. (See 11 C.F.R. § 114.3 and § 114.4). And, significantly, the NRWC does not offer any evidence that any of Project Vote!'s Advisory Board Members ever requested Project Vote! to engage in partisan activity, not have any such requests been either made or honored. (See Exhibit C, Newman Affidavit, at 2 - 3).

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In addition, note that the authority offered by NRWC in paragraph 5 of its complaint does not support NRWC's "inference" proposition. FEC Advisory Opinion 1984-17 concerns the establishment of a separate segregated fund by a tax-exempt organization and the district court case, American Federation of Government Employees v. O'Connor, 589 F.Supp. 1551 (D.C.D.C. 1984), involves an interpretation of the Hatch Act. Neither is relevant to or supports NRWC's instant proposition.

b. Allegations Concerning Sources of Assistance to Project Vote (Complaint at paragraphs 7, 10 and 14).

Project Vote's policy is to accept assistance from anyone willing to support or participate in non-partisan efforts to register voters. (See Exhibit C, Newman Affidavit, at 3). As discussed above, the Federal Election Campaign Act of 1971, as amended, clearly does not require that all would-be supporters or participants in non-partisan activities be subjected to a test to ensure that they have no political views or partisan interests. Indeed, such a test would raise serious First Amendment concerns and result in endless debate over who was "pure" enough to support a non-partisan effort.

Accordingly, NRWC's allegations that any monies donated by individuals or groups with either personal political preferences or past or present involvement with

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a federal officeholder is "tainted" money which likewise "taints" Project Vote are preposterous. Thus, NRWC's allegations regarding the Committee to Register and Vote the Missing Half (complaint at paragraph 7), regarding the Project Vote policy of requesting assistance in its efforts from all federal candidates (complaint at paragraph 10), and regarding a former member of Paul Simon's field staff (complaint at paragraph 14) should be promptly dismissed as irrelevant as well as substantially inaccurate. (A detailed discussion of these allegations is set forth at pages 3-6 and 8-9 of Exhibit C, Newman Affidavit).

c. Allegation concerning Jesse Jackson's Endorsement of Walter Mondale (Complaint at paragraph 9).

The NRWC alleges that Project VOTE!'s Director held a meeting with an AFL-CIO official who was temporarily detailed to work on the Mondale Campaign. It further alleges that this meeting "appears to have played a part in Jesse Jackson's endorsement of Mondale, which was announced two days earlier in Minneapolis." The NRWC's reasoning -- that the meeting must have played a part in the endorsement because the endorsement occurred two days earlier -- is simply bizarre. And no other evidence is cited for the conclusion. Moreover, none could be cited because Project VOTE! did not in fact play any role in Jackson's endorsement of Mondale.

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Moreover, the meeting with the AFL-CIO official related to his AFL-CIO duties and to Newman's request for fundraising assistance with unions. (See Exhibit C, Newman Affidavit at 5) The NRWC does not purport to have any contrary knowledge of what occurred at the meeting. It asks the FEC to conclude that simply having the meeting constituted making a contribution to a partisan effort. This is preposterous.

d. Allegation concerning Nader and Amedei Speeches (Complaint at paragraph 11).

NRWC alleges that, at a weekend dinner attended by some Project Vote! headquarters staff and volunteers, Ralph Nader and Nancy Amedei, criticized Administration policies. Neither Nader nor Amedei have ever been retained as Project Vote staff or consultants nor have their statements been endorsed by Project Vote!. NRWC makes no allegation to the contrary. Indeed, its own affidavit notes that Project VOTE!'s Field Director stated at the meeting that the Project VOTE! staff should not take the approach Mr. Nader recommended.

e. Allegations that Some Project VOTE! Staff and Volunteers have Political Preferences (Complaint at paragraphs 8 and 12)

The NRWC makes eight separate allegations to "prove" that some of Project Vote!'s staff members and volunteers have personal political preferences which they have expressed to one another. The NRWC asks the Commission to draw the inference

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that if the staff has such preferences, Project Vote!'s work must be partisan. Most of these allegations center on private conversations between headquarters staff and volunteers and NRWC agents in which Project Vote! staff or volunteers allegedly used the word "we" in discussing such a preference. No evidence is presented to indicate whether the word was used to refer to Project VOTE! or simply to the two people involved in the conversation. Moreover, none of the allegations include any claim that any partisan action was taken or any contribution made to any campaign by Project VOTE!. Perhaps the NRWC is asking the Commission to infer that, if Project VOTE! staff or volunteers as individuals have personal partisan views, and if they chose to work for Project VOTE, their motivation in doing so must have been partisan. Even if the FEC were willing to take the logical leap to reach this conclusion, the question of personal motivation has no bearing on the only issue before the Commission, which is whether partisan actions were taken on behalf of a campaign or candidate.

(1) It is alleged that one staff person, on the way to the subway, told one of the NRWC agents that she thought it was wonderful that Jesse Jackson had endorsed Mondale, and that "we" could only go up in the polls. The staff person involved was expressing personal views and using the word, "we" to mean herself and the NRWC agent, who had expressed similar personal views. (See Affidavit of Diana Neidle attached hereto as Exhibit D.)

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(2) Similarly, it is alleged that another staff person, asked who won the Kansas City Congressional primary said "we won." Even assuming the quote to be accurate, it is apparent that the staff person was expressing a personal preference. The NRWC does not even claim that any of Project VOTE!'s work in Kansas City was partisan.

(3) Two NRWC agents posing as reporters visited the Cleveland Project VOTE! office. One filed an affidavit saying it "appeared to me that all [seven] volunteers he had met would fall within the classification of liberal Democrat." The two together apparently made four trips to Cleveland in an unsuccessful effort to track down a "country club" Republican whom an unspecified person had told them had been a Project VOTE! volunteer. The significance of these allegations is unclear.

(4) Three Project VOTE! volunteers (including one who was allegedly the Administrative Assistant to the Executive Director, but who actually was a student intern) are alleged to have indicated that they felt the people Project VOTE! was registering were likely to vote overwhelmingly for the Democratic candidate. The student intern is alleged to have said that he was consequently uncomfortable in describing Project VOTE! as non-partisan.

Even assuming arguendo that such statements were made by Project VOTE! volunteers, the statements were simply an expression of the individual speakers' personal

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beliefs and certainly not attributable to Project VOTE!. In fact, both national polling data and Project VOTE!'s own information indicates that the assumption concerning voting patterns attributed to the volunteers was mistaken in that a substantial number of Project VOTE! registrants supported Republican candidates. (See Exhibit C, Newman Affidavit, at 6-7). Again, these allegations are irrelevant to the issue of whether Project VOTE!'s activities are conducted in a non-partisan manner.

f. Allegation concerning the concealment of Records (Complaint at paragraph 16).

The NRWC alleges that one of its agents heard Diana Neidle, a two-day a week employee who volunteered additional time, instruct another staff person not to "number a disk" used for wordprocessing so as to conceal the disk from the IRS. Why leaving a disk unumbered would make it harder for the IRS to find a document is difficult to understand; moreover, the relevance of this allegation to MUR 1824 is even more questionable, since there is no allegation that the material allegedly concealed involved partison conduct or a contribution to a campaign. Moreover, Diana Neidle has signed a notarized affidavit stating that she "never instructed a Project Vote employee or volunteer or any other individual to destroy, alter or otherwise tamper with Project Vote! records or documents for the purpose of concealing such documentation from any federal or state regulatory agency or governmental authority." (See

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Exhibit D, Neidle Affidavit, at paragraph 7; also see Exhibit C, Newman Affidavit, at 10.)

g. Allegation concerning Newman's letter to a Personal Friend (Complaint at paragraph 13).

The NRWC quotes at length from a personal letter written by Sanford Newman, the Executive Director of Project Vote!, to a college friend. This letter is obviously irrelevant to the issue of Project Vote!'s non-partisanship. (See discussion at 10-11 of Exhibit C, Newman Affidavit.)

h. Allegation concerning Omissions from list of Registrants (Complaints at paragraph 15).

Project Vote! staffers continually direct other Project Vote employees and volunteers under their supervision to perform their duties in a non-partisan manner, irrespective of potential voters' political orientation or affiliation. Employees and volunteers are certainly not instructed to delete the names of Republican registrants or any other registrants from Project Vote! lists. (See Exhibit C, Newman Affidavit, at 7-8; also see Exhibit D, Affidavit of Diana Neidle; Exhibit E, Affidavit of Jim Dickson; and Exhibit F, Affidavit of Kirby Urner.)

The NRWC alleges that one of its agents was told to cross Republican names off lists of Pittsburgh registrants being maintained for voter turnout work. In checking forms after this allegation was made, Project Vote! discovered that the NRWC's agent had in fact crossed Republican names of some of the forms, in clear violation of Project Vote! policy. NRWC

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was obviously attempting to "create" the partisan activity its spies could not uncover. These actions of the NRWC spy were discovered, with the result that no names were deleted from the tapes used for the printouts of Project Vote! registrants. In short, while the NRWC secret agent sought to engage in partisan activity, her attempt was unsuccessful, and no partisan activity or contribution to any campaign actually occurred.

i. Allegation concerning Muhammed Ali Flyers (Complaint at paragraph 17).

NRWC alleges that all Project Vote! "Muhammed Ali flyers" were destroyed after Project Vote! learned that Ali had endorsed President Reagan. This is simply not true. Project Vote had not reprinted the Ali flyer since 1982. By the time of the Ali endorsement, Project Vote! probably had less than 100 flyers left, all of which were printed "VOTE! November 2nd" (the date of the 1982 election) and therefore could not have been used this election year. The dwindling stock of Ali flyers are presently being used primarily as samples for fundraising and similar purposes.

The reason why Project Vote! decided to print its 1984 flyers with Jackson's picture instead of Ali's is simply because Jackson's appeal in the black community is so strong. Jackson's permission to use his picture had been requested weeks before the Ali endorsement. (See Exhibit C, Newman Affidavit, at 9-10.) Indeed, the NRWC complaint itself notes

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that the decision to substitute Jackson literature came at least twelve days before the Ali endorsement. The NRWC asks the FEC to draw the conclusion that Project Vote! must have had "inside information" (presumably from the Reagan campaign) about the endorsement. The reasoning is once again bizarre.

j. Miscellaneous Allegations.

Any other allegations, inferences and innuendos which may be included in the complaint and accompanying exhibits and reports from NRWC spies are equally as irrelevant, inaccurate and meritless as those detailed above. Note however, that NRWC's elaborate scheme to uncover evidence of partisan activity by Project Vote! does prove one proposition; the proposition that Project Vote! conducts strictly a non-partisan voter registration effort which is worthy of commendation instead of deliberate harassment.

III. CONCLUSION

Based on the reasons discussed above, the complaint should be dismissed forthwith.

Sincerely,

William C. Oldaker

Leslie J. Kerman

Counsel for Americans for Civic Participation

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EXHIBIT C

AFFIDAVIT OF SANFORD A. NEWMAN

My name is Sanford A. Newman. I am the founder and Executive Director of Americans for Civic Participation and Project VOTE!. I am familiar with the complaint filed by the National Right to Work Committee ("NRWC"), charging that Project VOTE! is a partisan "front" for the Mondale campaign. This allegation is totally unfounded and untrue.

Project VOTE! is one of the nation's leading non-partisan voter registration organizations. We are proud of the contributions we have made to strengthening the democratic process by:

* developing the strategy of registering citizens to vote while they wait in unemployment, cheese, food stamp and other social service lines;

* registering, through the efforts of the many organizations participating in our local coalitions, over 680,000 new voters.

* protecting the right to vote, with an 8-0 success record in federal court lawsuits against five governors, and various county officials who have tried to obstruct voter registration.

We are also proud of our record for scrupulous adherence to the principles of non-partisanship. For example, we require all staff and consultants to sign a contractual guarantee that they will refrain, while acting on behalf of Project VOTE!, from "engaging in any activities whatsoever which are intended to assist, support or oppose any candidate or party," that they will instruct all volunteers to do likewise and will "immediately take any necessary corrective steps if such instructions are violated." (Attachment 1).

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Attachment 6

All district coordinator and regional director expense requests are required to be accompanied by a signed certification that "all activities for which these expenses were incurred were entirely non-partisan. They were not cosigned to, and did not, provide support or opposition to any candidate or party." (Attachment Two).

Even volunteer expense reimbursements of a few dollars are required to be paid only after volunteers sign a receipt stating that "all activities for which these expenses were incurred were conducted in a non-partisan manner." (Attachment Three).

And we routinely send letters to all candidates for federal office, Republican, Democrat, independent or other party, in the areas in which we work, asking for their help and offering to provide lists of our registrants at market prices so that they can encourage these new registrants to vote. A copy of sample letters are attached, (Attachment four) as are letters requesting the assistance of the Republican National Committee. (Attachments Five and Six) and the letter from the Chairman of the Republican National Committee responding to this request. (Attachment Seven)

1. The NRWC alleges that at least seven of the 43 organizations represented on our Advisory Board endorsed Mondale. This is true. It also has no bearing on our non-partisanship. Many unions and other organizations support or

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engage in both partisan and non-partisan activities. The NRWC does not claim any evidence that any of those organizations ever asked Project VOTE! to engage in any partisan activity, much less that we acceded to such a request. Moreover, no such requests have ever been made.

Project VOTE's policy is to accept assistance from anyone willing to support or participate in non-partisan efforts to register voters, except that we do not accept funds directly from political parties or candidates. We do not subject all would-be supporters to a test to insure that they have no political views or partisan interests. Indeed, doing so would raise serious First Amendment questions, and would result in endless debates over who was pure enough to support a non-partisan effort.

2. One of the NRWC agents reports that I announced at a staff meeting that I had attended a fundraiser at the Democratic National Convention. Although her report is slightly confused (I did not attend the fundraiser described, and did not announce that I had), I did go to San Francisco at the time of the Democratic Convention. My objective was to raise money by taking advantage of the fact that many wealthy individuals, including some who had in the past supported efforts to help low-income and minority citizens, would be gathered in San Francisco. I received only one contribution

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pledge during the time I spent in San Francisco; a pledge which was never fulfilled. The Democratic Party did not assist me in obtaining this pledge.

While I did not receive any assistance in this regard from the Democratic Party, I did write the Chair of the Republican National Committee ("RNC") asking his "assistance in raising money and/or recruiting volunteers to assist in our efforts to register low income and minority voters." I specifically suggested that "the Republican National Convention might present an ideal opportunity to meet some of the Party's large contributors." I asked whether some of the RNC contributors or staff might be able to help put me in touch with such contributors if I were to attend the Republican National Convention. I received a reply from Mr. Fanrenkopf indicating that the Republican National Committee was focusing its efforts on increasing the numbers of voters who would support the Republican ticket, and that he would be unable to assist us. A copy of this correspondence comprises Attachments Six and Seven.

3. The NRWC secret agent alleges that I reported at a staff meeting that we had received $135,000 from the Committee to Register and Vote the Missing Half. It suggests that this was illegal because the Chair of the Committee once served in the Carter Administration, and because an associate of his had, at a time prior to beginning his work for the Committee to Register and Vote the Missing Half, been on the payroll of the Mondale Campaign.

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Consistent with our policy of accepting help from all supporters, we certainly did ask the Committee to Register and Vote the Missing Half, which does not make political contributions itself, to encourage wealthy individuals to contribute to Project VOTE!. There is certainly nothing improper about such a request.

4. The NRWC alleges that I met at Mondale headquarters with Jim Kennedy, an AFL-CIO staff person who had been assigned to work part time for the Mondale campaign. Kennedy formerly served as Political Director for the Brotherhood of Railway Carmen, and knows many people in the labor movement. I met with him not because of any role he plays in the Mondale campaign, but to ask his help in raising funds from unions. In fact, I believe I was probably unaware at the time I called him that he had been assigned to work on the Mondale campaign. We had planned to meet in his office at the AFL-CIO building, but he called to tell me that he had to go to the Mondale headquarters. I agreed to stop by the headquarters building to get him. Our meeting actually took place at a nearby restaurant. There is nothing improper about such a meeting. The NRWC alleges that this meeting apparently "played a part of Jesse Jackson's endorsement of Mondale, which was announced two days earlier." No evidence is cited. In fact, neither the meeting nor Project VOTE! played a role in arranging the endorsement.

5. The NRWC alleges that Project VOTE! accepted help from the Democrats in Delaware. In keeping with our

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standard policy, we request help from all candidates and parties, and sent memos requesting such assistance to all federal candidates in Delaware, and to all federal candidate in each of the areas in which we worked. (A copy of the form memo which went to Delaware candidates and all other federal candidates in the areas in which we worked is attached hereto as Attachment Eight).

6. It is stated that, at a weekend dinner attended by some Project VOTE! headquarters staff and volunteers, Ralph Nader and Nancy Amidei, criticized Administration policies. Neither Nader nor Amidei have ever been retained as Project VOTE! staff or consultants nor have their statements been endorsed by Project VOTE!.

7. Two unpaid Project VOTE! volunteers are alleged to have indicated that they felt the people Project VOTE! was registering were likely, because they were low-income people, to vote overwhelmingly for Democratic candidates, and that they therefore felt our work would have the effect of helping the Democratic party. A third person, Julian Anthony, is alleged to have been the Administrative Assistant to the Executive Director, and to have made a similar statement. Julian was actually a student intern in our office. In fact, both national polling data and our own information indicate that his assumption and those of the other volunteers was mistaken in that a

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substantial number of our registrants supported Republican candidates.

8. It is alleged that one of the NRWC agents posing as a reporter observed an envelope in the Cleveland Project VOTE! office which was labelled "Communist Party of Ohio." Apparently, the NRWC would like the FEC or the IRS to draw the inference that Project VOTE! is a Communist organization. Apparently, the Right to Work Committee believes this would be further evidence that we were a front for the Mondale campaign.

Our policy, as stated above, is to permit all persons and organizations willing to join in non-partisan voter registration to participate in Project VOTE! efforts. While our national staff and Board have never addressed the question of whether Communists should be allowed to participate, a decision to exclude them on the basis of party affiliation, while encouraging all other parties and candidates to participate, might well run afoul of non-partisanship requirements.

9. It is alleged that one of the NRWC agents was told to cross Republicans off lists of our Pittsburgh registrants being maintained for voter turnout work. In checking forms after this allegation was made, we discovered that the Right to Work Committee's agent had in fact crossed Republican names off some of the forms. At no time have I instructed anyone to delete names of Republican registrants or any other registrants from our lists. Indeed, a check of our computer tapes

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will show that they contain the names of many thousands of Republican registrants. While the National Right to Work Committee and its secret agent did in fact attempt to engage in partisan activity by crossing Republican names, it did so in clear violation of Project VOTE! policy. Even in that instance, once we became aware that Republican names had been crossed out, we immediately sent the forms back to data entry personnel to have the crossed out names added to the tapes. As a result, the Right to Work Committee's attempt to cause Project VOTE! to engage in partisan activity was unsuccessful.

10. It is alleged that the former chairman of the Simon for Senate Campaign in the Chicago area is actively involved in Project VOTE! efforts, and that I said we could expect that somebody would soon challenge our tax status and try to use that as evidence that we were partisan.

It is true that we anticpated that, because our voter registration work and our litigation against obstruction of voter registration had been so effective, there would be attempts by groups like the NRWC to intimidate our funders by attacking our tax status.

The person mentioned was never Chair of the Simon campaign; he had simply been a member of its field staff prior to working for Project VOTE!; he was retained as a paid Project VOTE! consultant, and assisted in coordinating a city-wide non-partisan voter registration and turnout effort.

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This person, like all Project VOTE! consultants and staff, was required to sign a contract guaranteeing that all of his efforts as a Project VOTE! staff person would be entirely non-partisan, and that he would not, while acting in that capacity, indicate support or opposition for any candidate or party. The NRWC does not allege that he has violated that contract. The fact that he has a personal preference for Simon and had previously worked on the Simon campaign has no bearing on his ability to engage in non-partisan registration.

11. The NWRC alleges that all Muhammed Ali flyers were destroyed after Project VOTE! learned that Ali had endorsed President Reagan. It says that we quickly substituted materials bearing Jesse Jackson's picture, because Jackson endorsed Mondale/Ferraro. It then alleges that we must have had inside knowledge of the Ali endorsement because we took the alleged action twelve days before the Ali endorsement was announced.

In fact, we had not reprinted the Ali flyer since 1982. By the time of the Ali endorsement, we probably had less than 100 flyers left, all of which were printed "VOTE! November 2nd" and therefore could not have been used this year. They were by that time beng used primarily as samples for fundraising and similar purposes. We did not destroy these leftovers, and have continued to use our dwindling stock for such purposes. We decided to print this year's flyers with Jackson's picture

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instead of Ali's because Jackson's appeal in the black community is so strong. Jackson's permission to use his picture had been requested weeks before the Ali endorsement.

12. It is alleged that one of the NRWC agents heard one Project VOTE! staff person instruct another not to "number a disk" used for wordprocessing, because we didn't want the IRS to find a document on the disk. I am unable to figure our how leaving a disk unnumbered would make it harder for the IRS to find a document. At any rate, our search of unnumbered disks in our possession reveals no document which in any way would jeopardize our tax status. We will be happy to make all such disks available to the IRS upon request.

13. The NRWC quotes at length from a personal letter I had written to a college friend who had dropped me a note with a contribution in it. Most of the letter is about my one-year old baby girl.

The NRWC cites with ominous drama part of my statement that "trying to be a good Daddy while running a campaign organization often leaves me feeling pretty overwhelmed." If the NRWC wanted to prove that we use the word "campaign" to describe our work they could have done so without snooping through private letters. We do indeed use the word, "campaign" not only in my private correspondence but in many public documents in much the same way it is used by United Way

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Campaigns, alumni giving campaigns and other non-partisan efforts -- to denote an intensive effort to achieve a numerical goal within set time constraints.

I declare under penalty of perjury that, to the best of my knowledge, that the foregoing is true and accurate.

Sanford A. Newman

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Attachment One

Project VOTE!

Consulting Agreement

_____ agrees to serve as a consultant to Project VOTE! beginning on _____, 1984. Consultant shall advise on and coordinate Project VOTE! activities in the area to which consultant is assigned. Consultant shall not be an employee of Project VOTE!, but shall be responsible to Project VOTE! for ensuring satisfactory outcome of registration efforts.

While acting as a consultant to Project VOTE!, consultant will refrain from engaging in any activities whatsoever which are intended to assist, support or oppose any candidate or party. Consultant shall instruct any Project VOTE! volunteers or other persons to refrain, while engaged in Project VOTE! activities, from indicating support or opposition for any candidate or party, or from otherwise acting in a partisan manner, and shall immediately take any necessary corrective steps if such instructions are violated.

Consultant will receive from Project VOTE! a stipend of _____ per week. Project VOTE! will not withhold any taxes or provide other benefits; consultant will be solely responsible for any such payments due.

Funds provided by Project VOTE! will be spent only on non-partisan voter registration and education activities.

Records must be maintained showing not only the names, addresses, and phone numbers of persons registered, but also the site where each registration is doen, how many registrations are done by each volunteer, and to which organizations those registrations are to be credited.

As a consultant, I have read the contents of the District Coordinator's Packet in its entirety. I agree to abide by all Project VOTE's policies and to utilize Project VOTE! training materials and methods to the best of my ability to maximize voter registration and turnout in my district.

Monthly or at such other times requested by Project VOTE!, and upon termination of this agreement, consultant will provide Project VOTE! with a written full accounting of all monies expended by consultant for Project VOTE! activities under this agreement. Failure to meet weekly voter registration projections will be grounds for termination. This agreement may be terminated forthwith by either party at any time.

Agreed for Project VOTE! by:

_____
(signature)

_____
(date)

Agreed by consultant:

_____
(signature)

_____
(date)

46

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EXPENSE FORM Attachment Two

The attached report covers expenses which I incurred in connection with my responsibilities as a District Coordinator or Regional Director for Project VOTE!. All activities for which these expenses were incurred were entirely non-partisan. They were not designed to, and did not, provide support or opposition to any candidate or party.

NAME _____ District _____

SIGNATURE _____ Date _____

ATTACH RECEIPTS - ONLY RECEIPTED ITEMS REIMBURSED

OF _____

DATE	PAID TO:	REASON FOR EXPENSE	AMOUNT	OFFICE USE ONLY CODE
		TOTAL		
		TOTAL		

REMIT TO: _____

ADDRESS: _____

_____

APPROVED BY _____

VERIFIED BY _____

DATE _____

47

RECEIPT

Received from Project VOTE!, the sum of _____ dollars, for volunteer expenses incurred during registration activities on _____, 1984. All activities for which these expenses
(date)
were incurred were conducted in a non-partisan manner.

_____
Signature

RECEIPT

Received from Project VOTE!, the sum of _____ dollars, for volunteer expenses incurred during registration activities on _____, 1984. All activities for which these expenses
(date)
were incurred were conducted in a non-partisan manner.

_____
Signature

RECEIPT

Received from Project VOTE!, the sum of _____ dollars, for volunteer expenses incurred during registration activities on _____, 1984. All activities for which these expenses
(date)
were incurred were conducted in a non-partisan manner.

_____
Signature

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Attachment Four

A

PROJECT VOTE!

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

BOARD OF ADVISORS

Bella Abzug
Women USA
Nancy Amidei, Director
Food Research and Action Center
Ira Arlook, Executive Director
Citizen Action
Asa Bennett, Executive Secretary
American Friends Service Committee
Barbara Bode, President
Children's Foundation
Kenyon C. Bolton
National Council of Churches
David Cohen
Social Development Corporation
David Cortright, Executive Director
SANE
Rev. Robert W. Davidson, Past Moderator
United Presbyterian Church
Cushing N. Dolbeare, President
National Low Income Housing Coalition
Kathleen M. Dowley, President
National Student Education Foundation
Robert Drinan, S.J., President
Americans for Democratic Action
Marian Wright Edelman, President
Children's Defense Fund
Pablo S. Eisenberg, President
Center for Community Change
Douglass A. Fraser, Past President
United Auto Workers
Mary Hatwood Futrell, President
National Education Association
Lois Gibbs
Citizens Clearinghouse for Hazardous Waste
Judith Goldsmith, President
National Organization for Women
Sanford Gottlieb, Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein, Director
Center on Budget and Policy Priorities
Norman Hill, Director
A. Philip Randolph Institute
Benjamin L. Hooks, Executive Director
National Association for the Advancement of Colored People
William R. Hutton, Executive Director
National Council for Senior Citizens
John E. Jacob, President
National Urban League
Frederick C. James, Presiding Bishop
A.M.E. Church
Hubert James, Executive Director
Humanserve Campaign
Henry L. Lacayo, National President
Labor Council for Latin American Advancement
Michael McCloskey, Executive Director
Sierra Club
Durward McDaniel, Chairperson
Affiliated Leadership League of and for the Blind of America
Gerald W. McEntee, President
American Federation of State, County and Municipal Employees
Greg T. Moore, President
United States Student Association
Rafe Pomerance, President
Friends of the Earth
David Raphael
Rural America
Dorothy S. Ridings, President
League of Women Voters
Janice Robinson, Executive Director
National Association of Community Health Centers
Larry Rodgers, President
ACORN
Padre Sedano, Dir. of Hispanic Affairs
U.S. Catholic Conference Conf. of Bishops
Jessica Smith, Director
Frontlash
Russell Sykes
Fair Budget Action Coalition
Shel Trapp
National People's Action
William C. Velasquez, Director
Southwest Voter Registration Education Project
Glenn Watts, President
Communications Workers of America
Lynn Williams, Acting President
United Steelworkers of America

Sanford A. Newman
Executive Director
Albert A. Raby
Deputy Director
James Dickson
Director of Training and Organizing

September 1984

Memo to: Candidates for U.S. Congress

From: Sanford E. Newman
Executive Director Sanford Newman /bs

Project VOTE! is a non-partisan voter registration organization. We are currently undertaking an effort to register low-income and minority voters in your district.

We would be grateful for any help you can provide in generating volunteer or financial resources for this effort, as well as for planned follow-up voter education and turnout efforts, and will be happy to make lists of those registered available to you so that you can encourage them to vote.

Please let us know whether you can help, and whether you would like lists of those registered as part of our effort.

(49)

"Project VOTE! is a project of Americans for Civic Participation."

Attachment Five

Project VOTE!

1200 15th St. NW,
Suite 201
Washington, DC 20005
(202) 293-3933

BOARD OF ADVIS[illegible]
[illegible] Director
Women USA
Nancy Amidei Director
Food Research and Action Center
[illegible] Executive Director
Citizen Action
Ann Bennett Executive Secretary
American Friends Service Committee
Barbara Boch President
Children's Foundation
Morgan C. Burke
National Council of Churches
David Cohen
Social Development Corporation
David Cortright Executive Director
SANE
Rev. Robert M. Davidson Past Moderator
United Presbyterian Church
Cushing N. Dolbeare President
National Low Income Housing Coalition
Kathleen M. Dowley President
National Student Education Foundation
Robert Drinan S.J. President
Americans for Democratic Action
Marian Wright Edelman President
Children's Defense Fund
Peggy S. Eisenberg President
Center for Community Change
Janice Fine National Chair
United States Student Association
Douglas A. Fraser President
United Auto Workers
Lois Gibbs
Citizens Clearinghouse for
Hazardous Waste
Judith Goldsmith President
National Organization for Women
Samuel Gompers Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein Director
Center on Budget and Policy Priorities
Norman Hill Director
A. Philip Randolph Institute
Benjamin L. Hooks Executive Director
National Association for the
Advancement of Colored People
William R. Hutton Executive Director
National Council for Senior Citizens
Jesse Jackson Founder President
People United to Save Humanity (PUSH)
John E. Jacob President
National Urban League
Frederick D. James Presiding Bishop
A.M.E. Church
Robert James President
Center for Third World Organizing
Pedro L. Lozada Ramos President
Labor Council for Latin American
Advancement
Lloyd McBride President
United Steelworkers of America
Michael McCloskey Executive Director
Sierra Club
Gerald W. McEntee President
American Federation of State
County and Municipal Employees
William H. McGuire President
National Education Association
Ruth Mohrmann President
Friends of the Earth
David Rapoport
Rural America
Dorothy S. Ridings President
League of Women Voters
Janice Rogers Executive Director
National Association of
Community Health Centers
Larry Rogers President
ACORN
Jessica Smith Director
Frontlash
Howard Spragg Executive Vice President
United Church Board for
Homeland Ministries
Russell Sykes
Fair Budget Action Coalition
Sue Tracy
National People's Action
William C. Velasquez Director
Southwest Voter Registration
Education Project
Gene Watts President
Communications Workers of America

Sanford A. [illegible]
Executive [illegible]
[illegible]
Director of Policy [illegible]

January 26, 1984

Frank J. Fahrenkopf, Jr.
Chairman
Republican National Committee
310 First Street, S.E.
Washington, DC 20003

Dear Mr. Fahrenkopf:

Project Vote is a non-partisan voter registration organization. We are currently undertaking registration efforts aimed at registering low-income and minority voters.

Please let me know whether you can assist us in raising money or recruiting volunteers, and whether you would like to follow up on those voters we register to encourage voter turnout.

Sincerely,

Sanford A. Newman

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(50)

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Attachment Six

Project VOTE!

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

BOARD OF ADVISORS
Bella Abzug
Women USA
Nancy Amidei Director
Food Research and Action Center
Ira Arlook Executive Director
Citizen Action
Asa Bennett Executive Secretary
American Friends Service Committee
Barbara Bode President
Children's Foundation
Kenyon C. Burke
National Council of Churches
David Cohen
Social Development Corporation
David Cortright Executive Director
SANE
Rev. Robert M. Davidson Past Moderator
United Presbyterian Church
Cushing N. Dolbeare President
National Low Income Housing Coalition
Kathleen M. Downey President
National Student Education Foundation
Robert Drinan S.J. President
Americans for Democratic Action
Marian Wright Edelman President
Children's Defense Fund
Pablo S. Eisenberg President
Center for Community Change
Douglass A. Fraser Past President
United Auto Workers
Mary Hatwood Futrell President
National Education Association
Lois Gibbs
Citizens Clearinghouse for
Hazardous Waste
Judith Goldsmith President
National Organization for Women
Sanford Gottlieb Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein Director
Center on Budget and Policy Priorities
Norman Hill Director
A. Philip Randolph Institute
Benjamin L. Hooks Executive Director
National Association for the
Advancement of Colored People
William R. Hutton Executive Director
National Council for Senior Citizens
John E. Jacob President
National Urban League
Frederick C. James Presiding Bishop
A.M.E. Church
Hulbert James Executive Director
Humanserve Campaign
Henry L. Lacayo National President
Labor Council for Latin American
Advancement
Michael McCloskey Executive Director
Sierra Club
Durward McDaniel Chairperson
Affiliated Leadership League of and
for the Blind of America
Gerald W. McEntee President
American Federation of State,
County and Municipal Employees
Greg T. Moore President
United States Student Association
Kate Pomerance President
Friends of the Earth
David Rapner
Rural America
Dorothy S. Ridings President
League of Women Voters
James Robinson Executive Director
National Association of
Community Health Centers
Lucy Rodgers President
ACORN
Patricia Sierra Director of Hispanic Affairs
U.S. Catholic Conference Conf. of Bishops
Jessica Smith Director
Frontlash
Russell Sykes
Fair Budget Action Coalition
Shel Trapp
National People's Action
William C. Velasquez Director
Southwest Voter Registration
Education Project
[illegible]
Communications Workers of America
[illegible]
United Steelworkers of America

Sanford A. Newman
Executive Director
Albert R. [illegible]
Deputy Director
James [illegible]
Director of Research
and Organizing

July 13, 1984

Mr. Frank J. Fahrenkopf, Jr.
Chairperson
Republican National Committee
310 First Street, S.E.
Washington, DC 20003

Dear Mr. Fahrenkopf:

I am writing to renew my request for your assistance in raising money and/or recruiting volunteers to assist in our efforts to register low-income and minority voters.

I am confident that many Republicans share our commitment to broadening participation in the democratic process by those population groups who currently vote least.

It occured to me that the Republican National Convention might present an ideal opportunity to meet some of the Party's large contributors, but I know little about how the convention will operate.

Is it possible that you or some of your contributors might be able to hold a reception to assist in raising money for groups registering low-income and minority voters? Do you anticipate that you or someone on your staff might be able to facilitate such contributions if I were to come to the convention.

I will be most grateful for your assistance.

Sincerely,

Sanford A. Newman

fahrenko.784/kypro cel

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"Project VOTE! is a project of Americans for Civic Participation."

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Republican
National
Committee

Frank J. Fahrenkopf, Jr.
Chairman

August 8, 1984

Mr. Sanford A. Newman
Executive Director
Project Vote!
1201 16th Street, N.W.
Suite 219
Washington, D.C. 20036

Dear Mr. Newman:

As I am sure you are aware, the Republican National Committee, in conjunction with State Republican committees, has been conducting voter registration drives to increase the numbers of new Republican voters. These programs have been and will continue to be very successful and we are confident of reaching our goal.

The schedule has been set for the Republican National Convention for some time. Therefore, it will not be possible to arrange the reception you requested.

The best of luck with your registration program. Our combined efforts will indeed go far toward broadening participation in the democratic process.

Very truly yours,

Frank J. Fahrenkopf, Jr.

FJF/gce

8504025

Dwight D. Eisenhower Republican Center; 310 First Street Southeast, Washington, D.C. 20003. (202) 863-8700. Telex: 70 11 44

Attachment Eight

Project VOTE!

BOARD OF ADVISORS
Bella Abzug
Women USA
Nancy Amidei Director
Food Research and Action Center
Ira Arlook Executive Director
Citizen Action
Asia Bennett Executive Secretary
American Friends Service Committee
Barbara Bode President
Children's Foundation
Kathryn C. Burke
National Council of Churches
David Cohen
Social Development Corporation
David Cortright Executive Director
SANE
Rev. Robert W. Davidson Past Moderator
United Presbyterian Church
Cushing N. Dolbeare President
National Low Income Housing Coalition
Kathleen M. Downey President
National Student Education Foundation
Robert Drinan S.J. President
Americans for Democratic Action
Marian Wright Edelman President
Children's Defense Fund
Paula S. Eisenberg President
Center for Community Change
Douglass A. Fraser Past President
United Auto Workers
Mary Hatwood Futrell President
National Education Association
Lois Gibbs
Citizens Clearinghouse for
Hazardous Waste
Jean Goldsmith President
National Organization for Women
Sanford Gottlieb Executive Director
Physicians To Prevent Nuclear War
Robert Greenstein Director
Center on Budget and Policy Priorities
Norman Hill Director
A. Philip Randolph Institute
Benjamin L. Hooks Executive Director
National Association for the
Advancement of Colored People
William R. Hutton Executive Director
National Council for Senior Citizens
John E. Jacob President
National Urban League
Frederick C. James Presiding Bishop
A.M.E. Church
Rupert James Executive Director
Humanserve Campaign
Henry L. Lacayo National President
Labor Council for Latin American
Advancement
Michael McCloskey Executive Director
Sierra Club
Donald McDaniel Chairperson
Affiliated Leadership League of and
for the Blind of America
Gerald W. McEntee President
American Federation of State,
County and Municipal Employees
Greg T. Moore President
United States Student Association
Kate Pomerance President
Friends of the Earth
David Rabhan
Rural America
Dorothy S. Ridings President
League of Women Voters
Janice Robinson Executive Director
National Association of
Community Health Centers
Larry Rodgers President
ACORN
Patrick Sculley Director Office of Social Affairs
U.S. Catholic Conference Conf. of Bishops
Jessica Smith Director
Frontlash
Russell Sykes
Fair Budget Action Coalition
Shel Trapp
National People's Action
William C. Velasquez Director
Southwest Voter Registration
Education Project
Glenn Watts President
Communications Workers of America
Lloyd A. Williams Acting Director
United Steelworkers of America

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

Sanford A. Newman
Executive Director
Albert A. Kelly
Deputy Director
James Dickson
Director of Training
and Organizing

September 1984

Memo to: Candidates for U.S. Congress

From: Sanford E. Newman
Executive Director Sanford Newman/bs

Project VOTE! is a non-partisan voter registration organization. We are currently undertaking an effort to register low-income and minority voters in your district.

We would be grateful for any help you can provide in generating volunteer or financial resources for this effort, as well as for planned follow-up voter education and turnout efforts, and will be happy to make lists of those registered available to you so that you can encourage them to vote.

Please let us know whether you can help, and whether you would like lists of those registered as part of our effort.

AFFIDAVIT OF DIANA NEIDLE

I, DIANA NEIDLE, DECLARE AS FOLLOWS:

1. I am the Deputy for Administration for Americans for Civic Participation's Project Vote ("Project Vote") located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036.

2. I have held this position at Project Vote since July of 1984.

3. My duties at Project Vote include the supervision of numerous Project Vote employees and volunteers in the compilation and processing of voter registration information.

4. I have continually directed Project Vote employees and volunteers under my supervision to carry out their duties in a non-partisan manner, irrespective of the political orientation of potential voters.

5. To the best of my knowledge and belief, all voter registration activities undertaken by Project Vote during my tenure therewith have been carried out strictly on a non-partisan basis.

6. With respect to the allegation made in Paragraph 4 of Elfrida L. Martin's Affidavit (MUR 1824 - "Exhibit G"), the statement attributed to me was simply an expression of my personal political preference and in no way was meant to reflect the opinion or orientation of Project Vote and/or Americans for Civic Participation.

7. With respect to the allegation made in Paragraph 12 of Howard Miller's Affidavit ("Exhibit D"), I have never

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Attachment 7 (54)

instructed a Project Vote employee or volunteer or any other individual to destroy, alter or otherwise tamper with Project Vote records or documents for the purpose of concealing such documentation from any federal or state regulatory agency or governmental authority.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and accurate.

Diana Neidle
Diana Neidle

City of Washington)
) ss:
District of Columbia)

I, KAREN BROWN ARNOLD, a Notary Public, hereby certify that on the 26th day of NOVEMBER, 1984, there personally appeared before me Diana Neidle, who acknowledged signing the foregoing document and that the statements therein contained are true.

Karen Brown Arnold
Notary Public

My Commission Expires: 1/1/89

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EXHIBIT E

AFFIDAVIT OF JIM DICKSON

I, JIM DICKSON, DECLARE AS FOLLOWS:

1. I am currently the Director of Organization and Training for Americans for Civic Participation's Project Vote ("Project Vote") located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036.

2. I have been employed by Project Vote since July of 1982.

3. During the course of my employment with Project Vote, I have supervised numerous Project Vote employees and volunteers in the compilation and processing of voter registration information.

4. I have continually directed Project Vote employees and volunteers under my supervision to carry out their duties in a non-partisan manner, irrespective of potential voters' political orientation or affiliation.

5. To the best of my knowledge and belief, all voter registration activities undertaken by Project Vote during my employment therewith have been carried out strictly on a non-partisan basis.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and accurate.

Jim Dickson

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Attachment 8 (56)

City of Washington)
) ss:
District of Columbia)

I, Donna S. Clapp, a Notary Public, hereby certify that on the 19th day of November, 1984, there personally appeared before me Jim Dickson, who acknowledged signing the foregoing document and that the statements therein contained are true.

Donna S Clapp
Notary Public

My Commission Expires: ~~11/9/87~~ 4/30/87

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(57)

EXHIBIT F

AFFIDAVIT OF KIRBY URNER

I, KIRBY URNER, DECLARE AS FOLLOWS:

1. I was employed as a consultant to Project VOTE! in Washington, D.C. from June 1, 1984 to November 9, 1984.

2. During the period of my employment by Project VOTE!, I served as a general office assistant, with particular emphasis upon the oversight and operation of the office word processor and, from late September to November on a full-time basis, the management of data processing information concerning persons registered through Project VOTE! voter registration efforts.

3. As manager of data processing, I arranged for and was the principal contact with data processing firms retained by Project VOTE!. I instructed the data processing staff of such firms regarding the entry onto magnetic tape of information about each registrant; information which appeared on copies of registration forms, cards, and listings sent to Project VOTE! by its field personnel. Such information included the name and address of each registrant and, where available, the registrant's telephone number, registration site, race and political party affiliation. I performed quality checks of the data entry process by "reading the tapes" through review of printouts of the tapes. In addition to my work concerning data-entry, I instructed and provided oversight on merging, sorting and other data processing steps involved in

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Attachment 9 (58)

printing the data on mailing and other follow-up labels and lists which were returned to Project VOTE! field personnel for use in get-out-the-vote drives. On my own inititative or at the request of field personnel, I did trouble shooting when data problems arose.

4. In addition to my primary responsibilities, described in paragraph 4 above, I assisted in the processing of the raw data--copies of registration forms and registrant listings--preparatory to transmitting such raw data to the data processing firms. Such processing, usually done by others in the office, consisted of counting the names submitted, reviewing the data for legibility, estimating the percentage of registrants for which data regarding telephone numbers, race, and party affiliation was available, and batching the data by registration site in order to facilitate data entry onto the tapes. To assist in reducing the backlog, I performed this function for several hundred registrations from Maine and 3000-4000 registrations from the Pittsburgh area.

5. In carrying out the activities described in paragraphs 4 and 5 above, at no time was I instructed to drop or give differential treatment to Republican registrants, nor did I ever do so or instruct others to do so. Further, in the course of performing my duties at Project VOTE!, I ob-

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served that substantial numbers of Republican registrants were included in the raw data which was sent to the processing firms for computer processing and, subsequently, in the print-out sheets from such processing.

6. I have continually directed Project VOTE! employees and volunteers under my supervision to perform their duties in a non-partisan manner, irrespective of the political orientation of potential voters.

7. To the best of my knowledge and belief, all voter registration activities undertaken by Project VOTE! during my tenure therewith have been carried out strictly on a non-partisan basis.

I declare under penalty of perjury that, to the best of my knowledge, that the foregoing is true and accurate.

Kirby Urner

Kirby Urner has orally consented to the submission of this affidavit to the Federal Election Commission. A copy of the Affidavit has been sent to Mr. Urner for his signature and will be submitted to the Commission when received.

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EXHIBIT A

Internal Revenue Service
District Director

Department of the Treasury

Date: June 01, 1984

Our Letter Dated:
June 15, 1983
Person to Contact:
R.D. Morris
Contact Telephone Number:
488-3100

Americans for Civic Participation
1200 15th. Street, N.W., Suite 201
Washington, D.C. 20005

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This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section * see below. Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section * see below status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section * see below organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

* 509(a)(1) and 170(b)(1)(A)(vi).

Sincerely yours,

Teddy R. Kern
District Director

Attachment 10 (61)

31 Hopkins Plaza, Baltimore, Md. 21201

Letter 1050 (DO) (7-77)

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Americans for Civic Participation
1201 16th Street, N.W., Suite 615
Washington, D.C. 20036

Person to Contact:
Mr. Luperini
Telephone Number:
202-566-5622
Refer Reply to:
OP:E:EO:T:R:2

Date: 15 JUN 1982

Employer Identification Number: 52-1251514
Key District: Baltimore
Accounting Period Ending: December 31
Foundation Status Classification: 170(b)(1)(A)(vi) and 509(a)(1)
Advance Ruling Period Ends: December 31, 1983

Gentlemen:

Based on information submitted, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

You were incorporated under the laws of the District of Columbia on April 5, 1982. Your purposes, as set forth in your Articles of Incorporation, are exclusively charitable, educational, literary and scientific, including (without limitation) educating the public as to their rights, priviledges, and opportunities in the area of civic participation. You state that you will conduct public education and research in the area of civic participation, focusing primarily on opportunities for and the needs of low-income people. You will seek to educate and inform low-income citizens of the importance of participating in, and the ways in which they are affected by, civic affairs. It will inform them of the various vehicles that exist to impact on civic affairs.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends of the date shown above.

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Americans for Civic Participation

Within 90 days after the end of your advance ruling period, you must submit to your key District Director information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(1) and 170(b)(1)(A)(vi) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this 509(a)(1) determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

If your sources of support, or your purposes, character, or method of operation change, please let your key district know so that office can consider the effect of the change on your exempt status and foundation status. Also, you should inform your key District Director of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact your key District Director. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other federal excise taxes. If you have questions about excise, employment, or other federal taxes, contact any Internal Revenue Service office.

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Americans For Civic Participation

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106 and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than $10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You have submitted information which indicates that:

1. Your activities will be conducted on a nonpartisan basis; will not be confined to one specific election period; and will be carried on through your agents in 5 or more states.

2. Substantially all of your income will be expended directly for the active conduct of the activites constituting the purpose or function for which you are organized and operated.

3. You will meet the support tests set forth in section 4945(f)(4) of the Code.

4. You will not accept contributions which are earmarked for voter registration drives in the manner proscribed by section 4945(f)(5) of the Code.

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Americans for Civic Participation

Section 4945 of the Code provides for the imposition of taxes on each taxable expenditure of a private foundation.

Section 4945(d)(2) of the Code provides that the term "taxable expenditure" means any amount paid or incurred by a private foundation to influence the outcome of any specific public election, or to carry on directly or indirectly, any voter registration drive except as provided in 4945(f).

Section 4945(f) of the Code provides that section 4945(d)(2) of the Code shall not apply to a grant made to an organization which meets certain requirements:

(1) the organization is one which is described in section 501(c)(3) and exempt from taxation under 501(a)

(2) the activities of which are nonpartisan, are not confined to one specific election period, and are carried on in 5 or more states,

(3) substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated,

(4) substantially all of the support of which is received from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; not more than 25 percent of such support is received from any one exempt organization; and not more than half of the support of which is received from gross investment income, and

(5) contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specified election period.

For years in which you operate in accordance with the information submitted in support of your request, you will be considered an organization described in section 4945(f) and therefore not subject to 4945(d)(2). For years during which you maintain your status as an organization described in 4945(f), amounts contributed to you by private foundations will not be considered amounts paid or incurred to carry on, directly or indirectly any voter registration drive or to influence the outcome of any specific public election for the purposes of section 4945(f).

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Americans for Civic Participation

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours

J. E. Griffith

J.E. Griffith
Chief, Rulings Section
Exempt Organizations
Technical Branch

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(66)

GC#5721

LEGAL SERVICES
OFFICE OF GENERAL COUNSEL

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

November 19, 1984

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

Re: MUR 1824

Dear Mr. Steele:

On October 24, 1984 you wrote to Mary Futrell, President of the National Education Association ("NEA"), regarding the above MUR. I have been authorized to represent NEA, and this response is submitted on its behalf.

The complaint upon which this MUR is based alleges three violations of the Federal Election Campaign Act of 1971 as amended ("Act"), only one of which relates to NEA. Specifically, the allegation is made that "NEA ... is violating 2 U.S.C. § 441b by donating office space to a partisan political operation." The "partisan political operation" in question is Project Vote, a voter registration activity conducted by Americans for Civic Participation ("ACP"). Although NEA does in fact donate office space to Project Vote, for the reasons set forth below, we do not believe this constitutes a violation of the Act.

The Commission's regulations provide that a labor organization may donate funds to "nonprofit organizations which are exempt from federal taxation under 26 U.S.C. § 501(c)(3) or (4) and which do not support, endorse or oppose candidates or political parties," for use in nonpartisan voter registration drives. 11 C.F.R. § 114.4(c)(2). A related provision allows "nonpartisan tax-exempt organization[s], in conducting nonpartisan registration and get-out-the-vote activities, [to] utilize ... the ... facilities of a labor organization." 11 C.F.R. § 114.4(c)(3). Project Vote professes to be precisely the type of organization referred to in the above regulations, and

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Attachment 11 (67)

the United States Internal Revenue Service agrees. Thus, the IRS has classified ACP (i.e., Project Vote) as a tax-exempt organization under 26 U.S.C. § 501(c)(3) and has determined that its activities are nonpartisan under this and other relevant provisions of the tax code.[1]

The complainant in this MUR, the National Right to Work Committee ("NRWC"), disputes the position taken by IRS. Based largely upon affidavits filed by private investigators retained by NRWC for the purpose of investigating "organized labor's use of compulsory dues to finance 'in-kind' political spending," Statement by Reed Larson, President, NRWC (October 17, 1984), the complaint alleges that "Project Vote is a partisan political operation masquerading as a nonpartisan registration and get-out-the-vote effort." Complaint at 8.[2] Although we do not believe that the "evidence" uncovered by NRWC is sufficient to sustain this characterization of Project Vote, we defer to ACP to show that Project Vote did not receive or expend money or anything of value "for the purpose of influencing any election for federal office." 2 U.S.C. §§ 431(8)(A)(i) and (9)(A)(i). This showing will, of course, dispose of the charge against NEA as a matter of fact.

Even if the Commission ultimately concludes that Project Vote is a "partisan political operation," however, we are in no sense suggesting that there is any merit to the charge made against NEA. This is because in allowing the use of its facilities, NEA, like other contributors to Project Vote, has acted in good-faith reliance upon the IRS determination. Under

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[1] The relevant letters from IRS to ACP in this regard are attached. In addition, to the extent the Commission's regulations provide that donations be made to an organization that is "nonprofit," we note that ACP is incorporated under the District of Columbia Nonprofit Corporation Act. See "Exhibit B" to the complaint at issue.

[2] Inasmuch as the charge made against NEA proceeds on the assumption that NRWC's characterization of Project Vote is a proven "fact" rather than merely an unproven "allegation," this aspect of the complaint is premature, and for this reason alone should be dismissed unless and until the Commission determines that Project Vote is not what it purports to be.

the Internal Revenue Code, good-faith contributors to organizations classified under certain sections of the Code are entitled to rely upon these classifications until the IRS publishes notice to the public that the organization has been removed from the classification. Thus, contributors who have deducted from their taxes contributions to an organization classified as a charitable contribution donee will not be held accountable for having done so if the organization subsequently is held not to have been entitled to this tax status. Similarly, private foundations which have contributed to an organization carrying on nonpartisan activities pursuant to Section 4945(f) of the Code will not retroactively be subject to liability for having made "taxable expenditures" if the organization in fact did not meet the requirements for maintaining Section 4945(f) status. Since the IRS has determined that Project Vote meets the applicable requirements for classification as a charitable contribution donee and a Section 4945(f) organization, and since the requirements for obtaining these classifications essentially are coextensive with those of the Commission's regulations, we believe NEA's reliance on the IRS determinations precludes the finding of a violation of the Act.

It scarcely warrants extended discussion to demonstrate the problems that would result from a contrary position -- i.e., one that would require labor organizations to go beyond the ruling of IRS and somehow make an independent determination as to which § 501(c)(3) organizations are in fact what they purport to be and which are in fact "masquerading." Indeed, we are hard-pressed to envision how any such a determination would be made. The labor organization could, of course, follow the lead of the NRWC -- that is, it could hire private investigators, have them lie about who they really are in order to infiltrate the organization in question and then provide the labor organization with information. Inasmuch as we consider this approach to be unethical, potentially unlawful (to the extent the investigators participate in partisan activity; see complaint filed by NEA against NRWC, October 22, 1984) and generally reprehensible (see attached editorial from the Cleveland Plain Dealer), we reject it out of hand, and can conceive of no other means by which the necessary independent determination could be made. There is no need to belabor the point. If labor organizations were required to act at their peril and could not rely on the determinations made by the IRS, 11 C.F.R. §§ 114.4(c) (2) and (3) would, in effect, be rendered meaningless. Thus, whatever disposition the Commission makes of the other allegations in the complaint, the allegation against NEA should not be sustained.

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On the basis of the information set forth above, we respectfully request that the Commission find no reason to believe NEA has violated the Act, and that it close the file on this matter.

Sincerely,

Robert H. Chanin

Robert H. Chanin
General Counsel

PHC:gm

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THE PLAIN DEALER

THOMAS VAIL, Publisher and Editor
ROY O. KOPP, Business Manager
WILLIAM J. WOESTENDIEK, Executive Editor

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DENNIS R. RYERSON, Editorial Director

EDITORIALS

Flirting with fascism

The National Right to Work Committee's use of paid impostors to infiltrate unions and Project Vote is further evidence of the revival of the menace symbolized by followers of the tactics of the late Sen. Joseph McCarthy.

Such vigilante activities—political gangsterism, really—cross the line beyond which a free and pluralistic society must not go to ensure a healthy political climate for all the people.

Ostensibly, the spying was an attempt to gather evidence of labor union and partisan voter registration activities that are illegal under certain federal election and tax laws. That is not the whole of the story.

Reed Lawson, president of the right-to-work group, was careful to say that the committee only authorized "lawful activity." He also said that there was nothing unethical in investigators assuming roles or acting as impostors. His observation is instructive. An impostor is a person who cheats or deceives others. For him to argue that that isn't unethical leaves us to conclude that Lawson's moral philosophy supports imposture as a standard of proper conduct.

It is not. It is fraudulent and inappropriate behavior to distinctly tell someone you are something other than what you are, which the investigators did. They falsely identified themselves as journalists.

You can read into that the notion that any means justifies the political end, which was the essence of this country's previous political inquisition period over political ideology. That same menace is flowering again today by those party to the mean reactionary spirit of a morally bankrupt faction of political thought.

Consider the familiar tactics. Paid political infiltrators. Spy missions. Planned disruption of political speeches. The deliberate spreading of falsehoods. This is not the ordinary monitoring of the political opposition. It is a form of lower-level terrorism. Indecencies are being committed in the manner of war.

What of the right-to-work committee's charges? Is Project Vote simply a front for the Democratic Party, intent on gaining the election of Walter Mondale and Geraldine Ferraro? What does it mean, as alleged by the gumshoes, that all Project Vote volunteers in the Cleveland office appear to be "liberal Democrats." How does that appearance manifest itself? By skin color? Accent? Gender? Do "liberals" look different from conservatives? Can you tell at a glance what political philosophy a person believes in? Did Ronald Reagan look any different as a New Deal Democrat than he does as a Republican? Fact: In Ohio, voter registration is not by party, so there is no way of knowing a registrant's politics unless he or she publicly declares a preference. And that suggests that the right-to-work people were up to something else. But what?

Perhaps the answer can be found in the question asked of one project official by a Lawson operative who wanted to know why voter registration materials were sent to the local Communist Party. Indeed. Why not? It isn't an illegal party, and its members have the same rights as members of all the other parties.

But that isn't what the question implies. Like the phrase, "liberal Democrat," the term is a statement suggesting radicalism or subversion. It is meant to cast suspicion on those so described. That is the context in which the Project Vote spying should be considered.

The right-to-work group didn't expect to discover concrete proof of a conspiracy among the Democrats and Project Vote to aid the Mondale/Ferraro campaign. Nor did it figure on finding major violations of federal election and tax laws. What it sought to do was to spark some disorder for the sake of publicity to transmit to the masses both the notion of suspicion and the politics of paranoia.

That is flirting with fascism.

71

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 FEB 14 A10: 29

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1983-43

Frank M. Northam
Webster, Chamberlain & Bean
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Dear Mr. Northam:

This is in response to your letter of October 13, 1983, as supplemented by your letter of November 30, 1983, requesting an advisory opinion on behalf of the United States Defense Committee ("USDC") and Patrick Reilly, concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a proposal to collect, and then distribute to the public, information relating to the positions of candidates for Federal office on several national defense and foreign policy issues that concern USDC.

According to your request, USDC is a non-profit, nonstock membership corporation and is exempt from Federal income taxation under Section 501(c)(4) of the Internal Revenue Code. You state that it is not associated with any political party, committee, or candidate, and that its purposes are to educate the public on defense and national security issues and to engage in legislative activity designed to promote a strong national defense and a strong foreign policy.

In furtherance of these purposes, USDC plans to collect information on the positions of candidates for public office by examining voting records of incumbents, public statements, and responses to USDC questionnaires. The questionnaires will be sent to all candidates for Federal offices, and will seek yes/no/no response answers to questions concerning the candidates' positions on issues of interest to USDC. To encourage candidates to respond to these questionnaires, USDC will contact members of the public believed to agree with its position on defense issues and will encourage them to urge the candidates to respond.

Attachment 12 (72)

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You state that USDC plans to compile and publish responses (or non-responses) to its questionnaires, and that publication will take the form of print media advertising, press releases, pamphlets and fliers, as well as mailings to the general public. You also state that such publications will contain information about USDC and its positions on national security and foreign policy issues. You add that publication of candidate responses will be done at some time before the primary or general election in which the candidates surveyed are running, may contain the candidates' party affiliations, and may indicate the percentage, number of times, or specific respects in which a candidate's responses comport with USDC's views. You note that the publications will use no words expressly advocating the election or defeat of any candidate.

In addition to publishing the results of its questionnaires, USDC intends to disseminate to the public information concerning the voting records of incumbent Federal officeholders on specific pieces of legislation of interest to USDC. You state that the dissemination of this information may occur at or around the date for elections, and that USDC may characterize certain votes or voting records as being in accord with or against the position of USDC. The incumbents' party affiliations may be given for identification purposes. You state that, as with the publication of questionnaire results, no words expressly advocating the election or defeat of any incumbent will be used.

Finally, you note that all of the proposed activities will be financed from USDC's general treasury, which is composed of both voluntary dues payments from members and contributions. In light of the facts presented in your request, you ask whether the Act and regulations prohibit expenditures from USDC's general treasury for the proposed programs.

Under 2 U.S.C. §441b, it is unlawful for any corporation whatever to make an expenditure in connection with a Federal election. Commission regulations, however, permit a corporation to distribute voter guides or other types of brochures describing candidates and their positions provided that the materials do not favor one candidate or political party over another and provided that the materials are obtained from a civic or other non-profit organization which does not endorse or support or is not affiliated with any candidate or political party. 11 CFR 114.4(c)(3)[1/]

1/ A non-profit organization itself is permitted to distribute such voter guides without first finding a corporate sponsor. Cf. Advisory Opinion 1980-45 (a non-profit, non-partisan organization may conduct a voter registration drive by itself without a corporate sponsor).

With respect to that part of your request that concerns voter guides, it appears that most of the proposed materials, while designed to advocate issue positions, do not favor one candidate or political party over another. To the extent this is so, such activities would not be for the purpose of influencing a Federal election, and expenditures to support these activities would not be prohibited by 2 U.S.C. §441b. Some of the materials submitted with your request, however, seem to favor particular candidates by referring to "right" and "wrong" answers to survey questions and by asking USDC supporters to contact candidates in an impending election who answered "wrong" and to urge them to support the USDC position. Because favoring one candidate over another in the context of an election indicates an election-influencing purpose, inclusion of these and other similar references would take the materials outside the regulations at 11 CFR 114.4(c)(3).

With respect to USDC's proposal to compile and disseminate to the general public information concerning the voting records of incumbent Federal officeholders on specific legislation, the Commission notes that as a membership corporation, USDC is permitted to make partisan communications with its members.2/ Accordingly, any such information about voting records, even if for the purpose of influencing an election, may be communicated to USDC members. With respect to the general public, however, USDC may not distribute voting records for the purpose of influencing a Federal election. Some of the language in the draft letters suggests such a purpose. For example, Item IX of the attachments to your November 30 letter refers to a congressman's "weak voting record" and advises the recipient that an officeholder is "easier to convince . . . when he's looking for votes than . . . after he's safely in office." Because such language evinces an election-influencing purpose, the Commission concludes that expenditures for such activities are not permissible under 2 U.S.C. §441b.

The Commission notes that proposed amendments to 11 CFR §§114.3 and 114.4 were submitted to Congress on October 27, 1983. These proposed rules may be prescribed in the near future. When prescribed, the proposed rules may apply to the actvities described in your request. If you wish, you may request another advisory opinion on this matter after these proposed regulations are prescribed.

2/ The Commission expresses no opinion as to whether those whom USDC claims as "members" are in fact "members" under 11 CFR 114.1(e). See generally Federal Election Commission v. National Right to Work Committee, 103 S.Ct. 552 (1982).

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This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Lee Ann Elliott

Lee Ann Elliott
Chairman for the
Federal Election Commission

Enclosure (AO 1980-45)

8504052027

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1984-17

Mr. James Bopp, Jr.
Brames, Bopp, Haynes & Abel
P.O. Box 1583
Terra Haute, IN 47808

Dear Mr. Bopp:

This responds to your letter of April 12, 1984, as supplemented by your letter of May 15, 1984, on behalf of your clients, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the distribution of voting records by the National Right to Life Committee, Inc., ("NRLC") and to the distribution of a voter guide by Right to Life of Greater Cincinnati, Inc.

Although these requests are treated separately, both arise under the same statutory provisions. The Act makes it unlawful for a corporation to make a contribution or expenditure in connection with a Federal election. 2 U.S.C. §441b. It defines "contribution" or "expenditure" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of 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).

Voting Records

You state that the National Right to Life Committee is a nonprofit corporation with tax exempt status pursuant to 26 U.S.C. §501(c)(4). You add that NRLC engages in educational and lobbying activities relating to the issues of abortion, infanticide, and euthanasia and takes public positions on many bills and amendments to bills on which Congress votes. It has established a separate segregated fund, National Right to Life

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Attachment 13 (76)

Political Action Committee. You state that at the end of each legislative session of Congress, NRLC prepares and distributes a compilation of congressional voting records on abortion. NRLC distributes these voting records as an insert in the National Right to Life News, a publication of NRLC which is distributed to 100,000 subscribers every two weeks. NRLC also makes copies of these voting records available for bulk purchases by other right-to-life groups for distribution to their members and the general public.

In this regard, you have submitted two sample voting records as representative examples of those you plan to prepare and distribute in the future. One voting record is dated September 1982 and the other January 1984. Each describes in detail the substance and procedural aspects of various votes in the U.S. Senate, U.S. House, or Senate committees relating to the issue of abortion and sets forth NRLC's assessment and position regarding each vote. It includes all senators, representatives, or committee members, depending on the vote in question, and indicates their party affiliation, state, and (where appropriate) district.1/ Each also indicates how a senator or representative voted, or whether he or she was absent or not a member of Congress at the time of the vote. In some cases, each characterizes a vote as either "prolife" or "pro-abortion" and other times as a vote for a measure or a vote against it.

You ask whether the NRLC may continue to prepare and distribute to the general public voting records, in a format similar to the examples you provided, in compliance with the Act and regulations.

Revised Commission regulations, prescribed on March 5, 1984, at 49 Fed. Reg. 7981(1984), provide that a "corporation...may prepare and distribute to the general public the voting records of Members of Congress as long as the preparation and distribution is not for the purpose of influencing a Federal election." 11 CFR 114.4(b)(4).2/

The Commission notes that the voting records described in your request and represented by the submitted examples are issue-oriented and not election-oriented or candidate-oriented. No senator or representative is referred to as a candidate in any Federal election. Aside from the reference in the September 1982 voting record to the possibility that some district numbers may

1/ The September 1982 voting record notes that representatives are listing according to their district number in 1980, which may have changed for the 1982 elections.

2/ Incorporated membership organizations, such as NRLC, are treated as corporations for the purpose of this section. See 11 CFR 114.4(a)(1)(ii).

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have changed for the 1982 elections, the examples do not provide any information regarding elections. They do not suggest or urge that anyone vote in any election or consult or use the voting record in making his or her decision regarding any election. They do not explicitly suggest or urge support for any senator or representative based on that person's vote on any issue. They also do not suggest that an officeholder is "easier to convince" of a position on an issue while he or she is a candidate in a forthcoming election, than after the officeholder is "safely" in office. See Advisory Opinion 1984-14. In this respect the voting records you describe are distinguishable from those at issue in Advisory Opinion 1984-14. You further represent that NRLC plans to distribute these voting records at the end of a legislative session.3/ Therefore, the Commission concludes that NRLC's preparation and distribution of this type of voting record would not be for the purpose of influencing a Federal election and, thus, would be permissible under the Act. If NRLC distributes this type of voting record as part of its newspaper or with other information, it must insure that the information accompanying the voting record does not give its preparation and distribution the purpose of influencing a Federal election.4/

Voter Guides

You state that Right to Life of Greater Cincinnati is a nonprofit corporation with tax exempt status pursuant to 26 U.S.C. §501(c)(4). It also engages in educational and lobbying activities relating to abortion, infanticide, and euthanasia. At this time, it has not established a separate segregated fund. It regularly prepares and distributes a voter guide based upon questionnaires, sent to candidates for Federal

3/ The Commission notes, however, that the September 1982 voting record was distributed prior to the 1982 general election and prior to the adjournment of the second session of the 97th Congress on December 21, 1982. The Commission understands from your request that future distribution of NRLC's voting records will coincide with the end of a legislative session.

4/ The Commission notes that the voting record examples contain a price list for the purchase of the record, either singly or in multiple quantities. This practice raises additional considerations. Sales (or donations) of copies of the voting record at less than these published prices could result in NRLC's making a prohibited in-kind contribution, if purchased or received by a candidate or political committee and used as part of a campaign. See Advisory Opinion 1978-18. The Commission also notes that the manner in which a bulk purchaser distributes the voting record could also make such distribution for the purpose of influencing a Federal election. Whether distribution by a bulk purchaser would be attributable to NRLC would depend on the facts in a specific situation.

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and state offices, related to the legislative initiatives with which the organization lobbies. The guide is published as part of the organization's newsletter, which is distributed to its members and to the general public. You have provided a sample voter guide published in October 1982. The three-page voter guide itself stated the questions posed to the candidates, addressed these questions to all candidates for a particular office or offices, reported their response to each question, and included comments from the candidates or noted that the candidate had declined to respond to the questionnaire. This guide was published as part of the organization's newsletter, which also contained a report of candidate endorsements made by an affiliated organization's separate segregated fund. The endorsed candidates were also included in the guide.

The revised Commission regulations permit a corporation to "prepare and distribute to the general public nonpartisan voter guides consisting of questions posed to candidates concerning their positions on campaign issues and the candidates' responses to those questions." 11 CFR 114.4(b)(5)(i). The regulation sets out several factors that the Commission may consider in determining if a voter guide is nonpartisan. See 11 CFR 114.4(b)(5)(i)(A) to (F). The regulations, however, also provide that a voter guide need not comply with these guidelines if (1) the guide is "obtained from a nonprofit organization which is exempt from Federal taxation under 26 U.S.C. §501(c)(3) or (4) and which does not support, endorse or oppose candidates or political parties"; and (2) the guide does "not favor one candidate or political party over another." 11 CFR 114.4(b)(5)(ii).

In this regard, you pose three questions: (1) may a qualified nonprofit organization, i.e. as described in 11 CFR 114.4(b)(5)(ii), distribute a voter guide that it has itself prepared; (2) would the establishment of a separate segregated fund by a nonprofit organization make it one that supports, endorses, or opposes candidates or political parties; and (3) does the sample voter guide meet the requirement that it does not favor one candidate or political party over another?

The revised regulation states that "a corporation...may distribute voter guides...obtained from a nonprofit organization... ." You state that Right to Life of Greater Cincinnati, Inc., itself prepares and distributes its voter guide and does not obtain it from another qualified nonprofit organization. The Commission concludes that the regulations permit a qualified nonprofit organization to distribute a voter guide that it has itself prepared and need not obtain the guide from another qualified nonprofit organization or obtain a corporate sponsor to distribute it. See Advisory Opinions 1984-14 and 1983-43.

8504052028 3

With regard to your second question, you state that Right to Life of Greater Cincinnati does not support, endorse, or oppose candidates or political parties.5/ But you add that it is contemplating the establishment of a separate segregated fund, which will support and endorse Federal candidates. Commission regulations permit a corporation to control its separate segregated fund. See 11 CFR 114.5(d). This control includes determining the disposition of the monies contributed to the fund. Pipefitters v. U.S., 407 U.S. 385, 426 (1972). Therefore, the Commission concludes that the establishment of a separate segregated fund by an organization, tax exempt pursuant to 26 U.S.C. §501(c)(3) or (4), would make it an organization that supports, endorses, or opposes candidates or political parties. Consequently, if such an organization prepares a voter guide, the guide must comply with the guidelines of 11 CFR 114.4(b)(5)(i)(A) to (F).

With regard to your third question, the Commission notes that Right to Life Greater Cincinnati is a nonprofit organization tax exempt under 26 U.S.C. §501(c)(4) and presently does not support, endorse, or oppose candidates or political parties. Thus, it may prepare and distribute voter guides without complying with the guidelines of 11 CFR 114.4(b)(5)(i)(A) to (F) as long as the guide does not favor one candidate or political party over another. The Commission concludes that the three-page sample voter guide that you have provided meets this requirement. Thus, preparation and distribution by Right to Life of Greater Cincinnati of the sample voter guide would be permissible under the Act and Commission regulations. The Commission also notes that neither the Act nor the regulations prohibit the distribution of a voter guide with other information as long as this additional material does not have the effect of converting an otherwise nonpartisan voter guide into one that does favor one candidate or political party over another. For instance, a nonpartisan voter guide may not characterize candidate responses as right or wrong or suggest that a person contact a candidate whose answers differ from the sponsoring organization's position. See and compare Advisory Opinion 1984-14. Moreover, in this regard, the Commission notes that the 1982 sample voter guide was distributed as part of a newsletter that carried a report of endorsements by another organization of candidates included in

5/ The Commission views this representation as relating to future voter guides. It notes, however, that the sample 1982 voter guide you provided was part of a newsletter carrying a report of candidate endorsements by a separate, but affiliated, organization. Nevertheless, the Commission does not view this instance as transforming Right to Life of Greater Cincinnati into an organization that supports, endorses, or opposes candidates or political parties and thus disqualifying it from the safe harbor provision of 11 CFR 114.4(b)(5)(ii).

8504052084

the guide and also urged readers to favor those candidates when voting in the November election. By doing so, the distribution of such a guide had the effect of favoring one candidate over another and, thus, would not be permissible under 11 CFR 114.4(b)(5)(ii).

The Commission expresses no opinion as to whether the described activities would have any effect on the tax exempt status of NRLC and the Cincinnati group since those issues are not within the Commission's jurisdiction.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transactions or activities set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Lee Ann Elliott

Lee Ann Elliott
Chairman for the
Federal Election Commission

Enclosures (AOs 1984-14, 1983-43, and 1978-18)

8504028

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody & Green, P.C.
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1824
Americans for Civic Participation/
Project Vote

Dear Mr. Oldaker:

On October 24, 1984, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1985, determined that on the basis of the information in the complaint, and information provided by your client, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504052028 5

Attachment 14 (82)

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 1824

Dear Mr. Chanin:

On October 24, 1984, the Commission notified the National Education Association of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February , 1985, determined that on the basis of the information in the complaint, and information provided by the Respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504050287

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

Re: MUR 1824
Americans for Civic Participation/
Project Vote
National Education Association

Dear Mr. Wilson:

On February , 1985, the Federal Election Commission reviewed the allegations of your complaint received October 17, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504050238

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

DATE: DECEMBER 7, 1984

SUBJECT: MUR 1824 - First General Counsel's Report signed December 5, 1984

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 11:00, December 6, 1984.

There were no objections to the First General Counsel's Report at the time of the deadline.

8504020286

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: December 5, 1984

SUBJECT: MUR 1824 - 1st GC's Rpt

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[X]	Litigation	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 12/5/84 3pm

MUR# 1824
DATE COMPLAINT RECEIVED BY OGC: 10/17/84
DATE OF NOTIFICATION TO RESPONDENTS: 10/24/84
STAFF MEMBER: Marybeth Tarrant

COMPLAINANT'S NAME: The National Right to Work Committee

RESPONDENTS' NAMES: Americans for Civic Participation/Project Vote; National Education Association

RELEVANT STATUTE: 2 U.S.C. §§ 433, 434, 441a, 441b

INTERNAL REPORTS CHECKED: NONE

FEDERAL AGENCIES CHECKED: NONE

RECEIVED
FEC
SECRETARY
84 DEC 5 P2:01

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SUMMARY OF ALLEGATIONS

On October 17, 1984, the National Right to Work Committee filed a complaint alleging that the Americans for Civil Participation ("ACP"), a non-profit corporation, and the National Education Association ("NEA") have violated the Act. Specifically, the complainant alleges that Project Vote, an arm of ACP, is "masquerading as a non-partisan registration and get-out-the-vote effort" but is really a partisan Democratic political operation. As ACP is incorporated, the complainant alleges that it is violating 2 U.S.C. § 441b by making prohibited expenditures. In addition, the complainant alleges that ACP and/or Project Vote are violating 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Further, the complainant alleges that NEA is violating 2 U.S.C. § 441b by donating office space to ACP/Project Vote.

As evidence, the complainant cites affidavits of private investigators, statements made by Project Vote employees, statements made by Ralph Nader, various alleged ties of Project Vote with people associated with the Democratic party, and materials used by Project Vote which encourage its recipients to register to vote and to fight back against cuts made by "your government" to various federal programs, i.e., food stamps, legal aid, etc.

REQUESTS FOR EXTENSIONS

On November 6, 1984, counsel for ACP requested an extension until November 28, 1984 in order to respond to the allegations in the complaint. The Office of the General Counsel granted an extension until November 16, 1984. On November 13, 1984, NEA filed a request for a one week extension. This Office granted the extension and the response was filed on November 19, 1984. On November 27, 1984, counsel for ACP called to say the response would be filed on November 28, 1984. Subsequently, counsel called to say the response would be filed the week of December 3, 1984. The response finally was received on December 4, 1984.

This Office is presently preparing a report with recommendations and it will be circulated to the Commission shortly.

Charles N. Steele
General Counsel

Dec. 5, 1984
Date

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

8504052092

GCC#5874

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
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(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9600

MALLICK TOWER
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(817) 334-0701

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067†
(213) 556-8861

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104†
(415) 398-5565

†P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

December 5, 1984

Mr. Mary Beth Tarrant
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

84 DEC 5 AM 11:26

Re: MUR 1824

Dear Mary Beth:

Enclosed please find Affidavit of Kirby Urner, marked as Exhibit F, which was inadvertently omitted from our response in MUR 1824.

Best Wishes,

Leslie J. Kerman

LJK:ses
Enclosure

8504052093

EXHIBIT F

AFFIDAVIT OF KIRBY URNER

I, KIRBY URNER, DECLARE AS FOLLOWS:

1. I was employed as a consultant to Project VOTE! in Washington, D.C. from June 1, 1984 to November 9, 1984.

2. During the period of my employment by Project VOTE!, I served as a general office assistant, with particular emphasis upon the oversight and operation of the office word processor and, from late September to November on a full-time basis, the management of data processing information concerning persons registered through Project VOTE! voter registration efforts.

3. As manager of data processing, I arranged for and was the principal contact with data processing firms retained by Project VOTE!. I instructed the data processing staff of such firms regarding the entry onto magnetic tape of information about each registrant; information which appeared on copies of registration forms, cards, and listings sent to Project VOTE! by its field personnel. Such information included the name and address of each registrant and, where available, the registrant's telephone number, registration site, race and political party affiliation. I performed quality checks of the data entry process by "reading the tapes" through review of printouts of the tapes. In addition to my work concerning data-entry, I instructed and provided oversight on merging, sorting and other data processing steps involved in

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printing the data on mailing and other follow-up labels and lists which were returned to Project VOTE! field personnel for use in get-out-the-vote drives. On my own inititative or at the request of field personnel, I did trouble shooting when data problems arose.

4. In addition to my primary responsibilities, described in paragraph 4 above, I assisted in the processing of the raw data--copies of registration forms and registrant listings--preparatory to transmitting such raw data to the data processing firms. Such processing, usually done by others in the office, consisted of counting the names submitted, reviewing the data for legibility, estimating the percentage of registrants for which data regarding telephone numbers, race, and party affiliation was available, and batching the data by registration site in order to facilitate data entry onto the tapes. To assist in reducing the backlog, I performed this function for several hundred registrations from Maine and 3000-4000 registrations from the Pittsburgh area.

5. In carrying out the activities described in paragraphs 4 and 5 above, at no time was I instructed to drop or give differential treatment to Republican registrants, nor did I ever do so or instruct others to do so. Further, in the course of performing my duties at Project VOTE!, I ob-

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served that substantial numbers of Republican registrants were included in the raw data which was sent to the processing firms for computer processing and, subsequently, in the print-out sheets from such processing.

6. I have continually directed Project VOTE! employees and volunteers under my supervision to perform their duties in a non-partisan manner, irrespective of the political orientation of potential voters.

7. To the best of my knowledge and belief, all voter registration activities undertaken by Project VOTE! during my tenure therewith have been carried out strictly on a non-partisan basis.

I declare under penalty of perjury that, to the best of my knowledge, that the foregoing is true and accurate.

_____

Kirby Urner

Kirby Urner has orally consented to the submission of this affidavit to the Federal Election Commission. A copy of the Affidavit has been sent to Mr. Urner for his signature and will be submitted to the Commission when received.

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OFFICE OF THE
GENERAL COUNSEL

'84 DEC 5 A11:26

EPSTEIN BECKER BORSODY & GREEN, P. C.
ATTORNEYS AT LAW
1140 19TH STREET, N. W.
WASHINGTON, D. C. 20036

Mr. Mary Beth Tarrant
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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GCC# 5864

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†P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

December 4, 1984

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
84 DEC 4 P1:49

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

Re: MUR 1824

Dear Mr. Steele:

This letter is the response of Americans for Civic Participation (ACP) to the complaint filed by the National Right to Work Committee (NRWC) alleging that ACP's Project Vote! is a partisan organization and that its expenditures therefore violate the prohibition on corporate expenditures.

I. PROJECT VOTE! GOES TO GREAT LENGTHS TO ASSURE ITS EFORTS REMAIN SCRUPULOUSLY NON-PARTISAN

ACP and Project VOTE! are strictly non-partisan, and the Internal Revenue Service has so found in certifying, as recently as June 1, 1984, that ACP continues to qualilfy for tax-exempt status under section 501(c)(3) of the Internal Revenue Code. Exhibits A and B.

ACP and Project VOTE! in fact go far above and beyond the minimum legal requirements in order to insure that Project VOTE!'s efforts remain scrupulously non-partisan. For example:

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* All consultants and staff must sign a contractual guarantee that they will refrain, while acting on behalf of Project VOTE!, "from engaging in any activities whatsoever which are intended to assist, support or oppose any candidate or party," that they will instruct other volunteers to refrain "from indicating support or opposition for any candidate or party, or from otherwise acting in a partisan manner," and that they will "immediately take necessary corrective steps if such instructions are violated."
* As a constant remainder, it requires that all expense reimbursement requests from regional directors and district coordinators contain a signed certification that "all activities for which these expenses were incurred were entirely non-partisan. They were not designed to, and did not, provide support or opposition to any candidate or party."
* Even the receipts volunteers fill out when they need a few dollars to cover their out-of-pocket expenses contain a signed certification that "all activities for

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which these expenses were incurred were conducted in a non-partisan manner."

* Project Vote! routinely sends letters to all federal candidates, Republican, Democrat and independent, in the districts in which Project Vote! works, asking for their help, and offering to make lists of its registrants available at market costs, so that candidates, of whatever persuasion, can seek to turn out their supporters among our new registrants.

The NRWC has now announced that as part of a $100,000 espionage program, it paid two private investigators to pose as Project VOTE! volunteers, and two others to pose as sympathetic newspaper reporters, in an attempt to find evidence that we had somehow slipped up and crossed the line of partisanship. These undercover agents had keys to the office, with unimpeded access, during and after office hours.

The NRWC has spent a lot of money to drill a very deep well, and it has come up with a dry hole. It has presented not a shred of evidence of partisan activity by Project VOTE! or illegal activity by any of Project VOTE!'s supporters. Its complaint and affidavits are replete with inaccurate statements and wild speculation. Many of the factual statements are corrected in the affidavits which accompany this response. But the Commission need not even inquire into the truth of the allegations because, even

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if all the facts had been as alleged in the complaint, they would not constitute evidence of partisan activity by Project VOTE!. The complaint should therefore be dismissed forthwith.

II. EVEN ASSUMING FOR THE SAKE OF ARGUMENT THAT THE NATIONAL RIGHT TO WORK COMMITTEE'S ALLEGATIONS WERE TRUE, THEY WOULD NOT CONSTITUTE EVIDENCE THAT PROJECT VOTE HAD ENGAGED IN PARTISAN ACTIVITY OR VIOLATED FECA

a. Allegations Concerning Advisory Board Members (Complaint at paragraph 5).

The fact that seven of the forty-three organizations represented on Project Vote!'s Advisory Board endorsed the same presidential candidate has not bearing whatsoever on Project Vote!'s nonpartisanship. Whether the activities of a § 501(c)(3) organization are conducted in a partisan or nonpartisan manner, not whether the individuals or groups assisting the § 501(c)(3) organization have personal political preferences, is the sole issue appropriate for Commission review. Moreover, FEC regulations expressly allow labor organizations and corporations to engage in both partisan and nonpartisan activities. (See 11 C.F.R. § 114.3 and § 114.4). And, significantly, the NRWC does not offer any evidence that any of Project Vote!'s Advisory Board Members ever requested Project Vote! to engage in partisan activity, not have any such requests been either made or honored. (See Exhibit C, Newman Affidavit, at 2 - 3).

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In addition, note that the authority offered by NRWC in paragraph 5 of its complaint does not support NRWC's "inference" proposition. FEC Advisory Opinion 1984-17 concerns the establishment of a separate segregated fund by a tax-exempt organization and the district court case, American Federation of Government Employees v. O'Connor, 589 F.Supp. 1551 (D.C.D.C. 1984), involves an interpretation of the Hatch Act. Neither is relevant to or supports NRWC's instant proposition.

b. Allegations Concerning Sources of Assistance to Project Vote (Complaint at paragraphs 7, 10 and 14).

Project Vote's policy is to accept assistance from anyone willing to support or participate in non-partisan efforts to register voters. (See Exhibit C, Newman Affidavit, at 3). As discussed above, the Federal Election Campaign Act of 1971, as amended, clearly does not require that all would-be supporters or participants in non-partisan activities be subjected to a test to ensure that they have no political views or partisan interests. Indeed, such a test would raise serious First Amendment concerns and result in endless debate over who was "pure" enough to support a non-partisan effort.

Accordingly, NRWC's allegations that any monies donated by individuals or groups with either personal political preferences or past or present involvement with

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a federal officeholder is "tainted" money which likewise "taints" Project Vote are preposterous. Thus, NRWC's allegations regarding the Committee to Register and Vote the Missing Half (complaint at paragraph 7), regarding the Project Vote policy of requesting assistance in its efforts from all federal candidates (complaint at paragraph 10), and regarding a former member of Paul Simon's field staff (complaint at paragraph 14) should be promptly dismissed as irrelevant as well as substantially inaccurate. (A detailed discussion of these allegations is set forth at pages 3-6 and 8-9 of Exhibit C, Newman Affidavit).

c. Allegation concerning Jesse Jackson's Endorsement of Walter Mondale (Complaint at paragraph 9).

The NRWC alleges that Project VOTE!'s Director held a meeting with an AFL-CIO official who was temporarily detailed to work on the Mondale Campaign. It further alleges that this meeting "appears to have played a part in Jesse Jackson's endorsement of Mondale, which was announced two days earlier in Minneapolis." The NRWC's reasoning -- that the meeting must have played a part in the endorsement because the endorsement occurred two days earlier -- is simply bizarre. And no other evidence is cited for the conclusion. Moreover, none could be cited because Project VOTE! did not in fact play any role in Jackson's endorsement of Mondale.

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Moreover, the meeting with the AFL-CIO official related to his AFL-CIO duties and to Newman's request for fundraising assistance with unions. (See Exhibit C, Newman Affidavit at 5) The NRWC does not purport to have any contrary knowledge of what occurred at the meeting. It asks the FEC to conclude that simply having the meeting constituted making a contribution to a partisan effort. This is preposterous.

d. Allegation concerning Nader and Amedei Speeches (Complaint at paragraph 11).

NRWC alleges that, at a weekend dinner attended by some Project Vote! headquarters staff and volunteers, Ralph Nader and Nancy Amedei, criticized Administration policies. Neither Nader nor Amedei have ever been retained as Project Vote staff or consultants nor have their statements been endorsed by Project Vote!. NRWC makes no allegation to the contrary. Indeed, its own affidavit notes that Project VOTE!'s Field Director stated at the meeting that the Project VOTE! staff should not take the approach Mr. Nader recommended.

e. Allegations that Some Project VOTE! Staff and Volunteers have Political Preferences (Complaint at paragraphs 8 and 12)

The NRWC makes eight separate allegations to "prove" that some of Project Vote!'s staff members and volunteers have personal political preferences which they have expressed to one another. The NRWC asks the Commission to draw the inference

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that if the staff has such preferences, Project Vote!'s work must be partisan. Most of these allegations center on private conversations between headquarters staff and volunteers and NRWC agents in which Project Vote! staff or volunteers allegedly used the word "we" in discussing such a preference. No evidence is presented to indicate whether the word was used to refer to Project VOTE! or simply to the two people involved in the conversation. Moreover, none of the allegations include any claim that any partisan action was taken or any contribution made to any campaign by Project VOTE!. Perhaps the NRWC is asking the Commission to infer that, if Project VOTE! staff or volunteers as individuals have personal partisan views, and if they chose to work for Project VOTE, their motivation in doing so must have been partisan. Even if the FEC were willing to take the logical leap to reach this conclusion, the question of personal motivation has no bearing on the only issue before the Commission, which is whether partisan actions were taken on behalf of a campaign or candidate.

(1) It is alleged that one staff person, on the way to the subway, told one of the NRWC agents that she thought it was wonderful that Jesse Jackson had endorsed Mondale, and that "we" could only go up in the polls. The staff person involved was expressing personal views and using the word, "we" to mean herself and the NRWC agent, who had expressed similar personal views. (See Affidavit of Diana Neidle attached hereto as Exhibit D.)

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(2) Similarly, it is alleged that another staff person, asked who won the Kansas City Congressional primary said "we won." Even assuming the quote to be accurate, it is apparent that the staff person was expressing a personal preference. The NRWC does not even claim that any of Project VOTE!'s work in Kansas City was partisan.

(3) Two NRWC agents posing as reporters visited the Cleveland Project VOTE! office. One filed an affidavit saying it "appeared to me that all [seven] volunteers he had met would fall within the classification of liberal Democrat." The two together apparently made four trips to Cleveland in an unsuccessful effort to track down a "country club" Republican whom an unspecified person had told them had been a Project VOTE! volunteer. The significance of these allegations is unclear.

(4) Three Project VOTE! volunteers (including one who was allegedly the Administrative Assistant to the Executive Director, but who actually was a student intern) are alleged to have indicated that they felt the people Project VOTE! was registering were likely to vote overwhelmingly for the Democratic candidate. The student intern is alleged to have said that he was consequently uncomfortable in describing Project VOTE! as non-partisan.

Even assuming arguendo that such statements were made by Project VOTE! volunteers, the statements were simply an expression of the individual speakers' personal

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beliefs and certainly not attributable to Project VOTE!. In fact, both national polling data and Project VOTE!'s own information indicates that the assumption concerning voting patterns attributed to the volunteers was mistaken in that a substantial number of Project VOTE! registrants supported Republican candidates. (See Exhibit C, Newman Affidavit, at 6-7). Again, these allegations are irrelevant to the issue of whether Project VOTE!'s activities are conducted in a non-partisan manner.

f. Allegation concerning the concealment of Records (Complaint at paragraph 16).

The NRWC alleges that one of its agents heard Diana Neidle, a two-day a week employee who volunteered additional time, instruct another staff person not to "number a disk" used for wordprocessing so as to conceal the disk from the IRS. Why leaving a disk unumbered would make it harder for the IRS to find a document is difficult to understand; moreover, the relevance of this allegation to MUR 1824 is even more questionable, since there is no allegation that the material allegedly concealed involved partison conduct or a contribution to a campaign. Moreover, Diana Neidle has signed a notarized affidavit stating that she "never instructed a Project Vote employee or volunteer or any other individual to destroy, alter or otherwise tamper with Project Vote! records or documents for the purpose of concealing such documentation from any federal or state regulatory agency or governmental authority." (See

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Exhibit D, Neidle Affidavit, at paragraph 7; also see Exhibit C, Newman Affidavit, at 10.)

g. Allegation concerning Newman's letter to a Personal Friend (Complaint at paragraph 13).

The NRWC quotes at length from a personal letter written by Sanford Newman, the Executive Director of Project Vote!, to a college friend. This letter is obviously irrelevant to the issue of Project Vote!'s non-partisanship. (See discussion at 10-11 of Exhibit C, Newman Affidavit.)

h. Allegation concerning Omissions from list of Registrants (Complaints at paragraph 15).

Project Vote! staffers continually direct other Project Vote employees and volunteers under their supervision to perform their duties in a non-partisan manner, irrespective of potential voters' political orientation or affiliation. Employees and volunteers are certainly not instructed to delete the names of Republican registrants or any other registrants from Project Vote! lists. (See Exhibit C, Newman Affidavit, at 7-8; also see Exhibit D, Affidavit of Diana Neidle; Exhibit E, Affidavit of Jim Dickson; and Exhibit F, Affidavit of Kirby Urner.)

The NRWC alleges that one of its agents was told to cross Republican names off lists of Pittsburgh registrants being maintained for voter turnout work. In checking forms after this allegation was made, Project Vote! discovered that the NRWC's agent had in fact crossed Republican names of some of the forms, in clear violation of Project Vote! policy. NRWC

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was obviously attempting to "create" the partisan activity its spies could not uncover. These actions of the NRWC spy were discovered, with the result that no names were deleted from the tapes used for the printouts of Project Vote! registrants. In short, while the NRWC secret agent sought to engage in partisan activity, her attempt was unsuccessful, and no partisan activity or contribution to any campaign actually occurred.

i. Allegation concerning Muhammed Ali Flyers (Complaint at paragraph 17).

NRWC alleges that all Project Vote! "Muhammed Ali flyers" were destroyed after Project Vote! learned that Ali had endorsed President Reagan. This is simply not true. Project Vote had not reprinted the Ali flyer since 1982. By the time of the Ali endorsement, Project Vote! probably had less than 100 flyers left, all of which were printed "VOTE! November 2nd" (the date of the 1982 election) and therefore could not have been used this election year. The dwindling stock of Ali flyers are presently being used primarily as samples for fundraising and similar purposes.

The reason why Project Vote! decided to print its 1984 flyers with Jackson's picture instead of Ali's is simply because Jackson's appeal in the black community is so strong. Jackson's permission to use his picture had been requested weeks before the Ali endorsement. (See Exhibit C, Newman Affidavit, at 9-10.) Indeed, the NRWC complaint itself notes

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that the decision to substitute Jackson literature came at least twelve days before the Ali endorsement. The NRWC asks the FEC to draw the conclusion that Project Vote! must have had "inside information" (presumably from the Reagan campaign) about the endorsement. The reasoning is once again bizarre.

j. Miscellaneous Allegations.

Any other allegations, inferences and innuendos which may be included in the complaint and accompanying exhibits and reports from NRWC spies are equally as irrelevant, inaccurate and meritless as those detailed above. Note however, that NRWC's elaborate scheme to uncover evidence of partisan activity by Project Vote! does prove one proposition; the proposition that Project Vote! conducts strictly a non-partisan voter registration effort which is worthy of commendation instead of deliberate harassment.

III. CONCLUSION

Based on the reasons discussed above, the complaint should be dismissed forthwith.

Sincerely,

William C. Oldaker

Leslie J. Kerman

Counsel for Americans for Civic Participation

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EXHIBIT A

Internal Revenue Service
District Director

Department of the Treasury

Date: June 01, 1984

Our Letter Dated:
June 15, 1982
Person to Contact:
R.D. Morris
Contact Telephone Number:
488-3100

Americans for Civic Participation
1200 15th. Street, N.W., Suite 201
Washington, D.C. 20005

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This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section * see below . Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section * see below status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section * see below organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

* 509(a)(1) and 170(b)(1)(A)(vi).

Sincerely yours,

Teddy R. Kern

Teddy R. Kern
District Director

EXHIBIT B

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Americans for Civic Participation
1201 16th Street, N.W., Suite 615
Washington, D.C. 20036

Person to Contact:
Mr. Luperini
Telephone Number:
202-566-5622
Refer Reply to:
OP:E:EO:T:R:2

Date: 15 JUN 1982

Employer Identification Number: 52-1251514
Key District: Baltimore
Accounting Period Ending: December 31
Foundation Status Classification: 170(b)(1)(A)(vi) and 509(a)(1)
Advance Ruling Period Ends: December 31, 1983

Gentlemen:

Based on information submitted, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

You were incorporated under the laws of the District of Columbia on April 5, 1982. Your purposes, as set forth in your Articles of Incorporation, are exclusively charitable, educational, literary and scientific, including (without limitation) educating the public as to their rights, priviledges, and opportunities in the area of civic participation. You state that you will conduct public education and research in the area of civic participation, focusing primarily on opportunities for and the needs of low-income people. You will seek to educate and inform low-income citizens of the importance of participating in, and the ways in which they are affected by, civic affairs. It will inform them of the various vehicles that exist to impact on civic affairs.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends of the date shown above.

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Americans for Civic Participation

Within 90 days after the end of your advance ruling period, you must submit to your key District Director information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(1) and 170(b)(1)(A)(vi) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this 509(a)(1) determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

If your sources of support, or your purposes, character, or method of operation change, please let your key district know so that office can consider the effect of the change on your exempt status and foundation status. Also, you should inform your key District Director of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact your key District Director. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other federal excise taxes. If you have questions about excise, employment, or other federal taxes, contact any Internal Revenue Service office.

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Americans For Civic Participation

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106 and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than $10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You have submitted information which indicates that:

1. Your activities will be conducted on a nonpartisan basis; will not be confined to one specific election period; and will be carried on through your agents in 5 or more states.

2. Substantially all of your income will be expended directly for the active conduct of the activites constituting the purpose or function for which you are organized and operated.

3. You will meet the support tests set forth in section 4945(f)(4) of the Code.

4. You will not accept contributions which are earmarked for voter registration drives in the manner proscribed by section 4945(f)(5) of the Code.

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Americans for Civic Participation

Section 4945 of the Code provides for the imposition of taxes on each taxable expenditure of a private foundation.

Section 4945(d)(2) of the Code provides that the term "taxable expenditure" means any amount paid or incurred by a private foundation to influence the outcome of any specific public election, or to carry on directly or indirectly, any voter registration drive except as provided in 4945(f).

Section 4945(f) of the Code provides that section 4945(d)(2) of the Code shall not apply to a grant made to an organization which meets certain requirements:

(1) the organization is one which is described in section 501(c)(3) and exempt from taxation under 501(a)

(2) the activities of which are nonpartisan, are not confined to one specific election period, and are carried on in 5 or more states,

(3) substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated,

(4) substantially all of the support of which is received from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; not more than 25 percent of such support is received from any one exempt organization; and not more than half of the support of which is received from gross investment income, and

(5) contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specified election period.

For years in which you operate in accordance with the information submitted in support of your request, you will be considered an organization described in section 4945(f) and therefore not subject to 4945(d)(2). For years during which you maintain your status as an organization described in 4945(f), amounts contributed to you by private foundations will not be considered amounts paid or incurred to carry on, directly or indirectly any voter registration drive or to influence the outcome of any specific public election for the purposes of section 4945(f).

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Americans for Civic Participation

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours

J.E. Griffith
Chief, Rulings Section
Exempt Organizations
Technical Branch

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EXHIBIT C

AFFIDAVIT OF SANFORD A. NEWMAN

My name is Sanford A. Newman. I am the founder and Executive Director of Americans for Civic Participation and Project VOTE!. I am familiar with the complaint filed by the National Right to Work Committee ("NRWC"), charging that Project VOTE! is a partisan "front" for the Mondale campaign. This allegation is totally unfounded and untrue.

Project VOTE! is one of the nation's leading non-partisan voter registration organizations. We are proud of the contributions we have made to strengthening the democratic process by:

* developing the strategy of registering citizens to vote while they wait in unemployment, cheese, food stamp and other social service lines;

* registering, through the efforts of the many organizations participating in our local coalitions, over 680,000 new voters.

* protecting the right to vote, with an 8-0 success record in federal court lawsuits against five governors, and various county officials who have tried to obstruct voter registration.

We are also proud of our record for scrupulous adherence to the principles of non-partisanship. For example, we require all staff and consultants to sign a contractual guarantee that they will refrain, while acting on behalf of Project VOTE!, from "engaging in any activities whatsoever which are intended to assist, support or oppose any candidate or party," that they will instruct all volunteers to do likewise and will "immediately take any necessary corrective steps if such instructions are violated." (Attachment 1).

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All district coordinator and regional director expense requests are required to be accompanied by a signed certification that "all activities for which these expenses were incurred were entirely non-partisan. They were not cosigned to, and did not, provide support or opposition to any candidate or party." (Attachment Two).

Even volunteer expense reimbursements of a few dollars are required to be paid only after volunteers sign a receipt stating that "all activities for which these expenses were incurred were conducted in a non-partisan manner." (Attachment Three).

And we routinely send letters to all candidates for federal office, Republican, Democrat, independent or other party, in the areas in which we work, asking for their help and offering to provide lists of our registrants at market prices so that they can encourage these new registrants to vote. A copy of sample letters are attached, (Attachment four) as are letters requesting the assistance of the Republican National Committee. (Attachments Five and Six) and the letter from the Chairman of the Republican National Committee responding to this request. (Attachment Seven)

1. The NRWC alleges that at least seven of the 43 organizations represented on our Advisory Board endorsed Mondale. This is true. It also has no bearing on our non-partisanship. Many unions and other organizations support or

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engage in both partisan and non-partisan activities. The NRWC does not claim any evidence that any of those organizations ever asked Project VOTE! to engage in any partisan activity, much less that we acceded to such a request. Moreover, no such requests have ever been made.

Project VOTE's policy is to accept assistance from anyone willing to support or participate in non-partisan efforts to register voters, except that we do not accept funds directly from political parties or candidates. We do not subject all would-be supporters to a test to insure that they have no political views or partisan interests. Indeed, doing so would raise serious First Amendment questions, and would result in endless debates over who was pure enough to support a non-partisan effort.

2. One of the NRWC agents reports that I announced at a staff meeting that I had attended a fundraiser at the Democratic National Convention. Although her report is slightly confused (I did not attend the fundraiser described, and did not announce that I had), I did go to San Francisco at the time of the Democratic Convention. My objective was to raise money by taking advantage of the fact that many wealthy individuals, including some who had in the past supported efforts to help low-income and minority citizens, would be gathered in San Francisco. I received only one contribution

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pledge during the time I spent in San Francisco; a pledge which was never fulfilled. The Democratic Party did not assist me in obtaining this pledge.

While I did not receive any assistance in this regard from the Democratic Party, I did write the Chair of the Republican National Committee ("RNC") asking his "assistance in raising money and/or recruiting volunteers to assist in our efforts to register low income and minority voters." I specifically suggested that "the Republican National Convention might present an ideal opportunity to meet some of the Party's large contributors." I asked whether some of the RNC contributors or staff might be able to help put me in touch with such contributors if I were to attend the Republican National Convention. I received a reply from Mr. Fanrenkopf indicating that the Republican National Committee was focusing its efforts on increasing the numbers of voters who would support the Republican ticket, and that he would be unable to assist us. A copy of this correspondence comprises Attachments Six and Seven.

3. The NRWC secret agent alleges that I reported at a staff meeting that we had received $135,000 from the Committee to Register and Vote the Missing Half. It suggests that this was illegal because the Chair of the Committee once served in the Carter Administration, and because an associate of his had, at a time prior to beginning his work for the Committee to Register and Vote the Missing Half, been on the payroll of the Mondale Campaign.

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Consistent with our policy of accepting help from all supporters, we certainly did ask the Committee to Register and Vote the Missing Half, which does not make political contributions itself, to encourage wealthy individuals to contribute to Project VOTE!. There is certainly nothing improper about such a request.

4. The NRWC alleges that I met at Mondale headquarters with Jim Kennedy, an AFL-CIO staff person who had been assigned to work part time for the Mondale campaign. Kennedy formerly served as Political Director for the Brotherhood of Railway Carmen, and knows many people in the labor movement. I met with him not because of any role he plays in the Mondale campaign, but to ask his help in raising funds from unions. In fact, I believe I was probably unaware at the time I called him that he had been assigned to work on the Mondale campaign. We had planned to meet in his office at the AFL-CIO building, but he called to tell me that he had to go to the Mondale headquarters. I agreed to stop by the headquarters building to get him. Our meeting actually took place at a nearby restaurant. There is nothing improper about such a meeting. The NRWC alleges that this meeting apparently "played a part of Jesse Jackson's endorsement of Mondale, which was announced two days earlier." No evidence is cited. In fact, neither the meeting nor Project VOTE! played a role in arranging the endorsement.

5. The NRWC alleges that Project VOTE! accepted help from the Democrats in Delaware. In keeping with our

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standard policy, we request help from all candidates and parties, and sent memos requesting such assistance to all federal candidates in Delaware, and to all federal candidate in each of the areas in which we worked. (A copy of the form memo which went to Delaware candidates and all other federal candidates in the areas in which we worked is attached hereto as Attachment Eight).

6. It is stated that, at a weekend dinner attended by some Project VOTE! headquarters staff and volunteers, Ralph Nader and Nancy Amidei, criticized Administration policies. Neither Nader nor Amidei have ever been retained as Project VOTE! staff or consultants nor have their statements been endorsed by Project VOTE!.

7. Two unpaid Project VOTE! volunteers are alleged to have indicated that they felt the people Project VOTE! was registering were likely, because they were low-income people, to vote overwhelmingly for Democratic candidates, and that they therefore felt our work would have the effect of helping the Democratic party. A third person, Julian Anthony, is alleged to have been the Administrative Assistant to the Executive Director, and to have made a similar statement. Julian was actually a student intern in our office. In fact, both national polling data and our own information indicate that his assumption and those of the other volunteers was mistaken in that a

8504032 2

substantial number of our registrants supported Republican candidates.

8. It is alleged that one of the NRWC agents posing as a reporter observed an envelope in the Cleveland Project VOTE! office which was labelled "Communist Party of Ohio." Apparently, the NRWC would like the FEC or the IRS to draw the inference that Project VOTE! is a Communist organization. Apparently, the Right to Work Committee believes this would be further evidence that we were a front for the Mondale campaign.

Our policy, as stated above, is to permit all persons and organizations willing to join in non-partisan voter registration to participate in Project VOTE! efforts. While our national staff and Board have never addressed the question of whether Communists should be allowed to participate, a decision to exclude them on the basis of party affiliation, while encouraging all other parties and candidates to participate, might well run afoul of non-partisanship requirements.

9. It is alleged that one of the NRWC agents was told to cross Republicans off lists of our Pittsburgh registrants being maintained for voter turnout work. In checking forms after this allegation was made, we discovered that the Right to Work Committee's agent had in fact crossed Republican names off some of the forms. At no time have I instructed anyone to delete names of Republican registrants or any other registrants from our lists. Indeed, a check of our computer tapes

8504032 3

will show that they contain the names of many thousands of Republican registrants. While the National Right to Work Committee and its secret agent did in fact attempt to engage in partisan activity by crossing Republican names, it did so in clear violation of Project VOTE! policy. Even in that instance, once we became aware that Republican names had been crossed out, we immediately sent the forms back to data entry personnel to have the crossed out names added to the tapes. As a result, the Right to Work Committee's attempt to cause Project VOTE! to engage in partisan activity was unsuccessful.

10. It is alleged that the former chairman of the Simon for Senate Campaign in the Chicago area is actively involved in Project VOTE! efforts, and that I said we could expect that somebody would soon challenge our tax status and try to use that as evidence that we were partisan.

It is true that we anticpated that, because our voter registration work and our litigation against obstruction of voter registration had been so effective, there would be attempts by groups like the NRWC to intimidate our funders by attacking our tax status.

The person mentioned was never Chair of the Simon campaign; he had simply been a member of its field staff prior to working for Project VOTE!; he was retained as a paid Project VOTE! consultant, and assisted in coordinating a city-wide non-partisan voter registration and turnout effort.

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This person, like all Project VOTE! consultants and staff, was required to sign a contract guaranteeing that all of his efforts as a Project VOTE! staff person would be entirely non-partisan, and that he would not, while acting in that capacity, indicate support or opposition for any candidate or party. The NRWC does not allege that he has violated that contract. The fact that he has a personal preference for Simon and had previously worked on the Simon campaign has no bearing on his ability to engage in non-partisan registration.

11. The NWRC alleges that all Muhammed Ali flyers were destroyed after Project VOTE! learned that Ali had endorsed President Reagan. It says that we quickly substituted materials bearing Jesse Jackson's picture, because Jackson endorsed Mondale/Ferraro. It then alleges that we must have had inside knowledge of the Ali endorsement because we took the alleged action twelve days before the Ali endorsement was announced.

In fact, we had not reprinted the Ali flyer since 1982. By the time of the Ali endorsement, we probably had less than 100 flyers left, all of which were printed "VOTE! November 2nd" and therefore could not have been used this year. They were by that time beng used primarily as samples for fundraising and similar purposes. We did not destroy these leftovers, and have continued to use our dwindling stock for such purposes. We decided to print this year's flyers with Jackson's picture

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instead of Ali's because Jackson's appeal in the black community is so strong. Jackson's permission to use his picture had been requested weeks before the Ali endorsement.

12. It is alleged that one of the NRWC agents heard one Project VOTE! staff person instruct another not to "number a disk" used for wordprocessing, because we didn't want the IRS to find a document on the disk. I am unable to figure our how leaving a disk unnumbered would make it harder for the IRS to find a document. At any rate, our search of unnumbered disks in our possession reveals no document which in any way would jeopardize our tax status. We will be happy to make all such disks available to the IRS upon request.

13. The NRWC quotes at length from a personal letter I had written to a college friend who had dropped me a note with a contribution in it. Most of the letter is about my one-year old baby girl.

The NRWC cites with ominous drama part of my statement that "trying to be a good Daddy while running a campaign organization often leaves me feeling pretty overwhelmed." If the NRWC wanted to prove that we use the word "campaign" to describe our work they could have done so without snooping through private letters. We do indeed use the word, "campaign" not only in my private correspondence but in many public documents in much the same way it is used by United Way

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Campaigns, alumni giving campaigns and other non-partisan efforts -- to denote an intensive effort to achieve a numerical goal within set time constraints.

I declare under penalty of perjury that, to the best of my knowledge, that the foregoing is true and accurate.

Sanford A. Newman

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Attachment One

Project VOTE!

Consulting Agreement

_____ agrees to serve as a consultant to Project VOTE! beginning on _____, 1984. Consultant shall advise on and coordinate Project VOTE! activities in the area to which consultant is assigned. Consultant shall not be an employee of Project VOTE!, but shall be responsible to Project VOTE! for ensuring satisfactory outcome of registration efforts.

While acting as a consultant to Project VOTE!, consultant will refrain from engaging in any activities whatsoever which are intended to assist, support or oppose any candidate or party. Consultant shall instruct any Project VOTE! volunteers or other persons to refrain, while engaged in Project VOTE! activities, from indicating support or opposition for any candidate or party, or from otherwise acting in a partisan manner, and shall immediately take any necessary corrective steps if such instructions are violated.

Consultant will receive from Project VOTE! a stipend of _____ per week. Project VOTE! will not withhold any taxes or provide other benefits; consultant will be solely responsible for any such payments due.

Funds provided by Project VOTE! will be spent only on non-partisan voter registration and education activities.

Records must be maintained showing not only the names, addresses, and phone numbers of persons registered, but also the site where each registration is doen, how many registrations are done by each volunteer, and to which organizations those registrations are to be credited.

As a consultant, I have read the contents of the District Coordinator's Packet in its entirety. I agree to abide by all Project VOTE's policies and to utilize Project VOTE! training materials and methods to the best of my ability to maximize voter registration and turnout in my district.

Monthly or at such other times requested by Project VOTE!, and upon termination of this agreement, consultant will provide Project VOTE! with a written full accounting of all monies expended by consultant for Project VOTE! activities under this agreement. Failure to meet weekly voter registration projections will be grounds for termination. This agreement may be terminated forthwith by either party at any time.

Agreed for Project VOTE! by:

_____
(signature)

_____
(date)

Agreed by consultant:

_____
(signature)

_____
(date)

8/9/84

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EXPENSE FORM Attachment Two

The attached report covers expenses which I incurred in connection with my responsibilities as a District Coordinator or Regional Director for Project VOTE!. All activities for which these expenses were incurred were entirely non-partisan. They were not designed to, and did not, provide support or opposition to any candidate or party.

NAME _____ District _____

SIGNATURE _____ Date _____

ATTACH RECEIPTS - ONLY RECEIPTED ITEMS REIMBURSED

OF _____

DATE	PAID TO:	REASON FOR EXPENSE	AMOUNT	OFFICE USE ONLY CODE
		TOTAL		
		TOTAL		

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REMIT TO: _____

ADDRESS: _____

_____

APPROVED BY _____

VERIFIED BY _____

DATE _____

Attachment Three

RECEIPT

Received from Project VOTE!, the sum of _____ dollars, for volunteer expenses incurred during registration activities on _____, 1984. All activities for which these expenses
(date)
were incurred were conducted in a non-partisan manner.

_____
Signature

RECEIPT

Received from Project VOTE!, the sum of _____ dollars, for volunteer expenses incurred during registration activities on _____, 1984. All activities for which these expenses
(date)
were incurred were conducted in a non-partisan manner.

_____
Signature

RECEIPT

Received from Project VOTE!, the sum of _____ dollars, for volunteer expenses incurred during registration activities on _____, 1984. All activities for which these expenses
(date)
were incurred were conducted in a non-partisan manner.

_____
Signature

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Attachment Four
A

Project VOTE!

BOARD OF ADVISORS

Bella Abzug
Women USA
Nancy Amidei, Director
Food Research and Action Center
Ira Arlook, Executive Director
Citizen Action
Asia Bennett, Executive Secretary
American Friends Service Committee
Barbara Bode, President
Children's Foundation
Kenyon C. Burke
National Council of Churches
David Cohen
Social Development Corporation
David Cortright, Executive Director
SANE
Rev. Robert M. Davidson, Past Moderator
United Presbyterian Church
Cushing N. Dolbeare, President
National Low Income Housing Coalition
Kathleen M. Downey, President
National Student Education Foundation
Robert Drinan, S.J., President
Americans for Democratic Action
Marian Wright Edelman, President
Children's Defense Fund
Pablo S. Eisenberg, President
Center for Community Change
Douglass A. Fraser, Past President
United Auto Workers
Mary Hatwood Futrell, President
National Education Association
Lois Gibbs
Citizens Clearinghouse for Hazardous Waste
Judith Goldsmith, President
National Organization for Women
Sanford Gottlieb, Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein, Director
Center on Budget and Policy Priorities
Norman Hill, Director
A. Philip Randolph Institute
Benjamin L. Hooks, Executive Director
National Association for the Advancement of Colored People
William R. Hutton, Executive Director
National Council for Senior Citizens
John E. Jacob, President
National Urban League
Frederick C. James, Presiding Bishop
A.M.E. Church
Hubert James, Executive Director
Humanserve Campaign
Henry L. Lacayo, National President
Labor Council for Latin American Advancement
Michael McCloskey, Executive Director
Sierra Club
Durward McDaniel, Chairperson
Affiliated Leadership League of and for the Blind of America
Gerald W. McEntee, President
American Federation of State, County and Municipal Employees
Greg T. Moore, President
United States Student Association
Rafe Pomerance, President
Friends of the Earth
David Raphael
Rural America
Dorothy S. Ridings, President
League of Women Voters
Janice Robinson, Executive Director
National Association of Community Health Centers
Larry Rodgers, President
ACORN
Pablo Sedillo, Dir. of Hispanic Affairs
U.S. Catholic Conference Cont. of Bishops
Jessica Smith, Director
Frontlash
Russell Sykes
Fair Budget Action Coalition
Shel Trapp
National People's Action
William C. Velasquez, Director
Southwest Voter Registration Education Project
Glenn Watts, President
Communications Workers of America
Lynn Williams, Acting President
United Steelworkers of America

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

Sanford A. Newman
Executive Director
Albert A. Raby
Deputy Director
James Dickson
Director of Training and Organizing

September 1984

Memo to: Candidates for U.S. Congress

From: Sanford E. Newman
Executive Director Sanford Newman/bs

Project VOTE! is a non-partisan voter registration organization. We are currently undertaking an effort to register low-income and minority voters in your district.

We would be grateful for any help you can provide in generating volunteer or financial resources for this effort, as well as for planned follow-up voter education and turnout efforts, and will be happy to make lists of those registered available to you so that you can encourage them to vote.

Please let us know whether you can help, and whether you would like lists of those registered as part of our effort.

Attachment Five

Project VOTE!

1200 15th St. NW,
Suite 201
Washington, DC 20005
(202) 293-3933

BOARD OF ADVISORS
Bella Abzug
Women USA
Nancy Amidei Director
Food Research and Action Center
Ira Arnow Executive Director
Citizen Action
Alice Bennett Executive Secretary
American Friends Service Committee
Barbara Bode President
Children's Foundation
Kenyon C. Bu...
National Council of Churches
David Cohen
Social Development Corporation
David Cortright Executive Director
SANE
Rev. Robert M. Davidson Past Moderator
United Presbyterian Church
Cushing N. Dolbeare President
National Low Income Housing Coalition
Kathleen M. Downey President
National Student Education Foundation
Robert Drinan S.J. President
Americans for Democratic Action
Marian Wright Edelman President
Children's Defense Fund
Pablo S. Eisenberg President
Center for Community Change
Janice Fine National Chair
United States Student Association
Douglas A. Fraser President
United Auto Workers
Lois Gibbs
Citizens Clearinghouse for
Hazardous Waste
Judith Goldsmith President
National Organization for Women
Sanford Gottlieb Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein Director
Center on Budget and Policy Priorities
Norman Hill Director
A. Philip Randolph Institute
Benjamin L. Hooks Executive Director
National Association for the
Advancement of Colored People
William R. Hutton Executive Director
National Council for Senior Citizens
Jesse Jackson National President
People United to Save Humanity (PUSH)
John E. Jacob President
National Urban League
Frederick C. James Presiding Bishop
A.M.E. Church
Robert James President
Center for Third World Organizing
Henry L. Lozano Nancy President
Labor Council for Latin American
Advancement
Lloyd McBride President
United Steelworkers of America
Michael McCloskey Executive Director
Sierra Club
Gerald W. McEntee President
American Federation of State,
County and Municipal Employees
William H. McGuire President
National Education Association
Rose Pennance President
Friends of the Earth
David Rapher
Rural America
Dorothy S. Ri...s President
League of Women Voters
Janice Robinson Executive Director
National Association of
Community Health Centers
Larry Rodgers President
ACORN
Jessica Smith Director
Frontlash
Howard Spragg Executive Vice President
United Church Board for
Homeland Ministries
Russell Sykes
Fair Budget Action Coalition
Sue Trapp
National People's Action
William C. Velasquez Director
Southwest Voter Registration
Education Project
Gene Watts President
Communications Workers of America

Sanford A. Newman
Executive Director
James Ba...
Director of Field Operations

January 26, 1984

Frank J. Fahrenkopf, Jr.
Chairman
Republican National Committee
310 First Street, S.E.
Washington, DC 20003

Dear Mr. Fahrenkopf:

Project Vote is a non-partisan voter registration organization. We are currently undertaking registration efforts aimed at registering low-income and minority voters.

Please let me know whether you can assist us in raising money or recruiting volunteers, and whether you would like to follow up on those voters we register to encourage voter turnout.

Sincerely,

Sanford A. Newman

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Attachment Six

Project VOTE!

BOARD OF ADVISORS
Bella Abzug
Women USA
Nancy Amidei Director
Food Research and Action Center
Liz Arlook Executive Director
Citizen Action
Asia Bennett Executive Secretary
American Friends Service Committee
Barbara Bode, President
Children's Foundation
Kenyon C. Burke
National Council of Churches
David Cohen
Social Development Corporation
David Cortright Executive Director
SANE
Rev. Robert M. Davidson, Past Moderator
United Presbyterian Church
Cushing N. Dolbeare, President
National Low Income Housing Coalition
Kathleen M. Downey, President
National Student Education Foundation
Robert Drinan, S.J., President
Americans for Democratic Action
Marian Wright Edelman, President
Children's Defense Fund
Pablo S. Eisenberg, President
Center for Community Change
Douglass A. Fraser Past President
United Auto Workers
Mary Hatwood Futrell President
National Education Association
Lois Gibbs
Citizens Clearinghouse for Hazardous Waste
Judith Goldsmith President
National Organization for Women
Sanford Gottlieb Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein Director
Center on Budget and Policy Priorities
Norman Hill Director
A. Philip Randolph Institute
Benjamin L. Hooks, Executive Director
National Association for the Advancement of Colored People
William R. Hutton, Executive Director
National Council for Senior Citizens
John E. Jacob President
National Urban League
Frederick C. James Presiding Bishop
A.M.E. Church
Hulbert James Executive Director
Humanserve Campaign
Henry L. Lacayo, National President
Labor Council for Latin American Advancement
Michael McCloskey Executive Director
Sierra Club
Durward McDaniel Chairperson
Affiliated Leadership League of and for the Blind of America
Gerald W. McEntee President
American Federation of State, County and Municipal Employees
Greg T. Moore President
United States Student Association
Pete Pomerance President
Friends of the Earth
David Raphael
Rural America
Dorothy S. Ridings President
League of Women Voters
James Robinson Executive Director
National Association of Community Health Centers
Larry Rodgers President
ACORN
Pablo Sedillo Dir. of Hispanic Affairs
U.S. Catholic Conference Conf. of Bishops
Jessica Smith Director
Frontlash
Russell Sykes
Fair Budget Action Coalition
Shel Trapp
National People's Action
William C. Velasquez Director
Southwest Voter Registration Education Project
Glenn Watts President
Communications Workers of America
United Steelworkers of America

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

Sanford A. Newman
Executive Director
Albert A. Risley
Deputy Director
James Dickerson
Director of Training and Organizing

July 13, 1984

Mr. Frank J. Fahrenkopf, Jr.
Chairperson
Republican National Committee
310 First Street, S.E.
Washington, DC 20003

Dear Mr. Fahrenkopf:

I am writing to renew my request for your assistance in raising money and/or recruiting volunteers to assist in our efforts to register low-income and minority voters.

I am confident that many Republicans share our commitment to broadening participation in the democratic process by those population groups who currently vote least.

It occured to me that the Republican National Convention might present an ideal opportunity to meet some of the Party's large contributors, but I know little about how the convention will operate.

Is it possible that you or some of your contributors might be able to hold a reception to assist in raising money for groups registering low-income and minority voters? Do you anticipate that you or someone on your staff might be able to facilitate such contributions if I were to come to the convention.

I will be most grateful for your assistance.

Sincerely,

Sanford A. Newman

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Attachment Seven

Republican
National
Committee

Frank J. Fahrenkopf, Jr.
Chairman

August 8, 1984

Mr. Sanford A. Newman
Executive Director
Project Vote!
1201 16th Street, N.W.
Suite 219
Washington, D.C. 20036

Dear Mr. Newman:

As I am sure you are aware, the Republican National Committee, in conjunction with State Republican committees, has been conducting voter registration drives to increase the numbers of new Republican voters. These programs have been and will continue to be very successful and we are confident of reaching our goal.

The schedule has been set for the Republican National Convention for some time. Therefore, it will not be possible to arrange the reception you requested.

The best of luck with your registration program. Our combined efforts will indeed go far toward broadening participation in the democratic process.

Very truly yours,

Frank

Frank J. Fahrenkopf, Jr.

FJF/gce

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Attachment Eight

Project VOTE!

BOARD OF ADVISORS

Bella Abzug
Women USA
Nancy Amidei, Director
Food Research and Action Center
Ira Arlook, Executive Director
Citizen Action
Asia Bennett, Executive Secretary
American Friends Service Committee
Barbara Bode, President
Children's Foundation
Kenyon C. Burke
National Council of Churches
David Cohen
Social Development Corporation
David Cortright, Executive Director
SANE
Rev. Robert M. Davidson, Past Moderator
United Presbyterian Church
Cushing N. Dolbeare, President
National Low Income Housing Coalition
Kathleen M. Downey, President
National Student Education Foundation
Robert Drinan, S.J., President
Americans for Democratic Action
Marian Wright Edelman, President
Children's Defense Fund
Pablo S. Eisenberg, President
Center for Community Change
Douglass A. Fraser, Past President
United Auto Workers
Mary Hatwood Futrell, President
National Education Association
Bob Gabbs
Citizens Clearinghouse for Hazardous Waste
Judith Golosmith, President
National Organization for Women
Sanford Gottlieb, Executive Director
United Campuses To Prevent Nuclear War
Robert Greenstein, Director
Center on Budget and Policy Priorities
Norman Hill, Director
A. Philip Randolph Institute
Benjamin L. Hooks, Executive Director
National Association for the Advancement of Colored People
William R. Hutton, Executive Director
National Council for Senior Citizens
John E. Jacob, President
National Urban League
Frederick C. James, Presiding Bishop
A.M.E. Church
Hulbert James, Executive Director
Humanserve Campaign
Henry L. Lacayo, National President
Labor Council for Latin American Advancement
Michael McCloskey, Executive Director
Sierra Club
Durward McDaniel, Chairperson
Affiliated Leadership League of and for the Blind of America
Gerald W. McEntee, President
American Federation of State, County and Municipal Employees
Greg T. Moore, President
United States Student Association
Rafe Pomerance, President
Friends of the Earth
David Raphael
Rural America
Dorothy S. Ridings, President
League of Women Voters
Janice Robinson, Executive Director
National Association of Community Health Centers
Larry Rodgers, President
ACORN
Pablo Sedillo, Dir. of Hispanic Affairs
U.S. Catholic Conference Conf. of Bishops
Jessica Smith, Director
Frontlash
Russell Sykes
Fair Budget Action Coalition
Shel Trapp
National People's Action
William C. Velasquez, Director
Southwest Voter Registration Education Project
Glenn Watts, President
Communications Workers of America
Lynn Williams, Acting President
United Steelworkers of America

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

Sanford A. Newman
Executive Director
Albert A. Raby
Deputy Director
James Dickenn
Director of Training and Organizing

September 1984

Memo to: Candidates for U.S. Congress

From: Sanford E. Newman
Executive Director Sanford Newman /bs

Project VOTE! is a non-partisan voter registration organization. We are currently undertaking an effort to register low-income and minority voters in your district.

We would be grateful for any help you can provide in generating volunteer or financial resources for this effort, as well as for planned follow-up voter education and turnout efforts, and will be happy to make lists of those registered available to you so that you can encourage them to vote.

Please let us know whether you can help, and whether you would like lists of those registered as part of our effort.

EXHIBIT D

AFFIDAVIT OF DIANA NEIDLE

I, DIANA NEIDLE, DECLARE AS FOLLOWS:

1. I am the Deputy for Administration for Americans for Civic Participation's Project Vote ("Project Vote") located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036.

2. I have held this position at Project Vote since July of 1984.

3. My duties at Project Vote include the supervision of numerous Project Vote employees and volunteers in the compilation and processing of voter registration information.

4. I have continually directed Project Vote employees and volunteers under my supervision to carry out their duties in a non-partisan manner, irrespective of the political orientation of potential voters.

5. To the best of my knowledge and belief, all voter registration activities undertaken by Project Vote during my tenure therewith have been carried out strictly on a non-partisan basis.

6. With respect to the allegation made in Paragraph 4 of Elfrida L. Martin's Affidavit (MUR 1824 - "Exhibit G"), the statement attributed to me was simply an expression of my personal political preference and in no way was meant to reflect the opinion or orientation of Project Vote and/or Americans for Civic Participation.

7. With respect to the allegation made in Paragraph 12 of Howard Miller's Affidavit ("Exhibit D"), I have never

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instructed a Project Vote employee or volunteer or any other individual to destroy, alter or otherwise tamper with Project Vote records or documents for the purpose of concealing such documentation from any federal or state regulatory agency or governmental authority.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and accurate.

Diana Neidle

Diana Neidle

City of Washington)
) ss:
District of Columbia)

I, KAREN BROWN ARNOLD, a Notary Public, hereby certify that on the 26th day of NOVEMBER, 1984, there personally appeared before me Diana Neidle, who acknowledged signing the foregoing document and that the statements therein contained are true.

Karen Brown Arnold

Notary Public

My Commission Expires: 1/1/89

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EXHIBIT E

AFFIDAVIT OF JIM DICKSON

I, JIM DICKSON, DECLARE AS FOLLOWS:

1. I am currently the Director of Organization and Training for Americans for Civic Participation's Project Vote ("Project Vote") located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036.

2. I have been employed by Project Vote since July of 1982.

3. During the course of my employment with Project Vote, I have supervised numerous Project Vote employees and volunteers in the compilation and processing of voter registration information.

4. I have continually directed Project Vote employees and volunteers under my supervision to carry out their duties in a non-partisan manner, irrespective of potential voters' political orientation or affiliation.

5. To the best of my knowledge and belief, all voter registration activities undertaken by Project Vote during my employment therewith have been carried out strictly on a non-partisan basis.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and accurate.

Jim Dickson

3504052038

City of Washington)
) ss:
District of Columbia)

I, Donna S. Cloff, a Notary Public, hereby certify that on the 19th day of November, 1984, there personally appeared before me Jim Dickson, who acknowledged signing the foregoing document and that the statements therein contained are true.

Donna S Cloff
Notary Public

My Commission Expires: ~~11/19/87~~ 4/30/87

8504052033 9

EPSTEIN BECKER BORSODY & GREEN, P. C.
ATTORNEYS AT LAW
1140 19TH STREET, N. W.
WASHINGTON, D. C. 20036

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

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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
DON CAMERON, Executive Director

LEGAL SERVICES
OFFICE OF GENERAL COUNSEL

November 19, 1984

84 NOV 19 P4:34

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

Re: MUR 1824

Dear Mr. Steele:

On October 24, 1984 you wrote to Mary Futrell, President of the National Education Association ("NEA"), regarding the above MUR. I have been authorized to represent NEA, and this response is submitted on its behalf.

The complaint upon which this MUR is based alleges three violations of the Federal Election Campaign Act of 1971 as amended ("Act"), only one of which relates to NEA. Specifically, the allegation is made that "NEA ... is violating 2 U.S.C. § 441b by donating office space to a partisan political operation." The "partisan political operation" in question is Project Vote, a voter registration activity conducted by Americans for Civic Participation ("ACP"). Although NEA does in fact donate office space to Project Vote, for the reasons set forth below, we do not believe this constitutes a violation of the Act.

The Commission's regulations provide that a labor organization may donate funds to "nonprofit organizations which are exempt from federal taxation under 26 U.S.C. § 501(c)(3) or (4) and which do not support, endorse or oppose candidates or political parties," for use in nonpartisan voter registration drives. 11 C.F.R. § 114.4(c)(2). A related provision allows "nonpartisan tax-exempt organization[s], in conducting nonpartisan registration and get-out-the-vote activities, [to] utilize ... the ... facilities of a labor organization." 11 C.F.R. § 114.4(c)(3). Project Vote professes to be precisely the type of organization referred to in the above regulations, and

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the United States Internal Revenue Service agrees. Thus, the IRS has classified ACP (i.e., Project Vote) as a tax-exempt organization under 26 U.S.C. § 501(c)(3) and has determined that its activities are nonpartisan under this and other relevant provisions of the tax code.[1]

The complainant in this MUR, the National Right to Work Committee ("NRWC"), disputes the position taken by IRS. Based largely upon affidavits filed by private investigators retained by NRWC for the purpose of investigating "organized labor's use of compulsory dues to finance 'in-kind' political spending," Statement by Reed Larson, President, NRWC (October 17, 1984), the complaint alleges that "Project Vote is a partisan political operation masquerading as a nonpartisan registration and get-out-the-vote effort." Complaint at 8.[2] Although we do not believe that the "evidence" uncovered by NRWC is sufficient to sustain this characterization of Project Vote, we defer to ACP to show that Project Vote did not receive or expend money or anything of value "for the purpose of influencing any election for federal office." 2 U.S.C. §§ 431(8)(A)(i) and (9)(A)(i). This showing will, of course, dispose of the charge against NEA as a matter of fact.

Even if the Commission ultimately concludes that Project Vote is a "partisan political operation," however, we are in no sense suggesting that there is any merit to the charge made against NEA. This is because in allowing the use of its facilities, NEA, like other contributors to Project Vote, has acted in good-faith reliance upon the IRS determination. Under

8504052034 2

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[1] The relevant letters from IRS to ACP in this regard are attached. In addition, to the extent the Commission's regulations provide that donations be made to an organization that is "nonprofit," we note that ACP is incorporated under the District of Columbia Nonprofit Corporation Act. See "Exhibit B" to the complaint at issue.

[2] Inasmuch as the charge made against NEA proceeds on the assumption that NRWC's characterization of Project Vote is a proven "fact" rather than merely an unproven "allegation," this aspect of the complaint is premature, and for this reason alone should be dismissed unless and until the Commission determines that Project Vote is not what it purports to be.

the Internal Revenue Code, good-faith contributors to organizations classified under certain sections of the Code are entitled to rely upon these classifications until the IRS publishes notice to the public that the organization has been removed from the classification. Thus, contributors who have deducted from their taxes contributions to an organization classified as a charitable contribution donee will not be held accountable for having done so if the organization subsequently is held not to have been entitled to this tax status. Similarly, private foundations which have contributed to an organization carrying on nonpartisan activities pursuant to Section 4945(f) of the Code will not retroactively be subject to liability for having made "taxable expenditures" if the organization in fact did not meet the requirements for maintaining Section 4945(f) status. Since the IRS has determined that Project Vote meets the applicable requirements for classification as a charitable contribution donee and a Section 4945(f) organization, and since the requirements for obtaining these classifications essentially are coextensive with those of the Commission's regulations, we believe NEA's reliance on the IRS determinations precludes the finding of a violation of the Act.

8504034 3

It scarcely warrants extended discussion to demonstrate the problems that would result from a contrary position -- i.e., one that would require labor organizations to go beyond the ruling of IRS and somehow make an independent determination as to which § 501(c)(3) organizations are in fact what they purport to be and which are in fact "masquerading." Indeed, we are hard-pressed to envision how any such a determination would be made. The labor organization could, of course, follow the lead of the NRWC -- that is, it could hire private investigators, have them lie about who they really are in order to infiltrate the organization in question and then provide the labor organization with information. Inasmuch as we consider this approach to be unethical, potentially unlawful (to the extent the investigators participate in partisan activity; see complaint filed by NEA against NRWC, October 22, 1984) and generally reprehensible (see attached editorial from the Cleveland Plain Dealer), we reject it out of hand, and can conceive of no other means by which the necessary independent determination could be made. There is no need to belabor the point. If labor organizations were required to act at their peril and could not rely on the determinations made by the IRS, 11 C.F.R. §§ 114.4(c) (2) and (3) would, in effect, be rendered meaningless. Thus, whatever disposition the Commission makes of the other allegations in the complaint, the allegation against NEA should not be sustained.

On the basis of the information set forth above, we respectfully request that the Commission find no reason to believe NEA has violated the Act, and that it close the file on this matter.

Sincerely,

Robert H. Chanin

Robert H. Chanin
General Counsel

RHC:gm

8504052034 4

Internal Revenue Service
District Director

Department of the Treasury

Date: June 01, 1984

Our Letter Dated:
June 15, 1982
Person to Contact:
R.D. Morris
Contact Telephone Number:
488-3100

Americans for Civic Participation
1200 15th. Street, N.W., Suite 201
Washington, D.C. 20005

8504052034 5

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section * see below . Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section * see below status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section * see below organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

* 509(a)(1) and 170(b)(1)(A)(vi).

Sincerely yours,

Teddy R. Kern
District Director

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Americans for Civic Participation
1201 16th Street, N.W., Suite 615
Washington, D.C. 20036

Person to Contact:
Mr. Luperini
Telephone Number:
202-566-5622
Refer Reply to:
OP:E:EO:T:R:2

Date: 15 JUN 1982

Employer Identification Number: 52-1251514
Key District: Baltimore
Accounting Period Ending: December 31
Foundation Status Classification: 170(b)(1)(A)(vi) and 509(a)(1)
Advance Ruling Period Ends: December 31, 1983

Gentlemen:

Based on information submitted, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

You were incorporated under the laws of the District of Columbia on April 5, 1982. Your purposes, as set forth in your Articles of Incorporation, are exclusively charitable, educational, literary and scientific, including (without limitation) educating the public as to their rights, priviledges, and opportunities in the area of civic participation. You state that you will conduct public education and research in the area of civic participation, focusing primarily on opportunities for and the needs of low-income people. You will seek to educate and inform low-income citizens of the importance of participating in, and the ways in which they are affected by, civic affairs. It will inform them of the various vehicles that exist to impact on civic affairs.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends of the date shown above.

8504052034 6

Americans for Civic Participation

Within 90 days after the end of your advance ruling period, you must submit to your key District Director information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(1) and 170(b)(1)(A)(vi) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this 509(a)(1) determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

If your sources of support, or your purposes, character, or method of operation change, please let your key district know so that office can consider the effect of the change on your exempt status and foundation status. Also, you should inform your key District Director of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact your key District Director. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other federal excise taxes. If you have questions about excise, employment, or other federal taxes, contact any Internal Revenue Service office.

8504052034 7

Americans For Civic Participation

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106 and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than $10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You have submitted information which indicates that:

1. Your activities will be conducted on a nonpartisan basis; will not be confined to one specific election period; and will be carried on through your agents in 5 or more states.

2. Substantially all of your income will be expended directly for the active conduct of the activites constituting the purpose or function for which you are organized and operated.

3. You will meet the support tests set forth in section 4945(f)(4) of the Code.

4. You will not accept contributions which are earmarked for voter registration drives in the manner proscribed by section 4945(f)(5) of the Code.

8504052034 8

Americans for Civic Participation

Section 4945 of the Code provides for the imposition of taxes on each taxable expenditure of a private foundation.

Section 4945(d)(2) of the Code provides that the term "taxable expenditure" means any amount paid or incurred by a private foundation to influence the outcome of any specific public election, or to carry on directly or indirectly, any voter registration drive except as provided in 4945(f).

Section 4945(f) of the Code provides that section 4945(d)(2) of the Code shall not apply to a grant made to an organization which meets certain requirements:

(1) the organization is one which is described in section 501(c)(3) and exempt from taxation under 501(a)

(2) the activities of which are nonpartisan, are not confined to one specific election period, and are carried on in 5 or more states,

(3) substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated,

(4) substantially all of the support of which is received from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; not more than 25 percent of such support is received from any one exempt organization; and not more than half of the support of which is received from gross investment income, and

(5) contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specified election period.

For years in which you operate in accordance with the information submitted in support of your request, you will be considered an organization described in section 4945(f) and therefore not subject to 4945(d)(2). For years during which you maintain your status as an organization described in 4945(f), amounts contributed to you by private foundations will not be considered amounts paid or incurred to carry on, directly or indirectly any voter registration drive or to influence the outcome of any specific public election for the purposes of section 4945(f).

85.04052.03349

Americans for Civic Participation

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours

J. E. Griffith

J.E. Griffith
Chief, Rulings Section
Exempt Organizations
Technical Branch

8504052035O

THE PLAIN DEALER

THOMAS VAIL, Publisher and Editor — ROY O. KOPP, Business Manager — WILLIAM J. WOESTENDIEK, Executive Editor

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DENNIS R. RYERSON, Editorial Director

EDITORIALS

Flirting with fascism

The National Right to Work Committee's use of paid impostors to infiltrate unions and Project Vote is further evidence of the revival of the menace symbolized by followers of the tactics of the late Sen. Joseph McCarthy.

Such vigilante activities—political gangsterism, really—cross the line beyond which a free and pluralistic society must not go to ensure a healthy political climate for all the people.

Ostensibly, the spying was an attempt to gather evidence of labor union and partisan voter registration activities that are illegal under certain federal election and tax laws. That is not the whole of the story.

Reed Lawson, president of the right-to-work group, was careful to say that the committee only authorized "lawful activity." He also said that there was nothing unethical in investigators assuming roles or acting as impostors. His observation is instructive. An impostor is a person who cheats or deceives others. For him to argue that that isn't unethical leaves us to conclude that Lawson's moral philosophy supports imposture as a standard of proper conduct.

It is not. It is fraudulent and inappropriate behavior to distinctly tell someone you are something other than what you are, which the investigators did. They falsely identified themselves as journalists.

You can read into that the notion that any means justifies the political end, which was the essence of this country's previous political inquisition period over political ideology. That same menace is flowering again today by those party to the mean reactionary spirit of a morally bankrupt faction of political thought.

Consider the familiar tactics. Paid political infiltrators. Spy missions. Planned disruption of political speeches. The deliberate spreading of falsehoods. This is not the ordinary monitoring of the political opposition. It is a form of lower-level terrorism. Indecencies are being committed in the manner of war.

What of the right-to-work committee's charges? Is Project Vote simply a front for the Democratic Party, intent on gaining the election of Walter Mondale and Geraldine Ferraro? What does it mean, as alleged by the gumshoes, that all Project Vote volunteers in the Cleveland office appear to be "liberal Democrats." How does that appearance manifest itself? By skin color? Accent? Gender? Do "liberals" look different from conservatives? Can you tell at a glance what political philosophy a person believes in? Did Ronald Reagan look any different as a New Deal Democrat than he does as a Republican? Fact: In Ohio, voter registration is not by party, so there is no way of knowing a registrant's politics unless he or she publicly declares a preference. And that suggests that the right-to-work people were up to something else. But what?

Perhaps the answer can be found in the question asked of one project official by a Lawson operative who wanted to know why voter registration materials were sent to the local Communist Party. Indeed. Why not? It isn't an illegal party, and its members have the same rights as members of all the other parties.

But that isn't what the question implies. Like the phrase, "liberal Democrat," the term is a statement suggesting radicalism or subversion. It is meant to cast suspicion on those so described. That is the context in which the Project Vote spying should be considered.

The right-to-work group didn't expect to discover concrete proof of a conspiracy among the Democrats and Project Vote to aid the Mondale/Ferraro campaign. Nor did it figure on finding major violations of federal election and tax laws. What it sought to do was to spark some disorder for the sake of publicity to transmit to the masses both the notion of suspicion and the politics of paranoia.

That is flirting with fascism.

8504052035 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 16, 1984

Joy L. Koletsky
Office of General Counsel
National Education Association
1201 - 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1824

Dear Ms. Koletsky:

This is in reference to your letter dated November 9, 1984, requesting an extension until November 20, 1984, to respond to the Commission's notification that a complaint has been filed which alleges violations of the Act by the National Education Association. 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 November 20, 1984.

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504052035 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody & Green, P.C.
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1824
Americans for Civic Participation/
Project Vote

Dear Mr. Oldaker:

This is in reference to Leslie Kerman's letter dated November 6, 1984, requesting an extension until November 28, 1984, to respond to the Commission's notice that a complaint has been filed which alleges violations of the Act by your client.

Considering the Commission's responsibilities under 2 U.S.C. § 437g(a)(8)(A) to act expeditiously on complaints and the circumstances of this matter, your request for an extension will be granted only until November 16, 1984.

If you have any questions, please contact Marybeth Tarrant, the staff member handling this matter, at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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LEGAL SERVICES
OFFICE OF GENERAL COUNSEL

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

November 9, 1984

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

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
84 NOV 13 P1:52

Re: MUR 1824

Dear Ms. Tarrant:

This is to confirm our conversation today in which I requested an extension of one week, i.e., until November 20, for this office to prepare NEA's response to the above MUR. The extension is necessary in order to compile information and because of some prior commitments and some unanticipated matters which demanded our attention.

Thank you for your attention to this matter.

Sincerely,

Joy L. Koletsky

Joy L. Koletsky
Staff Counsel

JLK:ew

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

84 NOV 13 A9:2

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GCC#SS23

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALLICK TOWER
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1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067†
(213) 556-8861

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104†
(415) 398-5585

†P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

November 6, 1984

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S OFFICE
84 NOV 9 P5:26

Ms. Mary Beth Tarrant
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1824

Dear Ms. ~~Tarrant~~ MaryBeth:

Enclosed please find a Statement of Designation of Counsel for Americans for Civic Participation/Project Vote in the above-referenced matter.

In addition, we request an extension of time, from November 9, 1984 to November 28, 1984, in which to respond to this complaint. As we have discussed, due to the number of allegations raised as well as the fact that William C. Oldaker, the designated counsel, will be out of country from November 8 - 27, such an extension of time is necessary for us to prepare an adequate response for our client.

Thank you for your assistance and cooperation in this matter.

Best regards,

Leslie

Leslie J. Kerman

LJK:ses
Enclosures

8504052003553

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1824

NAME OF COUNSEL: William Oldaker

ADDRESS: Ebstein, Becker & Borsody
1140 19th Street, N.W.
Washington, DC 20036

TELEPHONE: (202) 861-0900

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.

November 6, 1984
Date

Signature

RESPONDENT'S NAME: Sanford A. Newman

ADDRESS: Americans for Civic Participation-Project VOTE!
1201 16th St., N.W. #219
Washington, D.C. 20036

HOME PHONE:

BUSINESS PHONE: (202) 293-3933

8050257

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1824
Americans for Civil Participation ("ACP")	)	
	)	
National Education Association ("NEA")	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 2, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1824:

1. Do not seek injunctive action at this time.

2. Approve the letters, attached to the General Counsel's Memorandum to the Commission dated November 1, 1984, advising the complainant and respondents of the Commission's decision not to undertake injunctive action at this time.

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

Attest:

11-2-84
Date

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

Received in Office of Commission Secretary: 11-1-84, 2:20
Circulated on expedited tally basis: 11-1-84, 4:00

8504052035 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 1984

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

Dear Mr. Wilson:

On October 18, 1984, the Federal Election Commission received your letter alleging that the Americans for Civic Participation ("ACP") and the National Education Association ("NEA") have violated the Federal Election Campaign Act of 1971, as amended.

Your letter seeks injunctive relief to prevent ACP and NEA from continuing the alleged misuse of corporate and labor union funds. At this time, there is insufficient evidence to warrant the Commission's seeking such relief.

If you have any questions, please contact Kenneth A. Gross at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8504052039

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 1984

President
Americans for Civic Participation/
Project Vote
1201 - 16th Street, N.W.
Suite 219
Washington, D.C. 20036

RE: MUR 1824

Dear Sir/Madam:

The Federal Election Commission notified you on October 24, 1984, of a complaint alleging that Americans for Civic Participation/Project Vote violated certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

The complainant seeks injunctive relief to prevent your organization from continuing its alleged misuse of corporate funds. Please be advised that the Commission is not commencing any action for injunctive relief at this time.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8504052036 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 1984

Mary Futrell, President
National Education Association
1201 - 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1824

Dear Ms. Futrell:

The Federal Election Commission notified you on October 24, 1984, of a complaint alleging that the National Education Association violated certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

The complainant seeks injunctive relief to prevent your organization from continuing its alleged misuse of union funds. Please be advised that the Commission is not commencing any action for injunctive relief at this time.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8504052036 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: November 1, 1984

SUBJECT: MUR 1824 - Memorandum to The Commission

The attached is submitted as an Agenda document for the Commission Meeting of

Open Session

Closed Session

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[X]	Other (see distribution below)	[ ]

EXPEDITED - SENSITIVE

CIRCULATE ON PINK PAPER

24 HOUR TALLY VOTE

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COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 NOV 1 P2:47

November 1, 1984

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1824 - Americans for Civic Participation and National Education Association

8504020363

On October 17, 1984, the National Right to Work Committee filed a complaint alleging that the Americans for Civil Participation ("ACP"), a non-profit corporation, and the National Education Association ("NEA") have violated the Act. Specifically, the complainant alleges that Project Vote, an arm of ACP, is "masquerading as a non-partisan registration and get-out-the-vote effort" but is really a partisan Democratic political operation. As ACP is incorporated, the complainant alleges that it is violating 2 U.S.C. § 441b by making prohibited expenditures. In addition, the complainant alleges that ACP and/or Project Vote is violating 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Further, the complainant alleges that NEA is violating 2 U.S.C. § 441b by donating office space to ACP/Project Vote.

As evidence, the complainant cites affidavits of private investigators, statements made by Project Vote employees, statements made by Ralph Nader, various alleged ties of Project Vote with people associated with the Democratic party, and materials used by Project Vote which encourage its recipients to register to vote and to fight back against cuts made by "your government" to various federal programs, i.e., food stamps, legal aid etc.

INJUNCTIVE RELIEF

The National Right to Work Committee seeks injunctive relief. The Commission is empowered to initiate such a civil

action if it is unable to correct or prevent a violation of the Act. 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6). However, the procedure for pursuing that immediate remedy is problematic since the Commission must normally wait fifteen days before it takes action on a complaint. While it would seem that under extraordinary circumstances the fifteen day response period could be shortened, there is only one precedent for doing so. In that case, however, the respondent cooperated with the Commission, thus the issue was never tested. When time is of the essence, we recommend that the Commission adopt the high standard required to obtain a temporary restraining order. See First General Counsel's Report for MURs 1167, 1168, and 1170 - The Nashua Telegraph Case - approved by the Commission February 21, 1980. Thus, while the Commission should not ordinarily proceed before the response period expires, it may authorize seeking injunctive relief when:

(1) There is a substantial likelihood that the complaint sets forth a violation of the Act;

(2) Failure of the Commission to act expeditiously will result in irreparable harm to the complainant or some other party;

(3) Expeditious action will not result in undue harm or prejudice to the interests of other persons;

(4) The public interest would be served by such expeditious handling of the matter.

The complaint is based on statements made by certain persons whose associations with Project Vote are not very clear. In addition, although the evidence provided indicates that Project Vote may have been issue-orientated, this does not in and of itself prove partisanship. Further, it appears from the affidavits attached to the complaint that the complainant is relying on conclusions drawn by the private investigators without providing a factual basis for such conclusions. Because the facts of this case are still undetermined, this office cannot be certain that "there is a substantial likelihood that the complaint sets forth a violation of the Act." In addition, the thrust of the complaint concerns activities which occurred in the past and injunctive relief would be inappropriate in relation to past activities. Thus, we are not recommending that injunctive action be taken at this time. If the Commission agrees, we ask that it approve the attached letters to the respondents and complainant.

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RECOMMENDATIONS

1. Do not seek injunctive action at this time.

2. Approve the attached letters advising the complainant and respondents of the Commission's decision not to undertake injunctive action at this time.

Attachment
Proposed letters (3)

8504052036 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mary Futrell, President
National Education Association
1201 - 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 1824

Dear Ms. Futrell:

The Federal Election Commission notified you on October 24, 1984, of a complaint alleging that the National Education Association violated certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

The complainant seeks injunctive relief to prevent your organization from continuing its alleged misuse of union funds. Please be advised that the Commission is not commencing any action for injunctive relief at this time.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8504052036 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

President
Americans for Civic Participation/
Project Vote
1201 - 16th Street, N.W.
Suite 219
Washington, D.C. 20036

RE: MUR 1824

Dear Sir/Madam:

The Federal Election Commission notified you on October 24, 1984, of a complaint alleging that Americans for Civic Participation/Project Vote violated certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

The complainant seeks injunctive relief to prevent your organization from continuing its alleged misuse of corporate funds. Please be advised that the Commission is not commencing any action for injunctive relief at this time.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8504052036 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

Dear Mr. Wilson:

On October 18, 1984, the Federal Election Commission received your letter alleging that the Americans for Civic Participation ("ACP") and the National Education Association ("NEA") have violated the Federal Election Campaign Act of 1971, as amended.

Your letter seeks injunctive relief to prevent ACP and NEA from continuing the alleged misuse of corporate and labor union funds. At this time, there is insufficient evidence to warrant the Commission's seeking such relief.

If you have any questions, please contact Kenneth A. Gross at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Dear Mr. Wilson:

This letter is to acknowledge receipt of your complaint which we received on October 18, 1984, against Americans for Civic Participation/Project Vote and National Education Association which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent(s) will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this Office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(B) and § 437g(a)(12)(A) unless the respondent notifies the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

8504052036 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1984

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

President
Americans for Civic
Participation/
Project Vote
1201 16th Street, N.W.
Suite 219
Washington, D.C. 20036

RE: MUR 1824

Dear Sir/Madam:

This letter is to notify you that on October 18, 1984, the Federal Election Commission received a complaint which alleges that your corporation 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 1824. 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 corporation in connection with this matter. You may respond to the allegations made against your corporation within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, your corporation will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

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

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

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Envelope

8504052037 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1984

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mary Futrell
President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

RE: MUR 1824

Dear Ms. Futrell:

This letter is to notify you that on October 18, 1984, the Federal Election Commission received a complaint which alleges that your labor organization 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 1824. 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 labor organization in connection with this matter. You may respond to the allegations made against your labor organization within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, your labor organization will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

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

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

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Envelope

8504052037 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: October 26, 1984

SUBJECT: MUR 1824 - Memorandum to The Commission

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[X]	Status Sheets	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

_____ _____

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RECEIVED
THE FEC
RETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 OCT 26 P 3:28

October 26, 1984

MEMORANDUM TO: The Commission

SENSITIVE

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1824
Americans for Civic Participation and
National Education Association

On October 24, 1984, this Office circulated a memorandum to the Commission regarding a complaint filed by the National Right to Work Committee against the above-named Respondents. Please note that the memorandum erroneously labeled this matter as MUR 1822 and that the correct number is MUR 1824.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: October 24, 1984

SUBJECT: MUR 1822 - Memo to COMM

The attached is submitted as an Agenda document for the Commission Meeting of

Open Session

Closed Session

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[x]	Status Sheets	[ ]
Sensitive	[x]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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RECEIVED
OFFICE OF THE FEC
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 OCT 24 All : 43

October 24, 1984

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1822 - Americans for Civic Participation and National Education Association

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On October 17, 1984, the National Right to Work Committee filed a complaint alleging that the Americans for Civil Participation ("ACP"), a non-profit corporation, and the National Education Association ("NEA") have violated the Act. Specifically, the complainant alleges that Project Vote, an arm of ACP, is "masquerading as a non-partisan registration and get-out-the-vote effort" but is really a partisan Democratic political operation. As ACP is incorporated, the complainant alleges that it is violating 2 U.S.C. § 441b by making prohibited expenditures. In addition, the complainant alleges that ACP and/or Project Vote is violating 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee. Further, the complainant alleges that NEA is violating 2 U.S.C. § 441b by donating office space to ACP/Project Vote.

As evidence, the complainant cites affidavits of private investigators, statements made by Project Vote employees, statements made by Ralph Nader, various alleged ties of Project Vote with people associated with the Democratic party, and materials used by Project Vote which encourage its recipients to register to vote and to fight back against cuts made by "your government" to various federal programs, i.e., food stamps, legal aid etc.

This Office will make its recommendations to the Commission upon receipt of the responses or expiration of the 15 day response period afforded to the Respondents.

HAND DELIVERED
GCC#5206
RECEIVED AT THE FEC

BEFORE THE
FEDERAL ELECTION COMMISSION

84 OCT 17 P1:08

THE NATIONAL RIGHT TO WORK COMMITTEE, Complainant, v. AMERICANS FOR CIVIC PARTICIPATION and NATIONAL EDUCATION ASSOCIATION, Respondents.	MUR 1824

84 OCT 18 P3:59
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GENERAL COUNSEL

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COMPLAINT AND REQUEST
FOR EXPEDITED ENFORCEMENT

1. Complainant, The National Right to Work Committee (the "Committee"), requests 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.

2. Respondents are Americans for Civic Participation ("ACP"), a nonprofit corporation exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code, with offices at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036, Exhibit A, and the National Education Association ("NEA"), a labor organization, located at 1201 16th Street, N.W., Washington, D.C. 20036.

3. ACP has no members; therefore, it is not entitled to rely on the membership exceptions to § 441b. Article 5 of ACP Articles of Incorporation and Article II of ACP Bylaws, attached hereto as Exhibits B and C.

4. This complaint, founded on information and belief, is based on reports of private investigators, public records at the FEC, a news article, and phone calls made to some of ACP's advisory board members by the undersigned, William A. Wilson.

5. ACP has an advisory board composed of representatives from forty-three nonprofit organizations. Phone calls by William A. Wilson to ACP advisory board members indicate that at least seven of these organizations, or sixteen percent of the advisory board, i.e., United Auto Workers, NEA, National Organization for Women, Sierra Club, American Federation of State, County and Municipal Employees, Communications Workers of America, and United Steelworkers of America, have endorsed the election of this year's Democratic Party presidential candidate, Walter F. Mondale. These endorsements raise an inference that activities sponsored by members of the advisory board are partisan in nature. See, FEC Advisory Opinion 1984-17; American Federation of Government Employees v. O'Connor, (U.S.D.C. D.C., Nos. 84-0972 and 84-0974, decided June 29, 1984).

6. NEA, mentioned in paragraph 5, above, donates office space to ACP's Project Vote. Exhibit K, ¶ 3.

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7. Sanford Newman, Executive Director of Project Vote, attended a fund raising event held in conjunction with this year's Democratic National Convention in San Francisco, California. One million dollars was raised at that event, and $135,000 of the resulting fund was contributed to ACP's Project Vote. The Committee to Register and Vote the Missing Half, which handled the fund raising event, was established by Frank A. Weil of Washington, D.C., formerly the Assistant Secretary of Commerce for Trade in the Carter-Mondale Administration. It appears that Tim Cardin, Weil's associate at the Committee, may be associated with the Mondale campaign, since Mondale's FEC reports indicate that a Tim Carden has billed the campaign for $227.62 of expenses. Exhibits D, ¶'s 3 & 5; E; F; G, ¶ 7.

8. On July 27, 1984, Julian Anthony, administrative assistant to Newman, commented that Project Vote was the only arm of ACP and that he felt uncomfortable saying that Project Vote was nonpartisan when everyone knew it was a Democratic organization. In response, Project Vote volunteer Liz Benedict told Anthony, "You shouldn't talk like that in front of me. You don't know who I am. I could be a reporter. Project Vote could lose its tax-exempt status." After seven months of employment with Project Vote, Anthony has returned to Brown University. Exhibit D, ¶ 4.

9. On August 30, 1984, Newman met with James Kennedy at the Mondale campaign headquarters. Kennedy, who has over 20 years' experience on the union side of political campaigns, was recently

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assigned by the AFL-CIO to the Mondale campaign. The meeting appears to have played a part in Jesse Jackson's endorsement of Mondale, which was announced two days earlier in Minneapolis. Exhibits G, ¶'s 3 & 4; H.

10. On September 10, 1984, Barbara Bowen, Project Vote's Southern Region director, stated that the Democrats were helping Project Vote in Delaware. Also on this date, a Project Vote volunteer known as Ed Lopez, from the Democratic National Committee, was recruiting volunteers around the country by phone. He told someone in California that "Project Vote is officially nonpartisan, but really we're Democrats." Exhibit D, ¶ 9.

11. a. On September 8, 1984, Project Vote held meetings for its regional coordinators at Center of Concern, 3700 13th Street, N.E., Washington, D.C. Present, among others, were Beth Goldberg, Gloria Fauss, Sally Timmel, Kirby Urner, Steve Miller, Barbara Bowen, Sharon Corrigan, Joyce Guthrie, Les Goldner, Jim Dickson, Nancy Amidei, and Newman.

b. Ralph Nader, the principal speaker, emphasized that voter education was essential. He said that it's a pity that the polls are looking so good for Reagan; with a record like Reagan's, it is unbelieveable that he is doing so well. The reason, according to Nader, is that Reagan is insulated from the people. People are being led to believe that it is Reagan's administration, and not Reagan himself, making all the "negative" decisions. Reagan is made to look like the "nice guy." Issues

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such as toxic waste, carcinogens, aid to welfare mothers, and rights of children must be brought out. He said people must be told that it is Reagan who is responsible for the mess we're in.

c. In response to a question about the possible effect of this on Project Vote's tax status, Nader replied, "It's no problem. As long as we don't tell the people whom to vote for, i.e., 'Vote for Mondale,' our tax status will not be in danger."

d. Nancy Amidei, a Project Vote fundraiser, spoke next and repeated much of what Nader said, i.e., Reagan is insensitive to the needs of the poor and insulated by his aides, etc. She pointed out that Reagan could be vulnerable and that Mondale should try to attack him more. Exhibit D, ¶ 8.

12. On August 9, 1984, Sally Timmel made the comment, "We won!" in relation to a Kansas City election. Service Employees International Union (SEIU), contributed to Congressman Alan Wheat's reelection campaign in Kansas City, Missouri's Fifth Congressional District. SEIU Local 96, located in Kansas City, assigned its political coordinator, Sharon Dennis, to coordinate a Project Vote voter turnout effort in Kansas City. Project Vote relied on Dennis for information and "sage advice." The turnout effort she directed was used "as the basis for a critical controlled experiment . . . to determine . . . what impact various combinations of follow-up contact have on turnout." Congressman Wheat won the primary election. Exhibits D, ¶ 6; I; G, ¶ 5.

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13. Newman has written a letter concerning Project Vote in which he stated:

> Project Vote! has been exciting, and I do feel like we've done a lot of good. Once Reagan was elected, I felt like I had to quit lawyering and start organizing again, and it seemed like we had a golden opportunity to turn the social service distribution processes into weapons to register, turn out, mobilize poor people. . . .
>
> * * *
>
> . . . running a campaign organization often leaves me feeling pretty overwhelmed. . . . It's wearing me down, but I guess I can keep going through November. . . .
>
> * * *

Exhibit G, ¶ 6.

14. Project Vote will be assisted in Chicago by the primary campaign chairman for Democratic Senate candidate Paul Simon. The Chicago efforts will be financed by an earmarked $80,000 portion of the funds contributed by the Committee to Register and Vote the Missing Half. Exhibit D, ¶'s 5 & 7.

15. Project Vote is preparing a computerized, partisan, targeted list of voter registrants by omitting from its list registrants who have indicated an affiliation with the Republican Party. Exhibit D, ¶ 11.

16. Project Vote is seeking to conceal records it views as potentially damaging to a determination of its "nonpartisanship." Exhibit D, ¶ 12.

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17. Project Vote destroyed materials with Muhammed Ali's name or picture after learning that Ali had endorsed Reagan, and replaced such materials with versions bearing the picture of Jesse Jackson, who has endorsed the Mondale-Ferraro ticket. Project Vote personnel must have had inside information concerning Ali's endorsement because they were aware of the decision on September 19, 1984, twelve days before the endorsement was announced. Exhibits D, ¶ 13; J.

18. Investigators were permitted to observe a PV registration operation in action in Cleveland. They concluded that PV was basically a "liberal Democratic" operation. The investigators confronted PV officials with their findings and requested information to provide balance to what they had discovered. Although balancing information was promised, the information given proved to be false, leading to a wild-goose chase. When confronted with the results of the information they had given to the investigators, PV personnel either had no satisfactory explanation or told the investigators to "give up." Exhibits K & L.

19. Materials used by Project Vote identify the Reagan Administration by saying that the "government has cut hundreds of thousands of people from" programs "which help low income people," i.e., "food stamps . . . AFDC . . . Housing Assistance, Child Nutrition Programs, CETA Jobs, Energy Assistance, Legal Aid," etc. Encouraging recipients to register to vote, the

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materials also state that "benefits will be cut this Fall . . . [e]ven bigger cuts are planned for next year," and that the recipients of the materials should "Fight back!"

20. A check of FEC records confirms that neither ACP nor Project Vote is registered as a political committee or filing reports as such.

COUNT I

Project Vote is a partisan political operation masquerading as a nonpartisan registration and get-out-the-vote effort. In essence, it is a front for the Democratic Party and, in particular, for Walter Mondale. In addition, PV's materials favor certain candidates over others and border on expressly advocating the election of "liberal" candidates and the defeat of "conservative" candidates. Since ACP is incorporated, expenditures made for Project Vote violate 2 U.S.C. § 441b. This conclusion is supported by Advisory Opinion 1983-43.

COUNT II

NEA, a labor organization, is likewise violating 2 U.S.C. § 441b by donating office space to a partisan political operation.

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COUNT III

ACP and Project Vote are violating the registration and reporting requirements of the Federal Election Campaign Act by failing to register and report one or the other as a political committee.

WHEREFORE, complainant prays that these violations be remedied immediately. Since respondents are preparing to influence the outcome of the November 6 elections with illegal corporate and union expenditures, complainant seeks expedited processing of this complaint; injunctive relief should be sought at once.

Furthermore, since ACP and Project Vote apparently understand the partisan nature of their operation and are actively taking steps to conceal evidence which they consider damaging, these violations must be knowing and willful; therefore, penalties for a knowing and willful violation should be assessed.

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 October, 1984, by William A. Wilson as Vice President of The National Right to Work Committee.

Notary Public

My Commission expires on July 1985

8504052038 6

Americans for Civic Participation
1251 16th Street, N.W., Suite 615
Washington, D.C. 20036

OP:E:EO:T:E:2
15 JUN 1982

Employer Identification Number: 52-1251514
Key District: Baltimore
Accounting Period Ending: December 31
Foundation Status Classification: 170(b)(1)(A)(vi) and 509(a)(1)
Advance Ruling Period Ends: December 31, 1983

Gentlemen:

Based on information submitted, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

You were incorporated under the laws of the District of Columbia on April 5, 1982. Your purposes, as set forth in your Articles of Incorporation, are exclusively charitable, educational, literary and scientific, including (without limitation) educating the public as to their rights, privileges, and opportunities in the area of civic participation. You state that you will conduct public education and research in the area of civic participation, focusing primarily on opportunities for and the needs of low-income people. You will seek to educate and inform low-income citizens of the importance of participating in, and the ways in which they are affected by, civic affairs. It will inform them of the various vehicles that exist to impact on civic affairs.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends of the date shown above.

EXHIBIT "A"

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Americans for Civic Participation

within 90 days after the end of your advance ruling period, you must submit to your key District Director information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(1) and 170(b)(1)(A)(vi) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this 509(a)(1) determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

If your sources of support, or your purposes, character, or method of operation change, please let your key district know so that office can consider the effect of the change on your exempt status and foundation status. Also, you should inform your key District Director of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact your key District Director. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other federal excise taxes. If you have questions about excise, employment, or other federal taxes, contact any Internal Revenue Service office.

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Americans for Civic Participation

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106 and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than $10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You have submitted information which indicates that:

1. Your activities will be conducted on a nonpartisan basis; will not be confined to one specific election period; and will be carried on through your agents in 5 or more states.

2. Substantially all of your income will be expended directly for the active conduct of the activities constituting the purpose or function for which you are organized and operated.

3. You will meet the support tests set forth in section 4945(f)(4) of the Code.

4. You will not accept contributions which are earmarked for voter registration drives in the manner prescribed by section 4945(f)(5) of the Code.

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[illegible] Civic Participation

Section 4945 of the Code provides for the imposition of taxes on [illegible] expenditure of a private foundation.

Section 4945(d)(2) of the Code provides that the term "taxable expenditure" means any amount paid or incurred by a private foundation to influence the outcome of any specific public election, or to carry on directly or indirectly, any voter registration drive except as provided in 4945(f).

Section 4945(f) of the Code provides that section 4945(d)(2) of the Code shall not apply to a grant made to an organization which meets certain requirements:

(1) the organization is one which is described in section 501(c)(3) and exempt from taxation under 501(a)

(2) the activities of which are nonpartisan, are not confined to one specific election period, and are carried on in 5 or more states,

(3) substantially all of the income of which is expended directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated,

(4) substantially all of the support of which is received from exempt organizations, the general public, governmental units described in section 170(c)(1), or any combination of the foregoing; not more than 25 percent of such support is received from any one exempt organization; and not more than half of the support of which is received from gross investment income, and

(5) contributions to which for voter registration drives are not subject to conditions that they may be used only in specified States, possessions of the United States, or political subdivisions or other areas of any of the foregoing, or the District of Columbia, or that they may be used in only one specified election period.

For years in which you operate in accordance with the information submitted in support of your request, you will be considered an organization described in section 4945(f) and therefore not subject to 4945(d)(2). For years during which you maintain your status as an organization described in 4945(f), amounts contributed to you by private foundations will not be considered amounts paid or incurred to carry on, directly or indirectly any voter registration drive or to influence the outcome of any specific public elect[illegible] for the purposes of section 4945(f).

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...ercise for Civic Participation

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key District Director of this action. Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours

J. E. Griffith

J. E. Griffith
Chief, Rulings Section
Exempt Organizations
Technical Branch

cc: Thomas P. Asher, P.C.
1232 Seventeenth Street, N.W.
Third Floor
...shington, D.C. 20036
fr/DeMarcus

AMERICANS FOR CIVIC PARTICIPATION

ARTICLES OF INCORPORATION

under the District of Columbia
Nonprofit Corporation Act

The undersigned incorporators, desiring to form a corporation under the District of Columbia Nonprofit Corporation Act, as amended and as it may be amended or revised (hereinafter "the Act"), do hereby certify:

1. Name. The corporation's name is Americans for Civic Participation.

2. Duration. The period of duration is perpetual.

3. Purposes and activities. The corporation (a) is organized exclusively for charitable, educational, literary and scientific purposes, including (without limitation) educating the public as to their rights, privileges and opportunities in the area of civic participation; (b) may engage in all activities permitted by the Act incidental to or in furtherance of those purposes, except as restricted herein; and (c) shall comply with the laws, rules and regulations set forth in and promulgated pursuant to the Internal Revenue Code of 1954 (hereinafter "the Code"*) and applicable to organizations described in §501(c)(3), to which contributions are deductible under §170(c)(2), thereof.

EXHIBIT "B"

* All references in these Articles to the "Internal Revenue Code of 1954" or "the Code" shall be deemed to include both amendments to and statutes which succeed cited provisions (i.e., the corresponding provision(s) of any subsequent federal tax laws or recodifications).

FILED
APR 5 1982
BY:

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4. Restrictions if a private foundation. To the extent required by §508(e)(1) of the Code and/or §29-531 of the Act, the corporation:

(a) shall distribute its income for each taxable year at such time(s) and in such manner(s) as not to become subject to tax on undistributed income imposed by §4942 of the Code;

(b) shall not engage in any act of self-dealing as defined in §4941(d) of the Code;

(c) shall not retain any excess business holdings as are defined in §4943(c) of the Code;

(d) shall not make any investments in such manner as to subject it to tax under §4944 of the Code; and

(e) shall not make any taxable expenditures as defined in §4945(d) of the Code.

5. Membership. The corporation may have one or more classes of members as provided in its Bylaws.

6. Directors. The size and manner of election or appointment of the corporation's Board of Directors shall be as provided in its Bylaws.

7. Application of Earnings. The corporation shall issue no stock and its net earnings shall be devoted exclusively to charitable, educational, literary and scientific purposes, as provided in Article 3 hereof, and no part thereof shall inure to the benefit of or be distributable to its members,

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directors, officers, or other private persons, except that the corporation may pay reasonable compensation for services rendered and expenses incurred on its behalf, and may otherwise make payments and distributions in furtherance of the purposes set forth in Article 3 hereof.

8. Distribution on Dissolution. Upon dissolution of the corporation, the Board of Directors, after paying or making provisions for the payment of all liabilities, shall arrange for the distribution of all of the corporation's assets in such manner as it determines to be consistent with the corporation's purposes as set forth in Article 3 hereof and with applicable provisions of law, either by direct distribution or by distribution to one or more organizations organized and operated exclusively for charitable, educational, literary, religious, or scientific purposes as shall at the time qualify as tax-exempt under §501(c)(3) of the Code.

9. Registered Agent and Office. The address of the corporation's initial registered agent in the District of Columbia is 1232 17th Street, N.W., Third Floor, Washington, D. C. 20036, and its initial registered agent at that address is Thomas R. Asher.

10. Initial Directors. The number of Directors constituting the initial Board of Directors is three, and their respective names and addresses are:

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Civic Participation
Incorporation

Sanford Newman	7101 Cedar Avenue Takoma Park, MD 20912
Christine Owens	7101 Cedar Avenue Takoma Park, MD 20912
Winn Newman	1625 L Street, N.W. Washington, DC 20036

11. Incorporators. The names and addresses of the incorporators, each of whom is over 21 years of age, are:

Thomas R. Asher	1232 17th Street, N.W. Washington, DC 20036
Roger A. Schwartz	1232 17th Street, N.W. Washington, DC 20036
Maria M. Ashwell	1232 17th Street, N.W. Washington, DC 20036

Thomas R. Asher

Roger A. Schwartz

Maria M. Ashwell

Date: 4/2/82

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... Civic Participation
... of Incorporation

... ict of Columbia, ss:

On this day there personally appeared before me Thomas R. Asher, Roger A. Schwartz, and Maria M. Ashwell, all of the incorporators referred to in Article II of the foregoing Articles of Incorporation of Americans for Civic Participation, who acknowledged the execution thereof and swore to or affirmed the truth of the facts therein stated.

Witness my hand and notarial seal this 2nd day of April, 1982.

Notary Public
my commission
expires My Commission E... November 30, 1986

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BYLAWS OF AMERICANS FOR CIVIC PARTICIPATION

(adopted April 16, 1982)

ARTICLE I

Corporate Purposes

Section 1.01. Americans for Civic Participation ("ACP") was incorporated on April 5, 1982 as a District of Columbia nonprofit corporation organized exclusively for charitable and educational purposes. As such, (a) it shall not participate in or intervene in any political campaign on behalf of any candidate for public office; (b) no part of its net earnings shall inure to the benefit of officers, directors or other private persons, except that it is authorized and empowered to pay reasonable compensation for services rendered and otherwise to make payments and distributions in furtherance of its charitable and educational purposes; and (c) it shall take only actions permitted an organization exempt from taxation under §501(c)(3) of the Internal Revenue Code and pertinent Income Tax Regulations, as amended and as they may be amended.

EXHIBIT "C"

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ARTICLE II

Membership

Section 2.01. ACP shall have no members.

ARTICLE III

Directors

Section 3.01. Meetings. There shall be at least one meeting annually of ACP's Board of Directors ("the Board"). Additional Board meetings may be called by the President or by written petition of one-third of the Directors, at times and places selected by the caller(s). Reasonable notice, in writing and designed to be received at least five days before meetings if reasonably possible, shall be given all Directors.

Section 3.02. Board Size. There shall be no less than three nor more than thirty Directors, as the Board may from time to time determine.

Section 3.03. Election. Directors shall be elected at the Board's annual meetings for one-year terms commencing

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... ately after those meetings and shall hold office until their successors are elected and qualify. In case of a vacancy, the Board may elect a Director to complete the unexpired term. Elections to the Board shall be by the lesser of (i) two-thirds of the Directors present at a duly called meeting (whether voting or not) or (ii) a majority of the Board's total membership.

Section 3.04. Quorum; Majority Vote. One-third of the Board's total membership shall constitute a quorum. When a quorum is present at a duly called Board meeting, all actions shall be by vote of a majority of those present unless otherwise required by these Bylaws or by law.

Section 3.05. Removal or Suspension. A Director may be removed or suspended, with or without cause, by such vote as would suffice for electing a Director.

Section 3.06. Polling to Achieve Majority or More of the Entire Board. Whenever any law or Bylaw requires the vote or approval of a majority or more of the Board's total membership, such majority may be obtained by polling non-attending Directors and securing their written approval of such action or resolution after it has been approved pursuant to §3.04.

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ARTICLE IV

Committees

Section 4.01. Executive Committee. At such time as the Board's size warrants the appointment of an Executive Committee to exercise some or all of the Board's powers between Board meetings (except powers specifically delegated to the Board by these Bylaws), the Board, by vote of a majority of its total membership, may appoint such Committee of not less than three of its members.

Section 4.02. Other Committees. The Board may from time to time establish one or more other committees of ACP, which shall have at least three members and serve at the Board's pleasure. Except for committees authorized to act on behalf of the Board, committee members need not be Directors.

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ARTICLE V

Officers

Section 5.01. Titles. ACP's officers need not be members of the Board. They shall be President, Secretary and

... such other officers and assistant officers as ... may from time to time authorize and appoint (see ...). The same person may not serve as ACP's President and Secretary.

Section 5.02. Duties. Officers shall have such duties and powers as are normally associated with their titles, except as the Board may otherwise provide.

Section 5.03. Selection. Officers shall be appointed by the Board for such terms as the Board may from time to time designate and shall serve until their successors are selected and agree to serve.

Section 5.04. Vacancies. Any office which becomes vacant may be filled by the Executive Committee until the next meeting of the Board.

Section 5.05. Removal or Suspension. Any officer may be removed or suspended by the Board with the approval of a majority of its total membership.

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ARTICLE VI

Dissolution

Section 6.01. Upon ACP's dissolution, the Board, after paying or making provision for payment of all of its liabilities, shall dispose of all of ACP's assets in such a manner, or to such organizations, described in Section 501(c)(3) of the Internal Revenue Code of 1954 as amended or as it may be amended, as the Board of Directors determines to be consistent with ACP's purposes and with applicable provisions of the District of Columbia Nonprofit Corporation Law.

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ARTICLE VII

Bylaw Amendments

Section 7.01. The Board, by vote of a majority of the Directors present at any duly called meeting, may amend or repeal these Bylaws if 10-day written notice of the proposed changes has been given to all Directors. Bylaw amendments offered with less than such 10-day notice shall require a two-thirds majority of those Directors present at a Board meeting.

ARTICLE VIII

Compliance with Law

Section 8.01. The officers of ACP are authorized and directed to take all steps necessary to assure that ACP operates and transacts its affairs in full compliance with all applicable provisions of law.

As Secretary of Americans for Civic Participation, a District of Columbia nonprofit corporation, I hereby certify that the foregoing constitutes a complete and accurate copy of its Bylaws adopted by its Board of Directors on April 16, 1982 and now in effect.

Secretary

Date 4/22/82

AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, Howard Miller, being first duly sworn, depose and state:

(1) I am President of the investigative firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041. I assigned one of my investigators, Rhoda E. Brown, to investigate Project Vote. She submitted regular reports on her activities and observations. The facts asserted, below, are set forth in Rhoda's reports and have been verified in person with her.

(2) On Monday, July 16, 1984, Rhoda volunteered to work for Project Vote, located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036.

(3) On Tuesday, July 24, 1984, an office meeting was held. Sanford Newman spoke about the Democratic convention held in San Francisco. He attended a fund raising event at which one million dollars was collected. He thought Project Vote would receive five to ten thousand dollars of that amount.

(4) On Friday, July 27, 1984, Julian Anthony, administrative aide to Newman since January, commented that Project Vote was the only arm of Americans for Civic Participation and that he felt uncomfortable saying that Project Vote was nonpartisan when everyone knew it was a Democratic organization. In response, one of the Project Vote volunteers, Liz Benedict, told Julian, "You

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shouldn't talk like that in front of me. You don't know who I am. I could be a reporter. Project Vote could lose its tax-exempt status." Julian returned to Brown University in August.

(5) A staff meeting was held on Tuesday, August 7, 1984, at which it was reported that the Committee to Register and Vote the Missing Half had donated $125,000 to Project Vote. Rhoda understood that this was the same fund raising source referred to in paragraph 3, above, and that a total of $135,000 had been received from this source. This was confirmed at a staff meeting held on August 14, 1984, when it was also disclosed that $80,000 of the contribution had been earmarked for use in Chicago. Newman instructed the staff to keep this contribution very confidential.

(6) On August 9, 1984, Project Vote volunteer Diana Neidle asked, "Who won the Kansas race?" Sally Timmel answered, "We won!"

(7) At the August 14 staff meeting, the staff was also informed that a Mr. Hill, chairman for Senate candidate Paul Simon's primary campaign in the Chicago area will be actively working on Project Vote in Chicago. Newman said that could be a problem in lawsuits which will probably be coming up about the nonpartisan status of Project Vote, adding, "We are dealing in a lot of gray areas." On September 17, 1984, Rhoda learned that the NAACP in Chicago wanted its name removed from Project Vote's letterhead.

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(8) (a) On Saturday, September 8, 1984, Project Vote held a meeting for regional coordinators. See attached Exhibit 1. Among those present were Beth Goldberg, Gloria Fauss, Sally Timmel, Kirby Urner, Steve Miller, Barbara Bowen, Sharon Corrigan, Joyce Guthrie, Les Goldner, Jim Dickson, Nancy Amidei, and Newman.

(b) Ralph Nader, the principal speaker, attended with his lawyer and an aide. He stated that not only is voter registration important, voter education is essential. He said that it's a pity that the polls are looking so good for Reagan; with a record like Reagan's, it is unbelievable that he is doing so well. The reason, according to Nader, is that Reagan is insulated from the people. People are being led to believe that it is Reagan's administration, and not Reagan himself, making all the "negative" decisions. Reagan is made to look like the "nice guy." Issues such as toxic waste, carcinogens, aid to welfare mothers, and rights of children must be brought out. He said people must be told that it is Reagan who is responsible for the mess we're in.

(c) In response to a question from Beth Goldberg about the possible effect of this on Project Vote's tax status, Nader replied, "It's no problem. As long as we don't tell the people whom to vote for, i.e., 'Vote for Mondale,' our tax status will not be in danger."

(d) After Nader left, Nancy Amidei, a Project Vote fund raiser, spoke. She repeated much of what Nader said -- Reagan is insensitive to the needs of the poor, insulated by his aides,

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etc. She pointed out that Reagan could be vulnerable if only someone would try to get to him, and said that Mondale should try to attack him more.

9. On September 10, 1984, Barbara Bowen, Project Vote's Southern Region Director, stated that the Democrats were helping Project Vote in Delaware. Also on this date, a Project Vote volunteer Rhoda understood was named Ed Lopez, from the Democratic National Committee, was recruiting volunteers around the country by phone. He told someone in California that "Project Vote is officially nonpartisan, but really we're Democrats."

(10) On September 12, 1984, Rhoda overheard Project Vote volunteer Ira Glass tell a caller that 90% of the people Project Vote registers are Democrats.

(11) On September 17, 1984, Rhoda was given the job of packaging registrant data for Project Vote's computer list company, Automatic Data Processing in New Jersey. Rhoda was assigned the states of Tennessee, Ohio, Pennsylvania, and Rhode Island, and she was instructed to omit from the Pittsburgh list those registrants who had said they were Republican.

(12) On September 19, 1984, Kirby was working on the word processor. Diana told him not to number the disc he was working on, saying that if Project Vote records were ever subpoenaed by IRS, she would not want them to find that particular section of what he was working on.

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(13) Also on September 19, Newman commented that Muhammed Ali had endorsed Reagan. Project Vote had been using Ali's name or picture on its printed materials. All remaining supplies of such materials were destroyed. Flyers with Jesse Jackson's picture were substituted. Copies of such materials are attached hereto as Exhibits 2 and 3.

Further affiant sayeth not.

Howard Miller, Jr.
HOWARD MILLER

Subscribed and sworn to before me, a notary public, this 16th day of October, 1984.

Anne Mary O'Reilly
Notary Public

My Commission expires: 19 May 1985

8504052040 8

Project VOTE!

BOARD OF ADVISORS

Women USA
Food Research and Action Center
Executive Director
Common Cause
Executive Secretary
American Friends Service Committee
President
Children's Foundation
National Council of Churches
Social Development Corporation
Executive Director
SANE
Presbyterian Church
President
National Low Income Housing Coalition
President
National Student Education Foundation
President
Americans for Democratic Action
President
Children's Defense Fund
President
Center for Community Change
President
United Auto Workers
President
Education Association
Citizens Clearinghouse for
President
National Organization for Women
Executive Director
Students Campuses To Prevent Nuclear War
Director
Committee on Budget and Policy Priorities
Director
A. Philip Randolph Institute
Executive Director
National Association for the
Advancement of Colored People
Executive Director
National Council for Senior Citizens
President
National Urban League
Presiding Bishop
A.M.E. Church
Executive Director
Humanscope Campaign
National President
League Council for Latin American
Advancement
Executive Director
Sierra Club
Chairperson
Affiliated Leadership League of and
for the Blind of America
President
American Federation of State,
County and Municipal Employees
President
United States Student Association
President
Friends of the Earth
Rural America
President
League of Women Voters
Executive Director
National Association of
Community Health Centers
President
ACORN
U.S. Catholic Conference Cont. of Bishops
Director
Fromash
Fair Budget Action Coalition
National People's Action
Director
Southwest Voter Registration
Education Project
President
Communications Workers of America
President
United Steelworkers of America

1201 16th Street, N.W.
Suite 219
Washington, DC 20036
(202) 293-3933

August 31, 1984

Sanford A. Newman
Albert A. Raby
James Gichson

Dear Regional Coordinators:

All of us here in D.C. very much look forward to your arrival on September 8th! We will try to make sure you have a good time with some work put in between. (smile!)

We will begin at 6 p.m. on Saturday, September 8th. We will hold the meetings at the Center of Concern which is an office in an old house in NE. The address is:

Center of Concern
3700 13th street, NE
telephone: 202-635-2757

We hope to have some volunteers pick you up at the airport, but if all else fails, call the Center first in case someone there is waiting for you (at the airport).

If no one picks you up, take the Metro line - connect to the RED line and get off at CUA-Brookland station. Walk out the Brookland exit. Walk across the parking lot, turn left on 10th (or 9th) and come to Otis Street. Turn right and walk up Otis street until you come to 13th Street. The Center of Concern is on the corness of 13th and Otis NE.

I am trying to make sleeping arrangements that will be convenient --

The meetings will end Sunday night. I have made reservations for most of you either Sunday night or Monday morning.

peace,
Sally

Exhibit 1

VOTE!

Muhammed Ali Knows:

"Voting is a great equalizer. We each get just one vote. Use it!"

Stand Up For Our People!

VOTE

THIS TUESDAY

FED UP?

with policies that . . .

- **Throw people out of work**
- **Cut support for our schools and student aid**
- **Cut school meals, Medicaid, food stamps, housing, welfare, job training**
- **Put the cost of decent housing out of reach**
- **Give huge tax handouts to the rich**

NO ONE CARES WHAT YOU THINK

UNLESS YOU

VOTE NEXT TUESDAY

Exhibit 2

FED UP?

Sick of Politicians Listening Only to the Rich?

Politicians Listen to Registered Voters!

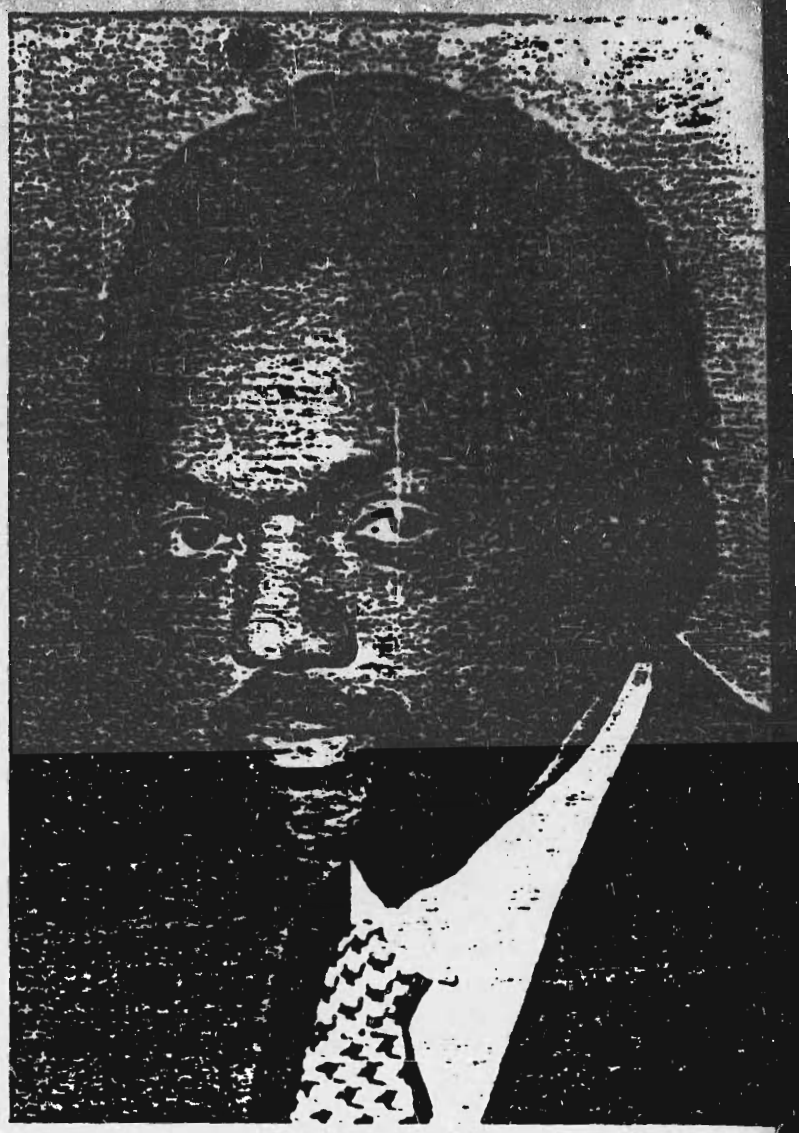
- 3 out of every 4 rich people voted in 1980.
- Only 1 out of every 4 low-income people voted.

If You Don't Vote — Politicians Won't Care If You or Your Kids:

- Go Hungry
- Can't Get a Job
- Can't Get a Decent Home
- Can't Afford a Doctor
- Can't Get a Good Education

MAKE THEM LISTEN!
FIGHT BACK!

Register and Vote!



If the poor and the locked-out, if ALL OF US who want to control our future, VOTE, WE CAN MAKE A DIFFERENCE.

REGISTER AND VOTE!

Exhibit 3

Project VOTE! 1201 16th St., N.W., Washington, D.C. 20036, 202-293-3933

Philanthropic Groups Spur Drives for Registering Voters

By KATHLEEN TELTSCH

Philanthropic support for voter registration, which has languished for more than a decade, is surging into a nationwide movement aimed at increasing voter turnout by members of racial minority groups, women, the young and people with low incomes.

Leading the effort is a group of private foundations that helped support the civil rights drive of the Rev. Dr. Martin Luther King Jr. in the 1960's with modest grants that paid for storefront offices and transportation of workers.

By contrast, foundation money this time will be used in part for an advertising and public relations campaign to attract a much larger potential constituency, the estimated 90 million eligible citizens who do not vote. Nineteen foundations together have put up $243,500 for the undertaking, initiated by the Revson Foundation and the Carnegie Corporation and being carried out by the Advertising Council of America.

Substantially larger foundation grants are going to a number of long-established organizations conducting voter education and registration programs.

Drive Called New Development

"Voter registration campaigns have been around for years but I've never seen a development like this," said Rob Stein, president of the Forum Institute in Washington, which is playing a key role in assisting nonpartisan groups engaged in promoting a bigger voter turnout.

"Why now? I suppose because of the maturization of single-interest groups such as the environmentalists, the young, the elderly, peace and women's organizations and others that now see a link between their aims and the ballot box and the foundations are willing to help them with money."

Another reason is that the foundations have found they can provide financial help for registering voters without violating the 1969 Tax Reform Act that put restrictions on their grants.

Individual Donors Sought

In addition to the foundation drive, a separate but synchronized campaign to reach individual donors, including businessmen and professionals, was initiated by Frank A. Weil, a Washington lawyer who is president of the Norman Foundation in New York. The foundation doubled its grant for voter registration to $500,000 in 1984.

Mr. Weil has organized the Committee to Register and Vote the Missing Half, in one effort to reach the 43 percent of the population that is eligible but unregistered to vote. At the Democratic Convention in San Francisco, he invited guests to a breakfast and asked each to sign a card pledging $10,000 to aid voter registration. He reported later that "close to a million dollars" was promised then and another million has been raised since.

'Apathy Has Been Growing'

Mr. Weil said, in explaining his effort: "Voter participation has been falling for 15 years and apathy has been growing, and we're beginning to recognize the highest proportion of those who vote, white males, do not represent the true profile of the population.

"I make no bones about being a Democrat. If you get all the eligibles to vote and they vote a Republican into office, I might not like it but I do believe a big vote is a good vote and competing in a nonpartisan way is also good."

The foundations' campaigns to reach low-income voters is seen by political conservative groups as benefiting Democrats more than Republicans and liberals more the conservatives, according to Jim Ellis of the Free Congress Research Foundation. Consequently, he said conservative organizations were trying to match the effort by registering voters among conservatives. He said his organization helped to register voters among fundamentalist Christians, some Orthodox Jewish congregations and in some Roman Catholic parishes. Contributions come mainly from individuals and the drive has not attracted foundation grants, Mr. Ellis said.

Groups Getting Money

Among the older voter registration group being aided by the foundations are the Southwest Voter Registration/Education Project, which focuses on Mexican-Americans and Indians, and the 22-year-old Voter Education Project, working in 11 Southern states.

"I have a sense the foundations now engaged are far in excess of the number at any other time in the last two decades," said Dr. James A. Joseph, president of the Council on Foundations, which includes 1,000 of the country's leading foundations.

Franklin A. Thomas, president of the Ford Foundation, said increased support was "in everyone's interest, not related to any particular election time or political party."

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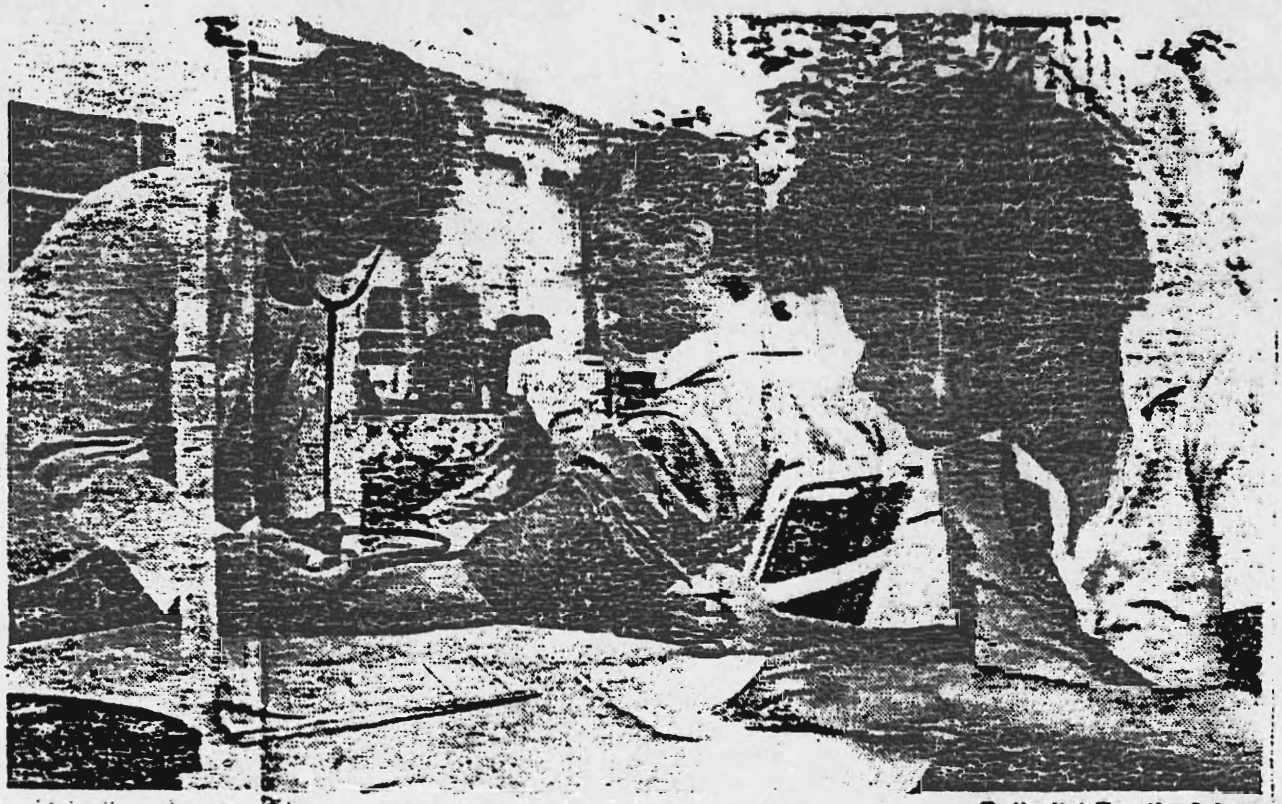
EXHIBIT "E"



The New York Times/Jose R. Lopez

Visitors to the fair on 14th Street, between 7th and 8th Avenues, can register to vote and have their blood pressure taken at the same time. Linda Prine takes James Powell's blood pressure while Tere Cuesta registers.

The Ford Foundation is providing $600,000 in grants for five voter registration organizations and also additional money for research, litigation and advocacy to insure voter rights. The Rockefeller Foundation, another major contributor, is providing $400,000.

$4 Million for Drive

More than 75 private and corporate foundations have reported making grants totaling more than $4 million to groups to aid voter registration in the last year. However, many others have contributed, according to Jean Fox, consultant to the Ad Hoc Funders Committee for Voter Registration and Education, a Washington-based group of 16 foundation representatives that aims to raise money from other foundations, corporations and individuals. By contrast, in 1982, only $1.3 million was contributed by 15 foundations to aid voter registration.

In a move coordinated with the Ad Hoc Committee, David Rockefeller Jr. has helped initiate a fund-raising campaign to attract contributions from wealthy individuals for nonpartisan voter registration in poor urban and rural communities.

Speaking to the United States Conference of Mayors last month, Mr. Rockefeller announced establishment of the campaign, the Citizens Participation Project, and invited each conferee to identify 10 potential donors who could give $500 to $50,000.

Rockefeller family members want to play a "meaningful but not dominating role" in the project, he said. He said family members would assume the administrative acosts for the drive and also contribute to it.

Mr. Rockefeller has already sent fund-raising letters to a thousand potential contributors.

Arguing that low-income people and members of minority groups had suffered most from recession and unemployment, he asked for contributions to support the "promising signs of a rebirth in citizen particiation."

Earlier Supporters of Drive

Before the recent rise in foundation involvement, grant-making had faltered. Many foundations shied away after Congress passed the 1969 Tax Reform Act restricting the activities of the tax-exempt philanthropies. Congress imposed the regulations after hearing charges that some foundations had used voter registration grants to insure election of favored candidates.

The 1969 law restricts the tax-exempt foundations to supporting only nonprofit organizations that conduct nonpartisan voter-registration programs operating in at least five states and not limited to one election period. The benefiting organization can receive no more than 25 percent of its financial support from a single foundation. But the legislation was not as restrictive as it seemed.

Since the 1960's, a group of about a dozen private philanthropies based in New York have been the mainstay of support of voter registration, beginning with the Taconic Foundation in 1962, joined by the Field and the New World foundations, the Rockefeller Brothers Fund, the Stern Fund and the Ford Foundation.

"Foundation money was virtualy the only money we have received for the last 22 years," said Geraldine G. Thompson, executive director of the Voter Education Project, which says it has registered four million voters over the years, mainly among minority groups and the poor. The Atlanta-based organization uses church and community meetings to make contact with unregistered voters.

Organizers of the individual appeals said the operations had a broader focus than encouraging voter turnout in November. Mr. Stein of the Forum Institute also underscored this, saying: "There are about 490,000 elected officials in over 82,000 local and state governments. If these governments are to be responsive in the years ahead, voter registration in 1984 should be the first step only in opening up the democratic process everywhere to new voters, new candidates and new ideas."

8504052013

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

DEBTS AND OBLIGATIONS EXCLUDING LOANS

PAGE 127 OF THIS PAGE

LINE NUMBER 12

NAME OF COMMITTEE (In Full) MONDALE FOR PRESIDENT COMMITTEE	OUTSTANDING BALANCE BEGINNING THIS PERIOD	DATE AND AMOUNT INCURRED THIS PERIOD	PAYMENT THIS PERIOD	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor Bell of Pennsylvania 201 Stanwix Street Pittsburgh, Pennsylvania 15222	-0-	5/9/84 926.38	-0-	926.38
Nature of Debt (Purpose): telephones				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor Ann R. Beser 20116 Lichfield Detroit, Michigan 48221	-0-	6/4/84 85.53	-0-	85.53
Nature of Debt (Purpose): expense reimbursement				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor Byte Shop 2241 Wisconsin Avenue, N.W. Washington, D.C. 20007	-0-	7/15/84 890.61	-0-	890.61
Nature of Debt (Purpose): supplies				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor Burrough Corporation Post Office Box 14030 New York, New York 10049	-0-	6/18/84 299.36	-0-	299.36
Nature of Debt (Purpose): equipment rental				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor Tim Carden 1610 - 33rd Street, N.W. Washington, D.C. 20007	-0-	6/6/84 227.62	-0-	227.62
Nature of Debt (Purpose): expense reimbursement				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor Carpenters Education Program of New Mexico Albuquerque, New Mexico 87102	0	6/29/84 104.56	-0-	104.56
Nature of Debt (Purpose): telephones				

1) SUBTOTALS This Period This Page (optional)	2,534.06
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)	

EXHIBIT "F"

8845003405 10 14 24

AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, Elfrida L. Martin, being first duly sworn, depose and state:

(1) I am an investigator employed by the firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041.

(2) On August 22, 1984, I began temporary work for Project Vote, located at 1201 16th Street, N.W., Suite 219, Washington, D.C. 20036. I reported to Mrs. Diana Neidle.

(3) On August 30, 1984, I was doing word processing for Project Vote. I learned that Sanford Newman had a luncheon meeting with a James Kennedy at the Mondale campaign headquarters. Newman was gone from noon until about 1:00 p.m. Afterwards, he typed two letters which were sent by Federal Express to Jesse Jackson at Operation PUSH in Chicago.

(4) After work on August 30, while Diana Neidle and I were walking to the Ballston subway stop, Diana asked me if I didn't think it was wonderful "now that Jesse [Jackson] had come out for us." She said we had no place to go but up since we were "16 points behind in the polls."

(5) The word processing discs at Project Vote contained a letter to Mr. Walter Pearson, President, SEIU Local 96, Kansas City, Missouri. The letter thanked Mr. Pearson for "releasing Sharon Dennis to coordinate [Project Vote's] voter turnout effort

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EXHIBIT "G"

in Kansas City." The letter said that Dennis gave Project Vote the "information and sage advice" Project Vote needed to transform its "general experience with GOTV efforts to a specific plan tailored to Kansas City." The letter also said that Project Vote was "using the turnout efforts [Dennis] directed as the basis for a critical controlled experiment which will enable [Project Vote] to determine more precisely than any studies yet done what various combinations of follow-up contact have on turnout."

(6) A Newman letter on the discs stated the following:

> Project Vote! has been exciting, and I do feel like we've done a lot of good. Once Reagan was elected, I felt like I had to quit lawyering and start organizing again, and it seemed like we had a golden opportunity to turn the social service distribution processes into weapons to register, turn out, mobilize poor people. . . .
>
> * * *
>
> . . . running a campaign organization often leaves me feeling pretty overwhelmed. . . . It's wearing me down, but I guess I can keep going through November. . . .
>
> * * *

8504052041 6

(7) A third letter on the discs was addressed to Frank Weil and Tim Cardin at the Committee to Register and Vote the Missing Half.

Further affiant sayeth not.

Elfrida L. Martin

ELFRIDA L. MARTIN

Subscribed and sworn to before me, a notary public, this 5th day of October, 1984.

Lorraine A. Edson

Notary Public

My Commission expires: November 30, 1987

8504052017

FEDERATION SHIFTS KEY POLITICAL ACTION OFFICIAL TO THE MONDALE CAMPAIGN STAFF

DENVER (By a BNA Staff Correspondent) — James J. Kennedy, one of the AFL-CIO's leading administrators and troubleshooters, has been assigned to the Mondale staff for the duration of the election campaign.

Kennedy, who has been serving as executive assistant to AFL-CIO Secretary-Treasurer Thomas R. Donahue, will work with Mondale's campaign chairman, James A. Johnson, and other campaign officials.

In discussing Kennedy's switch of bases, AFL-CIO officials emphasize that the relations between the federation and the Mondale command remain harmonious and mutually cooperative despite the vicissitudes of the primary-caucus period and of the pre-convention phase of the Democratic convention.

They also note that Kennedy is not replacing anybody else. The move, they suggest, represents a mutual recognition that Kennedy's special skills would be more useful at this stage at Mondale headquarters than at the AFL-CIO.

AFL-CIO President Lane Kirkland, Donahue, Kenneth Young, Kirkland's chief assistant, and John Perkins, the top political action official for the federation, all emphasize that their long relationship with Mondale and with some of his main advisers limits the necessity for constant kibitzing and consultation.

The AFL-CIO officials also report satisfaction with the performance of Paul Jensen, a former executive assistant to Jimmy Carter's Labor Secretary, Ray Marshall, in his 1983-84 role as Mondale's day-to-day liaison with the unions.

Nevertheless, it's expected that Kennedy will help to overcome the inner Mondale staff's widely-perceived tendency to be somewhat too inward-looking and to operate as too much of a closed circle. Among other things, it's felt that Kennedy will provide an infusion of the campaign "realism" that Mondale has been accenting lately.

Kennedy has had broad experience, going back more than 20 years, on the union side of political campaigns. Previously, he was the political action chief for the Brotherhood of Railway Clerks.

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0418-2883/84/$00.50

EXHIBIT "H"

SCHEDULE A — ITEMIZED RECEIPTS

(Use a separate schedule for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committees.

Name of Committee (In Full)
United for [illegible] Committee

	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code SEIU COPE Fund PAC [illegible] St. NW Washington, D.C. 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ [illegible]	3-21-83	$50
B. Full Name, Mailing Address and ZIP Code [illegible] [illegible] St. NW Washington, D.C. 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ 500	6-2-83	$500
C. Full Name, Mailing Address and ZIP Code Freeport-McMoRan Inc. PAC [illegible] Island Ave., N.W., Suite 400 Washington, D.C. 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ [illegible]	6-2-83	$250
D. Full Name, Mailing Address and ZIP Code United Action Committee for Political Equity [illegible] P.O. Box [illegible] Washington, D.C. 20035 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ [illegible]	4-20-83	$250
E. Full Name, Mailing Address and ZIP Code Chicago Mercantile Exchange [illegible] of the Chicago Board of Trade [illegible] West Jackson Blvd. Chicago, IL 60604 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ [illegible]	5-17-83	$250
F. Full Name, Mailing Address and ZIP Code Smith College Alumni Rachel L. Williamson [illegible] Crichton Kansas City, MO 64112 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ 50	4-18-83	$50
G. Full Name, Mailing Address and ZIP Code [illegible] (Committee for an Effective Congress) [illegible] C Street NE Washington, D.C. 20002 Receipt For: ☐ Primary ☐ General ☐ Other (specify): [illegible]	N/A Occupation N/A Aggregate Year-to-Date $ [illegible]	6-27-83	$1000 In-kind
SUBTOTAL of Receipts This Page (optional)			$2,100
TOTAL This Period (last page this line number only)			

EXHIBIT "I"

NEW YORK TIMES

October 3, 1984

Campaign Notes

Muhammad Ali Switches His Support to Reagan

LOS ANGELES, Oct. 2 (UPI) — Muhammad Ali, the former heavyweight boxing champion, who endorsed the Rev. Jesse Jackson's unsuccessful run for the White House, has announced he is switching to President Reagan.

Mr. Ali announced his support Monday night at a gathering for black Republicans at the home of Jerry Zarg, who is challenging Representative Henry A. Waxman, a Democrat.

Asked to elaborate on his endorsement of Mr. Reagan, Mr. Ali told reporters, "He's keeping God in schools and that's enough."

EXHIBIT "J"

8504052042O

AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, Robert H. Hemmig, being first duly sworn, depose and state:

(1) I am an investigative reporter and a private investigator duly licensed in the State of Virginia.

(2) This year I was employed by the firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041, to investigate the voter registration and get-out-the-vote activities of Project Vote ("PV") a program of Americans for Civic Participation ("ACP").

(3) During my investigation, the Executive Director of Project Vote, Sanford Newman, told me that PV's offices on the second floor of the National Education ("NEA") building, located at 1201 16th street, N.W., Washington, D.C. 20036, were a donation from NEA to PV. PV moved to the NEA building in late May or early June of this year. PV was previously located at 1200 15th Street, N.W., Suite 201, Washington, D.C. 20005.

(4) Newman arranged for me to visit a PV operation in Cleveland, Ohio, which I did from July 1 through July 3, 1984, spending the time primarily with Joyce Johnson, office manager and staff coordinator for PV's Cleveland office.

(5) It appeared to me that all the PV volunteers I met would fall within the classification of "liberal democrat," as that term is generally understood. At that time, I had met

[redacted]

EXHIBIT "K"

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Eugene Robinson, Logan Bean, Jr., Ervin Lee (chief coordinator for PV's Cleveland operation), Daniel Brown, Cora Cowans, Pamela Gates, and Soraido Cortez.

(6) I was scheduled to meet a "Margaret Griffin" from the Lakewood area, west of Cleveland along Lakeshore Drive. Griffin was supposed to be upper middle class, white, in her early 30's, married, Republican, and of the "country club" set.

(7) "Griffin," however, supposedly refused to talk with me and supposedly told her group of twelve volunteers not to talk to me or allow me to take photographs of them in action, even when I indicated that I was looking for some balance to my information. Joyce Johnson gave me a phone number to reach "Margaret Griffin" (451-9415). I called the number on a number of occasions, but each time, the woman who answered indicated that Griffin was not available. The voice of the woman who answered sounded like that of a black woman. The woman, who said her name was "Dorothy," claimed to be Griffin's mother. When I asked for Griffin's mailing address, "Dorothy" said that any material should be sent to her at 528 E. 117th Street (in the Euclid area), and that she would see that "Griffin" would receive it.

(8) I had my associate, Lee Martin, also employed by Miller & Associates, Ltd., attempt to find this "Margaret Griffin." As the accompanying affidavit by him indicates, he was unsuccessful.

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(9) On July 25, 1984, I spoke with Albert Raby of PV's national office. He said he understood that the Margaret Griffin story had not checked out, but he could not help; he had only been in Cleveland once.

(10) I had been informed by Erwin Lee that any requests for PV's voter registration list are directed to Newman in PV's national office; also, that Albert Raby, Newman's Deputy Director, most recently came from the staff of Chicago's Democratic Mayor, Harold Washington.

(11) I asked Raby if he would give me the names of persons to whom PV had given their registrant list and whom PV would consider to be "good guys" and "bad guys." Raby defined the terms "good guys" and "bad guys" as whether the persons agreed with PV's position on issues, but he refused to identify any requesters as "good guys" or "bad guys," and he refused to provide any names of list requesters for further investigation.

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(12) Attached is a flyer used by PV in its registration drives. It was given to me by Joyce Johnson.

Further affiant sayeth not.

Robert H. Hemmig

Subscribed and sworn to before me, a notary public, this 15th day of October, 1984.

Notary Public

My Commission expires: [illegible]

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YOUR FOOD STAMPS AND AFDC BENEFITS WILL BE CUT THIS FALL . . .

. . . along with Housing Assistance, Child Nutrition Programs, CETA Jobs, Energy Assistance, Legal Aid, and most other services which help low income people.

Your government has cut hundreds of thousands of people from these programs. They have:

- Taken away your right to a yearly cost of living raise.
- Cut your benefits.
- Cut you off the rolls.

Even bigger cuts are planned for next year.

Your pocket is being picked.

FIGHT BACK!

REGISTER TO VOTE HERE TODAY!

If you want to help, call PROJECT VOTE 861-5200

8504005204125

AFFIDAVIT

STATE OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

I, R. Lee Martin, being first duly sworn, depose and state:

(1) I am an investigator employed by the firm of Miller & Associates, Ltd., P.O. Box 17301, Dulles International Airport, Washington, D.C. 20041.

(2) I assisted Robert Hemmig in following up on certain information he had been given with respect to the activities of Project Vote in Cleveland, Ohio.

(3) The primary focus of my efforts was to locate an individual by the name of "Margaret Griffin," who was described as being upper middle class, white, in her early 30's, married, Republican, and of the "country club" set. She was supposed to be from the Lakewood area, west of Cleveland along Lakeshore Drive. The phone number at which she could be reached was supposed to be 451-9415.

(4) Six full days of attempting to locate such an individual were unsuccessful.

(5) On July 15, 1984, I traveled to Cleveland, checked into a hotel, and searched the local phone directory for a "Griffin" with the phone number I was given (451-9415). The results were negative.

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EXHIBIT "L"

(6) The next day, I was able to check a police directory, but again the number and address were unlisted. The Cuyahoga County Board of Elections gave me the names and addresses of six Margaret Griffins, all of whose phone numbers differed from the one I had been given. I drove by the two most promising addresses, but found they did not match the lifestyle of the individual I was looking for. One was a dilapidated structure in a black, working-class neighborhood; the other was too far from the area of concern, that is, the "Lakewood" or "Lakeshore" area. Phone calls to a number of country clubs also produced negative results. Hemmig called that evening to tell me that Griffin's mother was supposed to live at 528 E. 117th Street in the Euclid area.

(7) In the morning of July 17, Hemmig called to tell me that Griffin's mother was supposed to be named "Dorothy." Griffin's husband was supposed to be an intern or doctor at Mt. Sinai Hospital. I visited 528 E. 117th street. It was a dead-end street with a grass divider. The house was half of a dilapidated yellow duplex in an all black neighborhood. The other half of the structure was condemned. An elderly black female was sitting on the front porch. A check with the Strongsville Police Department revealed that 528 E. 117th Street -- Euclid has been occupied for at least nine years by Arnette Washington (ph. 249-7773). This, of course, did not correspond with the information I had, unless two families and two phones

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were in the house. In addition, the personnel department at Mt. Sinai Hospital, 1800 E. 105th Street, informed me that they had no Dr. Griffin on either an intern or staff basis.

(8) On July 18, I checked several country clubs, doctors and hospitals, but could not locate "Margaret Griffin." I phoned Tika Susuki, Joyce Johnson's replacement at Project Vote's Cleveland office and made an appointment to see her at 1:00 p.m. and for dinner that evening. During our meeting, Tika told me she had been indirectly involved with Project Vote for months, but had just become a paid staffer. She told me she could not give me any information on "Griffin" or on how the registrant lists are used because she had been in her present job only two and one-half days. As I was leaving, I noticed thirteen large, brown, manila envelopes stacked on top of each other. Tika told me they were registration forms segregated by source, such as unemployment office, food stamps, welfare, etc. On the top one was written, "Send to Communist Party 4309 Lorain." A subsequent check of the phone book showed the "Communist Party of Ohio" listed at a different address: 4307 Lorain (ph. 281-7141). Erwin Lee, also from Project Vote, said he had never seen or talked with "Margaret Griffin," but if Joyce did not have any other information, to call him at home (641-8423) and he would give me the name of another Republican. Tika was also supposed to talk with Joyce Johnson. Lee stated that the registrant lists are used for follow-up only and that no one has ever requested them. When I called Lee that evening, he appeared to have

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forgotten to give me a replacement name telling me, "Maybe you guys should give up. I wouldn't rack my brain [over] it." When I insisted on another name, he brought Joyce Johnson in on a conference call, but neither one could give me another name or shed any new light on the subject of my search.

(9) I spent the next day, July 19, checking miscellaneous leads, i.e., additional addresses I had received from the Cuyahoga County Board of Elections, country clubs, and Republican Party officers. These included Timothy Cosgrove, Jr., President of the Northeast GOP Club, his father, Timothy Cosgrove, Sr., Dorothy Stoner, Secretary of the Northeast GOP Club, and the Briarwood County Club, where the Northeast GOP Club meets. All results were negative.

(10) On July 20, 1984, I located the Chairperson of the Women's Division of the Cuyahoga County GOP, Claudia Guzzo, at the Board of Elections (ph. 621-6415). She had never heard of any Margaret Griffin, any Dr. Griffin, or any Griffin active in politics.

(11) I made a follow-up trip to Cleveland on July 29 through August 3, 1984. Similar negative results were obtained.

(12) On August 1, George Engle, assistant to the Director of the Cuyahoga County GOP, informed me that Project Vote never asked the Republicans for volunteers or anything else. He added, "We keep a phone call log and I am here every day and I would

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certainly know if they had ever called us." This conflicted with what Jim Dixon, who was visiting from Project Vote's national office, had told me minutes earlier.

(13) I contracted to have Cleveland's Damar Investigative Agency observe activity at 528 E. 117th Street on August 3, 1984. The investigator observed six different automobiles stop at the house. Some of the vehicle occupants went in. Others sat in their cars for a while and then drove away. Most of the individuals involved were well-dressed blacks. At no time during the day did the investigator observe any whites going to, coming from or visiting the house.

Further affiant sayeth not.

R. Lee Martin

R. Lee Martin

Subscribed and sworn to before me, a notary public, this __ day of October, 1984.

Notary Public

My Commission expires: _____

8504052043O

FEDERAL ELECTION COMMISSION

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

8504052043 1

THIS IS THE BEGINNING OF MUR # 1824

Date Filmed 3/25/85 Camera No. --- 24

Cameraman AS