FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF TUR # 283, 850, 288, 291, 293 merged

Date Filmed 9/16/80 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

MUR 243 et al. Part I

Deleted materials concerning conciliation attempts pursuant to 2 U.S.C. § 437g

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)
___	(5) Internal Documents		

Signed _____

date 8/13/80

FEC 9-21-77

nea
NATIONAL EDUCATION ASSOCIATION
16th St., N. W.
Washington, D. C. 20036

WASHINGTON, DC 20036
PM
11 JAN
1977

USA 13c LIBERTY TREE

'77 JAN 12 AM 10:10

John G. Murphy, Jr., Esq.
General Counsel
Federal Election Commission
1325 K Street, NW
4th Floor
Wash., DC 20463

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 5, 1977

Mr. Warren Cruise
Counsel
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MURs 283(76), 288(76), 291(76), 293(76)

Dear Mr. Cruise:

The Commission has determined that there is reasonable cause to believe that the National Education Association has violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MURs. The Commission believes that the political contributions collected by NEA's "reverse check-off" procedures are contributions required as a condition of membership in violation of §441b(b)(3)(A).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the National Education Association desires to attempt conciliation in this matter. If you should have any questions, please contact Carol Darr, the attorney assigned to this matter, at 202/523-4057.

Sincerely yours,

William C. Oldaker
General Counsel

0004010005

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 5, 1977

Wallace K. Sagendorph, Esquire
Levin, Levin, Garvett and Dill
3000 Town Center, Suite 1800
Southfield, Michigan 48075

Re: MUR 293(76)

Dear Mr. Sagendorph:

The Commission has determined that there is reasonable cause to believe that the Michigan Education Association has violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. The Commission believes that the political contributions collected by MEA's "reverse check-off" procedures are contributions required as a condition of membership in violation of §441b(b)(3)(A).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the Michigan Education Association desires conciliation in this matter. If you have any questions, please contact Carol Darr, the attorney assigned to this matter, at 202/523-4057.

Sincerely yours,

William C. Oldaker
General Counsel

cc: Mr. Daniel J. McMahon
President
Michigan Education Association

0 0 0 4 1 1 0 0 5 6

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 5, 1977

Wallace K. Sagendorph, Esquire
Levin, Levin, Garvett and Dill
3000 Town Center, Suite 1800
Southfield, Michigan 48075

Re: MUR 293(76)

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The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the Michigan Education Association desires conciliation in this matter. If you have any questions, please contact Carol Darr, the attorney assigned to this matter, at 202/523-4057.

Sincerely yours,

William C. Oldaker
General Counsel

cc: Mr. Daniel J. McMahon
President
Michigan Education Association

0 0 0 1 0 0 7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR's 015 (75), 283 (76),
) 288 (76), 291 (76),
) 293 (76)
)
National Education Association)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 31, 1977, the Commission determined by a vote of 6-0 that there was Reasonable Cause to Believe that a violation of §441b(b)(3)(A) had occurred in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

0040 1008

3/29/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR's 015(75), 283(76),
National Education Association	)	288(76), 291(76), 293(76)

GENERAL COUNSEL'S REPORT

I. Allegations

The issue presented here is whether a system of collecting political contributions which requires members first to donate, and then to request a refund of that contribution, is a contribution required as a condition of membership in violation of §441b(b)(3)(A).

The issue of the "reverse check-off" procedures to solicit political contributions used by the National Education Association began in 1975 on the basis of two unnotarized complaints.

Four other properly notarized complaints raising the same issue were filed with the Commission last October.

In November, 1976, the Commission found reason to believe that NEA had violated §441b(b)(3)(A) with regard to the allegations contained in MUR's 283(76), 288(76), 291(76), and 293(76). The Commission also voted to take no action on the original unnotarized complaints, but to merge the information contained in them with the latter four complaints.

0001-0002

II. Evidence

NEA uses two systems for collecting political contributions, both of which were adopted by the NEA governing body in 1973. NEA represents that the choice between the two systems is made by the State associations. The system at issue here is described in a memorandum submitted by NEA on December 18, 1975, as follows:

> "Each active member of the NEA shall pay to the NEA $1.00 each membership year in addition to his dues. This $1.00 shall be transmitted by the NEA to NEA-PAC, unless the member requests that it be refunded to him, in which event, it shall be so refunded."

This system requires teachers who are applying for membership in NEA to authorize a payroll deduction for "professional payment" to NEA. Part of this assessment, in the amount of $1.00, is earmarked as a contribution to the NEA political action committee which supports candidates for Federal office. The remainder of the assessment, in the amount of $25, represents active membership dues. The amounts of, and the purposes for, the assessments are clearly disclosed on the back of the membership enrollment form. In connection with the assessments for political contributions, the following disclosure is made on the enrollment form:

> I understand the contributions to NEA-PAC ($1.00) will be used to support candidates for Federal offices, that my contributions are voluntary and are not required as a

> condition of membership in any organization, and that I may revoke this agreement and request a refund by obtaining a NEA-PAC option form from my local. . .or NEA field office.

The other system, in which the teacher may acquire membership without paying a political contribution, is described as follows:

> "In any state in which this system is illegal or otherwise unacceptable to the state association, the state association shall . . . develop an alternative system for soliciting a voluntary contribution to the NEA-PAC of $1.00 per active NEA member."

The NEA stated in a November 29, 1976, letter to the Commission that seventeen State affiliates[1/] currently use the former "reverse check-off" system for collecting political contributions on behalf of candidates for Federal office.

On January 12, 1977, NEA submitted a proposal for settling this matter. NEA proposed that they be allowed to continue to accept and use contributions obtained pursuant to "reverse check-off" procedures until September, 1977, indicating that after this date they would be amenable to revising their procedures.

1/ These States are: California, Idaho, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and Wyoming.

At the February 10, 1977, Executive Session, the Commission manifested an unwillingness to accept as a cut-off any date other than August 25, 1976. This view was predicated on NEA's actual notice of the Commission's interpretation of the statute well before the August 25 publication of these proposed regulations, as evidenced by the NEA's testimony before the Commission on June 10, 1976, in opposition to the Commission's consistently stated views, both with regard to the then existing MUR 015(75) and in the proposed regulations.

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III. Analysis

The relevant proviso of section 441b (formerly 18 U.S.C. §610) prohibits contributions from being secured "by physical force, job discrimination, financial reprisals, or the threat" thereof; "or by dues, fees or other monies required as a condition of membership in a labor organization." In our opinion the practice utilized by NEA under which a member must make a contribution prior to joining the organization, but then may request and receive a refund, violates the letter and spirit of this provision, as it has been construed by the Commission in section 114.5(a)(1) of its proposed regulations.

NEA argues that the interpretation of section 441b's prohibition should be based on the protections which the

courts have required unions to afford members who dissent. Although there are general rules dealing with the issue of what protections unions have to afford members who disagree with the political uses of their dues money, none of these cases in our opinion resolve the issue now before the Commission.

The two leading Supreme Court decisions are Int'l. Ass'n. of Machinists v. Street, 367 U.S. 740, 81A S. Ct. 1784 (1961); Brotherhood of Railway Clerks v. Allen, 373 U.S. 113, 83A S. Ct. 1158 (1963). In those cases, the Supreme Court construed Section 2(11) of the Railway Labor Act (45 U.S.C. Sec. 152(11)) which sought to eliminate the problem of "free riders" who obtained the benefits of union efforts to better wages and working conditions without paying for them by requiring employees to join the union but allowing them to be discharged for lack of membership only if it resulted from their failure to tender fees and dues uniformly required for the acquisition or retention of membership.

The Court concluded that Congress intended by that provision to engraft onto the previous rule of voluntary unionism a limited exception to achieve that end. To strike the appropriate balance between these two conflicting aims, the Supreme Court ruled that dues could not be used for political purposes over an individual union member's objection

but held that the individual member's rights would be protected by a pro rata refund of dues used for purposes with which he had indicated his dissent.

However, the Court did not indicate what type of refund scheme would furnish adequate relief to an aggrieved dissenter (see Allen, 373 U.S. at 122). Furthermore, it should be noted that neither case deals with the specific language of 18 U.S.C. §610 (later incorporated into §441b(b)(3)(A)), which seeks to ensure that employees will only give voluntarily by prohibiting both coerced contributions and contributions conditioned on membership in an organization.

The subsequent case of Pipefitters Local Union No. 562 v. United States, 407 U.S. 395, 92 S. Ct. 2247 (1972), also does not resolve the underlying issue in this matter. Pipefitters merely states that section 610 does not apply to contributions from funds "financed in some sense by the voluntary donations of the employees" and states that it is determinative "whether the solicitation scheme is designed to inform the individual solicited of the political nature of the fund and his freedom to refuse support." 2/

There have been recent circuit court cases, interpreting the holdings of the Street and Allen decisions. Both deal

2/ While Pipefitters interprets section 610 "as embodied in §304 of the Labor Management Act" (92 S. Ct. at 2270) the fund there required contributors to sign a separate Voluntary Contribution Agreement which stated on its face over the signature that the contributor knew it was not part of his dues but was a separate voluntary contribution. 92 S. Ct. at 2254, n. 6.

0001004

with claims that a provision in the UAW constitution providing a right to a pro rata refund for money spent for activities or causes normally political in nature violated the rights of dissident members from whom such monies were initially collected under a contracting out arrangement. See Reid v. UAW, 479 F.2d 517 (7th Cir. 1973); affirming a lower court dismissal of the claim; McNamara v. Johnston, 522 F.2d 1157 (7th Cir. 1975), dismissing the claim on jurisdictional grounds. However, it appears that the funds were not considered voluntary and were not used to make contributions to Federal candidates (Reid, 479 F.2d at 518). Furthermore, as in Street and Allen, neither case dealt with the language of §610. Indeed, in Johnston, the Court required the parties to submit supplemental briefs assessing the impact of the 1974 Federal Election Campaign Act Amendments, and then expressly stated that it did not have jurisdiction over the §610 claim. (Johnston, 522 F.2d at 1161, 1165-1167).

NEA places a great deal of emphasis on the refund feature of its mandatory collection system. It argues that because a teacher is entitled to a refund of the assessed contribution, there are "no mandatory requirements for member participation in order to maintain membership" in NEA.

0040210-15

The language of §441b, however, does not speak in terms of prohibiting monies required as a condition of maintaining membership. It prohibits collections "required as a condition of membership." In other words, §441b prohibits NEA from conditioning the acquisition of membership on the payment of the political contribution assessment. No matter what the merits are of NEA's refund system, the simple fact is that a teacher cannot become a member of NEA until he pays the required political contribution. Although a teacher can maintain his membership if he later requests and receives a refund of his assessed contribution, that fact alone does not make lawful NEA's initial assessment of the contribution as a condition of conferring membership on the teacher.

The Commission's proposed regulations clarify this interpretation by adding that "fees or monies paid as a condition of acquiring or retaining membership or employment are monies required as a condition of membership or employment even though they are refundable upon request of the payor." (Proposed regulations, §114.5(a)(1)).

Given the facts of the present matter, we believe the Commission would be warranted in finding reasonable cause to believe that the reverse check-off system utilized by NEA violated 2 U.S.C. §441b(b)(3)(A).

0040106

Although, as our previous discussion has indicated, the issue raised herein is a novel one, which has not yet been the subject of a definitive court ruling, we are of the view that the language of §441b(b)(3)(A), as construed by the Commission in §114.5(a)(1) of its proposed regulations, requires a finding of reasonable cause to believe in these matters.

IV. Recommendation

Find reasonable cause to believe that NEA violated §441b(b)(3)(A). Send attached letters.

William Oldaker
General Counsel

Date: 3/29/77

0040210017

National Right to Work Committee
A COALITION OF EMPLOYEES AND EMPLOYERS
HEADQUARTERS AT THE NATION'S CAPITAL

CC#1926

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 FEB 11 PM 3:43
CERTIFIED MAIL

February 10, 1977

770485

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

RE: MUR 291 (76)

Dear Mr. Oldaker:

On October 21, 1976, our Committee filed a complaint involving a very serious abuse of the Commission's regulations and the law. This was directed at the National Education Association and their negative check-off and solicitation of non-member practices. These practices not only violate the law, but they constitute a direct and personal invasion of the rights of thousands of individuals.

To date we have received no written or oral response as to the status of our complaint. We must, therefore, follow the statutory mandate of 2 U.S.C. Section 437g(a)(9)(B)(ii) if we wish judicial review of the Commission's action. In order for us to adequately prepare for such review, we wish to pose the following questions to the Commission:

1) Are any legally significant facts needed to complete the establishment of a proven violation?

2) Is the Commission engaged in a factual investigation of the NEA's practices?

3) Is there any reason to believe that NEA has totally discontinued the violation and refunded all money collected from all individuals under its negative check-off program?

4) If the Commission requires further investigatory time, will it consent in writing to a waiver of any and all objections to this action being filed more than sixty days after the close of the ninety day period mandated in Section 437g(a)(9)(B)(ii)?

5) Has the Commission received any response from the NEA on this matter and is our Committee entitled to see any such response? Are we entitled to copies of any letters between the Commission and the NEA on this complaint? Does a complainant have a right to any information on any aspect of his complaint before it is made public?

We appreciate your consideration of our inquiries.

Sincerely,

Andrew E. Hare

Andrew E. Hare
Vice President

AEH/cmc

0019

National Right to Work Committee
8316 ARLINGTON BOULEVARD • SUITE 600 • FAIRFAX, VIRGINIA 22030

Return Receipt Requested

CERTIFIED
No. 448978
MAIL

FEDERAL ELECTION COMMISSION
'77 FEB 11 PM 3:43

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

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4000
JOHN RYOR, President
WILLARD H. MCGUIRE, Vice-President
JOHN T. MCGARIGAL, Secretary-Treasurer
TERRY HERNDON, Executive Director

GOVERNMENT RELATIONS

FEDERAL ELECTION COMMISSION
'77 FEB 9 AM 10:13

February 8, 1977

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

Dear Mr. Steele:

I'm sending you a copy of a decision rendered by William F. Hyland, Attorney General for the state of New Jersey on the question of the legality of the "reverse check-off" system under a New Jersey statute. Though Mr. Hyland's decision prohibits the reverse check-off under New Jersey law, you will note that he also found that the reverse check-off system "is voluntary in nature, not exacted as a condition of membership, is segregated from payment of dues and is expended for political purposes. This component is essential a voluntary political contribution distinct from mandatory dues payment of union members....."

The NEA would like for you to consider this funding along with the other Attorney General's opinion submitted to you from Kentucky.

Sincerely,

Warren M. Cruise

Warren M. Cruise
Counsel
Office of Government Relations

WMC:pjt

cc: Carol Darr
FEC, General Counsel Office

0004210021

State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
EDUCATION AND PUBLIC EMPLOYMENT SECTION
STATE HOUSE ANNEX
TRENTON 08625

WILLIAM F. HYLAND
ATTORNEY GENERAL

ROBERT J. DEL TUFO
FIRST ASSISTANT ATTORNEY GENERAL

STEPHEN SKILLMAN
ASSISTANT ATTORNEY GENERAL
DIRECTOR

MARY ANN BURGESS
DEPUTY ATTORNEY GENERAL
CHIEF

January 19, 1977

Honorable Raymond H. Bateman
21 East High Street
Somerville, New Jersey 08876

FORMAL OPINION NO. 1 - 1977

Dear Senator Bateman:

You have asked whether the procedures initiated by the New Jersey Education Association with various local boards of education for political action contributions are authorized under New Jersey law. This question has been generated by Bylaw 2 approved by the N.J.E.A. Delegate Assembly, effective September 1, 1976 in the following form:

> "Professional Payment - Each Active Professional Member shall remit to the Association, through the same procedures by which the dues of such member are paid and under standards established by the Executive Committee, an annual total professional payment which shall include, in addition to the established dues for such member, a contribution, in the amount of two ($2) dollars, for the NJEA Political Action Committee. Each fall when the Automatic Payroll Deduction members receive their membership cards, a letter explaining the Political Action Committee deduction, a form to request the return of the two ($2) dollars, and a self-addressed envelope to NJEA will be included. Upon receipt of a request in writing from any member, the Association shall return the member's two ($2) dollar contribution for the fiscal year during which the request was received. The Association shall transmit to the NJEA Political Action Committee those two ($2) dollar contributions for which no refund request is received."

Pursuant to Bylaw 2, material provided the N.J.E.A. membership indicates that:

> "Professional payment for 1976-77 in N.J.E.A. is $75. N.J.E.A. dues are $73. Two dollars is for a voluntary contribution to N.J.E.A. PAC. Contributions to N.J.E.A. PAC will be used to support candidates and issues on the state and federal level. Contributions are voluntary and are not required as a condition of membership in any organization. This agreement may be revoked and a request for a N.J.E.A. PAC refund may be submitted in writing to N.J.E.A. headquarters before June 30, 1977."

This explanatory note accompanies the form used by N.J.E.A. members to direct local boards of education to make certain deductions from their earnings under checkoff procedures.

The question presented is whether the Professional Payment and specifically the $2 contribution for N.J.E.A. Political Action Committee falls within N.J.S.A. 52:14-15.9e which states in pertinent part:

> "Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this State, or by any board, body, agency or commission thereof shall indicate in writing to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request." (Emphasis added.)

A fair reading of this statute leads to the conclusion that public employers are only authorized to make deductions from the wages of their employees "for the purpose of paying the employee's dues to a bona fide employee organization." (Emphasis added.)

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Dues have been defined as certain mandatory monetary sums paid by a member of an organization as a condition of his membership therein and for its direct support and maintenance. The term covers only fixed and definite charges applicable to all club members. Black's Law Dictionary (4th ed. 1968); Greenwald v. Chiarello, 57 N.Y.S. 2d 765 (1945). In National Labor Relations Board v. Injection Molding Co., 211 F.2d 59 (8th Cir. 1954), the court construed a contract between union and employer which authorized deductions of "union membership dues (including assessments if they are regularly part of membership dues) and initiation fees." The court determined that this agreement did not authorize an employer at the request of a union to deduct from the wages of its employee a fine levied by the union against its member for non-attendance at meetings.

It was held in International Longshoreman's Ass'n. v. Seatrain Lines Inc., 326 F. 2d 916 (2d Cir. 1964), that a form of alternative payment by an employer "in lieu of dues checkoff" could not be characterized as "dues" within the exclusive meaning of membership dues in the Labor Management Relations Act. Also, in Culotta v. Pickett, 448 F. 2d 255 (9th Cir. 1971), deductions for union dues were held not to include a sum which constitutes either a levy of back dues or an improper penalty assessed against a union member. The United States Supreme Court determined in Pipefitters Local Union No. 562 v. United States, 407 U.S. 385, 92 S.Ct. 2247, 33 L.Ed. 2d 11 (1972), that in order to comply with federal law, political contributions must be strictly segregated from union dues and assessments and that the solicitation for such funds must be conducted under circumstances which plainly indicate that these donations are exclusively for the political purposes of the labor organization. Pipefitters, supra, at 435. See also generally United States v. Auto Workers, 352 U.S. 567, 77 S. Ct. 529, 1 L.Ed. 2d 563 (1957); and United States v. C.I.O., 335 U.S. 106, 68 S. Ct. 1349, 92 L.Ed. 1849 (1948).

Therefore, it is clear from these decisions that dues have been interpreted to mean those mandatory, monetary contributions which are exacted from all members of a labor organization as a condition of membership and which are used for the direct support and maintenance of that organization. It is reasonable to conclude that "dues" should have a similar meaning under New Jersey law and would not include within the probable legislative meaning of that term in N.J.S.A. 52:14-15.9e those voluntary contributions paid to support the political purposes of the labor organization.

Bylaw 2, approved by the N.J.E.A. Delegate Assembly, describes two components of "Professional Payment." The first represents a sum certain, required of all members, to be paid to the general purpose funds of the union for the union's support and maintenance and is a condition of membership in the union. This component possesses the traditional indicia of "dues," is expressly characterized as such and may properly be deducted from

the wages of public employees pursuant to N.J.S.A. 52:14-15.9e. However, the second component is voluntary in nature, not exacted as a condition of membership, is segregated from the general funds received from payment of "dues" and is expended for political purposes. This component is essentially a voluntary political contribution distinct from the mandatory dues payment of union members, and is expressly characterized in Bylaw 2 as a "contribution." It is, therefore, our opinion that the controlling statute dealing with the checkoff of union dues set forth in N.J.S.A. 52:14-15.9e does not authorize school districts to deduct the "political contribution" component of the N.J.E.A. Professional Payment from the wages of its employees.

Very truly yours,

WILLIAM F. HYLAND
Attorney General

By 
Mary Ann Burgess
Deputy Attorney General

MAB:mwl

nea
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N.W.
Washington, D.C. 20036

FEDERAL ELECTION COMMISSION
'77 FEB 9 AM 10:06

Ms. Carol Darr
General Counsel Office
Federal Election Commission
1325 K. Street, N.W.
Washington, D. C. 20463

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22036
TELEPHONE (703) 573-7010

RECEIVED
FEDERAL ELECTION
'76 DEC 8 AM 10:15

CC #1124

December 6, 1976

Ms. Carol Darr, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

764068

Re: MUR 293(76)

Dear Ms. Darr:

The complainants in the above-entitled matter, Paul E. and Lore M. Chamberlain, have forwarded to me copies of letters from the President of respondent Garden City Education Association ("GCEA") to the Garden City Board of Education, dated November 23, 1976, requesting the termination of the complainants' employment. Thus, the GCEA has followed through with its threat to attempt to cause the discharge of complainants for failure to tender full Association dues and assessments, including contributions to the Michigan Education Association and National Education Association Political Action Committees, for the 1976-77 school year.

As complainants' attorney I am herewith submitting to the Commission copies of said letters, designated Complainants' Exhibit P, since they are merely a continuation of the unlawful conduct giving rise to the Complaint already on file, specifically of the separate violations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 441b(b)(3)(A), 441b(b)(3)(C), and 441b(b)(4)(A)(ii), alleged at pp. 6-7 thereof.

Sincerely yours,

Raymond J. LaJeunesse, Jr.

Raymond J. LaJeunesse, Jr.
Attorney for Complainants

cc: Mr. & Mrs. Paul E. Chamberlain

0 0 0 4 0 0 1 0 0 2 7

GCEA GARDEN CITY EDUCATION ASSOCIATION

24350 Joy Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

CERTIFIED MAIL

November 23, 1976

Mr. Armen Barsamian, President
Garden City Board of Education
1333 Radcliff
Garden City, MI 48135

Dear Mr. Barsamian:

According to Article III of the Interim Agreement between the Board of Education for the Garden City School District and the Garden City Education Association, all teachers must as a condition of employment, either join the Association or pay a Representation Fee.

On November 10, 1976, I sent a letter via Certified Mail (see Attachment) informing Mr. Paul Chamberlain that the time limit for compliance had expired. I informed Mr. Paul Chamberlain that I had no other choice but to inform the Board of Education. Therefore, I am hereby informing you that Mr. Paul Chamberlain has not complied with the contract.

The Garden City Education Association is charging Mr. Paul Chamberlain with a violation of the Interim Agreement, and is therefore requesting that the Board of Education cause the termination of his employment, as required by this Agreement.

Attached please find a copy of specific Charges against Mr. Paul Chamberlain.

Sincerely,

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

/jwr

Attachments

cc: M. J. Hart
F. Oblak
W. Sagendorph
P. Chamberlain

EXHIBIT P

0010028

C H A R G E

The Garden City Education Association hereby notifies the Garden City Board of Education that MR. PAUL CHAMBERLAIN, a teacher in the Garden City School District, has failed, after being given proper notice, to comply with the provisions of Article III of the Interim Agreement between the Garden City Education Association and the Garden City Board of Education.

The Garden City Education Association therefore calls upon the Garden City Board of Education to cause the termination of MR. PAUL CHAMBERLAIN in accordance with the above cited contract provisions.

Robert J. Draheim

Robert J. Draheim, President
Garden City Education Assn., NEA-NEA

DATED: November 23, 1976

/jwr

0001-10029

PS Form 3811, Jan. 1975 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- [x] Show to whom and date delivered ..... 15¢
- [ ] Show to whom, date, & address of delivery ..... 25¢
- [ ] RESTRICTED DELIVERY.
  Show to whom and date delivered ..... 65¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery ..... 85¢

2. ARTICLE ADDRESSED TO:
Mr. Paul E. Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	744172	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: 11-13-76
POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ U.S.G.P.O. 1975-626-047

030

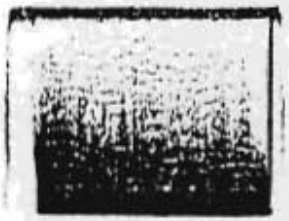
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UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on reverse side.
• Affix gummed ends and attach to back of article.

RETURN TO

Mr. Robert J. Drahoim, President
Garden City Education Association, MEA-NEA
24350 Joy Road, Suite 6
Detroit, MI 48239





24350 Jay Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

November 23, 1976

Mr. Armen Barsamian, President
Garden City Board of Education
1333 Radcliff
Garden City, MI 48135

Dear Mr. Barsamian:

According to Article III of the Interim Agreement between the Board of Education for the Garden City School District and the Garden City Education Association, all teachers must as a condition of employment, either join the Association or pay a Representation Fee.

On November 10, 1976, I sent a letter via Certified Mail (see Attachment) informing Mrs. Lore Chamberlain that the time limit for compliance had expired. I informed Mrs. Lore Chamberlain that I had no other choice but to inform the Board of Education. Therefore, I am hereby informing you that Mrs. Lore Chamberlain has not complied with the contract.

The Garden City Education Association is charging Mrs. Lore Chamberlain with a violation of the Interim Agreement, and is therefore requesting that the Board of Education cause the termination of her employment, as required by this Agreement.

Attached please find a copy of specific Charges against Mrs. Lore Chamberlain.

Sincerely,

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

/jwr

Attachments

cc: M. J. Hart
F. Oblak
W. Sagendorph
L. Chamberlain

0 0 0 1 0 0 3 2

CHARGE

The Garden City Education Association hereby notifies the Garden City Board of Education that MRS. LORE CHAMBERLAIN, a teacher in the Garden City School District, has failed, after being given proper notice, to comply with the provisions of Article III of the Interim Agreement between the Garden City Education Association and the Garden City Board of Education.

The Garden City Education Association therefore calls upon the Garden City Board of Education to cause the termination of MRS. LORE CHAMBERLAIN in accordance with the above cited contract provisions.

Robert J. Draheim, President
Garden City Education Assn., NEA-NEA

DATED: November 23, 1976

/jwr

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PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

P 003 103 034

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

1. The following service is requested (check one).
- [X] Show to whom and date delivered..... 15¢
- [ ] Show to whom, date, & address of delivery.. 35¢
- [ ] RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mrs. Lore Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	744171	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
11-13-76

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO 1975-O-569-047

0 0 4 1 1 0 0 3 5

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on reverse side.
- Affix to gummed ends and attach to back of article.

RETURN TO

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

NOV 15 3 AM 1976

Mr. Robert J. Drahoim, President
Garden City Education Association, MEA-NEA
24350 Joy Road, Suite 6
Detroit, MI 48239

NOV 16 1976

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National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22038
TELEPHONE (703) 573-7010

FEDERAL ELECTION COMMISSION

'76 DEC 9 AM 10:15

FIRST CLASS MAIL

FROM
NATIONAL
RIGHT TO WORK
LEGAL DEFENSE
FOUNDATION, INC.

8316 Arlington Blvd.
Suite 600
Fairfax, Virginia 22038

TO:

Ms. Carol Darr, Esquire
Office of General Counsel
Federal Election Commission
1325 K St., N.W.
Washington, D.C. 20463

Rec'd 12-2-77 MC 2234 WRH

393

1-1037

UNITED TEACHING PROFESSION GOALS

NEA Preamble

We, the members of the National Education Association of the United States, in order that the Association may serve as the national voice for education, advance the cause of education for all individuals, promote professional excellence among educators, gain recognition of the basic importance of the teacher in the learning process, protect the rights of educators and advance their interests and welfare, secure professional autonomy, unite educators for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united teaching profession, do hereby adopt this Constitution.

WEA Bylaws

The WEA shall be a member-advocate association and shall develop and maintain Association strength and security in working toward the following goals:

Goal I:

An independent, self-governing, homogeneous organization for members of the teaching profession with which all teachers* can identify.

Goal II:

Guaranteed professional and economic rights and interests of members.

Goal III:

Effective Association influence on public affairs and public opinions.

* Teacher means any member of the teaching profession.

MEMBERSHIP SUPPLIES

The following supplies are provided in quantity to local affiliates for use in enrolling members and providing all members with current WEA/NEA materials. Distribution should be made as follows:

For Faculty Representatives:

- Plastic Membership Cards (every member)
- WEA Calendar Books (every member)
- Multi-part Enrollment Forms
- Change of Personal Data Forms
- NEA and WEA Promotional Materials

For Local Affiliate Treasurer:

- Cash Remittance Forms (two-part)
- APA Membership List (three-part)
- Active Membership List
- APA Cancellation Forms (two-part)
- Membership Processing Manual
- PULSE Option List

Additional supplies may be obtained by writing:

Membership Department
Washington Education Association
910 Fifth Avenue
Seattle, Washington 98104

Phone: (206) 622-1810

ENROLLMENT CALENDAR

August -- Distribution of Supplies

WEA will mail membership supplies to local affiliates.

Locals will prepare supplies for distribution to building representatives.

September and October -- Sign-up Time

Use multi-part membership form to enroll new APA and CASH members.

Send original of membership form to WEA.

Write check for payment of CASH dues.

During heavy enrollment, remit weekly.

WEA must receive an enrollment form for each member in order for services to be provided.

Payroll office receives APA billing for September payroll with new rates for continuing members.

Give all members the new plastic membership card, calendar book and other promotional literature.

Enroll ASSOCIATE members and remit directly to WEA.

Treasurer contacts payroll officer to arrange for new deductions in November. New members should be added to APA in November (December 1 billing).

Remember that APA members may cancel dues only in August. Unit treasurer informs payroll office in August of cancellations.

November and December -- Adding new APA Members

Give the payroll officer the names and amount of dues for new APA members, using three-part APA Membership List.

Payroll officer adds new APA members to December 1 billing for November payroll.

January -- Sign-up Time for Second Semester Teachers

Enroll new employees at one-half annual dues.

Add new APA members to February 1 billing (January deductions). The amount should be one-half of local, state and national dues divided by eight months. Deductions will run from end of January through August.

Enrollment Forms

A U.T.P. enrollment form must be completed by each new member, members new to the district, cash members requesting payroll deduction and members changing their status (Reserve, Retired, etc.).

The new enrollment form contains a substantial amount of demographic data which is vitally important to the Association in providing required service, selecting qualified minorities for compliance with NEA Guidelines, identifying members in various categories (classroom teachers, subject matter, etc.) and in providing information for the WEA/NEA Membership Processing System. Obtaining full and accurate data will assure speedy delivery of WEA and NEA publications and avoid delays in processing memberships. Your assistance in obtaining this information is appreciated.

Please turn in completed forms to your association treasurer or Membership Chairperson as soon as they are received.

MEMBERSHIP CATEGORIES

Active Membership shall be open to any person engaged in the profession of teaching or in other education work who holds a baccalaureate or higher degree or a Washington State Certificate (where required). Active members must enroll in all three associations (local affiliate, WEA, NEA). Payment may be made in cash or by payroll deduction (APA).

Half-Day Members include all active members who work half time or less. They may pay cash or have payroll deductions. Unified membership is required.

Half-Year Members include anyone employed after January 1 who is eligible for active membership. They may pay cash or have payroll deductions. Unified membership is required.

Substitute Teacher Members must pay cash for dues. Unified membership is required.

Educational Secretaries/Auxiliary Personnel may become members of WEA and/or NEA, and receive services of both associations. WEA dues are in the Associate category. Local membership is available in some affiliates. These members must pay cash for dues unless other arrangements have been made.

Associate Membership in WEA shall be limited to any person not eligible for other classes of membership. He/she must not, however, be actively engaged in the education profession.

Reserve Membership shall be limited to any person who is otherwise eligible for active membership, but is on a limited leave of absence from professional educational work. NEA has no Reserve category of membership.

Staff Membership in WEA and NEA is available to the professional staff of the WEA or affiliates or UniServ Councils.

Retired Membership in WEA and/or NEA is available to those retired from the teaching profession. Remit dues in cash directly to WEA.

NEA Life Membership is no longer being offered, effective July 6, 1973. This has no effect on those who are currently life members of NEA.

MEMBERSHIP INFORMATION

Liability Insurance

NEA Educators Employment Liability Insurance is effective on the day following enrollment and continues until membership is cancelled or lapsed.

Legal Services

Legal services through the WEA/NEA are available only to members who join by November 1 or within thirty days of employment for the first year of membership.

MEMBERSHIP DUES 1977-78

	Active	Active Half-time or Half-year	Substitute Teacher
NEA[1]	$ 30.00	$15.00	$15.00
WEA	105.00	52.50	35.00
Local	_____	_____	_____
UniServ	_____	_____	_____
PULSE[2]	10.00	5.00	3.33
NEA-PAC[2]	1.00	1.00	1.00
Total	$_____	$_____	$_____

[1]NEA Life Members pay $25 if enrolled prior to September 1968, $33 if enrolled prior to September 1970, $55 if enrolled after August 1970, and -0- if paid up.

[2]APA members will contribute to PULSE and NEA-PAC unless an Option Form is completed each year.

OTHER DUES CATEGORIES

	WEA	NEA
Associate	$35.00	$15.00
Educational Secretary	35.00	15.00
Auxiliary Personnel	35.00	15.00
Reserve	10.00	-
Staff	52.50	15.00
Student	10.00[1]	4.50
Student	1.00	4.50
Retired	5.00	5.00[2]

[1]Student achieving senior standing or registered for an initial student teaching experience

[2]NEA retired dues are $2 if retirement occurred prior to September 1, 1973.

LOCAL AND UNISERV DUES

Commencing September 1, 1976, all local affiliates* shall participate in UniServ. In conglomerate councils (more than one local affiliate) local and UniServ dues will be calculated separately. Local dues shall be determined by the local ($10 minimum). UniServ dues shall be determined by the UniServ Council ($16 minimum). UniServ dues collected on APA will be mailed directly to the Council or to the local affiliate as determined by the Council.

*Some four-year colleges are exempted from this requirement.

PULSE AND NEA-PAC

In May 1976, the WEA Representative Assembly adopted Constitution Article III, Section 4, and Bylaws Article III, Section 3. The adoption of these articles provides for an automatic deduction of PULSE dues from all active members unless the member notifies the WEA through a prescribed procedure.

The procedure is as follows:

1. Cash members may pay total dues to the UTP including $10 for PULSE and $1 to NEA-PAC.
2. Continuing APA members will have $.83 for PULSE and $.08 for NEA-PAC deducted from payroll beginning October 1, 1977 for a 12-month deduction.
3. New APA members will have $1 for PULSE and $.10 for NEA-PAC deducted from payroll beginning December 1, 1977, for a 10-month deduction.
4. The PULSE contribution will be paid in full by all full-time active members. Half-day, half-time, and substitute teacher members will contribute the same proportion of PULSE dues as their membership dues are a proportion of active dues. The NEA-PAC contribution is $1 for all members.

The following guidelines will be followed for members who do not wish to contribute:

1. Cash members will pay only the annual membership dues.
2. New APA members will complete a PULSE/NEA-PAC Option Form at the time of enrollment, requesting that PULSE or NEA-PAC not be deducted. The enrollment form will not have a reverse

PULSE and NEA-PAC, cont.

check-off box. This will allow deductions to be made in future years.

3. Continuing APA members will complete a PULSE/NEA-PAC Option Form and return it to the PULSE office by August 1, requesting that no contributions be deducted. They may also complete a PULSE/NEA-PAC Option Form by September 5 (or the cut-off date for district/college payroll) and give to the local affiliate treasurer. The treasurer will notify the payroll office regarding the names of members who do not wish to have PULSE and/or NEA-PAC deductions.

   Members who miss the state (August 1) or local (September 5) cut-off dates will have a full PULSE contribution deducted for the year.

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CASH MEMBERSHIP

Continuing Cash Members

Using your membership list, contact those members designated "Cash". Collect dues and issue plastic membership cards.

New Cash Members

Give the multi-part enrollment forms to prospective members.

Collect dues with enrollment forms and issue plastic membership cards.

Transfers from Cash to APA

Follow procedures for new APA members.

Cash Dues Transmittal

List names in alphabetical order on the two-part remittance form.

Write a check payable to WEA, for the full WEA-NEA dues; RETAIN local dues.

Mail the following to WEA in envelopes provided:

- Original remittance form (retain carbon copy)
- A copy of the enrollment form
- Check

Local Records

Use the membership list to check off names as dues are paid.

Retain a copy of the enrollment form

APA MEMBERSHIP

Continuing APA Members

It is not necessary for continuing APA members to fill out a new enrollment form. For the 1977-78 membership year membership verification forms will need to be completed.

Members who paid dues in ten installments last year will pay in twelve installments this year.

The October 1 billing (for September deductions) will reflect the new dues amounts when the payroll office receives it.

Continuing APA members who have moved to a new district must fill out a new enrollment form and be processed as new APA members.

New APA Members

Give the multi-part enrollment form to prospective members.

Collect the forms and issue plastic membership cards.

Send the designated copies of the forms form to WEA to be processed and to get the member's name on the mailing list.

Retain a copy of the enrollment form for local files; give the designated copy to the payroll officer.

Second semester teachers may pay one-half of the regular dues and will pay in eight installments (January through August).

How to Get Dues Deductions Made

It is up to the local affiliate treasurer to see that the payroll office gets the necessary information to make deductions.

How to Get Deductions Made, cont.

- Contact the district payroll office early in the fall to work out a schedule.
- Use the three-part APA Membership Lists to advise the payroll office of new APA deductions.
- Dues for new APA members will be paid in ten installments - November through August.

Cancellation of APA Dues -- Only During August

Dues will be cancelled by the payroll office in August after receipt of a written notice from the local unit. The second copy of this notice should be sent to the WEA Membership Department in order to remove the name from the WEA Action mailing list. New APA members who sign up this year cannot cancel dues deductions until next August.

APA PROCEDURES

How to Determine the Amount of Monthly Dues for APA Deductions

(a) For members who remain in the same district or new members added for September deductions:

Dues	Annual	12 Monthly Deductions
Local (Example only)	$ 40.00	$ 3.33
UniServ[1] (Example only)	20.00	1.67
WEA	105.00	8.75
NEA	30.00	2.50
PULSE[2]	10.00	.83
NEA-PAC	1.00	.08
	$206.00	$17.16

(b) For new APA members who sign up in September and October:
(First deduction from November warrant)

Dues	Annual	10 Monthly Deductions
Local (Example only)	$ 40.00	$ 4.00
UniServ[1] (Example only)	20.00	2.00
WEA	105.00	10.50
NEA	30.00	3.00
PULSE[2]	10.00	1.00
NEA-PAC	1.00	.10
	$206.00	$20.60

APA Procedures, cont.

(c) For members employed after January 1, 1978: (First deduction from January warrant)

Dues	Annual	8 Monthly Deductions
Local (Example only)	$ 20.00	$ 2.50
UniServ[1] (Example only)	10.00	1.25
WEA	52.50	6.56
NEA	15.00	1.88
PULSE[2]	5.00	.63
NEA-PAC	1.00	.13
	$103.50	$12.95

[1] PULSE/NEA-PAC deductions are automatic unless member has completed a PULSE/NEA-PAC Option Form.

[2] May be included in local dues when the local association and the UniServ Council are the same.

APA INFORMATION

APA is Automatic Payroll Authorization, a monthly billing service of WEA administered by Blue Cross of Washington and Alaska.

Address all inquiries on dues to:

WEA Membership Department
910 Fifth Avenue
Seattle, Washington 98104
Phone: (206) 622-1810

Included in the APA billing are local, state and national dues, PULSE dues, WEA Medical Life Plan premiums, WEA Salary Insurance premiums, WEA TSA payments, and WEA AD & D Insurance premiums.

LOCAL AND UNI SERV APA DUES RECEIPTS

Local dues paid through APA will be received by the local association and/or UniServ Council approximately 40 days following district deductions.

Checks received in September and October are for the previous membership year.

The check received in January will include the first payment from new APA members.

Local dues checks could be delayed by a late transmittal from the payroll office. Payments must be received by the 20th of the month in order for dues to be transmitted on time.

Local and UniServ APA Dues Receipts, cont.

The list of members and their deductions, received with the check, should be checked for errors, particularly after new members are added.

Payroll offices are authorized by 28A.67RCW to make deductions of Association dues and insurance premiums authorized by written consent of employees.

PAYROLL OFFICE RESPONSIBILITIES

Local associations have been asked to contact the payroll officers early in the fall to work out a schedule for enrolling new members through APA.

WEA has asked the Local Affiliate for information on changes in personnel. This will enable us to correct the October 1 APA billing before it is mailed.

The 1977-78 state and national dues are listed in this manual.

Continuing members will pay their dues in twelve installments -- September through August (October 1 through September 1 APA billings).

New members will pay their dues in ten installments, beginning with the December 1 APA billing (November payroll deductions). If the deduction cannot be made from the November payroll, add the new member as soon as possible and divide the dues amount by the remaining months through September 1.

IDA I. HOLTE
Official Court Reporter
P. O. BOX 1113
Yakima, Washington 98907



MR. KENNETH A. GROSS, ATTORNEY
FEDERAL ELECTION COMMISSION
1325 "K" STREET NORTHWEST
WASHINGTON, D. C. 20463

8004021054

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 06 1976

Mr. James Harris
President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 015 (75) ✓
MUR 283 (76)
MUR 291 (76)
MUR 288 (76)
MUR 293 (76)

Dear Mr. Harris:

This is to advise you that the Commission has decided to merge the MUR 015 (75) file with MUR 283 (76), MUR 291 (76), MUR 288 (76), and MUR 293 (76) files on which you have been notified under separate cover.

The issue raised in MUR 015 appears to be the same as that raised by the other MURs.

Sincerely yours,

/s/

John G. Murphy, Jr.
General Counsel

cc: Mr. Warren Cruise

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PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
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- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
James Hahs

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	433429	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)
N/A

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 06 1976

Mr. James Harris
President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

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/s/

John G. Murphy, Jr.
General Counsel

cc: Mr. Warren Cruise

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

DEC 06 1976

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RETURN RECEIPT REQUESTED

Mr. James Harris
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National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

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/s/

John G. Murphy, Jr.
General Counsel

cc: Mr. Warren Cruise

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LAW OFFICES
LEVIN, LEVIN, GARVETT AND DILL
3000 TOWN CENTER, SUITE 1800
SOUTHFIELD, MICHIGAN 48075
(313) 355-6200
CABLE ADDRESS "LEGAD"

DETROIT OFFICE
1577 CITY NATIONAL BANK BLDG.
DETROIT, MICHIGAN 48226

DAVID A. GOLDMAN
LEONARD J. LARABOW
GORDON I. GINSBERG
ERWIN B. ELLMANN
HARVEY I. WAX
ROBERT J. FINKEL
WALLACE K. SADENDORPH
EARL PHILIP ADAMASZEK
ELI GRIER
MARSHALL W. ANSTANDIG
RICHARD M. SELIK
KATHY J. GANGER
GERALD E. TITLE

SAUL R. LEVIN (1898-1960)
BAYRE LEVIN (1899-1981)
EARLMONT A. DILL (1901-1963)
MORRIS GARVETT (1893-1971)

December 3, 1976

CONFIDENTIAL

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street Northwest
Washington, D. C. 20463

RE: MUR 293 (76)

Dear Mr. Murphy:

Your November 15, 1976 letter to David McMahon, President of the Michigan Education Association (sometimes hereinafter referred to as "MEA"), and your letter to Robert Draheim, President of the Garden City Education Association (sometimes hereinafter referred to as "GCEA") of the same date, have been referred to us for attention. We have previously filed an appearance and have, pursuant to your suggestion, had occasion to discuss these matters with Ms. Carol Darr of your office.

You can rest assured that the Michigan Education Association, the Garden City Education Association and their responsible officers are sympathetic to the purposes and objectives of your Commission and would like to cooperate with you fully. You can appreciate, however, that we are remote from Washington and have not had occasion to represent either a political party or a federal political candidate so that the activities of your agency are quite unfamiliar to us.

1. Your letter indicates that the Commission "has received a complaint...which alleges certain violations of the Federal Election Campaign Act of 1971, as amended" and that the Commission "has reason to believe that the matters alleged," presumably in this complaint, "state a violation of 2 USC, Sections 441b(3)(A) and 441b(b)(4)(A)(ii)". The complaint which you enclose was prepared by Raymond J. LaJeunesse, Jr., an attorney in Fairfax, Virginia, representing the National Right to Work Legal Defense Foundation. As you know, Mr. LaJeunesse's group, an avowed enemy of the trade union movement, opposes all

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types of union security arrangements and is attacking with unprecedented vehemence and at unseemly length, the agency shop in public employment in Abood v Detroit Board of Education, et al, 60 Mich App 92, (1975) probable jurisdiction noted April 26, 1976, __US__, 48 LEd. 2d 192, Docket No. 75-1153, a case recently argued in the United States Supreme Court. Mr. LaJeunesse and his organization have been and are involved in extensive litigation against the MEA and its affiliates.

You can naturally understand our wonderment, accordingly, when a federal agency accepts, without question, the indiscriminate allegations of a partisan spokesman for the National Right to Work Legal Defense Foundation and then proceeds to announce that it has reason to believe that violation of federal law is accordingly shown. Normal administrative procedures and due process requirements of the Fifth Amendment would seem to compel at least the suspension of judgment until more comprehensive investigation could be made of the charges.

2. The most superficial review of his complaint indicates that Mr. LaJeunesse relies upon a number of alleged transactions or facts which occurred before May 11, 1976, the effective date of the amendments to the statute with which you are concerned. We find nothing to suggest that the amendments were to be given retroactive effect. Mr. LaJeunesse further makes broad and indiscriminate charges which our clients categorically deny. The complaint claims that our clients have been violating Section 441b (3)(A), which makes it unlawful for a separate segregated union fund to make a political contribution of monies "secured by physical force, job discrimination, financial reprisals or the threat of force, job discrimination or financial reprisals...". Our clients categorically deny any such conduct and are astounded by your suggestion that any such conduct has occurred.

3. That section of the Act further prohibits contributions secured "by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment...". Our clients likewise categorically deny any such conduct. Payment of union dues only, by association members, or the payment of an amount equivalent to union dues by non-members, is the only payment required pursuant to Michigan law and our clients' collective bargaining agreements as a "condition of employment." No part of monies so collected is used to finance any activity within the jurisdiction of the Commission. Union security provisions in effect in Garden City and in many other local school districts pursuant to

collective bargaining agreements, negotiated by the MEA or its affiliates, are expressly sanctioned by Michigan legislation and a long series of decisions of the Michigan Employment Relations Commission, and the courts.

The Garden City Education Association makes no contributions to any federal political candidate, and it maintains no separate segregated fund for such purpose. The Michigan Education Association for some years has established and maintained a separate segregated fund known as the Michigan Education Association Public Affairs Council (MEA-PAC). All monies utilized by this fund are obtained through voluntary contributions of members of the MEA and its affiliated local associates. If any monies are received by MEA-PAC from non-members of the MEA and its affiliated locals, they are automatically and immediately refunded. The official Membership Processing Handbook issued for the 1976-77 school year explicitly provides:

> "Financial Responsibility Fee Payers (Agency Shop):
>
> These fee payers need not make a formal request for the MEA-PAC refund. MEA Headquarters will refund immediately upon processing of enrollment data (form) received from the local association."

As I pointed out in my January 7, 1976 letter, annexed as Exhibit J-2 to Mr. LaJeunesse's complaint,

> "Garden City agency payers have the MEA-PAC contributions of $5.50 immediately refunded to them on the assumption that they do not choose to participate in the political activities of the Association."

The same established policy prevails throughout the State. No one, to my knowledge, has ever questioned the truth of that statement. I have no information whatever that any person, not an MEA member or member of the family thereof, has been solicited for contributions to MEA-PAC. In such circumstances, I think it is irresponsible for Mr. LaJeunesse or the Chamberlains, without any specification of details, to assert the contrary and mislead the Commission.

4. Membership in the MEA and its local affiliates is entirely voluntary. In accord with the same established procedures, if a member does not wish to contribute to MEA-PAC, he is free to

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request that any monies deducted from his compensation and paid over to MEA-PAC shall be refunded to him. Unlike the situation with respect to non-member agency fee payers, however, Association members are expected to make a timely written request for rebate by October 1st. When such requests are made, they are promptly honored. Accordingly, in some associations, many members make no contribution whatever to MEA-PAC, but this has never and does not now affect their union membership status, their employment status, their rights and liabilities under the collective bargaining agreement, nor the zeal with which the MEA and the local association protect their interests. I can assure you that no monies are collected from any teacher in Michigan by MEA-PAC, nor, to my knowledge, have they been collected during the existence of the statutory amendments, which were not freely and voluntarily contributed by such teacher.

5. Ms. Darr has called to our attention that, under date of August 25, 1976, the Commission issued regulations which were published in the Federal Register and which proclaimed in Section 114.5, a categorical prohibition against the payment of moneys as a condition of employment, even though those monies "are refundable upon request of the payer." As we have already indicated, the only monies collected as a "condition of employment" are dues or equivalent agency fees, no part of which go to political purposes described in the Act. The regulations thus appear to have no applicability to the activities of MEA-PAC.

It is true that laymen, unfamiliar with the niceties of the statute, may not always distinguish between what are technically "dues" and other contributions as clearly as lawyers might wish. Thus, Exhibit M, attached to the complaint, speaks indiscriminately of "dues" of $196.50. It is clear from the context, however, that the sum of $5.50 is specifically designated for MEA-PAC purposes, and, as the last paragraph makes apparent, "anyone wishing a MEA-PAC...refund must submit individual requests..." in accordance with the established policies previously described. That exhibit, it should also be emphasized, is specifically addressed to "GCEA Membership" and not to non-members subject to agency shop provisions, such as Mr. and Mrs. Chamberlain for whom Mr. LaJeunesse also purports to speak.

6. Michigan has a comprehensive and complex statutory scheme for regulating labor relations between labor organizations

and public employers, the Public Employment Relations Act, MCLA 423.201, MSA 17.455(1) et seq. By Act 25 of the Public Acts of 1973, Section 10 of the Statute was comprehensively revised to provide as follows:

> "Section 10. (1) It shall be unlawful for a public employer or an officer or agent of a public employer (a) to interfere with, restrain or coerce public employees in the exercise of their rights guaranteed in section 9;[1] (b) to initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization: Provided, That a public employer shall not be prohibited from permitting employees to confer with it during working hours without loss of time or pay; (c) to discriminate in regard to hire, terms or other conditions of employment in order to encourage or discourage membership in a labor organization: Provided further, That nothing in this act or in any law of this state shall preclude a public employer from making an agreement with an exclusive bargaining representative as defined in section 11[2] to require as a condition of employment that all employees in the bargaining unit pay to the exclusive bargaining representative a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative; (d) to discriminate against a public employee because he has given testimony or instituted proceedings under this act; or (e) to refuse to bargain collectively with the representatives of its public employees, subject to the provisions of section 11.
>
> (2) It is the purpose of this amendatory act to reaffirm the continuing public policy of this state that the stability and effectiveness of labor relations in the public sector require, if such requirement is negotiated with the public employer, that all employees in the bargaining unit shall share fairly in the financial support of their exclusive bargaining representative by paying to the exclusive bargaining representative a service fee which may be equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative.

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> (3) It shall be unlawful for a labor organization or its agents (a) to restrain or coerce: (i) public employees in the exercise of the rights guaranteed in section 9: Provided, That this subdivision shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (ii) a public employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances; (b) to cause or attempt to cause a public employer to discriminate against a public employee in violation of subdivision (c) of subsection (1); or (c) to refuse to bargain collectively with a public employer, provided it is the representative of the public employer's employees subject to section 11."

Collective bargaining agreements of our clients in Garden City and elsewhere in Michigan are in fulfillment and implementation of this explicit statutory policy of the Michigan Legislature. As we understand the recent decision of the United States Supreme Court in National League of Cities v Usery, __US__, 49 LEd 2nd 245 (1976), the states are generally free to structure traditional relationships between public employers (agencies of the state) and their employees without Congressional interference. Federal commerce power did not justify, the Court held, extension of the Fair Labor Standards Act to state employees. It is hard for us to understand, in this light, the justification for the Commission's efforts to obtrude into state labor relations policies, particularly when no direct impact upon federal elections has or can be shown.

The internal relationships of a labor organization of public school teachers and its members are normally matters of the sovereign concern of the state alone. The Federal Constitution does, of course, prevent indiscriminate interference with personal privacy, freedom of association, anonymity, and free expression, but this protection is as much a barrier to federal as state action. Despite the cautious and fastidious approach of the Court in dealing with the original elections statute and the 1974 amendments thereto in Buckley v Valeo, 46 LEd 2nd 659 (1976), do we understand the Commission is asserting the right to surveille all phases of internal union activities in order to discover practices which could -- even though they do not -- lead to political contributions referred to in the amended Act?

I am sure you are aware that the strength and vitality of labor organizations can be readily undermined if hostile employers, dissident employees, or organizations such as the National Right to Work Legal Defense Foundation are given access to matters which they hold confidential and private. We do not see how, consistent with our professional responsibilities to the GCEA and the MEA and their many members, we can voluntarily permit broad inquiry into their internal affairs under color of a regulation which appears so indiscriminately far-reaching and quite unrelated to the manifest purposes of the Congress.

7. We also understand that the regulations of the Commission on which you apparently rely did not receive the consideration of Congress for thirty legislative days, as required by Section 48(c)(2) of the Act. If this is true, we would appreciate it if you would advise us of the basis for your statement that a violation of the Act is even suggested.

8. While the specific questions asked in your letter seem premature, since they deal with matters of public knowledge, we answer them without waiving any rights to question the regularity of your inquiry. The GCEA is a separate non-profit Michigan corporation, a "labor organization" within the meaning of PERA, and the exclusive representative of teachers in Garden City, Michigan. It is affiliated with the MEA, another non-profit Michigan corporation. Both are in turn affiliated with the National Education Association, a non-profit corporation chartered by Congress. The MEA has arrangements to furnish services to the GCEA, just as the National Education Association has parallel arrangements to serve the Michigan Education Association. Each of these entities, however, is legally independent and makes its own policies. The National Education Association has no control over the political interests or activities of Michigan teachers or the activities and policies of MEA-PAC.

9. We trust that the foregoing information adequately shows that, the extravagent assertions of Mr. LaJeunesse to the contrary, neither the MEA nor the GCEA has violated any provisions of the amended Act. No political contributions are made from monies involuntarily collected from anyone. We believe that the complaint made by the National Right to Work Legal Defense Foundation is not in good faith but is one more attempt to harass our clients in yet another forum, particularly after its attack upon union security

in the public sector provoked such unparalleled censure during the Abood argument before the Supreme Court. We respectfully urge this Commission to dismiss these proceedings out of hand.

The Michigan Education Association is based in Lansing, Michigan, while the Garden City Education Association is also some distance from our office. In the interest of furnishing you an expeditious reply, I have not bothered to prepare sworn affidavits to substantiate the matters herein set forth. I am prepared to establish the truth of my representations to you.

If you require any additional information, kindly let us know. We would appreciate your response to the matters which we have rehearsed at greater length, perhaps, than the entire matter justifies.

Very truly yours,

LEVIN, LEVIN, GARVETT & DILL

Wallace K. Sagendorph

WKS:yp

0010106

Levin, Levin, Garvett & Dill
Attorneys and Counselors
3000 Town Center, Suite 1800
Southfield, Michigan 48075

CONFIDENTIAL

Ms. Carol Darr
Staff Attorney
Federal Election Commission
1325 K Street Northwest
Washington, D. C. 20463

December 5, 1975

Warren M. Cruise, Esq.
Legal Counsel for Government
Relations
National Education Association
1201 16th Street, N. W.
Washington, D. C. 20036

Dear Mr. Cruise:

This is to confirm our telephone conversation of Tuesday, December 2, 1975. You, of course, may submit a legal memorandum supporting the method in which the National Education Association collects money for your voluntary political action group. Any other material facts or argument that you wish to submit will be considered by the Commission. If I can be of any assistance to you in this regard please do not hesitate to contact me.

Sincerely yours,

Stephen Shhachman
Assistant General Counsel

SSchachman:mpc:12/5/75

306401-0068

CA-015-75

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 4, 1975

Mr. Warren M. Cruise
Legal Counsel, Government Relations
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Dear Mr. Cruise:

In addition to the earlier complaint received (see letter dated September 3, 1975 to James Harris, President, National Education Association), the Federal Election Commission is advised that the New Hampshire Education Association has allegedly required, as a condition of membership, individuals to contribute $2.00 which will be used by the New Hampshire Education Association and the National Education Association for involvement in local, state, and federal elections.

Section 610 of Title 18 of the United States Code states that:

> ... it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction (emphasis added).

Enclosed please find a copy of a booklet entitled "Federal Election Campaign Laws", compiled under the direction of the Secretary of the U.S. Senate, for your reference.

December 4, 1975

The Commission invites your Association to submit any information which would clarify or explain the matter referred to above. Such information should be received by the Commission not later than ten business days after receipt of this letter. However, if further guidance or assistance is required, please do not hesitate to contact Mr. Michael Hershman by mail or telephone (202/382-6023).

Sincerely,

Gordon Andrew McKay
Assistant Staff Director for
Disclosure and Compliance

Enclosure

CERTIFIED MAIL: Return Receipt Requested

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December 2, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS Mar & by mec

RE: MUR 015 (76); MUR 296 (76); and MUR 326 (76) ✓

objection

The above mentioned MURs were transmitted to the Commissioners on November 30, 1976 at 3:30 p.m.

As of 3:00 on December 2, 1976, no objections have been received on these MURs.

1700 0 0 0 0 0 0

DATE AND TIME OF TRANSMITTAL: _____

NO. MUR 015 (75)

REC'D: 8/1/75

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: John Egan, President, Groton Education Association, Connecticut; Mary V. Evans and Carol Thompson, members of the New Hampshire Education Association

Respondent's Name: NEA Connecticut Education Assn., New Hampshire Education Assn.

Relevant Statute: §441b(b)(3)(A)

Internal Reports Checked: _____

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

The allegations by John Egan against NEA and the Connecticut Education Association were filed on May 28, 1975; the allegations by Mary Evans and Carol Thompson against NEA and the New Hampshire Education Association were filed on September 25, 1975. Both Mr. Egan and Ms. Evans paid the issue of "reverse check-offs." Neither Mr. Egan nor Ms. Evans notarized there allegations.

PRELIMINARY LEGAL ANALYSIS

Since this MUR was not initiated by a properly notarized complaint and since the items at issue herein have been raised in other MURS, we recommend that no further action be taken pending the outcome of these other MURS. However, the information contained in this file should be utilized in connection with the Commission's analysis of the other MURS.

RECOMMENDATIONS

Leave file open pending outcome of related MURS but take no further action.

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Harris
President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Re: MUR 015 (75)
MUR 283 (76)
MUR 291 (76)
MUR 288 (76)
MUR 293 (76)

Dear Mr. Harris:

This is to advise you that the Commission has decided to merge the MUR 015 (75) file with MUR 283 (76), MUR 291 (76), MUR 288 (76), and MUR 293 (76) files on which you have been notified under separate cover.

The issue raised in MUR 015 appears to be the same as that raised by the other MURs.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

cc: Mr. Warren Cruise

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nea

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-5411
JOHN RYOR, President
GOVERNMENT RELATIONS
TERRY HERNDON, Executive Director

22 JUL 1976 3

July 21, 1976

Mr. Thomas Harris
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Commissioner Harris:

I wish to emphasize the major points the National Education Association (NEA) made in the testimony on Section 114.5 (a) (1) of the Federal Election Commission's proposed regulations.

- The NEA's organizational structure requires full participation of the NEA membership on approving NEA resolutions and business items. This participation is expressed through the NEA Representative Assembly. The Representative Assembly is made up of approximately 10,000 delegates representing all NEA local affiliates throughout the country.

- The NEA's reverse check-off system was originated by the action of the NEA Representative Assembly in 1973.

- The Representative Assembly's action to recommend to all NEA locals and state associations to implement the reverse check-off is not a mandate but only a recommendation.

- The NEA does not have closed shops or union shop membership. There is no requirement that a teacher become a member of NEA in order to teach or continue teaching.

- Any local or state association has authority to choose not to participate in the reverse check-off system without suffering any type of reprisal from the NEA. Their affiliation and services are in no way jeopradized.

- Any individual member of NEA may refuse to participate in the reverse check-off system without suffering any NEA reprisal, reduction of services or any penalty. The reverse check-off system is voluntary and political contributions are not a condition of membership.

- There are thirteen states which use the reverse check-off system. Several locals in those states chose not to participate in the reverse check-off system.

- The NEA is not structured like most unions. The decision making process of the NEA resolutions and business items are decided by the 10,000 delegates of the NEA Representative Assembly. There is extensive local association input in this process.

The NEA believes that the reverse check-off system is a fair, democratic and voluntary system of collection of political contributions and that it is not a condition of membership but rather the wishes of the membership as expressed by the ultimate governing body of the NEA.

We believe that the NEA should be allowed to continue collecting political contributions through the use of the reverse check-off system.

Sincerely,

Warren M. Cruise

Warren M. Cruise
Counsel for Government Relations

WMC:mab

CA-015-75

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 1, 1975

The Honorable Warren C. Rudman
Attorney General
The State of New Hampshire
Concord, New Hampshire 03301

Dear Mr. Rudman:

This is to acknowledge receipt of your letter of November 4, 1975, which referred to the Federal Election Commission the complaint of Mary V. Evans and Carol Thompson concerning the New Hampshire Education Association and National Education Association. This matter is currently under review by the Commission. Thank you for calling this matter to our attention. If the Commission can be of any assistance to you, please do not hesitate to contact us.

Sincerely yours,

Gordon Andrew McKay
Assistant Staff Director for
Disclosure and Compliance

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NOV 23 1976

Mr. Raymond J. LaJeunesse, Jr.
National Right to Work
Legal Defense Foundation, Inc.
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22038

Re: MUR 293 (76)

Dear Mr. LaJeunesse, Jr.:

Please accept my apologies for our failure to notify you of our receipt of the Chamberlains complaint, which we have numbered MUR 293, and subsequent correspondence.

Enclosed are the copies of the correspondence which we inadvertantly failed to forward to you.

Sincerely yours,

William C. Oldaker
Assistant General Counsel

CDarr:dks:11/23/76
cc: CC file
Chron File
cd

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 29, 1976

Mr. Wallace K. Sagendorph
Levin, Levin, Garvett & Dill
300 Town Center, Suite 1800
Southfield, Michigan 48075

Dear Mr. Sagendorph:

Enclosed are the materials that I promised to send you in our telephone conversation today. That section of the proposed regualtions which we discussed is found at §114.5(a).

Sincerely yours,

Carol Darr

Carol Darr

Enclosures

0004010078

cc#1086

MUR 293

FEDERAL ELECTION COMMISSION

29 A10:50

LAW OFFICES

LEVIN, LEVIN, GARVETT AND DILL

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LEONARD J. GRABOW
GORDON I. GINSBERG
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SAUL R. LEVIN (1898-1980)
BAYRE LEVIN (1899-1981)
EARLMONT A. DILL (1901-1983)
MORRIS GARVETT (1893-1970)

November 26, 1976

763920

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

ATTN: Attorney Carol Darr
RE: Michigan Education Association - MUR 293 (76)
and Garden City Education Association - MUR 293 (76)

Dear Sir:

Pursuant to our telephone conversation of Monday, November 22, 1976 with Attorney Carol Darr of your office, we understand that a response to your letters of November 15, 1976, addressed to the presidents of the Michigan and Garden City (Michigan) Education Associations will be supplied to you during the week of November 29, 1976.

Very truly yours,

LEVIN, LEVIN, GARVETT & DILL

Wallace K. Sagendorph
WKS:yp

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MARSHALL W. ANSTANDIG
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KATHY J. GANGER
GERALD E. TITLE

SAUL R. LEVIN (1898-1980)
SAYRE LEVIN (1899-1981)
EARLMONT A. DILL (1901-1963)
MORRIS GARVETT (1895-1971)

November 26, 1976

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

ATTN: Attorney Carol Darr
RE: Michigan Education Association - MUR 293 (76)
and Garden City Education Association - MUR 293 (76)

Dear Sir:

Pursuant to our telephone conversation on Monday, November 22, 1976, we are advised that the presidents of the Michigan Education Association and Garden City Education Association respectively have supplied to the Commission written authorization for this firm, particularly the undersigned, to undertake their representation with respect to the above referenced matters.

We understand that these authorizations operate as a designation of agency for purposes of receiving all written communications relating to this complaint.

On the basis of those written designations of representation, we herewith enter our appearance as attorneys for the Michigan Education Association and the Garden City Education Association in the above referenced matters.

Very truly yours,

LEVIN, LEVIN, GARVETT & DILL

Wallace K. Sagendorph
WKS:yp

cc: David J. McMahon, President
Michigan Education Association

Robert J. Draheim
President - Garden City Education Association

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8004010081

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

ATTENTION: Attorney Carol Darr

AR 1094

OFFICE OF GENERAL COUNSEL

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4451

76 NOV 30 P4:29

November 29, 1976

John G. Murphy, Jr., Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
4th Floor
Washington, D.C. 20463

HAND DELIVERED

763940

Re: MUR 283(76), MUR 288(76),
MUR 291(76), and MUR 293(76)

Dear Mr. Murphy:

The NEA has received your letters dated November 15 enclosing copies of complaints filed by New Jersey Assemblywoman Marie A. Muhler, Common Cause, the National Right to Work Committee, and Paul and Lore M. Chamberlain alleging that the NEA has violated certain portions of the Federal Election Campaign Act of 1971, as amended. The four complaints, alleging violations of 2 U.S.C. §§ 441 b(3)(A) and (C) and 441 b(4)(A)(ii), all stem from the operation by several of the NEA's affiliates of a "reverse check-off refund procedure" for the receipt of voluntary political contributions. The NEA receives contributions to its political action committee (NEA-PAC) through this reverse check-off procedure in those states where the NEA's affiliates have adopted that procedure.

At the hearings held before the Commission on May 10, 1976, Terry Herndon, the NEA's Executive Director, testified regarding section 114.5(a)(1) of the Commission's proposed regulations which would have declared such collection procedures to be unlawful. In his testimony, Mr. Herndon expressed the view that the reverse check-off refund procedures meet the standard of voluntariness set out by Congress and the Supreme Court and that the use of such procedures should not be deemed to constitute a violation of the section of the Act prohibiting contributions or expenditures from "monies required as a condition of membership". The NEA still believes that this is the correct interpretation of the Act and that, until the disagreement is resolved by Congress, it would be justified in continuing to use the reverse check-off procedure.

Nevertheless, as we have discussed with Mr. Ohldecker and other members of your staff, the NEA has no desire to conduct its operations in a manner which the Commission has stated is contrary to its view of the law, even though we strongly disagree with that view. Accordingly, in mid-October we ceased making NEA-PAC contributions from monies obtained by means of the reverse check-off procedure, pending a resolution of the legal issue. We are currently in the process of preparing a proposal to the Commission, which, we trust, will provide a sufficient basis for disposing of the above-referenced complaints. However, additional time is needed to work out the details of such a proposal and to discuss and coordinate the matter with our affected state affiliates. Therefore, we respectfully request that we be given an additional 60 days to respond to the complaints in more detail.

Turning now to the specific questions raised in your letters, our responses follow:

1. The NEA's relationship to its state and local affiliates is spelled out in Article VIII, Section 1, of the NEA Constitution, which provides as follows:

> Section 1. Affiliation.
> Affiliation shall mean a relationship based on a reciprocal contractual agreement between the Association and an organization involved with or interested in education and shall continue until the affiliate withdraws or becomes disaffiliated.

Various standards for affiliation are set forth in other sections of Article VIII and Bylaw 8 of the NEA Bylaws. A copy of the NEA's Governing Documents is enclosed for your convenience.

In essence, the NEA's relationship with its affiliates is one of close cooperation between autonomous organizations. Each association at the national, state, and local levels is a distinct entity with its own governance and policy making procedures. Affiliation requires a certain harmony in fundamental policies and procedures, however.

Each state and local affiliate is free to decide for itself whether or not to establish a political action committee. If it chooses to do so, the political action committee may take any form the affiliate deems advisable and the affiliate may use its own procedures for the collection and distribution of contributions. NEA-PAC, created by the NEA, is governed by a Council which is composed of representatives of state affiliate PAC's (or the state affiliate itself where no PAC has been established) plus additional designated persons. NEA enters into contractual arrangements with its state affiliates for the transmittal of political contributions designated for NEA-PAC. In effect, the state affiliates act as the collection-transmittal agents for NEA-PAC.

2. The NEA has no control over the decision to implement the form of solicitation at issue herein, the matter being left solely to the determination of the state affiliates and/or their PACs. Article V of the NEA-PAC Guidelines expressly states that:

> Methods of collection and transmittal of such funds [i.e., voluntary contributions to NEA-PAC] shall be determined by each state in cooperation with the NEA-PAC Steering Committee. [emphasis added]

0040-10083

3. As noted in Answer No. 1 above, state affiliates of the NEA act as collection-transmittal agents for NEA-PAC. Generally, political contributions designated for NEA-PAC are sent separately from membership dues to the NEA and then transmitted to NEA-PAC by the NEA. In most states a specific portion of each contribution received by the state affiliate is designated as the NEA-PAC contribution. In other situations, the state PAC determines that a percentage of the total contributions that it has received should be transmitted to NEA-PAC. The percentage varies from state to state. The Michigan Education Association transmits $1.00 of every $6.50 of contributions it collects to NEA-PAC. The New Jersey Education Association, on the other hand, transmits an amount which its PAC determines to be appropriate, no set formula being applicable. We are advised that no transmittals from the New Jersey Education Association to NEA-PAC have been from contributions received through the reverse check-off procedure.

4. With respect to the question asked in Case Nos. MUR 283(76) and MUR 293(76) regarding the transmittal of NEA dues, the collection pattern is as follows: A local, such as the Garden City Education Association, collects the total amount of dues owed by a member of fees owed by an agency fee payer to the local, state, and national organizations; the local then transmits the portion of the money collected attributable to the state and national associations to the state association; and the state association in turn transmits the national portion to the NEA. The NEA dues are currently $30.

5. State and local affiliates in the following states utilize the reverse check-off procedure to collect political contributions:

California*	New Hampshire
Connecticut**	New Jersey
Idaho	Pennsylvania
Illinois	Rhode Island
Kansas	South Dakota
Kentucky	Vermont
Massachusetts	Wisconsin
Michigan	Wyoming
Nebraska	
Nevada	

* Used only for the collection of NEA-PAC contributions.

** Used only for contributions to state and local candidates.

0 0 0 1 0 0 8 4

I trust that the foregoing adequately answers the questions you raised. As noted above, a further response will be forthcoming from us.

Sincerely,

Stephen M. Nassau

Stephen M. Nassau
Associate General Counsel

cc: Robert H. Chanin
Stan McFarland
Warren Cruise

Enclosure

0 0 0 1 0 0 8

MUR 291

CC#10830

RECEIVED
FEDERAL ELECTION
COMMISSION
CERTIFIED MAIL
RETURN RECEIPT REQUESTED
'76 NOV 29 AM 11:01

National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS
HEADQUARTERS AT THE NATION'S CAPITAL

November 24, 1976

John G. Murphy, Esq.
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

763931

RE: MUR 291 (76)

Dear Mr. Murphy:

On October 21, 1976, the National Right to Work Committee filed a complaint against the National Education Association for their use of a negative check-off device for obtaining political contributions, including solicitation of non-members with union treasury funds.

Since that date the following items have come to our attention. The first is a news clipping from a Wisconsin local newspaper, Mauston, Juneau Co. Chronicle. (See attached Exhibit A.) This story indicates that 40,000 Wisconsin Education Association Council (WEAC) members are providing $160,000 in involuntary political contributions this year. At least a quarter of this amount goes to back federal candidates through the National Education Association. It is unclear from the report how many non-members are required to contribute and are improperly solicited.

The very magnitude of the abuse should mandate immediate action by the Commission. If the amount in question is representative of what is happening in other states, which we think it clearly is, then this abuse runs into millions of dollars of improperly obtained funds, channeled into the federal election process this year.

On Sunday, September 12, 1976, John Ryor, President of the National Education Association, appeared on Issues and Answers. The following exchange occurred between him and the moderator:

"MR. CLARK: Your union has gone on record as supporting Jimmy Carter. The NEA is expected to go on record in a day or two for the first time in its history, supporting a presidential candidate. How active a role do either of you and your unions plan to play in the presidential campaign?

MR. RYOR: We will be playing an extremely active role. As you pointed out this is the first time in our 118 year history that NEA has gone on record in support of a president, or a candidate for the presidency.

We have 7,000 ballots in. We will be counting those tomorrow, out of the 8,000, and we are quite confident that our 10,000 locals will be active in the support of that candidacy."

It seems clear from the public record that the National Education Association has engaged in federal political activity funded by an improper method. We hope the Commission will give this matter the highest priority.

A second item illustrating the problem is a xerox copy of the November issue of the NEA Reporter. (See attached Exhibit B.) This letters section indicates concern and dissatisfaction with the NEA political involvement from a diverse group in states spanning the country. Complaints from Oklahoma to Vermont concern us not because of the dissatisfaction with union political policies, but because these policies are financed by forced contributions. This we think is anathema to both the letter and the spirit of the Federal Election Campaign Act as passed and amended. We think the Commission has the responsibility of finding out how many individuals like the teachers from Oklahoma, Vermont, Minnesota or Ohio have had their compulsory contributions finance political activity with which they disagree and to which they would not voluntarily contribute.

A third item of concern deals with an NEA news release. (See attached Exhibit C.) This release deals with a new NEA staff appointment. In providing Rosalyn Hester Baker's background on the second page of the release, however, the release indicates that Mrs. Baker has recently served as "NEA staff contact with the Jimmy Carter campaign."

0 0 1 0 8 7

Assuming this position is not financed by NEA-PAC funds, and their involuntary contributions, it is, we think, an illegal use of union treasury funds which include fees collected from non-members as a condition of employment. 2 U.S.C. Section 441b(a) says, "It is unlawful for any... labor organization to make a contribution or expenditure in connection with any election...." Whether Mrs. Baker's salary thus constitutes an illegal expenditure in violation of Section 441b or not, it certainly provides further indicia of a pattern of political activity that makes the use of compulsory contributions all the more serious.

Members of our Committee continue to send us additional evidence in this matter. If we receive such material relevant to our complaint, we will forward it to the Commission as we obtain it.

Sincerely,

Andrew E. Hare

Andrew E. Hare
Vice President

AEH/cmc

Enclosures

0 0 1 1 0 8 8

EXHIBIT A

WISCONSIN
Press Association
110 East Main Street
MADISON, WIS. 53703
Clipping Bureau Division

Mauston, Juneau Co. Chronicle

OCT 18 1976

181.

Teachers Start Backing Political Candidates

All teachers under a Wisconsin Education Association Council (WECA) contract will have four dollars deducted from their paycheck this year in addition to union dues for support of political candidates. Teachers at Mauston High School are included.

This add-on is considered voluntary because teachers can get the money back if they want to go through the trouble. To get three dollars back, the teacher must make a written request by certified mail to the president of the WEAC. To receive the fourth dollar, he or she must file the same request to the National Education Association (NEA) Union.

"To automatically withhold money from all, and to give it back only to those who request it, is definitely not a voluntary process," noted Stephen L. Stone, executive director of Wisconsin Citizens for Right to Work.

"I urge teachers of Wisconsin to reclaim their 'volunteered' money and decide for themselves who to support in this election," warned Stone. "Concerned citizens should register an objection with their state representatives."

But Ron Wojchik, president of the Mauston WEAC, disagrees. He thinks the idea of backing a candidate in this manner is long overdue.

"It's high time teachers got involved in politics, not only on the local level, but also on the state and national levels," he said. "It is obvious that the major lobbyists for other organizations operate very effectively through political action groups."

The NEA broke a tradition of keeping out of politics this year when it came out in support of the Jimmy Carter/Walter Mondale presidential ticket. The endorsement was made on Sept. 17 following tabulation of 7,000 NEA Representative Assembly delegate ballots.

According to the NEA, 81 percent of the votes went to the Democratic presidential contenders and 19 percent supported the Republican ticket.

"For the past seven-and-a-half years, the men in the White House have said that education is inflationary, that it will just have to wait," the NEA charged. "We've had enough of that."

The NEA also claims that teachers are emerging this election year as one of the most powerful forces in the nation's political process. "Teachers are working in record numbers to elect pro-education candidates," it said.

Wojchik said the state's 40,000 WEAC members voted to support state candidates as well.

EXHIBIT B

NEA REPORTER

NOVEMBER 1976

LETTERS

A members' forum—especially, a place for dissenting members to share their concerns.

Politics . . .

Today, when it was announced that NEA was endorsing the team of Jimmy Carter and Fritz Mondale for the presidency and the vice-presidency, *many* of my teacher friends and retired-teacher friends and I were very irked. In no way had we been asked which candidates we wish to support.

In no way do we feel that the NEA-PAC Council and Steering Committee which met August 21 or the 9,035 certified delegates to the 1976 NEA Representative Assembly, or the three-member election committee appointed by President John Ryor have correctly represented us when *we* have never been polled. . . .

Pauline Applebaugh
Tulsa, Oklahoma

The September issue of the NEA Reporter was challenging. NEA has recently taken certain actions to which I cannot subscribe. The delegates of the 1976 NEA Annual Meeting voted to rescind the mandate of a "no endorsement" choice on the ballot for NEA endorsement of a presidential nominee. As a result, all certified delegates to the 1976 NEA convention are now voting on an endorsement choice by mail. Why cannot the membership vote?

From a professional standpoint, I feel this NEA action is divisive rather than cohesive. I predict that this move will divide the professional teachers in NEA into Democratic and Republican camps. I further predict that the Democratic camp will soon control this union.

Harland D. Bentley
Fergus Falls, Minnesota

Members' letters are welcome. Please address them to Editor, NEA Reporter, 1201 Sixteenth St., N.W., Washington, DC 20036.

I am a life member of NEA, also retired from public school teaching for the past three years. What representation do I and other retired life members have in NEA? I don't think I like the idea of our association endorsing a president of the United States, nor of reaching so hard for federal help for education. Federal help brings federal regulation, which in most cases is far removed from the pupils and teachers, so it means less HEART and understanding in schools. Balance that against possible values obtained in a national Department of Education. Let us not be too militant.

Helen R. Fawcett
Gillette, Wyoming

As a life member of NEA for over 50 years, I was deeply distressed by the recent action of its present leadership to mold our organization into a political pressure group, as well as a labor union, and to ally it with other labor organizations to support a political candidate for the presidency.

President John Ryor, speaking to the 7,866 teacher delegates to the NEA Convention in 1976, said, "For the first time, we are going to enter the presidential race. We are doing so, not on the basis of partisan politics." He said that all delegates were to vote by mail to indicate their endorsement. Then he was presumptious enough to say that "because of their choice, the wrongs that have been committed against education for the past eight years will be undone." He might just as well have said publicly that they wanted to beat Jerry Ford. It is political partisanship.

G. O. Lindgren
Hastings, Nebraska

Enclosed is a picture that was taken at the 1976 NEA Convention [with Sen. Walter Mondale (left)].



I got tired of writing letters, sending telegrams, phoning, etc., when there was some legislation that was vital to education. I joined the Democratic Party and am active campaign chairman for national, state, and county elections. Now incumbent State Senators, State Assemblymen, U.S. Congressmen ask for my help in getting elected.

If all our NEA members (1.8 million) become involved in politics, I'm sure we could pass legislation that would be beneficial to all educators.

Jack Walsh
Cumberland, Wisconsin

I do not agree that NEA should endorse any one presidential nominee. It is the responsibility of NEA to *inform* only, so that members of NEA can decide themselves whom they choose to be president. I have presented this opinion over the years. Your policy is against my principles, and I now withdraw membership from NEA.

Freda Lawrence
Pleasantville, Ohio

. . . and Punctuation

Before I retired, 10 years ago, I was aware of the growing militancy of NEA. Now I find little difference between NEA and AFL-CIO tactics: "More money; less work—at *any* price to local taxpayers!" appears to be the theme, regardless of local conditions.

May I suggest that some of that "teacher power" be applied to improving your Reporter's capabilities along lines of punctuation, structure, and usage (especially who vs. whom!)

You and I both know that convention "wooing" was for uncommitted—not *teacher* delegates, despite headline implications. Why deceive?

N.E.A. disappoints me!!

Lillian N. Van Woert
Chelsea, Vermont

STATEMENT OF OWNERSHIP, MANAGEMENT, ...

EXHIBIT C

nea NEWS
NATIONAL EDUCATION ASSOCIATION
COMMUNICATIONS
Washington, D.C. 20036 (202) 833-4484
New York City (212) LT 1-2360

NEA ENDORSEMENT AND DELEGATE BLOCK

For Further Information:
Howard Carroll--(202) 833-5412

FOR IMMEDIATE RELEASE

NEA Political Consultant To Head Association's
New Federal Agency Relations Unit

WASHINGTON, D. C.--Rosalyn Hester Baker, a political consultant with the National Education Association for five years, has been appointed manager of Federal Agency Relations, a new position established in the NEA Office of Government Relations. The appointment is effective Oct. 4.

Government Relations Director Stanley J. McFarland said Ms. Baker will serve as liaison with the White House as well as with the Department of Health, Education and Welfare and other federal agencies with programs of concern to NEA. She will also coordinate activities with NEA units that have relationships with federal agencies.

"The Federal Agency Relations activity, along with our legislative and political activities, will complete full circle NEA's involvement with the federal government," said McFarland. "I view this new position as extremely critical in our total program to service our members and affiliates."

Ms. Baker, 30, brings unusual political experience to her new position. As a political consultant, she played a leading role in drawing teachers into the political arena as voters, campaigners, and candidates for local, state, and national office.

Ms. Baker was also part of a team that organized teachers to seek selection as delegates to both major political party conventions last summer. The program was so successful that 265 NEA teacher delegates and alternates were seated at the Democratic convention. It was the largest bloc of delegates and alternates of any single

NEA Political Consultant To Head Association's
New Federal Agency Relations Unit

organization in the nation. At the Republican convention, 55 NEA teacher delegates and alternates participated in activities.

As a political operative, Ms. Baker maintained relationships with both the Republican and Democratic national committees, the congressional committees of both major parties, and with the presidential campaigns during the primaries earlier this year. More recently, she has served as an NEA staff contact with the Jimmy Carter campaign. (Carter and his running mate, Sen. Walter Mondale, were endorsed by NEA on Sept. 17.)

Before her political consultant assignment, Ms. Baker was coordinator of NEA's Project 18, the first national youth franchise coalition. The coalition successfully worked and lobbied for the Voting Rights Act of 1970 to secure the right to vote for some 12 million Americans between 18 and 21. The coalition subsequently was credited with a leading role in the ratification of the constitutional amendment giving the 18-to-21-year-olds their voting rights.

Ms. Baker received her B.A. degree and teaching certificate in political science and speech at Southwest Texas State University in 1968 and then came to the NEA as a staff associate with the Student National Education Association. She did graduate work in political science at the University of Southwestern Louisiana. She grew up in El Campo, Texas.

Ms. Baker and her husband, Vaughn Baker, an NEA political consultant, reside in Bethesda, Md.

000006

9/24/76

National Right To Work Committee

8316 ARLINGTON BOULEVARD • SUITE 600 • FAIRFAX, VIRGINIA 22038

Return Receipt Requested

CERTIFIED
No. 448899
MAIL

John G. Murphy, Esq.
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

293

CC#1072

RECEIVED
FEDERAL ELECTION
COMMISSION
'76 NOV 26 AM 10:48

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
TELEPHONE (703) 573-7010

November 23, 1976

763885

Ms. Carol Darr, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 293 (76)

Dear Ms. Darr:

The complainants in the above-captioned matter, Paul E. and Lore M. Chamberlain, have forwarded to me General Counsel John G. Murphy, Jr.'s letter of November 15, 1976, notifying them that a copy of their complaint has been forwarded to the respondents and that you have been assigned to this matter. Please note that Mr. and Mrs. Chamberlain's complaint included a designation of myself by the complainants as their attorney and agent for exclusive service of documents and communications in this matter and my appearance as the same. I would therefore appreciate it if the Commission would direct all future correspondence regarding the complaint to my attention.

The General Counsel's letter was received by the Chamberlains on November 20, 1976. It states that they may submit additional evidence to the Commission within five days of receipt, which would be on or before November 26, 1976. Therefore, as complainants' attorney I am herewith submitting further evidence of the separate violations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 441b(b)(3)(A), 441b(b)(3)(C), and 441b(b)(4)(A)(ii) alleged in Complaint, MUR 293 (76) (filed October 19, 1976), at pp. 6-7. Since neither 2 U.S.C. § 437g, proposed FEC Regulations Part 111, nor the General Counsel's letter states that such a submission must be signed and sworn to by the complainants, I presume that this letter will suffice. If this presumption is incorrect, please notify me and I will obtain a sworn statement from the complainants.

The Complaint herein states at p. 6 that "on September 9, 1976, complainants each received in their school building mail box a memorandum of that date from Florence Oblak, GCEA Treasurer (a copy of which is attached [thereto] as Exhibit M), stating

9 0 0 1 0 0 4

that GCEA dues for the 1976-1977 school year are $19[6].50, including, inter alia, a $5.50 payment to MEA-PAC and a $1.00 payment to NEA-PAC." Complainants then alleged that this memorandum constitutes a violation of the Act in light of the agreement between respondent Garden City Education Association and the Garden City Board of Education (Exhibit B to Complaint) requiring complainants to pay the equivalent of GCEA dues and assessments as a condition of employment. The GCEA, acting as agent for respondents Michigan and National Education Associations, has since the filing of the Complaint herein attempted to enforce that requirement by threatening complainants' termination for failure to pay, inter alia, the foregoing "contributions" to the MEA-PAC and NEA-PAC.

On October 1, 1976, complainants sent to respondent GCEA a letter (a copy of which is enclosed herewith as Complainants' Exhibit N) enclosing two checks in the amount of twenty-five dollars ($25.00) each, equivalent to the dues of the GCEA alone, refusing to pay all other dues and assessments demanded by Exhibit M, and specifically objecting to "making any contributions to the MEAPAC and the NEAPAC". By letters dated November 10, 1976, to each of the complainants (copies of which are enclosed herewith as Complainants' Exhibit O), Robert J. Draheim, President of GCEA (MEA-NEA), returned the aforesaid checks "as the amount is insufficient". Draheim's letters specifically stated that unless each complainant forwarded to Oblak, GCEA Treasurer, by November 18, 1976, "[a] check for $196.50 payable to the Garden City Education Association", which amount clearly includes the MEA-PAC and NEA-PAC "contributions", the GCEA would "notify the Board of Education to comply with the agreement and begin dismissal proceedings."

It is clear from this additional evidence that respondents have continued their violations of the Act beyond the date of the filing of the Complaint herein in an exacerbated fashion and, at least of November 10, 1976, have no intention of complying with the Act in the future. The Commission, therefore, should take all appropriate action, including civil or criminal proceedings if necessary, to assure that respondents will cease and desist from violating the Act.

Sincerely yours,

Raymond J. LaJeunesse, Jr.

Raymond J. LaJeunesse, Jr.
Attorney for Complainants

RJL/by
Enclosures as above

cc: Mr. & Mrs. Paul E. Chamberlain

October 1, 1976

Garden City Education Association
24350 Joy Road
Suite 6
Detroit, Michigan 48239

Re: Agency Shop Payments

To Whom It May Concern:

Enclosed please find two checks in the amount of Twenty-Five and 00/100 ($25.00) Dollars -- which constitute payments made by us pursuant to the Agency Shop provision tentatively agreed to by the Board of Education of the School District of the City of Garden City and the GCEA (Article III, Section B) on September 3, 1976.

It is our position that we have no obligation, either under said contractual provision or Section 10(2) of the Public Employment Relations Act, to pay any dues and/or assessments to the Michigan Education Association, since (1) the GCEA, not the MEA or the NEA, is the exclusive bargaining representative of teachers in the School District, and (2) the School Board and the GCEA have defined the term "Association" to mean the GCEA in their tentative agreement of June 14, 1976.

In any event, we object to making any contributions to the MEAPAC and the NEAPAC on the ground that requiring such payments is a violation of our constitutional rights.

Also, by tendering these checks we are not waiving our right to any refund which may be due us as a result of the Abood decision -- specifically, any amounts not going to GCEA's negotiation and administration of the contract.

Very truly yours,

Paul E. Chamberlain

Lore M. Chamberlain

cc: Mr. Ronald L. Wyszynski

EXHIBIT N

0 0 4 0 - 0 0 9 6

[redacted] Jay Road
Suite 4
Detroit, Michigan 48239
Area Code 313 837-8760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

November 10, 1976

Mr. Paul E. Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

Dear Mr. Chamberlain:

According to the Interim Agreement between the Board of Education for the Garden City School District and the Garden City Education Association, Article III, teachers who do not join the Garden City Education Association shall, as a condition of employment, pay a Representation Fee equal to the dues and assessment of the G.C.E.A., the M.E.A., and the N.E.A.

I am, therefore, returning your check as the amount is insufficient. A check for $196.50 should be made payable to the Garden City Education Association and forwarded to Mrs. Florence Oblak at the address shown above by November 18, 1976.

If we do not receive your check, you will leave us no choice except to notify the Board of Education to comply with the agreement and begin dismissal proceedings.

Sincerely,

Robert J. Draheim

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

/jwr

Enclosure - One check

cc: M. J. Hart
A. Barsamian
W. Sagendorph
F. Oblak

EXHIBIT O

GCEA GARDEN CITY EDUCATION ASSOCIATION

31735 Joy Road
Suite 6
Detroit, Michigan 48228
Area Code 313 937-8760

atk
11-12-76

Mr. Paul E. Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

RETURN RECEIPT REQUESTED

CERTIFIED
No. 744172
MAIL

RETURN RECEIPT
REQUESTED

EXHIBIT O

~~Lt. Col.~~ (Ret.) Paul E. Chamberlain
Lore M. Chamberlain
1051 - 27½ Mile Rd. PH. 517-542-3350
Litchfield, Mich. 49252

2397

Oct. 1, 1976 74-718/724

PAY TO THE ORDER OF G. C. E. A. $25.00/100

Twenty five and 00/100 DOLLARS

LSB Litchfield State Savings Bank
THE BANK OF SERVICE
LITCHFIELD - MICHIGAN 49252

VOID AFTER 30 DAYS

MEMO Agency Shop Payment

Paul E. Chamberlain

⑆072471807⑆ 100 277 5

GCEA GARDEN CITY EDUCATION ASSOCIATION

[illegible] Joy Road
[illegible] &
Detroit, Michigan 48239
Area Code 313 537-8760

CERTIFIED MAIL

November 10, 1976

Mrs. Lore M. Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

Dear Mrs. Chamberlain:

According to the Interim Agreement between the Board of Education for the Garden City School District and the Garden City Education Association, Article III, teachers who do not join the Garden City Education Association shall, as a condition of employment, pay a Representation Fee equal to the dues and assessment of the G.C.E.A., the M.E.A., and the N.E.A.

I am, therefore, returning your check as the amount is insufficient. A check for $196.50 should be made payable to the Garden City Education Association and forwarded to Mrs. Florence Oblak at the address shown above by November 18, 1976.

If we do not receive your check, you will leave us no choice except to notify the Board of Education to comply with the agreement and begin dismissal proceedings.

Sincerely,

Robert J. Draheim

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

/jwr

Enclosure - One check

cc: M. J. Hart
A. Barsamaian
W. Sagendorph
F. Oblak

EXHIBIT O

GCEA GARDEN CITY EDUCATION ASSOCIATION

11-12-76

Mrs. Lore M. Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

RETURN RECEIPT REQUESTED

CERTIFIED
No. 744171
MAIL

RETURN RECEIPT
REQUESTED

EXHIBIT O

LT. COL. (RET.) PAUL E. CHAMBERLAIN
LORE M. CHAMBERLAIN
1051 - 27½ MILE RD. PH. 517-542-3350
LITCHFIELD, MICH. 49252

2396

Oct. 1 19 76 74-718/724

PAY TO THE ORDER OF GCEA $25.00

Twenty-Five and 00/100 DOLLARS

VOID AFTER 30 DAYS

L&B Litchfield State Savings Bank
THE BANK OF SERVICE
LITCHFIELD, MICHIGAN 49252

MEMO Agency Stop Payment Lore M. Chamberlain

⑆072400718⑆ 100 277 5⑈

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
TELEPHONE (703) 570-3010



Ms. Carol Darr, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION

MICHIGAN EDUCATION ASSOCIATION

Office of the President

'76 NOV 26 AM 9:25

November 23, 1976

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

763862

Dear Mr. Murphy:

Re: MUR293(76)

This letter is to notify you that the Michigan Education Association will be represented in the above entitled matter by the law firm of Levin, Levin, Garvett and Dill, 3000 Town Center, Suite 1800, Southfield, Michigan 48075.

All communications and correspondence regarding the above entitled case should be directed to Levin, Levin, Garvett and Dill to the attention of Mr. Wallace K. Sagendorph, with a copy to my office.

If there are any questions or problems, please do not hesitate to coutact me.

Very truly yours,

David J. McMahon

David J. McMahon
President

T/824/h

P.O. Box 673 East Lansing, Michigan 48823 (517) 332-6551 Offices: 1216 Kendale Boulevard

0010100

MICHIGAN EDUCATION ASSOCIATION
P.O. Box 673 East Lansing, Michigan 48823

FEDERAL ELECTION COMMISSION

'76 NOV 26 AM 9:22

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

800410102

Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

November 23, 1976

Mr. Armen Barsamian, President
Garden City Board of Education
1333 Radcliff
Garden City, MI 48135

Dear Mr. Barsamian:

According to Article III of the Interim Agreement between the Board of Education for the Garden City School District and the Garden City Education Association, all teachers must as a condition of employment, either join the Association or pay a Representation Fee.

On November 10, 1976, I sent a letter via Certified Mail (see Attachment) informing Mrs. Lore Chamberlain that the time limit for compliance had expired. I informed Mrs. Lore Chamberlain that I had no other choice but to inform the Board of Education. Therefore, I am hereby informing you that Mrs. Lore Chamberlain has not complied with the contract.

The Garden City Education Association is charging Mrs. Lore Chamberlain with a violation of the Interim Agreement, and is therefore requesting that the Board of Education cause the termination of her employment, as required by this Agreement.

Attached please find a copy of specific Charges against Mrs. Lore Chamberlain.

Sincerely,

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

/jwr

Attachments

cc: M. J. Hart
F. Oblak
W. Sagendorph
L. Chamberlain

0001103

CHARGE

The Garden City Education Association hereby notifies the Garden City Board of Education that MRS. LORE CHAMBERLAIN, a teacher in the Garden City School District, has failed, after being given proper notice, to comply with the provisions of Article III of the Interim Agreement between the Garden City Education Association and the Garden City Board of Education.

The Garden City Education Association therefore calls upon the Garden City Board of Education to cause the termination of MRS. LORE CHAMBERLAIN in accordance with the above cited contract provisions.

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

DATED: November 23, 1976

/jwr

0001010104

PS Form 3811, Jan. 1975 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- [x] Show to whom and date delivered..... 15¢
- [ ] Show to whom, date, & address of delivery.. 35¢
- [ ] RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mrs. Lore Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	744171	

(Always obtain signature of addressee or agent)

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

Lore E. Chamberlain

4. DATE OF DELIVERY
11-13-76

POSTMARK

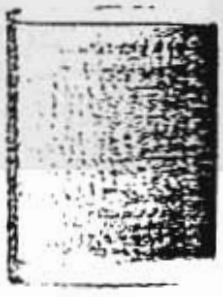
5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1975-O-569-047





UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on reverse side.
- Affix gummed ends and attach to back of article.

RETURN TO

Mr. Robert J. Draheim, President
Garden City Education Association, MEA-NEA
24350 Joy Road, Suite 6
Detroit, MI 48239

DON 13 AM 1975

NOV 16 1975





PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

O SENDER: Complete items 1, 3, and 5.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- [x] Show to whom and date delivered 15
- [ ] Show to whom, date, & address of delivery 25
- [ ] RESTRICTED DELIVERY.
Show to whom and date delivered 65
- [ ] RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85

2. ARTICLE ADDRESSED TO:
Mr. Paul E. Chamberlain
1051 27½ Mile Road
Litchfield, MI 49252

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	744172	

(Always obtain signature of addressee or agent)

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

Paul E Chamberlain

4. DATE OF DELIVERY
11-13-76

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1975-O-652-047

0 0 0 1 0 1 0 7

0 0 0 4 0 2 1 0 1 0 8

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on reverse side.
• Affix gummed ends and attach to back of article.

RETURN TO

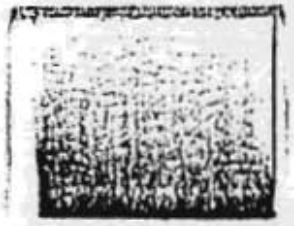
LITCHFIELD MI NOV 15 AM 1976

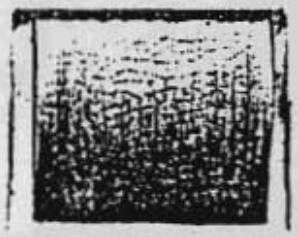
PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

NOV 13 AM 1976

Mr. Robert J. Drahoim, President
Garden City Education Association, MEA-NEA
24350 Joy Road, Suite 6
Detroit, MI 48239

NOV 16 1976





RECEIVED
FEDERAL ELECTION
COMMISSION

cc#1085

GCEA
GARDEN CITY EDUCATION ASSOCIATION
[illegible] Joy Road
Suite 4
Detroit, Michigan 48239
Area Code 313 537-8760

MUR 293

November 28, 1976

Ms. Carol Darr
General Council Office
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: M U R 293 (76)

Dear Ms. Darr:

The Garden City Education Association, MEA-NEA, designates Mr. Wallace K. Sagendorph of Levin, Levin, Garvett & Dill, Attorneys at Law, 3000 Town Center, Suite 1800, Southfield, MI 48075, as our attorney in connection with the above matter.

All communications should be directed to Mr. Sagendorph. Thank you.

Sincerely,

Robert J. Draheim

Robert J. Draheim, President
Garden City Education Assn., MEA-NEA

/jwr

cc: W.K. Sagendorph
M.J. Hart

0010109



MICHIGAN EDUCATION ASSOCIATION

NORTH WAYNE OFFICE
24350 Joy Road, Suite 6
Detroit, Michigan 48239

Garden City Education Assn.





Ms. Carol Darr
General Council Office
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

015 CC 1040

The John Chafee for Senator Committee.

MUR 015 + Consolidated MURs

November 17, 1976 T63700

Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Dear Sir:

We have been notified by NEAPAC that their method of soliciting members contributions has been questioned by your Commission. See attached letter.

What procedure does the Chafee for Senator Committee follow?

Very truly yours,

Robert M. Doyle

RMD/law

Union Trust Building • Providence, Rhode Island • 02903 • 751-7400

Authorized by the Chafee for Senator Committee. Morton Sayer, Treasurer. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C. 20463.

Education
Association
Political
Action Committee

Sixteenth St. N.W.
Washington, D.C. 20036
(202) 833-4324
Staff Contact—Joseph Stands

neapac

JOHN RYOR, President, NEA
Chairperson

WILLARD McGUIRE, Vice President, NEA
Vice-Chairperson

TERRY HERNDON, Executive Director, NEA
Treasurer

October 29, 1976

Mr. John Chafee
Chafee for Senate
702 Union Trust Building
Westminster, R.I. 02903

Dear Mr. Chafee:

As you know, the National Education Association Political Action Committee has recently made a contribution to your campaign. This is to advise you that the Federal Election Commission has called into question the method used by NEA-PAC in soliciting members' contributions to NEA-PAC.

Proposed regulations submitted to Congress by the FEC would have ruled our so-called "reverse checkoff system" unlawful. Because Congress adjourned prior to the expiration of the required period for Congressional review, the proposed regulations did not become effective. However, we have been advised by the FEC that the proposed regulations reflect their position and the manner in which they will interpret the law.

The NEA believes that the disputed collection method should be deemed lawful and that the FEC's interpretation distorts the intent of Congress. While the issue is not resolved, we are discussing the matter with the FEC. The interpretation by FEC raises serious questions concerning the reverse checkoff system and any contributions to campaigns made by NEA-PAC since the adjournment of the 94th Congress.

Because of these questions, you might deem it advisable to consult your attorney and the Federal Election Commission concerning your expenditure of NEA-PAC's contribution to your campaign.

Sincerely,

Stanley J. McFarland
Director of Government Relations

SJM:rk

The John Chafee for Senator Committee.

Union Trust Building • Providence, Rhode Island • 02903

Federal Election Commission

1325 K Street, NW

Washington, DC 20463

MC 1028

283

Dave

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
TELEPHONE (703) 573-7010

RECEIVED
FEDERAL ELECTION
'76 NOV 18 PM 1:08

November 17, 1976

763747

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

Re: Paul E. & Lore M. Chamberlain v. Garden City Education Association, et al., FEC Complaint filed Oct. 19, 1976

Dear Sir:

This is to request that a certified copy of the Complaint filed in the above entitled matter be forwarded to our offices as promptly as possible. This copy should be sent to my attention.

You may be assured of our prompt payment for this service.

Thank you for your assistance in the expeditious handling of this matter.

Sincerely,

Garry Ewing
Staff Attorney

GE:jd

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD
SUITE 600 • FAIRFAX, VIRGINIA
TELEPHONE

FEDERAL ELECTION COMMISSION

'78 DEC 19 PM 1:05

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

CC 1023 9
MUR 280
Darr

National Right to Work Legal Defense Foundation, INC.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
TELEPHONE (703) 573-7010

RECEIVED
FEDERAL ELECTION
'76 NOV 18 AM 11:29

November 16, 1976

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

763738

Re: Paul E. & Lore M. Chamberlain v. Garden City Education Association, et al., FEC Complaint filed Oct. 19, 1976

Dear Sir:

The above-described complaint was filed with the Commission on behalf of the complainants by my office on October 19, 1976. It included a designation of myself by the complainants as their attorney as agent for service of documents and my appearance as the same. To date, however, I have received no word from the Commission regarding the complaint, not even an acknowledgement of its receipt.

It is my understanding, based on the Commission's response to another complaint, MUR 291 (76), dealing with similar issues but filed two days later than Mr. & Mrs. Chamberlain's complaint, that the Commission's practice upon receipt of a complaint is to assign to it a "MUR" number, refer it to a staff member for analysis and acknowledge its receipt. I would appreciate knowing why this procedure has not been followed as to the Chamberlain's complaint. If it has, I would appreciate notification of the status of the complaint.

Sincerely yours,

Raymond J. LaJeunesse, Jr.

Raymond J. LaJeunesse, Jr.
Attorney for Complainants

cc: Paul E. & Lore M. Chamberlain

0 0 0 0 1 0 1 1 6

Defending America's working men and women against the injustices of compulsory unionism

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
TELEPHONE (703) 573-7010

FEDERAL ELECTION COMMISSION

'76 NOV 18 AM 9:04

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

15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Warren M. Cruise, Esquire
Counsel
Stephen M. Nassau
Associate General Counsel
National Education Association
1201 16th Street, N. W.
Washington, D. C. 20036

Re: MUR 293 (76)

Dear Messrs. Cruise & Nassau:

This letter is to notify you that the Federal Election Commission has received a complaint against you which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 293. A copy of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §§441b(B)(A) and 441b(b)(4)(A)(ii).

Under the Act, you have an opportunity to demonstrate that no action should be taken against the NEA. 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. In particular, I would appreciate a response to the following questions:

1. What is NEA's relationship to the Michigan Education Association and the Garden City Education Association and their political action committees?

2. Does NEA have control over the decision to implement the form of solicitation at issue herein?

3. Are any of the dues or political contributions collected by the Michigan EducationAssociation or the Garden City Education Association sent to the NEA? If so, what percentage?

0004010118

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If you have any questions, please contact Carol Darr (telephone no. 202-382-4041), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

Enclosure

CDarr:jl:11/12/76
cc: MUR File
WO

cc

PS Form 3811, Mar. 1976 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☑ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mr. Warren M. Cruise
Mr. Stephen M. Nassar

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 438343 | INSURED NO.

(Always obtain signature of addressee or agent)

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

DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)
WDC

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO 1976-O-211-465

15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David McMahon
Michigan Education Association
1216 Kendale Boulevard
East Lansing, Michigan 48823

Re: MUR 293 (76)

Dear Mr. McMahon:

This letter is to notify you that the Federal Election Commission has received a complaint against the Michigan Education Association which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 293. A copy of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §§441b(3)(A) & (C) and 441b(b)(4)(A)(ii).

Under the Act, you have an opportunity to demonstrate that no action should be taken against the MEA. 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. In particular, I would appreciate a response to the following questions:

1. Describe in general the relationship of the NEA and the Garden City Education Association to the Michigan Education Association.

2. Does the NEA have control over the decision to implement the form of solicitation at issue herein?

3. Are any of the dues or political contributions collected by the Michigan Education Association sent to the NEA? If so, what percentage?

8004010120

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If you have any questions, please contact Carol Darr (telephone no. 202/ 382-4041), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

Enclosure

CDarr:pjg:11/1/76

8004021-021

15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert J. Draheim
President
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

Re: MUR 293 (76)

Dear Mr. Draheim:

This letter is to notify you that the Federal Election Commission has received a complaint against the Garden City Education Association which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 293. A copy of the complaint is enclosed. The Commission has reason to believe that the matters alleged herein state a violation of 2 U.S.C. §§441b(3)(A) and 441b(b)(4)(A)(ii).

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Garden City Education Association. 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. In particular, I would appreciate a response to the following questions:

1. Describe in general the relationship of the Michigan Education Association and the NEA to the Garden City Education Association.

2. Does NEA have control over the decision to implement the form of solicitation at issue herein?

3. Are any of the dues or political contributions collected by the Garden City Education Association sent to the Michigan Education Association or the NEA? If so, what percentage?

3004021022

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If younhave any questions, please contact Carol Darr (telephone no. 202/382-4041), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notifythe Commission in writing that younwish theiinvestigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

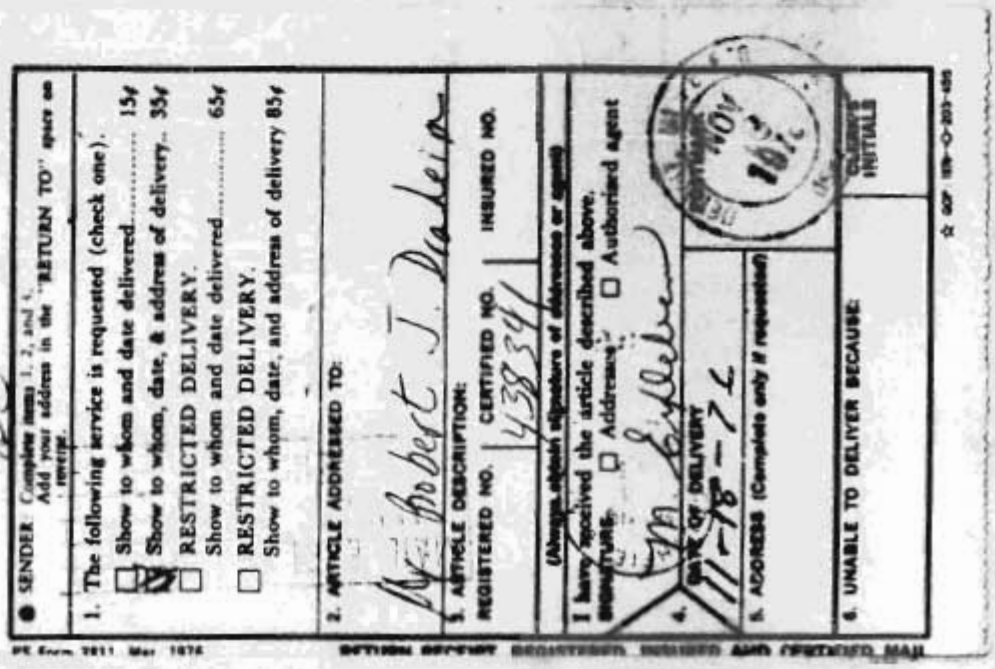
Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

Enclosure

CDarr:pjg:10/3
cc: Chron fil
MUR file
CD



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

15 NOV 1976

Mr. Paul Chamberlain
Mrs. Lore Chamberlain
1051 - 27 1/2 Mile Road
Litchfield, Michigan 49252

Re: MUR 293 (76)

Dear Mr. Chamberlain:

We have completed a preliminary review of your complaint and have numbered it as MUR 293. Please refer to this number in any further correspondence.

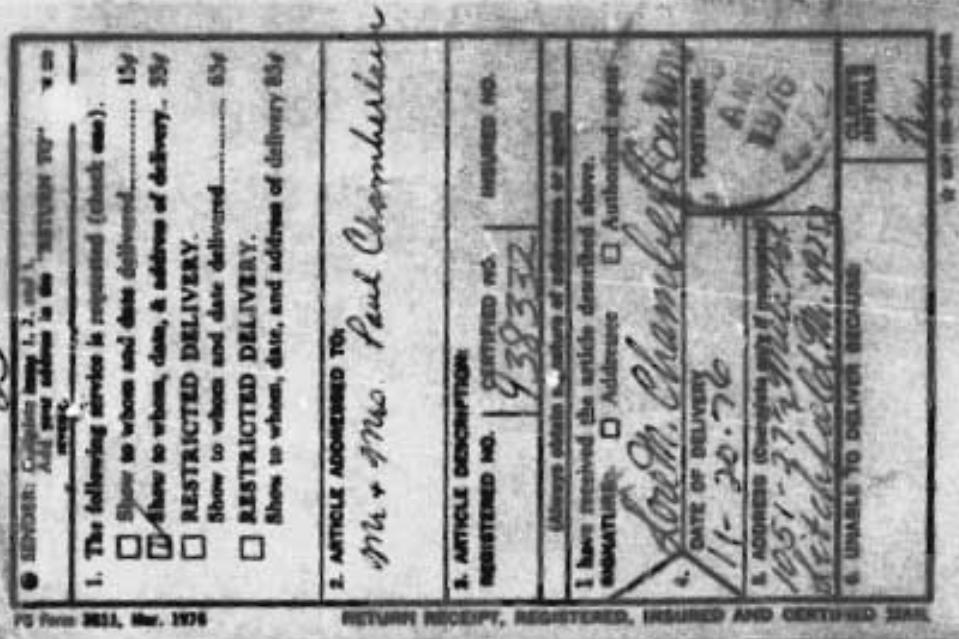
A copy of your complaint has been forwarded to respondent. If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this matter is Carol Darr (telephone no. 202/382-4041). Please do not hesitate to write or call if you have any further questions.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel



15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Warren H. Cruise, Esquire
Counsel
Stephen M. Nassau, Esquire
Associate General Counsel
National Education Association
1201 16th Street, N. W.
Washington, D. C. 20036

Re: MUR 291 (76)

Dear Messrs. Cruise & Nassau:

This letter is to notify you that the Federal Election Commission has received a complaint against the National Education Association which allegus certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 291. A copy of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §§441b(a)(A) & (C) and 441(b)(4)(A)(ii).

Under the Act, you have an opportunity to demonstrate that no action should be taken against the NEA. 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. In particular, I would appreciate a response to the following questions:

1. What is NEA's relationship to the state and local affiliates and their political action committees?

2. Does NEA have control over the decision of the state and local affiliates to implement the form of solicitation at issue herein?

3. Are any of the dues or political contributions collected by the state and local affiliates sent to the NEA? If so, what percentage?

3 0 0 4 0 2 1 0 1 2 5

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within [illegible] days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If you have any questions, please contact Carol Darr (telephone 202-382-4041), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

Enclosure

CDarr:jl:11
cc: MUR File

PS Form 3811, Mar. 1976

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☑ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mr. Warren M. Cruise
Mr. Stephen M. Nass[illegible]

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 438249 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☑ Addressee ☐ Authorized agent
Warren M. Cruise

DATE OF DELIVERY 11/15/76 | POSTMARK

ADDRESS (Complete only if requested)

TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO : 1976-O-203-434

15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Andrew Hare
Vice-President
National Right to Work Committee
8316 Arlington Blvd., Suite 500
Fairfax, VA 22038

Re: MUR 291 (76)

Dear Mr. Hare:

We have completed a preliminary review of your complaint and have numbered it as MUR 291. Please refer to this number in any further correspondence.

A copy of your complaint has been forwarded to respondent. If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this matter is Carol Darr (telephone no. 202/382-4041). Please do not hesitate to write or call if you have any further questions.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

0004021027

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☑ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Warren Cruise
Stephen Hassan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13339	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

12 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. A. E. Hare
Vice President
National Right to Work Committee
8316 Arlington Blvd.
Fairfax, Virginia 22038

Re: MUR 291 (76)

Dear Mr. Hare:

We have received your letter of October 29, 1976, inquiring whether the Commission has found reason to believe that the matter alleged in your complaint constitutes a violation of the Act.

Section 437g of the Federal Election Campaign Act of 1971, as amended, imposes penalties on any person, including Commission staff, who makes public any notification or investigation by the Commission without the written consent of the person being investigated. The mandate of this statute precludes disclosure of what, if any, actions are being taken until the termination of any such investigation.

Sincerely yours,

Signed: John G. Murphy, Jr.
John G. Murphy, Jr.
General Counsel

CDarr:mpc:11/11/76

0004021029

6C

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 90¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

A. E. Hare

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438294	

(Always obtain signature of addressee or agent)

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

4. Dorothy Bak

DATE OF DELIVERY: 15 NOV 76

POSTMARK: NORTHERN VA. NOV 15 1976 USPS

5. ADDRESS (Complete only if requested)

8316 Arl. Blvd

6. UNABLE TO DELIVER BECAUSE:

Fairfax Va 2203

☆ GPO: 1976—O-223-438

15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Warren M. Cruise, Esquire
Counsel
Stephen M. Nassau, Esquire
Associate General Counsel
National Education Association
1201 16th Street, N. W.
Washington, D. C. 20036

RE: MUR 288 (76)

Dear Messrs. Cruise & Nassau:

This letter is to notify you that the Federal Election Commission has received a complaint against the National Education Association which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). We have numbered this matter MUR 288. A copy of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b(b)(3)(A).

Under the Act, you have an opportunity to demonstrate that no action should be taken against the NEA. 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. In particular, I would appreciate a response to the following questions:

1. Describe the general NEA's relationship to its state and local affiliates.

2. Does NEA have any control over the policy of the state and local affiliates, in particular with respect to their political action committees?

3. Which of the state and local affiliates use the "reverse check-off" system of collecting contributions for their own political action committees?

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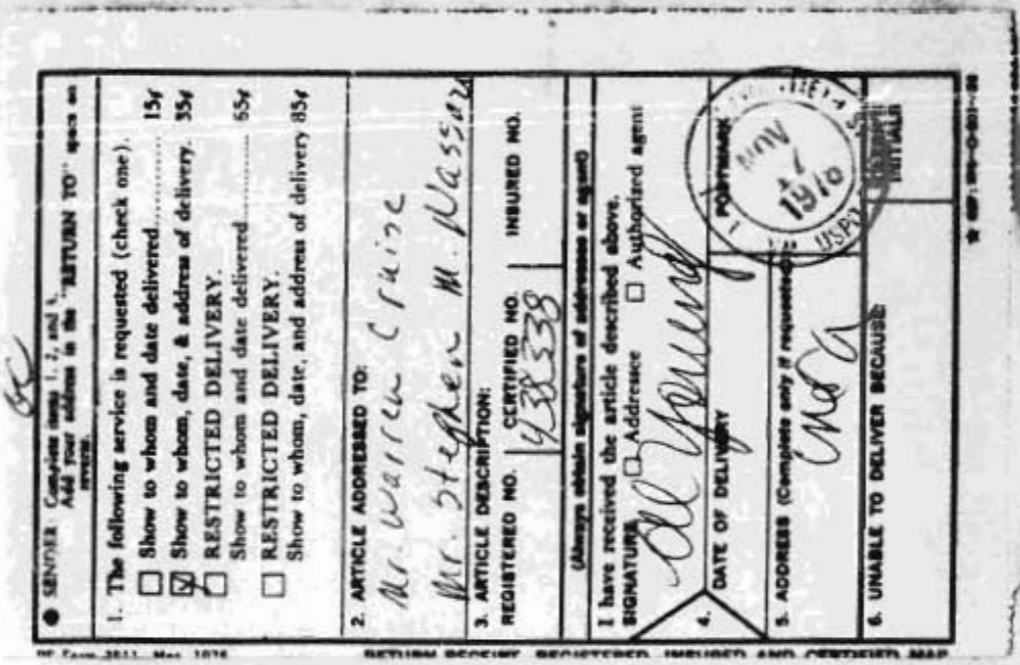
The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If you have any questions, please contact Carol Darr (telephone no. 202/381-4041), the attorney assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel



CDarr:pjg:10/28/76
ccL Chron file
MUR file
CD

0004021013 2

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul Chamberlain
Mrs. Lore Chamberlain
1051 - 27 1/2 Mile Road
Litchfield, Michigan 49252

15 NOV 1976

Re: MUR 293 (76)

Dear Mr. Chamberlain:

We have completed a preliminary review of your complaint and have numbered it as MUR 293. Please refer to this number in any further correspondence.

A copy of your complaint has been forwarded to respondent. If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this matter is Carol Darr (telephone no. 202/382-4041). Please do not hesitate to write or call if you have any further questions.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

0 0 4 0 2 - 0 3

file

15 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fred Wertheimer
Vice-President of Operations
Common Cause
2030 M Street, N. W.
Washington, D. C. 20036

Re: MUR 288 (76)

Dear Mr. Wertheimer:

We have completed a preliminary review of your complaint and have numbered it as MUR 288. Please refer to this number in any further correspondence.

A copy of your complaint has been forwarded to respondent. If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The attorney assigned to this matter is Carol Darr (telephone no. 202/382-4041). Please do not hesitate to write or call if you have any further questions.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

8004102-0134

CC

PS Form 3811, Mar. 1976 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☑ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Fred Wertheimer

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 458333 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 11/17/76 — POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

☆ GPO: 1976—O-203-456

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NEA, Garden City Education Assn.,) MUR 293 (76)
Michigan Education Assn.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 11, 1976, the Commission adopted the recommendation of the General Counsel to find Reason to Believe that violations of 2 U.S.C. s441b(3)(A) & (C) and s441b(b)(4)(A)(ii) had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

6004010136

November 11, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS MWE

RE: MUR 293 (76)

The above mentioned MUR was transmitted to the Commission on November 10, 1976, at 1:00 p.m.

As of 4:00 p.m. on November 11, 1976, no objection had been received on this MUR.

0004001137

November 10, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS MWE

RE: MUR 293 (76)

The above mentioned MUR was received in the Office of Commission Secretary on November 9, 1976, at 1:00 p.m.

It was photocopied and transmitted to the Commissioners immediately. Several Commissioners noticed that the complaint did not accompany the report.

Due to the delay in transmitting the complaint to the Commissioners, a reply will not be forwarded to your office until 1:00 p.m., November 11, 1976.

0004001138

November 1, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS mwe

RE: MUR 293 (76)

The above mentioned MUR was transmitted to the Commission on October 28, 1976 at 10:00 a.m.

As of 1:00 p.m. on November 1, 1976, no objection had been received on this MUR.

0004001139

DATE AND TIME OF TRANSMITTAL: 11/9/76

NO. MUR 293 (76)

REC'D: 10/19/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Paul and Lore Chamberlain (notarized)

Respondent's Name: NEA, Garden City Education Assn., Michigan Education Assn.

Relevant Statute: §§441b(3)(A) and (C) and 441b(b)(4)(A)(ii)

Internal Reports Checked: None

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

Respondents are requiring complainants to pay monies into a separate segregated fund as a condition of employment under a "reverse check-off" system; respondents have solicited monies to their separate segregated fund from persons other than their members and their families in that complainants are not members of NEA, MEA, or Garden City Education Association.

PRELIMINARY LEGAL ANALYSIS

In §114.5(a)(1) of its proposed regulations, the Commission construed the prohibition of 2 U.S.C. §441b(b)(3)(A) as applying to "fees or monies paid as a condition of acquiring or retaining membership or employment . . . even though they are refundable upon the request of the payor. The present situation clearly falls within the ambit of this proscription, and there, therefore, reason to believe that §441b(b)(3)(A) has been violated. The

(Cont'd.)

RECOMMENDATION

Reason to believe violations of §441b(b)(3)(A) regarding "reverse check-off" and violation of §441b(b)(4)(A)(ii) for respondents' solicitation of non-members.

Date of Next Commission Review

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PRELIMINARY LEGAL ANALYSIS (Cont'd.)

NEA clearly has had notice of the Commission's interpretation since it testified in opposition to §114.5(a)(1) of the proposed regulations on June 10, 1976. In addition, on October 5, 1975, the Commission sent notice to all candidates and committees that it "intends to administer the Act in a fashion which implements the interpretation set forth in the proposed regulations.

The other allegation concerning the respondents' solicitation of persons other than their members and their families to the separate segregated fund sets forth a possible violation of §441b(b)(4)(A)(ii).

RECOMMENDATION (Cont'd.)

and violation of 441b(b)(4)(A)(ii) for respondents' solicitation of non-members.

0040-1041

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NEA)

MUR 291 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 11, 1976, the Commission adopted the recommendation of the General Counsel to find reason to believe that violations of 2 U.S.C. §§441b(3)(A) & (C) and §441b(b)(4)(A)(ii) had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

0004010142

November 10, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS mre by mec

RE: MUR 291 (76)

The above mentioned MUR was transmitted to the Commission on November 9, 1976 at 1:00 p.m.

An objection was received on November 10, 1976. Therefore, MUR 291 (76) has been placed on the Compliance Agenda for November 11, 1976.

0004029143

DATE AND TIME OF TRANSMITTAL: _____

NO. MUR 291 (76)

REC'D: 10/21/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: National Right to Work Committee (by Andrew Hare, Vice-President) (Notarized)

Respondent's Name: NEA

Relevant Statute: §§441b(3)(A) & (C) & 441b(b)(4)(A)(ii)

Internal Reports Checked:

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

Respondents are requiring members to pay monies into a separate segregated fund as a condition of employment under a "reverse check-off" system, and respondents have solicited monies to their separate segregated fund from persons other than their members and their families.

PRELIMINARY LEGAL ANALYSIS

In §114.5(a)(1) of its proposed regulations, the Commission construed the prohibition of 2 U.S.C. §441b(b)(3)(A) as applying to"fees or monies paid as a condition of acquiring or retaining membership or employment . . . even though they are refundable upon the request of the payor." The present situation clearly falls within the ambit of this proscription, and there is, therefore, reason to believe that §441b(b)(3)(A) has been violated. The NEA

(See continuation sheet)

RECOMMENDATION

Reason to believe violation of §441b(b)(3)(A) regarding "reverse check-offs"; violation of 441b(b)(3)(C) for failure to inform contributors of right to

(See continuation sheet)

Date of Next Commission Review:

CONTINUATION SHEET

PRELIMINARY LEGAL ANALYSIS

clearly has had notice of the Commission's interpretation since it testified in opposition to §114.5(a)(1) of the proposed regulations on June 10, 1976. In addition, on October 5, 1976, the Commission sent notice to all candidates and committees that it "intends to administer the Act in a fashion which implements the interpretation set forth in the proposed regulation.

The other allegation concerning respondents' alleged solicitation of persons other than their members and their families to the separate segregate fund also sets forth a possible violation of the statute.

RECOMMENDATION

refuse to contribute; and violation of 441b(b)(4)(A)(ii) for respondents' solicitation of non-members.

0040145

National Right to Work Committee
A COALITION OF EMPLOYEES AND EMPLOYERS
HEADQUARTERS AT THE NATION'S CAPITAL

RECEIVED
FEDERAL ELECTION
COMMISSION
'76 NOV 11 AM 11:01

CC#977
MUR291

November 8, 1976

763560

John G. Murphy, Esq.
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

RE: MUR 291 (76)

ATTN: William Oldaker, Assistant General Counsel

Dear Mr. Murphy:

I received a letter which acknowledged receipt of the National Right to Work Committee's complaint of October 21 against the National Education Association. The letter indicates that as of October 27, the only action taken on the Committee's complaint against the National Education Association was assignment to a staff member.

The Employee Rights Campaign Committee, a separate segregated fund of the National Right to Work Committee, received a letter dated October 27 stating that the Commission has reason to believe that the matters alleged in a complaint filed by the National Committee for an Effective Congress on October 21 state a violation of the Act.

The description of preliminary procedures for handling complaints indicates that prior to mailing the letter of October 27 to the Employee Rights Campaign Committee, the Office of the General Counsel developed a preliminary report on the complaint including a recommendation for Commission action and the recommendation was approved by a majority of the commissioners.

The priority of action on these two complaints filed on the same day would indicate that the complaint by the National Committee for an Effective Congress has received expedited consideration. This is a formal request that

WASHINGTON D.C. HEADQUARTERS: 8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030 • TEL. (703) 573-8550

"Americans must have the right but not be compelled to join labor unions"

the complaint by the National Right to Work Committee against the National Education Association which sets out a very clear violation of the Act receive equal attention by the Commission.

Sincerely,

Andrew Hare
Vice President

AH/cmc

0040010147

National Right To Work Committee

3316 ARLINGTON BOULEVARD • SUITE 600 • FAIRFAX, VIRGINIA 22030

FEDERAL ELECTION COMMISSION
'76 NOV 11 AM 10:28

John G. Murphy, Esq.
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

National Right To Work Committee

1990 M STREET, N.W. • SUITE 600 • WASHINGTON, D.C. 20036

OCT 1 9 49

OCT 1 | 49 | 49

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

CA-015-75

The State of New Hampshire

ATTORNEY GENERAL
WARREN B. RUDMAN

DEPUTY ATTORNEY GENERAL
DAVID H. SOUTER

RECEIVED
FEDERAL ELECTION
COMMISSION

'75 NOV 6 PM 4:10

Attorney General
Concord

November 4, 1975

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

Gentlemen:

The enclosed correspondence, relating to a complaint from teachers in Manchester, New Hampshire, is forwarded to you since it appears to come under your jurisdiction.

Sincerely,

Warren B. Rudman
Attorney General

THE STATE OF NEW HAMPSHIRE
ATTORNEY GENERAL
CONCORD, N.H. 03301

Federal Election Commission

1325 K St., N.W.

Washington, D. C.

October 31, 1975

Mrs. Mary V. Evans
Mrs. Carol Thompson
Manchester Memorial High School
South Porter Street
Manchester, New Hampshire

Dear Mrs. Evans and Mrs. Thompson:

I am replying to your letter of last month pertaining to your complaint of political solicitation. I have forwarded your complaint to the Federal Election Commission in Washington as the matter you complain of comes under Federal, rather than State, jurisdiction.

Sincerely,

Warren B. Rudman
Attorney General

File

OCT 27 1976

Mr. Fred Wertheimer
Vice-President of Operations
Common Cause
2030 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Wertheimer:

This is to acknowledge receipt of your complaint of October 20, 1976, alleging violations of the Federal Election Campaign Laws with regard to the NEA's "reverse check-off" system of collecting political contributions. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William Oldaker
Assistant General Counsel

0004015353

MUR 291

National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS
HEADQUARTERS AT THE NATION'S CAPITAL

RECEIVED
FEDERAL ELECTION
COMMISSION

76 OCT 1 A10:30

October 29, 1976

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Murphy:

This letter is in reference to the complaint filed on October 21, 1976 by the National Right to Work Committee alleging violations of the Federal Election Campaign Act of 1971, as amended in 1976, by the National Education Association.

Has the Federal Election Commission determined that it has reason to believe the matter alleged states a violation of the Act?

Sincerely,

A. E. Hare
Vice President

AEH/jb

OCT 27 1976

Mr. Paul Chamberlain
Mrs. Lore Chamberlain
1051 27 1/2 Mile Rd.
Litchfield, Michigan 49252

Dear Mr. & Mrs. Chamberlain:

This is to acknowledge receipt of your complaint of October 18, 1976, alleging violations of the Federal Election Campaign Laws regarding the "reverse check-off" system of soliciting political contributions used by the Michigan Education Association, and the National Education Association. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determined what action should be taken. For your information we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William Oldaker
Assistant General Counsel

Enclosure

CC: Mr. Raymond J. La Jeunesse, Jr.

MUR 293

8004021015

OCT 27 1976

Mr. Andrew Hare
Vice President
The National Right to Work Committee
8316 Arlington Blvd., Suite 500
Fairfax, Va. 22038

Re: MUR 291 (76)

Dear Mr. Hare:

This is to acknowledge receipt of your complaint of October 21, 1976, alleging violations of the Federal Election Campaign Laws with regard to the "reverse check-off" system used by the National Education Association. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William Oldaker
Assistant General Counsel

Enclosure

0040210156

RECEIVED
FEDERAL ELECTION
COMMISSION

CC#785
Carol Dan.
MUR 291

COMPLAINT TO THE
FEDERAL ELECTION COMMISSION 1981 21 P 3:33

Pursuant to 2 U.S.C. 437g, the National Right to Work Committee hereby submits this complaint to the Federal Election Commission and requests an investigation of the matters alleged herein.

Complainant is the National Right to Work Committee, 8316 Arlington Boulevard, Suite 500, Fairfax, Virginia 22038, (703) 573-8550. Respondent is the National Education Association (NEA), 1201 Sixteenth Street, N. W., Washington, D. C. 20036. It is complainant's belief that respondent has required payment of money to respondent's fund for political purposes as a condition of employment in violation of the Federal Election Campaign Act of 1971, as amended in 1976, 2 U.S.C. 441b(b)(3)(A) as interpreted by the Federal Election Commission through Regulation Section 114.5(a)(1). It is also complainant's belief that respondent has solicited an employee for a contribution to such a fund and failed to inform such employee at the time of such solicitation, of his right to refuse to so contribute without any reprisal in violation of the Act 2 U.S.C. 441b(b)(3)(C), as interpreted by the Federal Election Commission through Regulation Section 114.5(a)(4).

It is also complainant's belief that respondent has solicited payments to respondent's fund for political purposes from persons other than its members and their families in violation of the Act, 2 U.S.C. 441b(b)(4)(A)(ii), as interpreted by the Federal Election

0010157

Commission through Regulation Section 114.5(g)(2).

The statute permits the "establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by...a labor organization,..."[1] The Act also provides, however, that, "it shall be unlawful for such a fund to make a contribution or expenditure by utilizing...dues, fees, or other monies required...as a condition of employment..." The statute also provides that it shall be unlawful "for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal." The statute further provides that "it shall be unlawful for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families."

Regulation Section 114.5(a)(1) adopted by the Federal Election Commission provides that "fees or monies paid as a condition of acquiring or retaining...employment are monies required as a condition of...employment even though they are refundable upon request of the payor." Regulation Section 114.5(a)(4) adopted by the Federal Election Commission provides that "any persons soliciting an employee...for a contribution to a separate segregated fund must inform the employee...at the time of such solicitation of his or her right to refuse to so contribute without any reprisal."

---

[1]NEA is a labor organization as defined in 2 U.S.C. 441b(b)(1).

0 0 4 1 5 8

Regulation Section 114.5(g)(2) provides that "a labor organization or a separate segregated fund is prohibited from soliciting contributions to such a fund from any person other than its members and their families."

The National Education Association has established a fund to be utilized for political purposes within the meaning of Section 441b(b)(2)(C). The NEA's separate segregated fund is known as the NEA-Political Action Committee (NEA-PAC).

The NEA requires employees within bargaining units covered by collective bargaining agreements to make payments to NEA-PAC. Many of the collective bargaining agreements through which the NEA requires payment to NEA-PAC contain so-called "fair share" or "agency shop" provisions which are enforced so as to require the payment of money to the NEA-PAC as a condition of employment by employees who are not members or families of members of the NEA.

The NEA utilizes a "negative check-off" payroll deduction for payments to NEA-PAC in nineteen states. Under the "negative check-off", deduction for the NEA-PAC is taken out of an employee's paycheck without specific authorization in advance. The only way the employee can object to the deduction is by writing to NEA to ask for a return of his money. See October 5, 1976 Education Daily attached as Exhibit A. The employees required to make payments to the NEA-PAC under the "negative check-off" as a condition of employment include non-members of the NEA. The education division of the National Right to Work Committee has received complaints from employees who are non-members of NEA forced to contribute to NEA-PAC as a condition of employment.

0015-0015

The NEA-PAC has used monies collected in the above-described manner in violation of the Statute and regulations thereunder to make contributions to the following as taken from NEA-PAC reports of July and August 1976. The NEA-PAC report setting forth contributions for the year 1976 through June 30, 1976, is attached as Exhibit B.

Contributions Reported July 1, 1976 through July 31, 1976:

Peter Peyser (R), Peyser for Senate, NY.	$2,000
Tim Wirth (D), Committee for Wirth, CO.	2,000
Margaret Heckler (R), Heckler for Congress, MA.	1,000
Robert F. Drinan (D), Drinan for Congress, MA.	1,000
Ed Winterberg (D), Winterberg for Congress Committee, KY.	1,000
Ron Drake (D), Drake for Congress Committee, GA.	1,000
Josh Eilberg (D), Eilberg for Congress Committee, PA.	100
Andrew Young (D), The Andrew Young Campaign, D.C.	100
Bob Young (D), Young for Congress Committee, MO.	250
Bill Hefner (D), Hefner for Congress, NC.	500
Steve Neal (D), Neal for Congress, NC.	1,000
Jim Sasser (D), Jim Sasser for Senate Committee, TN.	500
Friends of the Class of '74 (D), D.C.	250
Democratic Study Group Presidental Dinner, D.C.	600
Bob Gammage (D), Gammage for Congress Committee, TX.	2,000
Morris Udall (D), Udall Election Committee, AZ.	150
John Conyers, Jr. (D), Friends of Congressman John Conyers, Jr., D.C.	100
Frank Evans (D), Evans for Congress Committee, D.C.	100
R. Gunn McKay (D), McKay for Congress, UT.	1,000
Frank E. Moss (D), Moss for Senate, UT.	1,000
William Lehman (D), William Lehman for Congress, FL.	1,000
Floyd Fithian (D), Friends of Floyd Fithian, IN.	600
Matthew F. McHugh (D), Friends of Matt McHugh, NY.	1,000
Bill Walsh (R), Walsh Congressional Campaign Committee,DC.	500
Don Mitchell (R), Mitchell for Congress Committee, NY.	1,000
Grace Mickelson (D), Grace Mickelson for Congress Committee, SD.	1,000

Contributions Reported August 1, 1976 through August 31, 1976:

Democratic Study Group Presidential Dinner, D.C.	$ 100
Ron Drake (D), Drake for Congress Committee, GA.	500
Richard Tonry (D), Tonry for Congress Campaign Committee, LA.	1,000

0016

Contributions Reported August 1, 1976 through August 31, 1976, Continued:

Jerry Huckaby (D), Huckaby for Congress Committee, LA.	$1,000
Jimmy Love (D), The Jimmy Love for Congress Committee, NC.	1,000
Tom Dunlap (D), Tom Dunlap for Congress Committee, OK.	1,000
Ted Risenhoover (D), Risenhoover for Congress Committee, OK.	1,000
Pat Fullinwider (D), Pat Fullinwider for Congress Committee, AZ.	500
Republican National Committee, D.C.	5,000
Republican Roundup, D. C.	2,000
Lloyd Meeds (D), Citizens for Congressman Lloyd Meeds, D. C.	500
Gerry Studds (D), Studds for Congress Committee, MA.	500
Stan Lundine (D), Stan Lundine for Congress Committee,NY.	2,000
Ronald Sarasin (R), Sarasin Congress Committee, CT.	1,000
Lowell Weicker (R), Weicker Senate '76, CT.	1,000
Thomas O'Neill, Jr. (D), Committee to Reelect Thomas P. O'Neill, Jr., MA.	1,000
Edward Pattison (D), Independent Voters for Pattison,NY.	1,000
Paul Tsongas (D), Tsongas for Congress, MA.	500
Friends of the Class of '74, D. C.	500
Martha Keys (D), Keys for Congress Committee, KS.	1,000
Jim Guy Tucker (D), Tucker Campaign for Congress Committee, AR.	500
Joseph D. Early (D), The Committee to Elect Joseph D. Early to Congress, MA.	500
Gladys Spellman (D), Citizens for Spellman Committee, D.C.	1,800
James M. Hanley (D), Independent Citizens Committee for the 32nd Congressional District, NY.	1,000
William Bowen (D), Bowen for Congress Committee, OH.	1,000
Thomas Luken (D), Luken for Congress, OH.	1,000
Donald Pease (D), Don Pease for Congress Committee, OH.	1,000
Ken Holland (D), Holland in Congress, SC.	1,700
Doug Barnard (D), Barnard for Congress Committee, GA.	1,000
Ed Jenkins (D), Ed Jenkins for Congress Committee, GA.	1,000
W.W. "Wash" Larsen (D), Larsen for Congress Committee,GA.	1,000
Richard Tonry (D), Tonry for Congress Campaign Committee, LA.	1,000
Jimmy Love (D), Jimmy Love for Congress Committee, NC.	1,000
Harrison A. Williams, Jr. (D), The Williams' Project '76, D. C.	5,000
Norman Dicks (D), Norm Dicks for Congress Committee,WA.	2,000
Les AuCoin (D), Reelect Les AuCoin Committee, OR.	1,000
Sam Shipley (D), Sam Shipley for Congress, DE.	2,000
Patsy Mink (D), Friends for Patsy Mink for U. S. Senate Committee, HI.	3,000
John P. Murtha (D), Murtha for Reelection Committee, PA.	1,000

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Contributions Reported August 1, 1976 through August 31, 1976, Continued:

James Burke (D), Committee to Promote Jobs, Construction and the Economy, MA.	$1,000
Robert Washington (D), Washington for Congress Committee, VA.	500
Billy O'Brien (D), O'Brien for Congress, VA.	1,000
Dave Evans (D), Dave Evans for Congress Committee,IN.	800
Phil Sharp (D), Friends of Phil Sharp, IN.	700
Mary Rose Oker (D), Mary Rose Oker Congress Committee,OH.	1,000
Ron Mottl (D), Ron Mottl for Congress Committee, OH.	800
Jim Santini (D), Friends of Jim Santini Committee, D.C.	1,500
Tom Towe (D), Towe for Congress Club, MT.	2,000
Bruce Vento (D), Volunteers for Vento, MN.	1,000
Howard Wolpe (D), Howard Wolpe Campaign Committee, MI.	2,000
Richard Vander Veen (D), Vander Veen '76 Committee, MI.	1,800
Dale Kildee (D), Kildee for Congress Committee, MI.	1,000
Robert Carr (D), Carr for Congress Committee, MI.	1,500
Bob Traxler (D), Bob Traxler for Congress, D. C.	1,800
David Bonior (D), Bonior for Congress, MI.	2,000
James Blanchard (D), Blanchard for Congress Committee,MI.	1,000
Lloyd Bentsen (D), Bentsen in '76 Committee, TX.	1,000
Jim Mattox (D), Jim Mattox Election Committee, TX.	1,000
Martha Keys (D), Keys for Congress Committee, KS.	700
Tom Dunlap (D), Tom Dunlap for Congress Committee, OK.	1,000
Andrew Maguire (D), Campaign Fund of Congressman Maguire, D. C.	200
Paul Sarbanes (D), Sarbanes for Senate "76", MD.	100
Jerome A. Ambro (D), Committee to Reelect Congressman Ambro, NY.	1,000
Joseph Ammerman (D), Ammerman for Congress Committee, PA.	2,000
Mike Minney (D), Minney for Congress, PA.	1,000
John S. Renninger (R), Renninger for Congress Committee, PA.	1,000
John Heinz (R), John Heinz for Senate Committee, PA.	3,000

We are unable to locate subsequent reports by NEA-PAC.

Respondent NEA has on numerous occasions violated the provisions of 2 U.S.C. 441b(b)(3)(A)(C) and 441b(b)(A)(ii) and Regulation Section 114.5. Published reports (See Exhibit A) indicate NEA will continue these violations. Consequently, we request that the Commission undertake an investigation of the matters described in this complaint and take all appropriate action necessary to assure compliance with the Campaign Finance Law.

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Andrew Hare, Vice President, The National Right to Work Committee, 8316 Arlington Boulevard, Suite 500, Fairfax, Virginia 22038, being first duly sworn says that he has read the foregoing complaint and knows the contents thereof, and that the same is true on information and belief. This complaint is not being filed at the request of any candidate for federal office.

Andrew Hare

Andrew Hare, Vice President

Subscribed and sworn to before me this 21st day of October, 1976.

Mary K. Kinstler

Notary Public

My commission expires 2/25/79.

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EXHIBIT A

EDUCATION DAILY
The American educator's independent, daily news service.

Vol. 9, No. 194 October 5, 1976

NEA OPPOSITION HELPS KILL FEDERAL ELECTION RULES

The National Education Association lobbied successfully to keep Federal Election Commission regulations governing this fall's election campaign from taking effect, according to FEC chief spokesman David Fiske. The proposed regulations died last week when Congressional leaders refused to delay the scheduled Oct. 2 adjournment for one or two days despite urging from both the chairman and vice chairman of the FEC.

Under a 1976 law authorizing the watchdog election committee, regulations have to be before Congress for 30 legislative days before they become effective. The FEC sent new regs to Congress Aug. 3, and the 30 days would have expired Saturday according to FEC count.

The Negative Checkoff NEA has been an opponent of one section of the proposed regulations ever since FEC published preliminary regs and held hearings last June. The section at issue would have prevented NEA from using a "negative checkoff system" it now uses for contributions to political campaigns. Under the "negative ckeckoff," deductions for NEA political activities can be taken out of an employee's pay check without his having specifically authorized them in advance. The only way the employee can object to the deduction is by writing to NEA to ask for his money back.

NEA first endorsed the practice of payroll deductions for NEA-PAC at its 1973 delegate convention in Portland, Ore. At that time, delegates came up with several recommendations for these deductions, including the negative checkoff that was eventually approved by 19 state NEA affiliates. Other state organizations use the more conventional checkoff system, where individual members must specifically authorize political donations before they can be automatically deducted. In all cases, deductions for political action must be in line with existing bargaining agreements, which also cover deductions for items such as union dues and insurance packages.

NEA Government Relations spokesman Joe Standa reports that 19 state affiliates employ the reverse, or "negative," checkoff for contributions to NEA's Political Action Committee (PAC) and says only "five to eight per cent" of the membership in those states have refused the deduction. NEA's negative checkoff scheme involves the automatic deduction of one dollar a year, in addition to union dues, which now total $30 per year. According to Standa, the individual member who doesn't wish to make the NEA-PAC donation must mail in a request to NEA headquarters in Washington, asking for a refund. He says that refunds are usually made before the money is even credited to NEA-PAC.

NEA Executive Director Terry Herndon said during hearings held by FEC last June that the change prohibiting the negative checkoff was contrary to Congressioanl intent in the 1976 law and the regulation was in excess of statutory authority of the FEC.

(more)

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NEA OPPOSITION HELPS KILL FEDERAL ELECTION RULES (Con't.)

Rep. Frank Thompson, D-N.J., chairman of the House Administration Committee which has jurisdiction over the FEC and also a member of the House Education and Labor Committee, said reports of NEA lobbying against the proposed regs were "accurate" and that NEA chief lobbyist Stanley McFarland had called him. But Thompson said he "made no commitment" to help stop the regulations from going into effect, according to the Washington Post.

An aide to Thompson said, "The chairman's position was that he had no position" on the FEC regulations and "the leadership, in any case, determines adjournment and Thompson doesn't have any input into the leadership's decision on that."

Committee aides said that when the FEC regs were delivered to the committee Aug. 3, most groups had no objection to the regulations but that a few groups including NEA wanted the prohibition against the negative checkout dropped.

The FEC published its proposed regulation May 26, just five days after new Federal Election Commissioners were appointed and the commission was reconstituted. FEC held hearings on the proposed regulations and then started work on writing final regulations. Tifft says, "We took great care in writing the regulations because we wanted to satisfy as many factions as possible without violating the law."

Tifft also says the blame should be shared for the failure to get the regulations enacted in time between FEC and Congress but she added,"Congress showed no spirit of cooperation at all." Another source at FEC speculated that at least one reason for the failure on the part of Congress to allow the regulations to become effective was "the rules would govern Congress and Congress doesn't want to be regulated."

The FEC has a suit pending now challenging the constitutionality of Congress' veto power over FEC regulations. The FEC suit contends that writing regulations is a function of the executive, not the legislative branch. Whether there will be any court decision before the November election on the FEC case is not certain, according to FEC officials.

"Proliferation" Also Issue NEA also opposed another proposed FEC regulation that would have altered a "proliferation" clause by bringing the affiliates of a national labor organization under one roof and entitling them to a single contribution of $5,000 to any individual campaign before the general election.

As it stands now, each NEA affiliate is allowed the maximum contribution as a separate organization. NEA contends it is an organization made up of "sovereign" state affiliates that had bargaining agreements before NEA-PAC came into existence.

NEA-PAC efforts currently are backing the Carter-Mondale candidacy in the presidential election, after NEA last month endorsed the Democratic ticket (ED, Sept. 20).

Isn't Done Elsewhere The negative checkoff "is not a practice that I am familiar with," according to AFL-CIO source Allan Zack who says that the 14.2 million member organization's Committee for Political Education (COPE) is funded with standard checkoff contributions, where members must authorize the payroll deduction, before it can be made. In some cases, he says, AFL-CIO union affiliates conduct drives among their membership "for voluntary contributions only."

American Federation of Teachers' spokesman Rachelle Horowitz stresses that AFT teacher affiliates contribute to COPE coffers using both the standard checkoff and voluntary contributions, but confirms that AFT does not use the negative checkoff.

--HH and DF

EXHIBIT B

NEA-PAC FUNDED MEMBERS OF CONGRESS/CANDIDATES -- 1976
(as of June 30, 1976)

State	Member of Congress/Candidate	Contribution
ALABAMA	Tom Bevill (D), CD #4	$2,000
	Ron Flippo (D), CD #5	500
	Walter Flowers (D), CD #7	2,000
ARIZONA	Tony Gabaldon (D), CD #3	2,000
CALIFORNIA	John V. Tunney (D), U.S. Senate	4,250
	Gerald Hill (D), CD #2	2,000
	John Moss (D), CD #3	100
	Pete Stark (D), CD #9	100
	Norman Mineta (D), CD #13	200
	John McFall (D), CD #14	200
	Leon Panetta (D), CD #16	2,000
	Mark W. Hannaford (D), CD #24	100
	Charles H. Wilson (D), CD #31	300
	Jim Lloyd (D), CD #35	1,000
	Jerry Patterson (D), CD #38	1,125
	Harry Jeffrey (R), CD #40	2,000
COLORADO	Tim Wirth (D), CD #2	70
CONNECTICUT	Christopher Dodd (D), CD #2	1,000
	Robert Giaimo (D), CD #3	100
	Toby Moffett (D), CD #6	1,000
FLORIDA	Don Fuqua (D), CD #2	100
IDAHO	Steve Symms (D), CD #2	2,000
	Ken Pursley (D), CD #1	1,000
ILLINOIS	Ralph Metcalfe (D), CD #1	2,000
	Martin Russo (D), CD #3	1,000
	Marilyn D. Clancy (D), CD #6	1,000
	Cardiss Collins (D), CD #7	150
	Tim Hall (D), CD #15	200
	Paul Simon (D), CD #24	100
INDIANA	Ray J. Madden (D), CD #1	200
	Floyd Fithian (D), CD #2	1,000
	John Brademas (D), CD #3	500
	Dave Evans (D), CD #6	1,000
	Phil Sharp (D), CD #10	1,100
IOWA	Neal Smith (D), CD #4	350
KANSAS	Martha Keys (D), CD #2	100
	Garner E. Shriver (R), CD #4	200
KENTUCKY	Carroll Hubbard (D), CD #1	150
	Romano Mazzoli (D), CD #3	2,000

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State	Member of Congress/Candidate	Contribution
LOUISIANA	John Breaux (D), CD #7	$ 200
MAINE	David Bustin (D), CD #1	2,000
MARYLAND	Charles Blumenthal (D), CD #4	1,000
	Parren J. Mitchell (D), CD #7	100
MASSACHUSETTS	Silvio Conte (R), CD #1	100
	Joseph D. Early (D), CD #3	1,500
	Robert Drinan (D), CD #4	100
	Joe Moakley (D), CD #9	300
	Margaret Heckler (D), CD #10	200
MICHIGAN	Richard F. Vander Veen (D), CD #5	200
	M. Robert Carr (D), CD #6	1,000
	Dale Kildee (D), CD #7	2,000
	David Bonior (D), CD #12	1,000
	William D. Ford (D), CD #15	500
	Jim Blanchard (D), CD #18	100
MINNESOTA	Hubert H. Humphrey (D), U.S. Senate	300
	Richard Nolan (D), CD #6	1,200
	Don Fraser (D), CD #5	100
MISSOURI	William L. Clay (D), CD #1	200
	James Symington (D), U.S. Senate	1,600
	Don Gralike (D), CD #3	1,000
	Charles Broomfield (D), CD #6	1,000
	Harold Volkmer (D), CD #9	1,000
MONTANA	Max Baucus (D), CD #1	1,100
	John Melcher (D), CD #2	200
NEBRASKA	John Cavanaugh (D), CD #2	2,500
NEVADA	Howard Cannon (D), U.S. Senate	200
	James Santini (D), CD - AL	200
NEW HAMPSHIRE	Norman D'Amours (D), CD #1	2,000
NEW JERSEY	Harrison Williams (D), U.S. Senate	500
	William J. Hughes (D), CD #2	150
	James Howard (D), CD #3	200
	Ed Patten (D), CD #15	100
NEW YORK	Jerome Ambro (D), CD #3	100
	James J. Delaney (D), CD #9	100
	Ben Rosenthal (D), CD #8	100
	James H. Scheuer (D), CD #11	200
	Charles B. Rangel (D), CD #19	100
	Herman Badillo (D), CD #21	100
	Richard Ottinger (D), CD #24	100
	Matthew F. McHugh (D), CD #29	300
	James M. Hanley (D), CD #32	150
	Bill Walsh (R), CD #33	200
	Stan Lundine (D), CD #39	2,000

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State	Member of Congress/Candidate	Contribution
NORTH CAROLINA	Russell Kirby (D), CD #2	$1,000
	Charlie Rose (D), CD #7	100
	James T. Broyhill (D), CD #10	100
OHIO	Fran Ryan (D), CD #12	2,000
	John M. McDonald (D), CD #17	2,000
	Anthony J. Celebrezze Jr. (D), CD #20	2,500
	Louis Stokes (D), CD #21	1,300
	Ronald M. Mottl (D), CD #23	1,200
OKLAHOMA	Ted Risenhoover (D), CD #2	600
OREGON	Les AuCoin (D), CD #1	1,200
	Jim Weaver (D), CD #4	2,000
PENNSYLVANIA	William Green (D), U.S. Senate	500
	John Heinz (R), U.S. Senate	1,000
	Ray Lederer (D), CD #3	1,000
	Bob Edgar (D), CD #7	2,000
	Marvin E. Miller (R), CD #16	1,000
	Joseph Hesford (R), CD #17	1,000
	John Dent (D), CD #21	800
	Austin J. Murphy (D), CD #22	2,000
	Joseph P. Vigorito (D), CD #24	500
RHODE ISLAND	Fred St. Germain (D), CD #1	200
SOUTH CAROLINA	Mendel Davis (D), CD #1	500
	Butler Derrick (D), CD #3	100
	Ken Holland (D), CD #5	100
	John W. Jenrette (D), CD #6	1,600
SOUTH DAKOTA	Grace Hickelson (D), CD #2	1,000
TENNESSEE	Marilyn Lloyd (D), CD #3	1,100
	Stanley Rogers (D), CD #4	1,000
	Ed Jones (D), CD #7	1,700
	Harold E. Ford (D), CD #8	1,600
TEXAS	Lloyd Bentsen (D), U.S. Senate	1,000
	Charles Wilson (D), CD #2	500
	Jim Mattox (D), CD #5	3,000
	Bob Eckhardt (D), CD #8	100
	Jim Wright (D), CD #12	100
	Jack Hightower (D), CD #13	750
	Bob Gammage (D), CD #22	3,000
	Dale Milford (D), CD #24	100
UTAH	Frank Moss (D), U.S. Senate	100
	Gunn McKay (D), CD #1	100
	Allan T. Howe (D), CD #2	100
VERMONT	James M. Jeffords (R), AL	100

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State	Member of Congress/Candidate	Contribution
VIRGINIA	Bud Zumwaldt (D), U.S. Senate	$ 100
	George Grayson (D), CD #1	2,000
	Robert Washington (D), CD #2	1,000
	Billy O'Brien (D), CD #4	1,000
	Herb Harris (D), CD #8	1,100
	Joe Fisher (D), CD #10	1,000
WASHINGTON	Lloyd Meeds (D), CD #2	500
	Don Bonker (D), CD #3	1,000
	Mike McCormack (D), CD #4	1,100
	Norman Dicks (D), CD #6	2,000
WISCONSIN	Alvin Baldus (D), CD #3	100
	David Obey (D), CD #7	100
	Robert J. Cornell (D), CD #8	100
WYOMING	Gale McGee (D), U.S. Senate	100
OTHER CONTRIBUTIONS	Democratic Congressional Dinner Committee	5,000
	Democratic Finance Committee	3,000
	National Women's Political Caucus Campaign Support Committee	100
	Republican National Committee (membership)	50
	Republican Senate-House Dinner	3,000

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common cause
2030 M STREET, N.W., WASHINGTON, D.C. 20036

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FIRST CLASS MAIL

John J. Murphy, Esq.
General Counsel
Federal Election Commission
1325 K St. N.W.

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COMPLAINT TO THE FEDERAL ELECTION COMMISSION

Pursuant to 2 U.S.C. § 437g, Common Cause hereby submits this complaint to the Federal Election Commission and requests an investigation of the matters alleged herein.

Complainant is Common Cause, 2030 M Street, N.W., Washington, D.C. 20036. (202) 833-1200. Respondent is the National Education Association Political Action Committee (NEA-PAC), 1201 - 16th Street, N.W., Washington, D.C. 20036.

The National Education Association Political Action Committee is a segregated political fund established by the National Education Association (NEA) pursuant to 2 U.S.C. § 441b(b)(2)(C). The NEA is a "labor organization" within the meaning of 2 U.S.C. § 441b(b)(1). NEA-PAC has made political contributions to candidates for Federal office in 1976. It is Common Cause's belief that such contributions were made by the NEA-PAC in violation of 2 U.S.C. § 441b(b)(3)(A).

Operative Facts*

The NEA is a membership organization composed of persons employed in public schools and colleges throughout the United

* The facts contained in this complaint describing the operation of the NEA's method of obtaining political contributions for NEA-PAC were obtained from a written statement submitted by the NEA-PAC to the Commission on May 10, 1976, and from the testimony given on that day by Terry Herndon, Executive Director of the NEA, and Warren Cruise, Staff Counsel for the NEA's Office of Government Relations.

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States. The NEA has approximately 11,000 local affiliates and 53 affiliates at the state level. Many of these affiliates operate political action committees modeled on NEA-PAC.

The system presently in use by NEA for obtaining political contributions from its members was instituted by the 1973 NEA Representative Assembly. Under that system, $1 is withheld annually by the member's employer from his or her paycheck to be contributed to NEA-PAC unless the employee chooses not to contribute. In order to retrieve this automatic payment into the political fund, a member must obtain and fill out a special form, a "NEA-PAC option form". Such a form may be obtained from the local, state, or national NEA office. Regarding members who request a refund of their contribution, NEA has stated that "their money is always promptly returned to them within 30 days of the receipt of the request for the refund." According to NEA figures, 23,000 persons have taken advantage of this refund process; 277,000 have not.

Many of NEA's affiliates operate political action committees similar to NEA-PAC. Thirteen of these local PACs use a negative check-off system similar to that of the NEA national organization.

The Negative Check-Off Operates as a Coercive Measure and Violates the Federal Election Campaign Act as Amended.

The Federal Election Campaign Act, as amended in 1976, provides that:

> It shall be unlawful for [a segregated political] fund to make a contribution or expenditure by

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> utilizing money or anything of value secured by . . . dues, fees, or other monies required as a condition of membership in a labor organization . . ..
>
> 2 U.S.C. § 441b(b)(3)(A)

It is the position of Common Cause that a negative check-off is a coercive device and constitutes a condition of membership whenever it is used in conjunction with a membership dues form. Any person wishing to join the NEA or any of its state or local affiliates which uses the negative check-off must assent to the deduction of a political contribution from his or her paycheck. The contribution is thus clearly a condition of membership in the organization. This condition is not vitiated by the fact that the member may request a refund. The request for a refund entails securing a special form from the NEA; and the money may not be restored for up to 30 days. Nor does the fact that only $1 is involved alter the situation, for the statute specifies no threshold for its application.

The purpose for which 2 U.S.C. § 441b(b)(3)(A) was enacted was to ensure that the enormous power of labor organizations and employers was not brought to bear on the individual's exercise of his or her constitutional right to support a political campaign. It was the intent of Congress that 2 U.S.C. § 441b(b)(3)(A) would fulfill its purpose in two ways.

First, Congress intended that the statute would serve to assure the anonymity of both contributors and those who do

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not wish to contribute to political action committees. H.R. Rept. No. 94-1057, 94th Cong., 2d Sess. 63 (1976).

Second, Congress wished to prevent the use of money involuntarily obtained from the members of labor organizations. As has been described above, under a negative check-off plan, money is involuntarily obtained from some members from the time of enrollment in the NEA until the time when a refund is made. Senator Cannon, Chairman of the Senate Rules Committee, stated during debate on the provision that "a check-off provision . . . in itself is a form of pressure." 122 Cong. Rec. S4156 (March 24, 1976).

Moreover, it should be noted that the Commission itself, in its proposed regulations governing this provision of the Act, has determined that negative check-offs like that of the NEA are violative of the statute. In § 114.5(a) of the proposed regulations, 41 Fed. Reg. 35958 (August 25, 1976), the Commission discusses voluntary contributions to a segregated political fund:

> For purposes of this section, fees or monies paid as a condition of acquiring or retaining membership or employment are monies required as a condition of membership or employment <u>even though they are refundable upon request of the payor</u>.

<u>Conclusion</u>

The fact that the political action committee has the use of a person's money without that person's consent under a negative check-off plan is what distinguishes such plans from other methods

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of collecting contributions, including affirmative check-off plans. And even though the NEA may disclose fully to its members the uses to which their $1 may be put, and even though the NEA may clearly state to its members that they have the right to withdraw their money from the political fund, there have been nonetheless approximately 23,000 persons who have been compelled to make involuntary payments into a political action committee fund, at least for the period of time it takes for the money to be refunded. NEA-PAC's use of the negative check-off represents a clear violation of 2 U.S.C. § 441b(b)(3)(A). Common Cause requests the Commission to seek a halt to this practice.

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Fred Wertheimer, Vice-President of Operations, Common Cause, 2030 M Street, N.W., Washington, D.C. 20036, being first duly sworn, says that he has read the foregoing complaint and knows the contents thereof, and that the same is true on information and belief. This complaint is not being filed at the request of any candidate for Federal office.

Fred Wertheimer
Vice President of Operations

Subscribed and sworn to before me this 20 day of October, 1976.

Notary Public

My commission expires:

My Commission Expires February 14, 1980

DATE AND TIME OF TRANSMITTAL: _____

NO. MUR 288 (76)

REC'D: 10/20/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Common Cause (Fred Wertheimer) (notarized)

Respondent's Name: NEA

Relevant Statute: 2 U.S.C. §441b(b)(3)(a)

Internal Reports Checked: _____

Federal Agencies Checked: _____

SUMMARY OF ALLEGATION

That respondent is requiring members to pay monies into their separate segregated fund under a "reverse check-off" system of collection.

PRELIMINARY LEGAL ANALYSIS

In §114.5(a)(1) of its proposed regulations the Commission construed the prohibition of 2 U.S.C. §441b(b)(3)(A) as applying to "fees or monies paid as a condition of acquiring or retaining membership or employment . . . even though they are refundable upon request of the payor." The present situation clearly falls within the ambit of this proscription, and there is therefore reason to believe that §441b(b)(3)(A) has been violated.

(See continuation sheet)

RECOMMENDATION

CONTINUATION SHEET

PRELIMINARY LEGAL ANALYSIS

The NEA has clearly had notice of the Commission's interpretation since it testified in opposition to §114.5(a)(1) of the proposed regulations on June 10, 1976. In addition, on October 5, 1976 the Commission sent notice to all candidates and committees that it "intends to administer the Actin a fashion which implements the interpretations set forth in the proposed regulations.

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FEDERAL ELECTION COMMISSION

COMPLAINT

1. Complainants:

Paul E. Chamberlain
Lore M. Chamberlain
1051 - 27½ Mile Road
Litchfield, Michigan 49252
Telephone: 517-542-3350 (home)
313-425-5660 (office)

2. Respondents:

Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

Michigan Education Association
1216 Kendale Boulevard
East Lansing, Michigan 48823

National Education Association
1201 Sixteenth Street, N.W.
Washington, D.C. 20036

3. Charge:

Pursuant to the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 437g(a)(1), the undersigned hereby charge that the above-named respondents have engaged in and are engaging in violations of § 441b(b)(3)(A)and (C) of said Act, in that respondents are requiring complainants to pay monies to a separate segregated fund within the meaning of § 441b(b)(2) as a condition of employment and in that respondents in demanding such payments have failed to inform complainants of their right to refuse to pay such monies

without reprisal. The undersigned hereby further charge that the above-named respondents have engaged in and are engaging in violations of § 441b(b)(4)(A)(ii) of said Act, in that respondents have solicited payments to a separate segregated fund within the meaning of § 441b(b)(2) from persons other than their members and their families.

The complainants are teachers employed by the Board of Education of the School District of the City of Garden City, Michigan (hereinafter the "Board"), a public employer. Complainants are neither members of nor members of the family of a member of any of the respondents.

The respondents are labor organizations within the meaning of § 441b(b)(1) of the Act. Respondent Garden City Education Association (hereinafter the "GCEA") is recognized by the Board as the sole and exclusive bargaining representative, as defined in § 11 of the Michigan Public Employment Relations Act, M.C.L.A. § 423.211, M.S.A. § 17.455(11), for all teachers employed by the Board, including complainants. The GCEA is an affiliate of its parent labor organizations, respondent Michigan Education Association (hereinafter the "MEA") and respondent National Education Association (hereinafter the "NEA").

Both the MEA and the NEA have established and administer separate segregated funds to be utilized for political purposes by the MEA and the NEA within the meaning of § 441b(b)(2) of the Act. Said separate segregated funds are known, respectively, as the MEA-Political Action Committee (hereinafter the "MEA-PAC") and the NEA-Political Action Committee (hereinafter the "NEA-PAC"). The NEA-PAC's Federal Election Commission Identification Number is

C00003251; complainants do not know whether the MEA-PAC has registered with the Commission. The GCEA acts as agent for the MEA and NEA in collecting contributions to MEA-PAC and NEA-PAC.

The GCEA and the Board in 1974 negotiated and entered into a collective bargaining agreement, effective from September 1, 1974, through August 31, 1976, applicable to all teachers employed by the Board, including complainants. Section B of Article III, "Deductions for Professional Dues" (a copy of which is attached hereto as Exhibit A), provided in part:

> "[I]n the event a teacher shall not join the Association and execute an authorization, for dues deduction in accordance with Section A of this ARTICLE, such teacher shall, as a condition of continued employment by the Board, cause to be paid to the Association a sum equivalent to the dues and assessments referred to in Section A. In the event that such sum shall remain unpaid for a period of thirty (30) days following the commencement of employment of the teacher, the Board agrees that in order to effectuate the purposes of the Public Employment Relations Act and this Agreement, the services of such teacher shall be discontinued."

Since September 1, 1976, the GCEA and the Board have been operating under the 1974-1976 contract agreement, as amended by current "table agreements". Table Agreement #76, "Deductions for Professional Dues and Assessments and Agency Shop", dated September 3, 1976 (a copy of which is attached hereto as Exhibit B), is substantially the same as the above-quoted provision.

On or about September 25, 1975, the GCEA notified complainants by a memorandum of that date from Daniel L. Wettlaufer, GCEA Treasurer (a copy of which is attached

hereto as Exhibit C), that GCEA dues for the 1975-1976 school year were $261.00, including, inter alia, a $5.50 payment to MEA-PAC and a payment in an unidentified amount to NEA-PAC. On October 4, 1975, complainants sent to Mr. Wettlaufer two checks in the amount of $25.00 each, representing a sum equivalent solely to the dues of the GCEA and withholding the $5.50 payment to MEA-PAC and a $1.00 payment to NEA-PAC (copies of complainants' transmittal letter and checks dated Oct. 4, 1975, are attached hereto as Exhibit D). This tender of payment was rejected by the GCEA in letters to complainants dated November 12, 1975, from Robert J. Draheim, GCEA President (copies of which are attached hereto as Exhibit E), demanding that each complainant make the full payment of $261.00 representing the dues and assessments of all respondents and threatening to bring termination proceedings against complainants if they did not make such payments.

In a letter to Mr. Draheim dated December 8, 1975, complainants then sent to the GCEA a check in the amount of $372.00 (copies of complainants' letter and check are attached hereto as Exhibit F), equivalent to all of the dues and assessments of respondents, with the exception of a strike assessment. In this letter complainants formally protested the forced collection, inter alia, of the $5.50 contributions to MEA-PAC and the $1.00 contributions to NEA-PAC and demanded a refund of such payments. This second tender of payment was rejected by the GCEA as insufficient (see letter of December 18, 1975, from Wallace K. Sagendorph, attorney for the GCEA, to M. James Hart, GCEA Executive Director, a copy of which is attached hereto as Exhibit G),

and by letters dated December 19, 1975, from Mr. Draheim to Dr. Kenneth W. Carman, President of the Board (copies of which are attached hereto as Exhibit H), the GCEA formally demanded that complainants be discharged for failure to comply with Article III of the 1974-1976 contract agreement. Complainants' check for $372.00 was returned to them and voided (see copies of letter dated February 2, 1976, from James E. Tobin, attorney for the Board, to Ronald Wyszynski, Board Administrative Assistant, and voided check, attached hereto as Exhibit I).

Subsequent correspondence between Board and GCEA representatives and attorneys shows that the GCEA interprets Article III of the 1974-1976 contract agreement to require that all teachers employed by the Board, including complainants, as a condition of employment, pay in full the $5.50 MEA-PAC contribution and the $1.00 NEA-PAC contribution, even though such payments are refundable upon request of the payor once they have been made (copies of these letters are attached hereto as Exhibits J1-J4).* The GCEA thus also, at the time of the solicitation, denies teachers employed by the Board, including complainants, the right to refuse to contribute to the MEA-PAC and the NEA-PAC.

On March 8, 1976, the Board passed a resolution refusing to commence termination proceedings against the complainants (a copy of said resolution is attached hereto as Exhibit K). The GCEA thereupon filed with the Board a

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* Complainants' belief that this practice is a violation of § 441b(b)(3)(A) is supported by proposed FEC Regulations § 114.5(a).

grievance against the Board under the contractual grievance procedure seeking immediate institution of tenure, i.e., termination, proceedings against the complainants. This grievance was denied at all levels within the Board system, and on April 28, 1975 the GCEA submitted through its attorney a demand for binding arbitration under the contractural grievance procedure, again seeking "[t]he immediate commencement of Tenure Hearings" against the complainants for their "[f]ailure to pay dues and assessments for the 1975-76 school year" (a copy of said demand for arbitration is attached hereto as Exhibit L). As of the date of this complaint the arbitration proceedings are still pending. Respondents' violation of § 441b(b)(3)(A) and (C) and (4)(A)(ii) is therefore a continuing one with reference to the payments to MEA-PAC and NEA-PAC for the 1975-1976 school year.

Moreover, on September 9, 1976, complainants each received in their school building mail box a memorandum of that date from Florence Oblak, GCEA Treasurer (a copy of which is attached hereto as Exhibit M), stating that GCEA dues for the 1976-1977 school year are $191.50, including, inter alia, a $5.50 payment to MEA-PAC and a $1.00 payment to NEA-PAC. In light of the existence of Table Agreement #76 (Exhibit B hereto), requiring complainants to pay the equivalent of the dues and assessments of the GCEA as a condition of employment, this memorandum constitutes a separate violation of § 441b(b)(3)(A) of the Act. Because the memorandum fails to inform its recipients of their right to refuse to contribute to the MEA-PAC and the NEA-PAC

without reprisal under Table Agreement #76, but rather extends only a limited right to request a refund of such contributions after they have already been made, it also constitutes a separate violation of § 441b(b)(3)(C). Finally, because complainants are neither members of nor members of the family of a member of any of respondents the memorandum constitutes a separate violation of § 441b (b)(4)(A)(ii) of the Act.

Wherefore, the undersigned hereby request that the Federal Election Commission undertake an investigation of the matters described in this complaint and take all appropriate action necessary to assure that respondents will cease and desist from violating the Federal Election Campaign Act of 1971, as amended.

4. Disclaimer:

Complainants are not candidates as defined by the Act and are not filing this complaint on behalf of or at the request or suggestion of any candidate.

WE DECLARE that we have read the above complaint and that the statements therein are true to the best of our knowledge and belief.

Paul E. Chamberlain

Lore M. Chamberlain

Subscribed and sworn to before
me this 16 day of October, 1976.

KENNETH COPELAND
Notary Public, Hillsdale County, Mich.
My Commission Expires 11-19-77

Kenneth Copeland
Notary Public
~~Wayne~~ Hillsdale County, Michigan
My commission expires: 11-19-77

NOTICE OF DESIGNATION OF ATTORNEY
AS AGENT FOR SERVICE OF DOCUMENTS

TO: General Counsel
Federal Election Commission

We, the undersigned complainants, hereby designate our attorney, whose name and address appear below and who has entered an appearance on our behalf in this proceeding, as our agent to receive exclusive service of all documents and written communications relating to this complaint, including notification of the respondents, reply by respondents, conciliation attempts and agreements, subpoenas and notices of depositions, hearing notices, motions, and determinations that a violation has occurred, and authorize the Commission to serve all such documents only on said attorney. This designation shall remain valid until a written revocation of it signed by us is filed with the Commission.

Paul E. Chamberlain
Paul E. Chamberlain

KENNETH COPELAND
Notary Public, Hillsdale County, Mich.
My Commission Expires 11-19-77
Kenneth Copeland.
10/16-76

Lore M. Chamberlain
Lore M. Chamberlain

Dated: October 16, 1976

Designated Attorney:

Raymond J. LaJeunesse, Jr.
National Right To Work
Legal Defense Foundation
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22038
Telephone: 703-573-7010

NOTICE OF APPEARANCE

TO: General Counsel
Federal Election Commission

The undersigned hereby enters his appearance as attorney for Paul E. Chamberlain and Lore M. Chamberlain, the complainants, in the foregoing matter.

Raymond J. LaJeunesse, Jr.

Raymond J. LaJeunesse, Jr.
National Right to Work
Legal Defense Foundation
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22038
Telephone: 703-573-7010

Dated: October 18, 1976.

ARTICLE III

Deductions for Professional Dues

A. Teachers may at any time have the option of signing and delivering to the Board an assignment authorizing deduction of membership dues of the Association as per the conditions on the form devised by the Association. Such sum shall be deducted in equal installments from the regular salaries of such teachers and remitted promptly to the Association together with an accounting by source. Such deductions will begin no later than the second regular pay after notification by the Association. The Association will indemnify and save harmless the Board of Education for all sums improperly checked off and remitted to the teacher organization plus necessary and reasonable costs, including attorney's fees, incurred by the Board in connection therewith.

B. It is recognized that because of religious conviction, or otherwise, some teachers object to joining any organization engaged in collective bargaining. At the same time, it is recognized that the proper negotiation and administration of collective bargaining agreements entail expenses which are appropriately shared by all teachers who are the beneficiaries of such agreements. To this end, in the event a teacher shall not join the Association and execute an authorization, for dues deduction in accordance with Section A of this ARTICLE, such teacher shall, as a condition of continued employment by the Board, cause to be paid to the Association a sum equivalent to the dues and assessments referred to in Section A. In the event that such sum shall remain unpaid for a period of thirty (30) days following the commencement of employment of the teacher, the Board agrees that in order to effectuate the purposes of the Public Employment Relations Act and this Agreement, the services of such teacher shall be discontinued. The refusal of the teacher to contribute fairly to the costs of negotiation and administration of this and subsequent agreements is recognized by the parties as reasonable and just cause for termination of employment.

EXHIBIT A

Table Agreement #76
9-3-76

ARTICLE III

Deductions for Professional Dues and Assessments and Agency Shop

A. Teachers may at any time have the option of signing and delivering to the Board an assignment authorizing deduction of membership dues and assessments of the Association as per the conditions on the form devised by the Association. Such sum shall be deducted in equal installments from the regular salaries of such teachers and remitted promptly to the Association together with an accounting by source. Such deductions will begin no later than the second regular pay after notification by the Association. The Association will indemnify and save harmless the Board of Education for all sums improperly checked off and remitted to the teacher organization plus necessary and reasonable costs, including attorney's fees, incurred by the Board in connection therewith.

B. In the event a teacher shall not pay the membership dues and assessments of the Association to the Association or execute an authorization for dues and assessments deduction in accordance with Section A of this ARTICLE, such teacher shall as a condition of employment by the Board (to the extent permitted by the Public Employees' Relations Act), cause to be paid to the Association a sum equivalent to the dues and assessments referred to in Section A. The refusal of such teacher to pay such sum equivalent to the dues and assessments, to the extent permitted by the Public Employees' Relations Act, is recognized by the parties as reasonable and just cause for termination of employment. Termination proceedings would commence within thirty (30) days after the Association notified the Board that such sum had been delinquent for more than thirty (30) days. The Association will indemnify and save harmless the Board for any and all costs incurred as a result of a termination proceeding and/or termination under this Section of this ARTICLE: including but not limited to: back wages, unemployment compensation, reasonable attorney fees, transcripts, and judgments.

TO: MEMBERSHIP G.C.E.A.
FROM: D. WETTLAUFER TREASURER, G.C.E.A.
SUBJECT: DUES INFORMATION
DATE: SEPTEMBER 25, 1975

Garden City Education Association dues for the 1975-1976 school year will be $261.00. The cost breakdown for this year is:

$119.50	M.E.A.
5.50	M.E.A.P.A.C.
10.00	T.A.P.
26.00	N.E.A. (includes N.E.A.P.A.C.)
25.00	G.C.E.A.
75.00	G.C.E.A. Crestwood assessment
$261.00	Total

For some people there are cost exceptions due to paid lifetime M.E.A. memberships or for those working towards life memberships. Please contact me at West High (427-8410) and I can convey your particular dues cost.

For those members who would like to pay their dues in one sum as opposed to paying in payroll deductions, I will be available until October 10 for such payment. This payment can be made by mailing your check to my home or sending it to West High in care of me. After October 10 dues payments will be paid through payroll deductions.

Sincerely

Daniel L. Wettlaufer

P.S. I'm sorry for the delay in the dues process this year, but we could not begin until the Crestwood assessment was settled.

ENCL. #5

EXHIBIT C

0 0 4 0 2 1 0 1 8 0

1051 - 27½ Mile Road
Litchfield, Michigan 49252
October 4, 1975

Mr. Daniel L. Wettlaufer, Treasurer
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

RE: #1 - Articles I & III, 1974-1975 Contract Agreement Between The Garden City Education Association And The Board Of Education Of The School District Of The City Of Garden City, Michigan (Contract); #2 - Section 10 (1) (c) & (2), Michigan Public Employment Relations Act (PERA); #3 - D. L. Wettlaufer letter, dated, September 25, 1975; #4 - Wayne County Circuit Court case: Abood v. Detroit Board of Education; #5 - 1975-76 GCEA Budget; and #6 - Ms. Ann W. Riley letter, dated, June 18, 1975.

Dear Mr. Wettlaufer:

Find enclosed our individual checks in amounts of $25.00, which represents a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative. Payment of MEA dues @ $119.50; MEA PAC @ $5.50; MEA TAP @ $10.00; NEA dues @ $25.00; NEA PAC @ $1.00; and GCEA Crestwood Assessment @ $75.00 have been withheld on the grounds that none of these dues and/or assessments meet the critera of a service fee equivalent collectable from nonmembers of the exclusive bargaining representative (See; Ref. #1, #2, & #3, above).

Further, objections in concurrance with Judge Kaufman's decision (See; Ref. #4, above) are herewith formly registered against the violations of our constitutional protections for freedom of expression and association in the forced contribution of the following GCEA budgetary items included within the enclosed $25.00, service fee equivalent (See; Ref. #5, above); i.e., NEA Convention expenses @ 1.9%, MEA Representative Assembly @ 0.5%; MEA Region 2 Council @ 0.8%, Urban Council expenses @ 0.1%, GCEA scholarship @ 1%, and GCEA Program & Awards @ 0.2%.

The Riley letter (Ref. #6, above) is cited as small portion of the evidence available proving our status as nonmembers of the exclusive bargaining representative via union official and clandestine acts.

Nothing contained in this letter is to be construed as a surrender of our claim to the $200.00, paid other union members prior to our expulsion, on or before December 31, 1974, nor to a prorata refund (approx. 66 2/3% of $176.00 or $117.33) of the difference between the required service fee equivalent and the full GCEA/MEA/NEA dues and assessments collected during the 1974-1975 school year.

Paul E. Chamberlain
Paul E. Chamberlain

Lore M. Chamberlain
Lore M. Chamberlain

EXHIBIT D

0 4 0 2 1 0 1 8 6

LT. COL. PAUL E. CHAMBERLAIN
LORE M. CHAMBERLAIN
1051 - 27½ MILE RD.
LITCHFIELD, MICH. 49252

2127

October 4, 19 75

74-718
724

PAY TO THE ORDER OF Garden City Education Association $ 25.00

Twentyfive and 00/100 DOLLARS

LSB Litchfield State Savings Bank
THE BANK OF SERVICE
LITCHFIELD - MICHIGAN 49252

Service fee equivalent Paul E. Chamberlain

⑆072400718⑆ 100 277 5

LT. COL. PAUL E. CHAMBERLAIN
LORE M. CHAMBERLAIN
1051 - 27½ MILE RD.
LITCHFIELD, MICH. 49252

2128

October 4, 19 75

74-718
724

PAY TO THE ORDER OF Garden City Education Association $ 25.00

Twentyfive and00/100 DOLLARS

LSB Litchfield State Savings Bank
THE BANK OF SERVICE
LITCHFIELD - MICHIGAN 49252

Service fee equivalent Lore M. Chamberlain

⑆072400718⑆ 100 277 5

(over)

RESTRICTED ENDORSEMENT:

This instrument is submitted in compliance with Section 10 (2), Michigan Public Employment Relations Act. It is non-negotiable on or after October 17, 1975

RESTRICTED ENDORSEMENT:

This instrument is submitted in compliance with Section 10 (2), Michigan Public Employment Relations Act. It is non-negotiable on or after October 17, 1975

24350 Joy Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

November 12, 1975

Mrs. Lore M. Chamberlain
1051 - 27½ Mile Road
Litchfield, MI 49252

Dear Mrs. Chamberlain:

According to the Master Agreement (Article III), teachers who do not join the Garden City Education Association shall, as a condition of employment, pay a Representation Fee equal to the dues and assessment of the Garden City Education Association, the MEA, and the NEA. I am, therefore, returning your check as the amount is insufficient.

It is my duty to inform you that you have until November 26, 1975, to pay in full to the Garden City Education Association your dues and assessment, or an equivalent Representation Fee. A check for $261.00 should be made payable to the Garden City Education Association and forwarded to Mr. Daniel Wettlaufer at the address shown above.

As of this date, we have not received your application for membership, nor your authorization for deduction of the Representation Fee, nor a check to cover the payment for the Representation Fee.

If we do not receive written authorization from you by November 26, 1975, which will fulfill the contractual provisions, you will leave us no choice except to notify the Board of Education to comply with the Contract and begin dismissal proceedings.

Sincerely,

Robert J. Draheim, President
Garden City Education Assoc., MEA-NEA

RJD:jwr

Enclosures

cc: M. J. Hart
Dr. K. Carman
W. K. Sagendorph
D. Wettlaufer

EXHIBIT E

24350 Joy Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

November 12, 1975

Mr. Paul E. Chamberlain
1051 - 27½ Mile Road
Litchfield, MI 49252

Dear Mr. Chamberlain:

According to the Master Agreement (Article III), teachers who do not join the Garden City Education Association shall, as a condition of employment, pay a Representation Fee equal to the dues and assessment of the Garden City Education Association, the MEA, and the NEA. I am, therefore, returning your check as the amount is insufficient.

It is my duty to inform you that you have until November 26, 1975, to pay in full to the Garden City Education Association your dues and assessment, or an equivalent Representation Fee. A check for $261.00 should be made payable to the Garden City Education Association and forwarded to Mr. Daniel Wettlaufer at the address shown above.

As of this date, we have not received your application for membership, nor your authorization for deduction of the Representation Fee, nor a check to cover the payment for the Representation Fee.

If we do not receive written authorization from you by November 26, 1975, which will fulfill the contractual provisions, you will leave us no choice except to notify the Board of Education to comply with the Contract and begin dismissal proceedings.

Sincerely,

Robert J. Draheim

Robert J. Draheim, President
Garden City Education Assoc., MEA-NEA

RJD:jwr

Enclosures

cc: M. J. Hart
Dr. K. Carman
K. K. Sagendorph
D. Wettlaufer

Sec 10(3) PERA - "It shall be unlawful for a ... Or its agents (a) To ... (b) ... (c) To ... (d) ... (e) ... (f) ... (g) ... (h) ... (i) Public employees in the Exercise of the rights guaranteed in Section 9 ... Therefore, Attempt to Coerce us to ...

1051 - 27½ Mile Road
Litchfield, Michigan 49252
December 8, 1975

Mr. Robert J. Draheim, President
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

Dear Mr. Draheim:

In accordance with the agreement arrived at between Mr. Baldwin and Mr. Sagendorph, our respective attorneys, made known to us late Saturday forenoon, December 6, 1975, you will find enclosed our check for $372.00. This sum represents your claimed equivalent of two bargaining representative service fees, less the $75.00 Crestwood assessment.

In addition, formal protest is herewith registered against the forced collection of $119.50 for M.E.A., $5.50 for M.E.A.P.A.C., $10.00 for T.A.P., $25.00 for N.E.A., and $1.00 for N.E.A.P.A.C. (RE: Wettlaufer letter dated September 25, 1975).

You are also informed that we hereby apply for and expect no delay in a refund of the $5.50 M.E.A.P.A.C., and $1.00 N.E.A.P.A.C. collections.

Sincerely,

Paul E. Chamberlain

Lore M. Chamberlain

cc: P. C. Baldwin
R. L. Wyszynski

Call to Gackie at 1:25 P.M., 12-8-75. Neither Hart nor Draheim in Ft. Wayne Office. P.C.

EXHIBIT F

0040210

LT. COL. PAUL E. CHAMBERLAIN
LORB M. CHAMBERLAIN
1051 - 27½ MILE RD.
LITCHFIELD, MICH. 49252

2168

74-719
724

Dec. 8 19 75

PAY TO THE ORDER OF Garden City Education Association $ 372.00

Three Hundred Seventy Two and 00/100 DOLLARS

Payment made under formal protest!

Litchfield State Savings Bank
THE BANK OF SERVICE
LITCHFIELD • MICHIGAN 49252

Lore M. Chamberlain

Equivalent of 2 bargaining representative service fees

Paul E. Chamberlain

⑆0724⑆0718⑆ 100⑈277⑈5

0 0 0 4 0 2 1 0 0 7

LAW OFFICES
LEVIN, LEVIN, GARVETT AND DILL
1250 PENOBSCOT BUILDING
DETROIT, MICHIGAN 48226
(313) 962-0400

DAVID A. GOLDMAN
LEONARD J. GRABOW
GORDON I. GINSBERG
ERWIN B. ELLMANN
HARVEY I. WAX
ROBERT J. FINKEL
DANIEL J. HOEKENGA
WALLACE K. SAGENDORPH
EARL PHILIP ADAMASZEK
DENNIS A. DETTNER
ELI GRIER
MARSHALL W. ANSTANDIG
RICHARD H. SELIK
WILLIAM L. ELSON

CABLE ADDRESS
"LEGAD"

SAUL R. LEVIN
1898-1980
BAYRE LEVIN
1899-1959
EARLMONT H. DILL
1901-1963
MORRIS GARVETT
1893-1979

December 18, 1975

Mr. M. James Hart
Executive Director
Garden City Education Association
24350 Joy Road
Suite 6
Detroit, Michigan 48239

RE: Paul and Lore Chamberlain

Dear Mr. Hart:

We are in receipt of correspondence, sent to you by Mr. and Mrs. Chamberlain, of December 8, 1975, wherein they referenced an "Agreement" between Mr. Baldwin and the undersigned.

Please be advised that there was absolutely no "Agreement" reached between the undersigned and Mr. Baldwin regarding the payment by Mr. and Mrs. Chamberlain of any sum less than the full agency fee. It appears therefore that the amount that they have tendered to you is insufficient. We would advise that you return their check in the amount of $372.00 to them and renew your request for the full payment.

Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

WALLACE K. SAGENDORPH

WKS:co

cc: Mr. Philip C. Baldwin
Mr. and Mrs. Paul E. Chamberlain
Mr. Robert J. Draheim

EXHIBIT G

GCEA GARDEN CITY EDUCATION ASSOCIATION

24350 Joy Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

CERTIFIED MAIL

December 19, 1975

Dr. Kenneth W. Carman, President
Garden City Board of Education
1333 Radcliff
Garden City, MI 48135

Dear Dr. Carman:

Article III of the 1974-76 Master Agreement provides that all teachers must, as a condition of employment, either join the Association or pay a Representation Fee.

During the week of November 12, 1975, I sent Mr. Paul Chamberlain an application form for membership and fee authorization. I also reminded him that he had until November 26, 1975, to fulfill his obligation under Article III of the Master Agreement.

On December 2, 1975, I sent him a letter via Certified Mail (copy of proof of service enclosed) informing him formally that the time limit for compliance had expired. I informed him that I had no other choice but to inform the Board. Therefore, I am hereby informing you that Mr. Paul Chamberlain has not complied with the Contract provision cited above.

The Garden City Education Association is charging Mr. Paul Chamberlain with a violation of the 1974-76 Master Agreement, and is therefore requesting that the Board of Education cause the termination of his employment, as required by the Master Agreement.

Attached please find a copy of our specific Charges against Mr. Paul Chamberlain.

Sincerely,

Robert J. Draheim, President
Garden City Education Assoc.,MEA-NEA

RJD:jwr

Attachment
Enclosures

cc: M. J. Hart
P. Chamberlain
W. K. Sagendorph
D. Wettlaufer

EXHIBIT H

0 0 4 0 2 1 0 1 9 9

CHARGE

The Garden City Education Association hereby notifies the Garden City Board of Education that MR. PAUL CHAMBERLAIN, a teacher at the Garden City Burger Junior High, has failed, after being given proper notice, to comply with the provisions of Article III of the 1974-76 Master Agreement between the Garden City Education Association and the Garden City Board of Education.

The Garden City Education Association now therefore calls upon the Garden City Board of Education to cause the termination of MR. PAUL CHAMBERLAIN, in accordance with the above cited contract provisions.

Robert J. Draheim, President -
Garden City Education Assoc.,MEA-NEA

DATED: December 19, 1975

/jwr

[redacted] 0 0 4 0 2 1 [redacted] 0

24350 Joy Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-3760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

December 19, 1975

Dr. Kenneth W. Carman, President
Garden City Board of Education
1333 Radcliff
Garden City, MI 48135

Dear Dr. Carman:

Article III of the 1974-76 Master Agreement provides that all teachers must, as a condition of employment, either join the Association or pay a Representation Fee.

During the week of November 12, 1975, I sent Mrs. Lore Chamberlain an application form for membership and fee authorization. I also reminded her that she had until November 26, 1975, to fulfill her obligation under Article III of the Master Agreement.

On December 2, 1975, I sent her a letter via Certified Mail (copy of proof of service enclosed) informing her formally that the time limit for compliance had expired. I informed her that I had no other choice but to inform the Board. Therefore, I am hereby informing you that Mrs. Lore Chamberlain has not complied with the Contract provision cited above.

The Garden City Education Association is charging Mrs. Lore Chamberlain with a violation of the 1974-76 Master Agreement, and is therefore requesting that the Board of Education cause the termination of her employment, as required by the Master Agreement.

Attached please find a copy of our specific Charges against Mrs. Lore Chamberlain.

Sincerely,

Robert J. Draheim

Robert J. Draheim, President
Garden City Education Assoc., MEA-NEA

RJD:jwr

Attachment
Enclosures

cc: M. J. Hart
[redacted] Chamberlain

CHARGE

The Garden City Education Association hereby notifies the Garden City Board of Education that MRS. LORE CHAMBERLAIN, a teacher at the Garden City Farmington Elementary, has failed, after being given proper notice, to comply with the provisions of Article III of the 1974-76 Master Agreement between the Garden City Education Association and the Garden City Board of Education.

The Garden City Education Association now therefore calls upon the Garden City Board of Education to cause the termination of MRS. LORE CHAMBERLAIN in accordance with the above cited contract provisions.

Robert J. Draheim, President -
Garden City Education Assoc.,MEA-NEA

DATED: December 19, 1975

/jwr

0 0 4 0 2 1 0 2 9 3

LAW OFFICES OF
MILLER, CANFIELD, PADDOCK AND STONE
2500 DETROIT BANK & TRUST BUILDING
DETROIT, MICHIGAN 48226

TELEPHONE (313) 963-6420
CABLE STEM DETROIT

BIRMINGHAM OFFICE
THIRD FLOOR HABEEB BUILDING
BIRMINGHAM, MICHIGAN 48011
(313) 645-9900
(313) 594-0810

CLEVELAND THURBER
LAWRENCE S. KING
COUNSEL

EMMETT E. EAGAN
WILLIAM G. BUTLER
JOHN A. GILRAY, JR.
JAMES E. TOBIN
STRATTON S. BROWN
RICHARD B. GUSTAFE
GEORGE E. BUSHNELL, JR.
PETER P. THURBER
LAWRENCE A. KING
ROBERT E. HAMMELL
JOSEPH F. HATCOCK, JR.
ALLEN SCHWARTZ
JOHN H. SELDEN
GEORGE E. PARKER III
RICHARD A. JONES
STEVAN VEELAC
GILBERT E. GOVE
WOLFGANG HOPPE
HUBERT S. KETCHUM
SAMUEL J. HENRY III
JOEL L. PIELL
ROBERT E. GILBERT
BRUCE D. BIRNBAUER
DAVID OLMSTEAD
GEORGE T. STEVENSON
JOHN A. THURBER
JOHN O. BRUSTAD

CARL H. VON ENDE
GORDON A. RECKER
DAVID D. JOSWICK
CHARLES L. BURLEIGH, JR.
JOHN A. MARKEN
GREGORY L. CURTNER
EMMETT E. EAGAN, JR.
DENNIS P. NEIMAN
KENNETH E. FONOP
LEONARD D. GIVENS
A. MACK FAISON
MICHAEL D. MULCAHY
JAMES R. WILLIAMS
JOHN P. SHERIDAN
PAUL R. MASSENAAR
THOMAS G. SCHROEFER
THOMAS P. HUSTOLES
WILLIAM J. DANHOF
JAMES W. GOSS
CLARENCE L. POZZA, JR.
JOSEPH S. QUINN
JERRY T. RUPLEY
JEFFREY L. HOWARD
ROBERT D. COOK
MICHAEL W. HARTMANN
JOANNE C. PENDER
KENT E. SHAFER

SIDNEY T. MILLER (1864-1940)
GEORGE L. CANFIELD (1868-1928)
LEWIS H. PADDOCK (1868-1935)
FERRIS D. STONE (1868-1943)
SIDNEY T. MILLER, JR. (1894-1936)
LOUIS H. READ (1877-1942)

February 2, 1976

Mr. Ronald Wyszynski
Garden City Public Schools
1333 Radcliff, Box 218
Garden City, Michigan 48235

Re: Chamberlain - Agency Shop

Dear Ron:

I am returning herewith the original check of Mr. & Mrs. Chamberlain payable to Garden City Education Association in the sum of $372.00 which you forwarded to me along with the xerox copy of the letter from Attorney Baldwin to the Chamberlains dated January 22, 1976. I assume the Chamberlains gave you this check as evidence of their attempt to pay their dues, but I think it should be returned to them and retained by them.

Very truly,

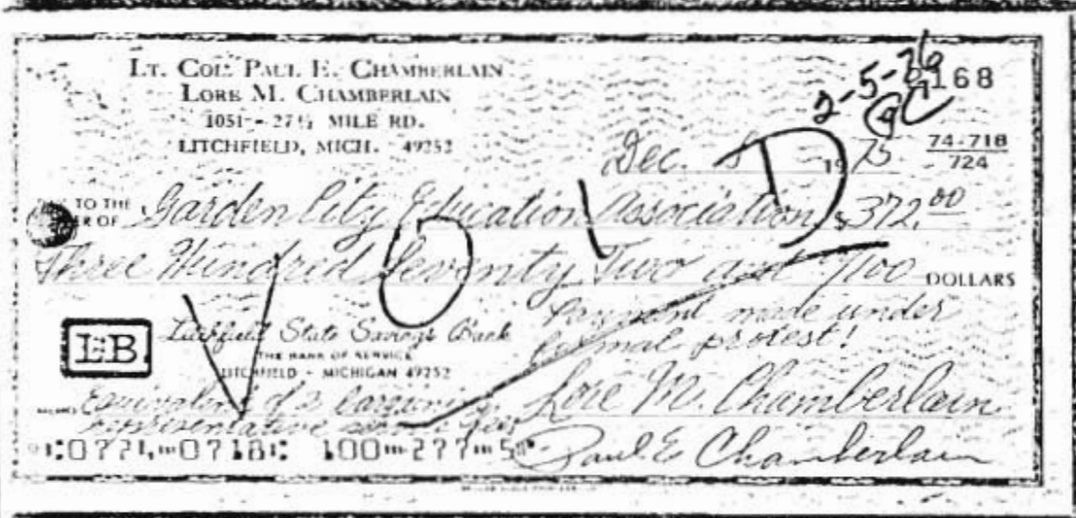
Miller, Canfield, Paddock and Stone

By James Tobin
James E. Tobin

RECEIVED
PERSONNEL
FEB - 5 1976
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

JET:mwy
Enclosure(2)

EXHIBIT I



LT. COL. PAUL E. CHAMBERLAIN
LORE M. CHAMBERLAIN
10511 - 27½ MILE RD.
LITCHFIELD, MICH. 49252

2-5-76 GC 168

Dec. 1 19 75 74-718/724

PAY TO THE ORDER OF Garden City Education Association $372.00

Three Hundred Seventy Two and 00/100 DOLLARS

EB Litchfield State Savings Bank
THE BANK OF SERVICE
LITCHFIELD - MICHIGAN 49252

Payment made under formal protest!

Expenditure of $ by agency representative and for the purpose of

Lore M. Chamberlain

Paul E. Chamberlain

⑆072⑆071⑈ 100⑈277⑈5⑈

December 30, 1975

Mr. Robert J. Draheim, President
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

RE: Mr. Paul Chamberlain

Dear Mr. Draheim:

Dr. Carman has asked me to respond to your letter to him dated December 19, 1975. Before the Board can make a decision concerning the request contained in your letter, it is necessary that you provide further information.

It is our understanding that for the current year the Association's charges to bargaining unit members are as follows:

$119.50	Michigan Education Association
5.50	M.E.A. Political Action Committee
10.00	Teacher Assistance Program
26.00	National Education Association (includes M.E.A. Political Action Committee)
25.00	Garden City Education Association
75.00	G.C.E.A. "Crestwood Assessment"

Please advise (1) which of the above items Mr. Chamberlain has paid and which he has not paid; (2) whether Mr. Chamberlain has lodged any objection with you as to his being required to pay any of the above amounts; and (3) what the Garden City Education Association has calculated as Mr. Chamberlain's fair share of the G.C.E.A.'s cost of negotiation and administration of the current agreement.

If Mr. Chamberlain has paid as much as or more than the $25.00 G.C.E.A. dues or as much as or more than his fair share of G.C.E.A. costs as referred to in (3) above, the Board would appreciate advice from you or your attorney as to the basis upon which you believe that the collective bargaining agreement, construed in the light of Section 423.210 of Michigan Compiled Laws and the case of Abood vs Detroit Board of Education, 60 Mich App 92 (1975), requires termination of Mr. Chamberlain's services.

Very truly yours,

Ronald L. Wyszynski
Administrative Assistant, Personnel

RLW:dh
cc: Mr. Robert Draheim at 31929 Warren, Garden City Michigan
Mr. Paul Chamberlain
Dr. Kenneth Carman, President, Garden City Board of Education

ENCL #1

EXHIBIT J-1

0040210205

LAW OFFICES
LEVIN, LEVIN, GARVETT AND DILL
1250 PENOBSCOT BUILDING
DETROIT, MICHIGAN 48226
313 962-0400

DAVID A. GOLDMAN
LEONARD J. GRABOW
GORDON I. GINSBERG
ERWIN S. ELLMANN
HARVEY I. WAX
ROBERT J. FINKEL
DANIEL J. HOEKENGA
WALLACE A. SAGENDORPH
EARL PHILIP ADAMASZEK
DENNIS A. DETTMER
ELI GRIER
MARSHALL W. ANSTANDIG
RICHARD M. SELIA
WILLIAM L. ELSON

CABLE ADDRESS
"LEGAD"

SAUL R. LEVIN
1898-1980
BAYRE LEVIN
1899-1958
EARLMONT H. DILL
1901-1965
MORRIS GARVETT
1893-1979

January 7, 1976

Mr. Ronald L. Wyszynski
Administrative Assistant, Personnel
Garden City Public Schools
1333 Radcliff
Box 218
Garden City, Michigan 48135

RECEIVED
JAN
AM
7,8,9,10,11,12

RE: Paul Chamberlain
Lore Chamberlain
Geraldine Dial

Dear Mr. Wyszynski:

Your December 30, 1975 correspondence regarding the above referenced individuals has been referred to the undersigned for study and response.

Our review of the appropriate sections of the current collective bargaining agreement in effect between the Garden City Education Association and the Garden City Public Schools reveals that the Board of Education has expressly agreed that in the event a bargaining unit member fails to pay to the Association "a sum equivalent to the dues and assessments" established by the Association, the Board shall forthwith discontinue the services of that teacher. Indeed, the Board recognizes such failure to pay as "reasonable and just cause for termination of employment." We further note that the agreement provides the Association will "indemnify and save harmless the Board of Education" in the event that any bargaining unit member challenges the propriety of any sums payable to the Association as a condition of employment.

In view of the foregoing, we believe that the Board's scope of inquiry in matters involving nonpayment of agency fees is limited to whether, in fact, the dues and assessments established by the Association for bargaining unit members

EXHIBIT J-2

have been paid. If they have not been paid, then the Board recognizes such nonpayment as reasonable and just cause for termination and must forthwith effect such termination. In the event all or any part of the agency fee is challenged by the agency payer, it is the obligation of the Association in an appropriate proceeding to indemnify and hold the Board harmless from any liability that resulted from the Board's actions.

Moreover, we believe that the Court of Appeals decision referred to in your letter, Abood v Detroit Board of Education, 60 Mich App 92 (1975) is inapplicable to the factual situation herein presented. No voluntarily funded political arm such as the Michigan Education Association Public Affairs Counsel, (MEA-PAC) existed in the Detroit Federation of Teachers at the time the Abood litigation was commenced. Garden City agency payers have the MEA-PAC contributions of $5.50 immediately refunded to them on the assumption that they do not choose to participate in the political activities of the Association. Thus we believe that the situation does not arise in which any agency payer would have an opportunity to object to the involuntary financial support of political candidates with whom he or she is not in sympathy.

The Board of Education has undertaken a contractual obligation to terminate bargaining unit members who failed to promptly pay those dues and assessments established by the Garden City Education Association. The Board has concurrently recognized such failure to pay as just and reasonable cause for such termination. The Association previously informed you that the three bargaining unit members above referred to have not paid any of the dues and assessments for the current year as is required in Article III of the agreement. We fully expect that the Board will honor its contractual obligation and terminate these individuals, allowing the Association, pursuant to the indemnity and save harmless provisions in the agreement, to assume the responsibility of demonstrating that each and every item comprising those dues and assessments properly reflects current legislative and judicial attitudes.

Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

WALLACE K. SAGENDORPH

WKS:cao

cc: M. James Hart

0 0 8 4 0 2 1 0 2 0 7

LAW OFFICES OF
MILLER, CANFIELD, PADDOCK AND STONE
1600 DETROIT BANK & TRUST BUILDING
DETROIT, MICHIGAN 48226

BIRMINGHAM OFFICE

January 12, 1976

Mr. Wallace K. Sagendorph
Levin, Levin, Garvett and Dill
1250 Penobscot Building
Detroit, Michigan 48226

RECEIVED
PERSONNEL
JAN 13
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Re: Paul Chamberlain
Lore Chamberlain
Geraldine Dial

Dear Mr. Sagendorph:

Your letter to Mr. Wyszynski dated January 7, 1976 has been referred to me, as counsel for the Garden City School District, for attention and reply. I frankly find your letter quite puzzling on several counts, and must ask for further information concerning the Garden City Education Association's position, as follows:

(1) In the second paragraph of your letter, you state that the Board has agreed to discontinue a teacher's services in the event the teacher "fails to pay to the Association's sum equivalent to the dues and assessments established by the Association." You evidently quote from the third sentence of Section III-B of the contract, but your quotation is obviously incomplete. The contract phrase is "a sum equivalent to the dues and assessments referred to in Section A." (Emphasis added).

Section A, as you know, covers voluntary pay deduction authorizations, and refers to "membership dues of the Association as per the conditions on the form devised by the Association." The preamble to the contract makes it clear that "Association" means G. C. E. A., not M. E. A. or N. E. A. "Dues" obviously means dues, not assessments.

EXHIBIT J-3

I am aware that many of the deduction forms voluntarily signed by teachers go beyond the scope of Section A and include dues and assessments of C. C. E. A., M. E. A., and N. E. A. This circumstance would not seem, however, to change the fact that the third sentence of Section B refers back to Section A, and that Section A speaks only to the dues of C. C. E. A.

Do you differ with this opinion? Does the Association take the position that every Garden City teacher must, on pain of being discharged, pay any and all [illegible] dues, assessments, contributions or whatever) which C. C. E. A., [illegible] E. A., or N. E. A. decides to levy?

(2) In the second paragraph of your letter, you state that the Board recognizes "such failure to pay" as "reasonable and just cause for termination of employment." The context indicates that by "such failure to pay" you evidently mean a failure to pay whatever dues and assessments are established by the Association. The contract says no such thing, of course. What it does say is that "the refusal of the teacher to contribute fairly to the costs of negotiation and administration of this and subsequent agreements" is recognized (by both parties, incidentally) as reasonable and just cause for termination of employment. A similar reference to sharing of negotiation/administration expenses appears at the very outset of Section B.

In view of this language, which your letter seems to ignore, is it not incumbent upon the Association to compute its costs of negotiation and administration of the agreement, and then demonstrate to the Board that the teachers in question have not paid their fair share of such costs? If not, why not?

(3) In the second and third paragraphs of your letter you refer to indemnification of the Board by the Association, in the latter instance using very broad terms. I find indemnification language only in Section A, not in Section B. Are you saying that the Association would indemnify the Board fully (including damages, costs and attorney fees) from "any liability that resulted from the Board's actions" under Section B?

(4) In the third paragraph of your letter you say that the Board must "forthwith effect such termination." As I presume you know, these three teachers all have tenure status. Is it the Association's position

that they are nevertheless to be terminated "forthwith", and are not to have the benefit of charges, notice, due process hearing, etc. as provided in the Tenure Act?

(5) I do not understand the fourth paragraph of your letter, and must simply ask further questions:

(a) Does Mr. Wyszynski's letter correctly describe the Association's current charges?

(b) If the $5.50 MEA-PAC contribution is automatically refunded to all "agency payers", why is the contribution required in the first place?

(c) Does the NEA item of $26 in fact include an amount for "NEA Political Action Committee"? If so, how much? Would not such an item have the same status as the MEA-PAC item? If so, why is this amount not also refunded automatically to all "agency payers"?

(d) Do you construe the Abood decision as applying only to contributions for political purposes which the unit member may oppose? Would not its rationale extend to any purposes opposed by the unit member which are not directly connected with bargaining and contract administration costs?

(e) On what basis can the Association require payment of MEA and NEA dues, unless it shows that the sums involved are attributable to the costs of negotiation/administration of G. C. E. A. contract?

(6) In the fifth paragraph of your letter you state that these three teachers "have not paid any of the dues and assessments for the current year." The District's information is to the contrary; each of the three teachers has notified the District of payment of a very substantial portion of the total sums claimed by the Association. In view of this conflicting information, I must ask again that you or the Association respond to the second and third paragraphs of Mr. Wyszynski's letters of December 30, 1975, specifying just which amounts (if any) each teacher has paid, what objections (if any) each teacher has lodged with the Association,

0 0 4 0 2 1 0 3 0

and what the Association computes to be each teacher's fair share of the Association's negotiation/administration costs.

(7) As you know, MCLA Sec. 423A.210, as amended in 1973, permits only "a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative." If you claim that the Garden City agreement requires payment of dues and assessments of G. C. E. A., M. E. A. and N. E. A., on what basis can this be legally valid?

I would appreciate hearing from you concerning all of the foregoing at your early convenience, so that the Board of Education can know precisely what action it is being asked to take, and the precise basis for the Association's request, with respect to each of the three teachers involved.

Very truly yours,

James E. Tobin

JET hc
cc: Mr. Ronald L. Wyszynski

LAW OFFICES

LEVIN, LEVIN GARVETT AND DILL

2500 DETROIT BANK BUILDING

DETROIT, MICHIGAN 48226

CABLE ADDRESS
LEGAD

SAUL R. LEVIN
1855-1940

BAYNE LEVIN
1898-1951

EARLMONT H. DILL
1901-1963

MORRIS GARVETT
1892-1974

GARDEN CITY PUBLIC SCHOOLS

FEB 19 1976

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

February 17, 1976

Mr. James E. Tobin
Miller, Canfield, Paddock and Stone
2500 Detroit Bank & Trust Building
Detroit, Michigan 48226

RE: Paul Chamberlain
Lore Chamberlain
Geraldine Dial

Dear Mr. Tobin:

We correspond with you as a result of our recent telephone conversation wherein you, in behalf of the Garden City Board of Education, rejected our offer to meet and confer regarding our disputes with respect to the above referenced individuals. We are deeply disappointed that you and the Board saw fit to take this action. A conference in which our mutual concerns were advanced could have resulted in agreements resulting in far less time and expense than the avenues to which we are apparently now committed.

We are also concerned with your pronouncement that anything we write or say to you in connection with these members of the Garden City faculty will be immediately released to the press. We are mindful of the public nature of the Garden City Board of Education and the public responsibilities with which it is charged. We believe, however, that circumstances sometimes arise in which the interests of the parties to a contract are better served, if at least in the first instance, some private discussion can be held.

FEB 18 1976

EXHIBIT J-4

With the foregoing thoughts in mind, we turn to your letter of January 12, 1976, answering the questions posed seriatim.1/

1. We remain firmly convinced that the parties' intent in Article III of the current collective bargaining agreement was to measure the agency fee by the "dues and assessments" of members referred to in Section B of the contract. We believe that this language satisfies the provisions of Section 10(1)(c) of the Public Employment Relations Act, MCLA 423.210(1)(c); MSA 17.455(10)(1)(c), wherein the legislature specifically authorized agreements between public employers and public employee groups that require "as a condition of employment that all employees in the bargaining unit pay to the exclusive bargaining representative a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative." (Emphasis supplied)

Since the Garden City Education Association is, as you well know, affiliated with the Michigan Education Association and National Education Association, and members pay combined dues to all three entities, the "dues uniformly required of members" of the Garden City Education Association include the dues of the GCEA, MEA and the NEA.

Thus in answer to your first question, we very emphatically differ with your analysis of the contractual language. We are also of the opinion, as stated to you on the telephone, that the decisions of the National Labor Relations Board with respect to whether "assessments" are included in the requirement of non-union employees to pay "the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership," 28 USCA 158(a)(3), are not applicable to our situation. We believe

---

1/ After a review of the Constitution of the Garden City Education Association and recognition of the fact that Mrs. Geraldine Dial has made a partial payment of her membership dues and has recognized liability for the remainder, we have withdrawn the tenure charges filed against her. Thus you need no longer be concerned with Mrs. Geraldine Dial. Our disputes remain regarding Paul and Lore Chamberlain.

and the Board recognizes that "membership dues" can include assessments as in, for example, the case of Mrs. Dial. We also believe that the inclusion of assessments in the term "dues uniformly required of members" is a proper construction of the Michigan statutory language.

2. The nature of the agency payer's obligation, as we have stated, is established by the contract as "dues and assessments of members." Any attempt by the Board to renegotiate at this late date the contractual language to provide for local dues only or a so called "fair share" formula is bordering on interference with the internal affairs of the GCEA and an attempt to so alter the terms and conditions of employment in the district as to discourage membership in the GCEA.

3. Insofar as question three is concerned, we agree that the indemnification language in the contract extends only to "sums improperly checked off and remitted to the teacher organization plus necessary and reasonable costs, including attorney fees, incurred by the Board in connection therewith."

4. Your question number four is answered by saying that we would be the last group to deny tenure rights to any teacher.

5. Question five is answered as follows:

(a) We believe Mr. Wyszynski's letter correctly sets forth the current dues structure of the Garden City Education Association as affiliated with the Michigan and National Education Associations.

(b) This is a practice that has grown up within the Association. It is currently under review and may possibly be changed.

(c) The fee of $1.00 which is included in the NEA item of $26.00 is treated exactly the same as MEA-PAC.

(d) We do not construe the Abood decision as holding anything other than the fact that the 1973 amendments to Section 10 of PERA are constitutional and that the amendments to that Act are not retroactive in effect. The dicta suggest two alternatives for refunds to agency payers for political contributions.

LEVIN, LEVIN, GARVETT AND DILL

We had, well prior to the time the Abood decision was announced, chosen that alternative which provides for immediate reimbursement to any agency payer of that portion of his or her agency fee which is attributable to the political activities of the local, state and national associations.

(e) We have previously answered this question.

6. We should note that Mr. and Mrs. Chamberlain have tendered sums to the Association which the Association has rejected as not being sufficient to satisfy our agency fee obligations. Thus as of this writing, neither Paul nor Lore Chamberlain has paid any agency fees. We should also remind the Board of Education that notwithstanding its contractual obligations, these individuals remain employed and remain free to flout the obligations that others have freely and voluntarily assumed.

7. We have previously answered this question.

We call upon the Board to decide no later than Tuesday, February 24, 1976 whether it intends to honor its contractual obligations and immediately commence termination proceedings against Paul and Lore Chamberlain.

Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

WALLACE K. SAGENDORPH

WKS:cao

GARDEN CITY PUBLIC SCHOOLS
BOARD OF EDUCATION

Whereas:

(a) By letters dated December 19, 1975 to Board President Carman, the Garden City Education Association (herein called "the Association") has requested that the Board of Education terminate the employment of Mr. Paul Chamberlain and Mrs. Lore Chamberlain, transmitting with each letter a "Charge" against each of said teachers which was evidently intended to comply with the provisions of the Tenure Act;

(b) The Association bases its request upon its claim that neither of said teachers has complied with the requirements of Article I I of the 1974-76 collective bargaining agreement between the Association and the Board;

(c) Subsequent correspondence between Board and Association representatives and attorneys discloses that the Association interprets the aforesaid collective bargaining agreement to require that each Garden City teacher, as a condition of employment, pay in full all of the following dues and assessments currently imposed by the Association:

$119.50	Michigan Education Association
5.50	MEA Political Action Committee
10.00	Teacher Assistance Program
25.00	National Education Association
1.00	NEA Political Action Committee
25.00	Garden City Education Association Dues
75.00	GCEA "Crestwood Assessment"
Total $261.00	

(d) Mr. and Mrs. Chamberlain have notified the Board that they have tendered to the Association a check in the sum of $372 representing payment of $186 by each of them, which sum of $186 was arrived at by deducting the so-called "Crestwood Assessment" ($75) from the total charges of $261 per teacher;

(e) The Association in essence concedes that the aforementioned tender was made, and was rejected by the Association;

(f) The Association has not furnished the Board with requested information as to its negotiation and administration costs and/or its calculation as to each teacher's fair share thereof;

(g) The Board believes that the Association's interpretation of the collective bargaining agreement is not correct, and that the sums tendered by Mr. and Mrs. Chamberlain more than fulfill any obligation imposed upon them by Article III of the collective bargaining agreement as a condition of continued employment;

(h) The Board further believes that Article III of the collective bargaining agreement as interpreted by the Association would in any event be unlawful under the provisions of the applicable Michigan statute and applicable state and federal court decisions

Now, Therefore, It Is Resolved that the Board of Education declines the request of the GCEA that termination proceedings be commenced against Mr. Paul Chamberlain and Mrs. Lore Chamberlain;

Further Resolved that the Superintendent shall promptly notify the Association and its attorneys of this action by forwarding to each of them a true copy of this resolution.

VOTE: Ayes -
Nays -
Absent -

March 8, 1976

EXHIBIT K

0004021 P 16

American Arbitration Association

VOLUNTARY LABOR ARBITRATION RULES

DEMAND FOR ARBITRATION

Date: April 23, 1973

To: [redacted]

Address: [redacted]

City and State: Harlan City, IN [redacted]

The undersigned, a party to an arbitration agreement contained in a written contract,

dated January 13, 1973, providing for arbitration,
hereby demands arbitration thereunder.
(attach arbitration clause or quote hereunder)

(SEE ATTACHED PAGE)

NATURE OF DISPUTE: Failure to pay dues and assessments for the 1975-76 school year.

REMEDY SOUGHT: The immediate reinstatement of Tenure Hearings for Mr. Lord Chamberlain and Mr. Neal Chamberlain.

You are hereby notified that copies of our arbitration agreement and of this demand are being filed with the American Arbitration Association at its [redacted] Regional Office, with the request that it commence the administration of the arbitration.

Signed: Mr. William K. Cavendish

Title: Attorney for the Harlan City Education Association

Address: 2210 City Civil and Bank Bldg

City and State: [redacted]

Telephone: [redacted]

To insure proceedings, please send three copies of this Demand with the administrative fee, as provided in Section 43 of the Rules.

EXHIBIT L

ATTACHMENT - ARTICLE XV Section 4.

Level Four. In the event the grievance is not resolved to the satisfaction of the Professional Rights and Responsibilities Committee at Level Three-b, the grievance may be submitted to arbitration before an impartial arbitrator. If the parties cannot agree as to the arbitrator, he shall be selected by the American Arbitration Association in accordance with its rules. Such rules shall likewise also govern the arbitration proceedings. The Association and the Board shall not be permitted to assert in such arbitration proceedings any ground or to rely upon any evidence not previously disclosed to the other party. The arbitrator shall have no power to alter, add to, or subtract from terms of this Agreement. Both parties agree to be bound by the award of the arbitrator and agree that judgment thereon may be entered in any court of competent jurisdiction. No decision in any one case shall require a retroactive wage adjustment in any other case or any other adjustment in any other case.

The fees and expenses of the arbitrator shall be shared equally by the parties.

A request to utilize the arbitration machinery shall be submitted to the Board and the American Arbitration Association within ten (10) days of the Level Three-b decision.

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GCEA GARDEN CITY EDUCATION ASSOCIATION

14350 Joy Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

TO: GCEA Membership
FROM: Florence Oblak, Treasurer
SUBJECT: Dues Information
DATE: September 9, 1976

Garden City Education Association dues for the 1976-77 school year will be $196.50. The cost breakdown for this year is:

$135.00	MEA
5.50	MEA-PAC
30.00	NEA
1.00	NEA-PAC
25.00	GCEA
$196.50	Total

For some people there are cost exceptions due to paid lifetime NEA memberships or for those working towards life memberships. Please contact me at Douglas School (GA 2-0840) and I can convey your particular dues cost.

For those members who would like to pay their dues in one sum as opposed to paying in payroll deductions, I will be available until September 24 for such payment. This payment can be made by mailing your check to my home or sending it to Douglas School in care of me. After September 24 dues payments will be paid through payroll deductions.

Anyone wishing a MEA-PAC and/or NEA-PAC refund must submit individual requests for each (no dittos will be accepted by MEA this year) to me by October 1, 1976 containing the following information: (please print)

Social Security Number
Last name, first name, middle initial
Address - include zip code
School District where employed

Sincerely,

Florence

Florence L. Oblak

EXHIBIT M

CA-015-75

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4000
JOHN RYOR, President
TERRY HERNDON, Executive Director

RECEIVED
FEDERAL ELECTION
COMMISSION
'74 DEC 19 AM 11:15

December 18, 1975

M E M O R A N D U M

TO: Stephen Schachman
Assistant General Counsel
Federal Election Commission

FROM: Warren M. Cruise WMC
Counsel
NEA Government Relations

RE: Response to charge that NEA-PAC political collection system is in violation of FECA

Thank you for allowing us the opportunity to respond to the charge questioning the legality of the political contribution collection system employed by the National Education Association Political Action Committee (NEA-PAC).

This complaint presents an attempt by a member of both the National Education Association (NEA) and the Connecticut Education Association (CEA) to have declared as a violation of the Federal Election Campaign Act of 1971 (FECA) and its 1974 amendments, the voluntary political contribution collection system used by the political arms of these associations. The complaint states that to maintain membership in these associations, a member must contribute a $1.00 political contribution to NEA-PAC.

This complaint reflects the unwillingness of a member of the state and national associations to participate in the political programs of the separate segregated funds of these associations.

The complaint does not allege any misuse of the political contributions nor does the complaint cite any provision made by the governance body of NEA (Representative Assembly) that violates the proper authority to request such a collection system.

We shall show that the political contribution collection system was not only in strict pursuance of NEA governance mandates but was conceived within federal campaign laws as well as case law.

This memorandum will show:

- that both associations desire to respect the wishes of this member or any member who does not wish to participate in the political program;

0 0 0 1 0 2 1 9

- that the member is not coerced or threatened either physically or financially;
- that there are no mandatory requirements for member participation in order to maintain membership in either association;
- that this member or any member has an adequate method of relief for non-participation in the political programs of the association;
- that the adequate method for relief is a refund system whereby members who do not wish to contribute a political contribution may request a refund;
- that the entire $1.00 political contribution is refunded to any member who requests such a refund regardless of whether the entire $1.00 has been collected by the association; and
- that case law supports such a refund system.

To bring out the points cited above, we have organized this memorandum into the following three parts: (1) the establishment of the political contribution collection system by the governance body of the NEA; (2) the refund procedure of the political contribution collection system; and (3) the voluntariness of the political contribution collection system.

I. The Establishment of the Political Contribution Collection System by the Governance Body of the NEA

The NEA Representative Assembly (over 10,000 members) is the primary legislative and policy-making body of the National Education Association. At the 1973 NEA Annual Meeting in Portland, Oregon, the Representative Assembly reaffirmed its commitment to NEA-PAC. The Representative Assembly approved a New Business Item providing that:

> "Each active member of the NEA shall pay to the NEA $1.00 each membership year in addition to his dues. This $1.00 shall be transmitted by the NEA to NEA-PAC, unless the member requests that it be refunded to him, in which event it shall be so refunded. In any state in which this system is illegal or otherwise unacceptable to the state association, the state association shall...develop an alternate system for soliciting a voluntary contribution to the NEA-PAC of $1.00 per active NEA member.
>
> "The Representative Assembly directs the NEA officers and staff to develop a system of the foregoing type that is consistent with revelant legal requirements and to implement such system as soon as feasible..."

In those states where NEA members have payroll deductions, $1.00 in addition to membership dues is deducted for NEA-PAC and each member is notified that he or she may request a refund from NEA-PAC of the entire $1.00 if the member does not wish to participate. Under Section 302 (b) of the FECA, the state association collects the $1.00 amount per member and transmits the amount collected to NEA-PAC within the statutory prescribed time. Each state association is instructed thoroughly that they do not have discretionary control over the funds collected

since they are acting in the capacity of an agent for NEA-PAC. NEA-PAC as a Political Action Committee has the sole responsibility to report to the Federal Election Commission the amount of the funds collected and expended by NEA-PAC.

Each state association under this system is subject to the following conditions in order to act as agent for NEA-PAC:

1. The state association must act strictly as a collection-transmittal agent and exercise no discretionary control over contributions collected for NEA-PAC.

2. Authorization or enrollment forms signed by association members must clearly indicate that $1.00 of the total political contribution checked off by the member will be forwarded to NEA-PAC and that the member may get a refund of the $1.00 upon request from the state association or NEA-PAC. (See attached CEA enrollment form).

3. The state association must forward the collected contributions to NEA-PAC separately from any and all NEA membership dues.

4. The state association should transmit the collected political contributions to NEA-PAC within 5 days from receipt of contributions.

5. Any state association that decides to discontinue its role as a collection-transmittal agent for NEA-PAC should notify NEA-PAC of the change.

II. The Refund Procedure of the Political Contribution Collection System

The FECA does not speak to the manner in which political contributions may be collected except to prohibit labor organizations from using coercive tactics in soliciting and collecting contributions from its members. NEA-PAC policies and practices are consistent with the intent of Section 205 of FECA in that NEA-PAC engages in no practices which are coercive as defined by Section 205.

NEA-PAC has established a Refund Program whereby each member may receive a refund of his or her $1.00 contribution. (See attachment - NEA Reporter article pages 6-7, Connecticut enrollment and Refund forms). The refund is sent upon NEA-PAC receiving a request from the member. To date, out of 20,000 NEA members in Connecticut, NEA-PAC has received 194 requests for refunds. Each request has been honored by NEA-PAC.

The refund procedure is a very significant procedure within this collection system. Notice is given to each member that a refund procedure exist for those who do not wish to participate. Such notices are publicized in both the state association newspaper and the NEA newspaper that each NEA member receives. (See attachment - NEA Reporter pages 6-7).

See, Bernard W. McNamara, ET AL. v. Robert Johnson UAW, ET AL. (attached), decided September 16, 1975, in the U.S. Court of Appeals (7th Circuit), in which Chief Judge Fairchild states: "We also deem it significant that the UAW has a rebate procedure whereby union members who object to CAP expenditures can recover a prorata share of that part of their dues allocated to the CAP program." The facts of this case show that some union members did not want to participate in the political and ideological programs of the UAW. Through a provision of

UAW's constitution, a proportion of members' salaries, in addition to dues, is withheld to be used for political purposes and ideological causes and groups. Such assessment was authorized at UAW Convention in 1968. A refund procedure was written into the collection system for those members who did not wish to participate. The court further states that "as for the protection of minority interests, the UAW rebate procedure appears to provide an adequate remedy."

The remedy under the UAW plan was to refund upon request of the member that portion of the salary withholding in addition to dues that went to the political program of the Union. The UAW policy for refunds states that, "The member may perfect his objection by individually notifying the International Secretary-Treasurer of his objection by registered or certified mail; provided, however, that such objection shall be timely only during the first fourteen (14) days of Union membership and during the fourteen (14) days following each anniversary of Union membership." See also, Reid v. International Union United A., A. & A. Imp. Wkrs. 479 F 2nd 517 (1973). (attached)

The NEA-PAC refund system does not require request for refunds to be submitted before a certain time period even though the court in McNamara & Reid, Supra, found no difficulty with placing a time period on the request. An NEA-CEA member may request his or her refund at any time through regular mail regardless of whether NEA-PAC has collected the entire $1.00 contribution.

See also, Machinists v. Street, 367. U.S. 740, 770, 81 S. Ct. 1784, 6 L. Ed. 2nd 1141 and Railroad Clerks v. Allen, 373 U.S. 113, 83 S. Ct. 1158, 10 L. Ed. 2nd 235.

In these two cases, the court indicated that where there is no relief granted dissenting members of the Union who do not wish to participate in the political programs of the Union, the court would simply order a refund as a relief to the dissenting members.

In Reid, Supra, the court said "We attach no significance to the fact that the Union remedy is provided by a constitutional amendment adopted during the pendency of the litigation. It may be true that the Union saw the handwriting on the wall and decided that under Street and Allen some remedy must be made available."

Bearing these cases cited above in mind, we submit that the refund system NEA-PAC has adopted is adequate relief for those members who do not wish to participate in the political program of the associations. We further submit that the notice program makes it clear to each member that participation in the political program of the association is not required as a condition of membership in either association.

III. The Voluntariness of the Political Contribution Collection System

By inference, the complaint alleges that the $1.00 contribution is not a voluntary contribution.

We submit that this political collection system is voluntary and that it meets the statutory and case law requirements of voluntariness as set forth in Section 205 of the FECA. Section 205 says in part"...provided, that it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial

reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of membership or as a condition of employment or by monies obtained in a commercial transaction." (Emphasis added.)

The legislative history of this section shows what Congress had in mind when it provided that political contributions must be voluntary.

Congressman Frank Thompson of New Jersey, speaking on the floor in favor of Section 205, stated, "The essential prerequisite for the validity of such political funds is that the contributions to them be voluntary. For that reason the final section of this amendment makes it a violation of section 610 to use physical force, job discrimination, or the threat thereof in seeking contributions....Of course nothing can completely erase some residual effects on this score, any more than the law can control the mental reaction of a businessman asked for a contribution by an individual who happens to be a banker, or of a farmer approached by the head of his local farm organization. The proper approach, and the one adopted here, is to provide the strong assurance that a refusal to contribute will not lead to reprisals and to leave the rest to the independence and good sense of each individual." (Emphasis added.) 117 Congressional Record, H. 11482, Nov. 30, 1971.

See also, Pipefitters Local Union No. 562 v. United States 92 S. Ct. 2247 (1972). In this case, the court found that Union officials were using coercive tactics to force union members to contribute to the political fund of the Union. There is no question that the tactics used by the Union officials violated the rights of the Union members who did not wish to participate in political fund. The court said in this case, "We hold, too, that although solicitation by Union officials is permissible, such solicitation must be conducted under circumstances plainly indicating that donations are for a political purpose and that those solicited may decline to contribute without loss of job, Union membership, or any other reprisal within the Union's institutional power." The CEA Enrollment form clearly indicates that participation is not required for membership in CEA or NEA.

The court also said that the "test of voluntariness of contributions to political fund by Union members focuses on whether contributions solicited are knowingly free-choice donations, to inform individuals solicited to the political nature of the fund and his freedom to refuse support is determinative."

Conclusion

The NEA submits that the NEA-PAC - CEA-PAC political contribution collection system is not in violation of Section 205 of the FECA. We further submit, under Pipefitters, supra, and McNamara, supra, that the NEA-PAC - CEA-PAC political contribution collection system meets the test for voluntariness of that collection system and is well within the required guidelines for voluntariness.

Certainly the concept of corporations or associations acting as agents or conduits for political funds is no longer suspect. Under Federal Election Commission 1975 Advisory Opinion - 23, the Commission ruled that SUN Oil Company, could deduct political contributions from employees and transmit the contributions to the SUN Oil PAC. Therefore, with the ruling of McNamara and Reid approving the refund procedure, the establishment that NEA uses no coercive tactics to collect the political contributions, and the FEC ruling allowing associations to act as agents for a political funds, we submit that the NEA-PAC political contribution collection system is legal and we urge FEC to rule that

this system is in compliance with the FECA.

We have attached two opinions on the legality of the NEA-PAC collection system, rendered by Ed W. Handcock, Attorney General of the Commonwealth of Kentucky, and Armand D'Iorio, Legal Officer with the Department of Labor in Rhode Island. We have also attached a copy of an arbitration case in Allegany County, Maryland, in which the school board of Allegany County refused to deduct political contributions. In this arbitration the arbitrator held the political collection system of the Maryland State Teachers Association legal.

WMC/km

Attachments

0004010224

0004010225

National Education Association
1201 Sixteenth Street, N.W.
Washington, D.C. 20036

WARREN M. CRUISE
Counsel

Government Relations

(202) 833-4327

National Education Association
1201 Sixteenth Street, N.W.
Washington, D.C. 20036

WARREN M. CRUISE
Counsel

Government Relations

(202) 833-4327

Manchester Memorial High School
Manchester, N. H. 03103
September 25, 1975

Attorney General Warren Rudman
State House
Concord, New Hampshire

Dear Attorney Rudman:

We as members of the New Hampshire Education Association feel that the manner in which we are forced to pay our dues for this year is in violation of the rules set down by the Federal Election Commission. NHEA is a non-profit association and cannot use dues money for political activity. We are requesting a ruling from you.

Our dues are $66 for the year. Of this total, $2 will be used by NHEA and NEA for involvement in local, state, and federal elections. The Association states that the $2 of the $66 is a voluntary contribution of the members.

Those who do not want their "voluntary contribution" to be used, must request a refund from NHEA in writing by November 1. This is printed on the back of our membership receipt.

We do not feel that we should be forced to include the $2. When one is forced to do something, then it is not a voluntary act. We would like to be given a choice--regular membership or an additional $2 for those who want to voluntarily contribute. The present way offers no choice--therefore, it is not voluntary. We feel it is in violation of the rules and regulations of the Federal Election Commission.

We would appreciate your decision as soon as possible as membership dues are being solicited.

Sincerely yours,

Mary V. Evans

(Mrs.) Mary V. Evans

Carol A. Thompson

(Mrs.) Carol Thompson

Enclosure: List of NHEA members requesting a ruling.

0040210226

NAMES OF NHEA MEMBERS REQUESTING A RULING:

Mary V. Eyssie
John H. Shaffington
Lucille B. La Montagne
Swati Sharma
Paul W. Kenney
Terrence J. Quinn
James D. Crawford
Larry Clifford
Patricia Stipa
Viviane Bergeron
Hubert B. McDonough Jr.
Carol N. Thompson
Kathleen P. Mann
Elizabeth Kookavian
Bonnie S. Dutch
Stephen B. Thompson
Samuel Pelletier Jr.
Robert A. Chabot
Sally A. Kenn
Maurice Dutile
David W Elliott

Harry Dunn
James J. Clancy Jr.
John T. Brown, Jr.
John Kalb
Richard Samara
Rachel Garelon
Joyce Peaslee
Ann Mooney
Peter A. Paine
George R. Ince
Leonard T. Foley
Judith A. McCarthy
Irene S. Bishop
Frank T. Crotty
Clinton E. Beiner Jr.
Jane Pearson
Jon M. Underwood
Elizabeth D. Cato
Irene J. Hagianis

0040227

CA-015-75

Connecticut Education Association
21 Oak Street • Hartford, Connecticut 06106 • (203) 525-5641

Office of the Executive Secretary

September 23, 1975

Mr. Peter Roman
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Dear Mr. Roman:

Enclosed is a copy of our 1974-75 membership enrollment form which states on the reverse side the statement related to NEA-PAC.

If you need any additional information, please let me know.

Sincerely,

Thomas P. Mondani

tpm:gmj
enc.

0000010228

1974-75 ASSOCIATION MEMBERSHIP RENEWAL FORM

NAME (LAST)	FIRST	SOCIAL SECURITY NO.

STREET ADDRESS OR BOX NO. | TEACHING TOWN

CITY OR TOWN | STATE | ZIP CODE

MEMBERSHIP TYPE				POSITION	LEVEL
LOCAL	CEA	NEA	LIFE AMT.		

PLEASE NOTE:
IF ANY INFORMATION IS INCORRECT,
MAKE CHANGES ACCORDINGLY

ASSOCIATION FACULTY REPRESENTATIVE

DATE _____

PLEASE COMPLETE

SCHOOL

SCH PHONE

HOME PHONE

IMPORTANT PLEASE COMPLETE PAYROLL DEDUCTION AUTHORIZATION
ON REVERSE SIDE

1975-76 ASSOCIATION MEMBERSHIP ENROLLMENT FORM

NAME (LAST)	(FIRST)	SOCIAL SECURITY NUMBER

STREET ADDRESS OR BOX NO.	TEACHING TOWN

CITY OR TOWN	STATE	ZIP CODE	CEA/NEA Active 1974-75 ☐	SCHOOL

INSURANCE BENEFICIARY	SCH. PHONE
ADDRESS	HOME PHONE

CHECK APPROPRIATE BOX IN EACH CATEGORY

MEMBERSHIP TYPE CODE

	CEA	NEA	
☐	ACTIVE	☐	10
☐	ASSOCIATE	☐	20
☐	LIFE	☐	30

(CODE DEFINITIONS ON REVERSE)

* THERE ARE NO PROVISIONS FOR NEW LIFE MEMBERSHIPS IN CEA/NEA

POSITION CODE

☐	CLASSROOM TEACHER/FACULTY	01
☐	COUNSELOR	05
☐	LIBRARIAN	10
☐	NURSE	15
☐	ASST OR VICE PRINCIPAL	20
☐	PRINCIPAL	21
☐	SUPERVISOR	30
☐	ASST OR ASSO. SUPT.	35
☐	SUPERINTENDENT	36
☐	ADMINISTRATOR	50

LEVEL CODE

☐	KINDERGARTEN	1
☐	ELEMENTARY	2
☐	SECONDARY	3
☐	JUN. COLL./COM. COLL.	4
☐	COLLEGE/UNIVERSITY	5
☐	ADULT EDUCATION	6
☐	OTHER/UNKNOWN	9

THIS COPY GOES TO: CONNECTICUT EDUCATION ASSOCIATION, 21 OAK ST., HARTFORD, CONN. 06106

nea

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4000
JOHN RYOR, President
TERRY HERNDON, Executive Secretary

CA-015-75

GOVERNMENT RELATIONS

September 23, 1975

Mr. Peter Roman
1325 K Street, N.W.
Washington, D. C. 20463

Dear Mr. Roman,

Here is a copy of the membership form used in the state of Connecticut by the Connecticut Education Association.

Because of the space limitation on this form it was necessary to place the payroll deduction authorization on the reverse side of the form. You will note; however, that the political contribution statement is on the same side of the form where each member must affix his or her signature. Also, on this side is a statement itemizing the association dues as being separate from the ($1.00) political contribution.

If you need any additional information on this matter, please don't hesitate to call me.

Sincerely,

Warren M. Cruise

Warren M. Cruise
Legal Counsel for Government Relations
National Education Association

WMC/pjt

enc: Association Membership Legal Counsel form

0040-1023

1975-76 ASSOCIATION MEMBERSHIP ENROLLMENT FORM



NAME (LAST) (FIRST) SOCIAL SECURITY NUMBER

STREET ADDRESS OR BOX NO. TEACHING TOWN

CITY OR TOWN STATE ZIP CODE CEA NEA SCHOOL

Active 1974-75 ☐

INSURANCE BENEFICIARY SCH. PHONE

ADDRESS HOME PHONE

MEMBERSHIP TYPE CODE

	CEA	NEA
ACTIVE		
ASSOCIATE		20
LIFE		30

CODE DESIGNATIONS ON REVERSE

WHERE ARE NO PROVISIONS

FOR NEW LIFE MEMBERSHIPS

IN CEA NEA

POSITION CODE

CLASSROOM TEACHER FACULTY	01
COUNSELOR	05
LIBRARIAN	10
NURSE	15
ASST OR VICE PRINCIPAL	20
PRINCIPAL	21
SUPERVISOR	30
ASST OR ASSOC SUPT	35
SUPERINTENDENT	36
ADMINISTRATOR	50

LEVEL CODE

KINDERGARTEN	1
ELEMENTARY	2
SECONDARY	3
JUN COLL COM COLL	4
COLLEGE UNIVERSITY	5
ADULT EDUCATION	6
OTHER UNKNOWN	9

THIS COPY GOES TO CONNECTICUT EDUCATION ASSOCIATION 21 OAK ST HARTFORD CONN 06106

MEMBERSHIP CARD

1975-76

THIS CERTIFIES THAT

IS A MEMBER OF THE

CONNECTICUT EDUCATION ASSOCIATION
NATIONAL EDUCATION ASSOCIATION

CEA 21 OAK STREET HARTFORD, CONN. 06106

A. LENNY LAVALETTE
President

THOMAS P. MONDANI
Exec. Sec.

CONVENTION DAY IS OCTOBER 31, 1975

NAME OF MEMBER

TOWN WHERE EMPLOYED

PRESENT AT CEA CONVENTION MEETINGS

Received

3 2 3 - 1 0 2 - 1 - 0 0 1 - 0 0 1

1975-76 ASSOCIATION MEMBERSHIP ENROLLMENT FORM

NAME (LAST) (FIRST) SOCIAL SECURITY NUMBER

STREET ADDRESS OR BOX NO. TEACHING TOWN

CITY OR TOWN STATE ZIP CODE CEA/NEA Active 1974-75 ☐ SCHOOL

INSURANCE BENEFICIARY: SCH. PHONE

ADDRESS HOME PHONE

CHECK APPROPRIATE BOX IN EACH CATEGORY

MEMBERSHIP TYPE CODE

CEA		NEA	
☐	ACTIVE	☐	10
☐	ASSOCIATE	☐	20
* ☐	LIFE	☐	30

(CODE DEFINITIONS ON REVERSE)

* THERE ARE NO PROVISIONS FOR NEW LIFE MEMBERSHIPS IN CEA/NEA

POSITION CODE

☐	CLASSROOM TEACHER/FACULTY	01
☐	COUNSELOR	05
☐	LIBRARIAN	10
☐	NURSE	15
☐	ASS'T OR VICE PRINCIPAL	20
☐	PRINCIPAL	21
☐	SUPERVISOR	30
☐	ASS'T OR ASSO. SUPT.	35
☐	SUPERINTENDENT	36
☐	ADMINISTRATOR	50

LEVEL CODE

☐	KINDERGARTEN	1
☐	ELEMENTARY	2
☐	SECONDARY	3
☐	JUN. COLL./COM. COLL.	4
☐	COLLEGE/UNIVERSITY	5
☐	ADULT EDUCATION	6
☐	OTHER/UNKNOWN	9

THIS COPY GOES TO: CONNECTICUT EDUCATION ASSOCIATION, 21 OAK ST., HARTFORD, CONN. 06106

CA-013-75

Connecticut Education Association

21 Oak Street • Hartford, Connecticut 06106

FEDERAL ELECTION COMMISSION

'75 SEP 15 AM 11:40

Office of the Executive Secretary

September 12, 1975

Mr. Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Dear Mr. McKay:

The Connecticut Education Association (CEA) received your inquiry concerning the allegation that CEA and National Education Association (NEA) policy is that association members are required to contribute a $1.00 political contribution to NEA-PAC as a condition of membership in the associations.

At no time does CEA require its members to contribute $1.00 or any amount for political action as a condition of membership in its association.

The CEA-NEA membership enrollment form includes a payroll deduction authorization which the member signs. The authorization form contains this statement:

> "I understand that contributions to NEA-PAC ($1.00) will be used to support candidates for Federal offices; that my contributions are voluntary and are not required as a condition of membership in any organization, and that I may revoke this agreement and request a refund by obtaining a NEA-PAC option form from my local, CEA or NEA field office."

The fact that in the 1974-75 year we had 27,850 members with only 21,000 contributing to NEA-PAC certainly indicates that there is no requirement to contribute to be a member.

If you need any additional information on this matter, please let me know.

Sincerely,

Thomas P. Mondani

Thomas P. Mondani

0004010235

CA-015-75

nea

GOVERNMENT RELATIONS

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-5411
JAMES A. HARRIS, President
TERRY HERNDON, Executive Secretary

September 9, 1975

'75 SEP 11 AM 11:25

FEDERAL ELECTION COMMISSION

Mr. Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Mr. McKay:

The National Education Association (NEA) received your inquiry (attached) concerning the allegation that NEA and the Connecticut Education Association's (CEA) policy is that association members are required to contribute a $1.00 political contribution to NEA-PAC as a condition of membership in the associations.

At no time does NEA or CEA require its members to contribute $1.00 or any amount for political action as a condition of membership in its associations.

The CEA-NEA membership enrollment form includes a payroll deduction authorization which the member signs. The authorization form contains this statement:

> "I understand that contributions to NEA-PAC ($1.00) will be used to support candidates for Federal offices, that my contributions are voluntary and are not required as a condition of membership in any organization, and that I may revoke this agreement and request a refund by obtaining a NEA-PAC option form from my local, CEA or NEA field office."

If you need any additional information on this matter, please let me know.

Sincerely,

Warren M. Cruise

Warren M. Cruise
Legal Counsel
Government Relations

WMC/km

Attachment

0 0 0 1 1 0 2 3 6

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

September 3, 1975

Certified Mail
Return Receipt Requested

Mr. James Harris, President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

[illegible] SEP 4 1975

Dear Mr. Harris:

It has come to the attention of the Federal Election Commission that the National Education Association and the Connecticut Education Association have allegedly required, as a condition of membership, individuals to contribute $1.00 to the National Education Association Political Action Committee.

Section 610 of Title 18 of the United States Code states that:

". . . it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction (emphasis added)."

Enclosed please find a copy of a booklet entitled "Federal Election Campaign Laws", compiled under the direction of the Secretary of the U.S. Senate, for your reference.

The Commission invites your Association to submit any information which would clarify or explain the matter referred to above. Such information should be received by the Commission not later than ten business days after receipt of this letter. However, if further guidance or assistance is required, please do not hesitate to contact Mr. Peter Roman by mail or telephone (202/382-3484).

Sincerely,

Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

Enclosure as stated

0004010237

nea
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N.W.
Washington, D. C. 20036

WASHINGTON, D.C. 20036
645PM
8 SEP
1975

15 SEP 75

Mr. Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

CA-015-75

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

September 3, 1975

Certified Mail 438033
Return Receipt Requested

Mr. James Harris, President
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036

Dear Mr. Harris:

It has come to the attention of the Federal Election Commission that the National Education Association and the Connecticut Education Association have allegedly required, as a condition of membership, individuals to contribute $1.00 to the National Education Association Political Action Committee.

Section 610 of Title 18 of the United States Code states that:

". . . it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction (emphasis added)."

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The Commission invites your Association to submit any information which would clarify or explain the matter referred to above. Such information should be received by the Commission not later than ten business days after receipt of this letter. However, if further guidance or assistance is required, please do not hesitate to contact Mr. Peter Roman by mail or telephone (202/382-3484).

Sincerely,

Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

Enclosure as stated

0040010239

Harris NEF-P

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

MC KAY

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	435053	

(Always obtain signature of addressee or agent)

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

Howard M. Carlin

4. DATE OF DELIVERY SEP 4 1975 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1975—O-569-047

CA-015-75

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463
September 3, 1975

Certified Mail 438034
Return Receipt Requested

Mr. Arthur Lavelette, President
Connecticut Education Association
21 Oak Street
Hartford, Connecticut 06106

Dear Mr. Lavelette:

It has come to the attention of the Federal Election Commission that the National Education Association and the Connecticut Education Association have allegedly required, as a condition of membership, individuals to contribute $1.00 to the National Education Association Political Action Committee.

Section 610 of Title 18 of the United States Code states that:

". . . it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction (emphasis added)."

Enclosed please find a copy of a booklet entitled "Federal Election Campaign Laws", compiled under the direction of the Secretary of the U.S. Senate, for your reference.

The Commission invites your Association to submit any information which would clarify or explain the matter referred to above. Such information should be received by the Commission not later than ten business days after receipt of this letter. However, if further guidance or assistance is required, please do not hesitate to contact Mr. Peter Roman by mail or telephone (202/382-3484).

Sincerely,

Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

Enclosure as stated

0 0 0 1 0 2 4 1

CA-015-75

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463
September 3, 1975

Certified Mail 438029
Return Receipt Requested

Mr. John H. Egan, President
Groton Education Association
2-J Lakeside
Ledyard, Connecticut 06339

Dear Mr. Egan:

This is in response to your letter of May 28, 1975 which was referred to us by Senator Lowell Weicker, Jr., alleging apparent violation of Section 610 of Title 18 of the United States Code (18 U.S.C. 610) by the National Education Association and the Connecticut Education Association.

Please be advised, in keeping with our interim complaint procedure guideline (Notice 1975-9, copy enclosed), that your letter cannot be considered as being a duly filed complaint under the provisions of Section 437 of the Federal Election Campaign Act of 1974 as it has not been properly notarized.

Should you wish to resubmit a notarized copy of your letter, please address the correspondence to:

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

However, please be assured that the Commission has taken note of the matter to which you make reference.

Sincerely,

Gordon Andrew McKay

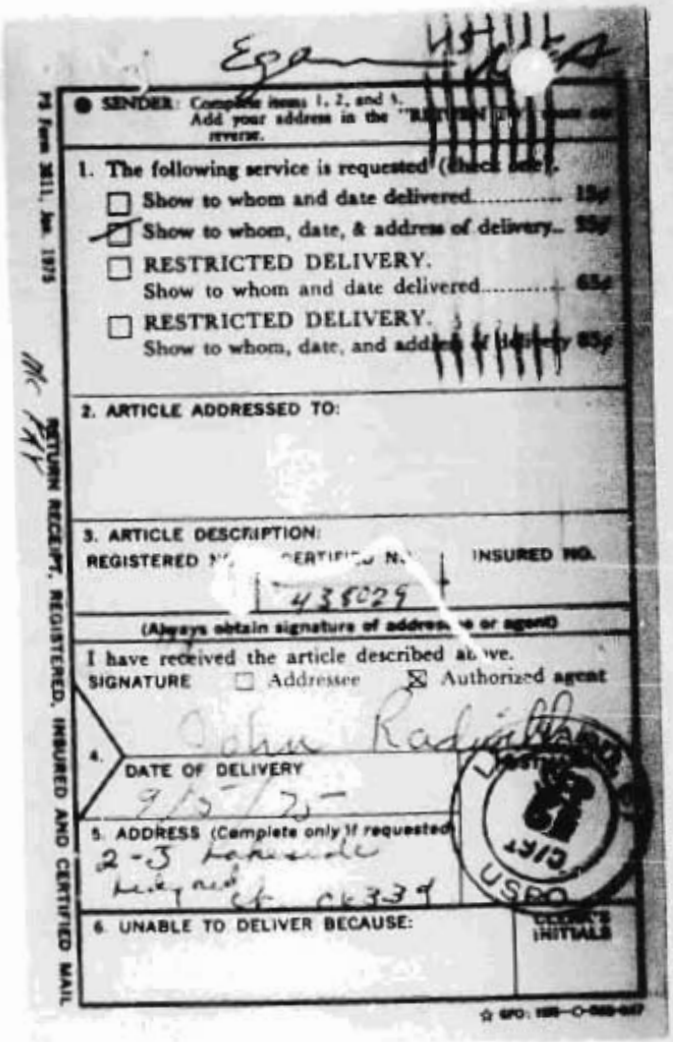
Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

Enclosure as stated

cc: Senator Weicker

0 0 0 1 0 2 4 2



Eqa

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
P 438029

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
John Radzilowski

4. DATE OF DELIVERY
9-3-75

5. ADDRESS (Complete only if requested)
2-3 Lakeside
Ridgefield Ct 06877

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK
SEP 3 1975
CITY
USPO

PS Form 3811, Jan. 1975 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1975—O-569-817

CA-015-75

ABRAHAM RIBICOFF, CONN., CHAIRMAN
JOHN L. MC CLELLAN, ARK.
HENRY M. JACKSON, WASH.
EDMUND S. MUSKIE, MAINE
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SAM NUNN, GA.
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CHARLES H. PERCY, ILL.
JACOB K. JAVITS, N.Y.
WILLIAM V. ROTH, JR., DEL.
BILL BROCK, TENN.
LOWELL P. WEICKER, JR., CONN.

RICHARD A. WEGMAN
CHIEF COUNSEL AND STAFF DIRECTOR

RECEIVED
FEDERAL ELECTION
COMMISSION
1975 AUG 1 PM 4:57

United States Senate

COMMITTEE ON
GOVERNMENT OPERATIONS
WASHINGTON, D.C.

July 30, 1975

Director of Congressional Relations
Federal Elections Commission
Washington, D.C.

Dear Sir:

Attached is correspondence I recently received from a constituent, Mr. John H. Egan of the Groton Education Association, concerning an added one dollar dues fee for membership in the National Education Association, collected to finance political contributions.

I would appreciate it if you would give such consideration as this communication may warrant, and reply directly to Mr. Egan. Please furnish my office with a copy of your response for our files.

Thank you in advance for your prompt attention to this matter.

With kindest regards,

Sincerely,

Lowell Weicker, Jr.
United States Senator

LPW:rr
Enclosure

0 0 4 0 1 0 2 4 4

United States Senate

COMMITTEE ON
AERONAUTICAL AND SPACE SCIENCES
WASHINGTON, D.C. 20510

OFFICIAL BUSINESS

U.S.S.

FEDERAL ELECTION COMMISSION
1 PM 4:45

C00401224

CA-015-75

0014021

atty Leg

for

22 Lakeside
Ledyard, Conn.

JUN 2 '75

May 28, 1975

Dear Senator:

I have a problem which I would like to bring to your attention. I am the president of the Groton Education Association and I feel an injustice is being foisted on teachers in Conn. by the National Education Association and the Connecticut Education Association. Let me explain.

Teachers are being told that dues for the N.E.A. are $25.00 plus $1.00 voluntary contribution to the National Education Association Political Action Committee. The point is, that we are told we must pay the $1.00 to N.E.A.-P.A.C. and then ask for it back. Many teachers feel they do not wish to give in the first place, but we are told we must give $1.00 for each member: only then can we ask for the money back. I question the legality of this under the new law on political financing. I have asked the local Internal Revenue

Service people and have received no answer. The C. E. A. has given me the run around. I feel this is a shabby rip off of money from teachers. It is not my idea of a voluntary contribution.

I would appreciate any help you could give in this matter.

Sincerely,

John H. Egan, President
Groton Education Association

FEDERAL ELECTION COMMISSION

MUR 893 Part II

Materials removed pursuant to 2 USC § 437g in that they related to conciliation attempts

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)
___	(5) Internal Documents		

Signed _____

date 8/13/80

FEC 9-21-77

0040210248

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Connecticut Education Association
21 Oak Street
Hartford, Connecticut 06106

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Connecticut Education Association (CEA) and CEA Political Action Commission (CEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the CEA and CEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

4 0 0 1 0 2 4 9

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... ¢
- ☒ Show to whom, date, and address of delivery ..... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery .$
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Connecticut Education Assn.
CEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943177	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: 1/27/77

POSTMARK: DEPO HARTFORD CONN JAN 27 6PM

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO 1977-O-234-927

0052010000

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Wyoming Education Association
115 East 22nd Street
Cheyenne, Wyoming 82001

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Wyoming Education Association (WEA) and the WEA Political Action Committee (WEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the WEA and WEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 DEC 1 AM 11:21

2. ARTICLE ADDRESSED TO:
Wyoming Education Assn.
WEA Political Action Com.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943178	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 11-25-77

POSTMARK
DEC 88 AM

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-387

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Wisconsin Education Association
Council
222 West Washington Avenue
Madison, Wisconsin 53703

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Wisconsin Education Association Council (WEAC) and WEAC Political Action Committee (WEAC-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the WEAC and WEAC-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

0010253

0 0 1 0 2 5 4

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Vermont Education Association
Box 567
Montpelier, Vermont 05602

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Vermont Education Association (VEA) and its Political Action Committee (VOTE) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the VEA and VEA-VOTE desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered.....¢
   - ☒ Show to whom, date, and address of delivery.....¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered.....¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery.$____
     (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Vermont Education Assn.
VEA Political Action Com. (VOTE)

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943180	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY

POSTMARK

NOV 28 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-827

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
South Dakota Education Association
411 E. Capitol Avenue
P. O. Box 939
Pierre, South Dakota 57501

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the South Dakota Education Association (SDEA) and SDEA Political Action Committee have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the SDEA and SDEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered.....¢
   - ☒ Show to whom, date, and address of delivery.....¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered.....¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery.$.....
     (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
   South Dakotoa Ed. Assn.
   SDEA Political Action Com.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943181	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 11/28/77 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977—O-234-337

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Rhode Island Education Association
300 Hennessey Avenue
N. Providence, Rhode Island 02911

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the National Education Association-Rhode Island (NEA-RI) and the NEA-RI Political Action Committee (NEA-RI PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the NEA-RI and NEA-RI PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Pennsylvania State Education
Association
400 North 3rd Street
Harrisburg, Pennsylvania 17101

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Pennsylvania State Education Association (PSEA) and the PSEA Political Action Committee (PSEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the PSEA and PSEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ¢
   - ☒ Show to whom, date, and address of delivery ..... ¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered ..... ¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery. $____
     (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Pennsylvania State Ed. Assn.
PSEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	413/71	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: NOV 28 1977 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977—O-234-337

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
New Hampshire Education Association
103 North State Street
Concord, New Hampshire 03301

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the New Hampshire Education Association (NHEA) and the NHEA Political Action Committee (NHEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the NHEA and NHEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
New Hampshire Education Assn
NHEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	993170	

(Always obtain signature of addressee or agent)

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

Linda K. Reagan

4. DATE OF DELIVERY
11/28/77

POSTMARK
CONCORD, N.H.
NOV 28 1
CLERK'S INITIALS

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

☆ GPO : 1977—O-234-327

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Nevada State Education Association
151 East Park Street
Carson City, Nevada 89701

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Nevada State Education Association (NSEA) and its political action committee (PACE) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the NSEA and PACE desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

0040202663

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

RECEIVED
FEDERAL ELECTION COMMISSION
'77 DEC 1 AM 11:21

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

2. ARTICLE ADDRESSED TO:
Nevada State Ed. Assn,
(PACE)

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943169	

(Always obtain signature of addressee or agent)

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

M. J. Foster

4. DATE OF DELIVERY
11-28-77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

USPO CARSON CITY, NEV. 1977 NOV 28

☆ GPO : 1977—O-234-537

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Massachusetts Teachers Association
20 Ashburton Place
Boston, Massachusetts 02108

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Massachusetts Teachers Association (MTA) and its political action committee, Voice of Teachers for Education (VTE) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the MTA and VTE desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

0010265

Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered. . . . . ¢
- ☒ Show to whom, date, and address of delivery. . . . ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered. . . . . ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery. $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Massachusetts Teachers Assn.
MTA Voice of Teachers for Education

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94367	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 11-28-77

POSTMARK NOV 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1977—O-234-337

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Kansas-NEA
715 W. 10th Street
Topeka, Kansas 66612

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Kansas Education Association (KEA) and the KEA Political Action Committee (KEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the KEA and KEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

0 0 0 1 0 2 6 7

0001002268

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Illinois Education Association
100 East Edwards Street
Springfield, Illinois 62704

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Illinois Education Association (IEA) and the IEA Political Action Committee (IEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the IEA and IEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ____¢
   - XX Show to whom, date, and address of delivery ____¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered ____¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery ____¢
     (CONSULT POSTMASTER FOR FEES)

NO. (GIVE)
FEDERAL ELECTION COMMISSION
77 DEC 1 AM 11:21

2. ARTICLE ADDRESSED TO:
Illinois Education Assn.
IEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	643166	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: DEC 5 1977 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977—O-234-337

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Idaho Education Association
Box 2638, 620 N. 6th Street
Boise, Idaho 83701

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Idaho Education Association (IEA) and the IEA Political Action Committee (IEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the IEA and IEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

0 0 0 1 0 2 7 0

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... ¢
- ☒ Show to whom, date, and address of delivery ..... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery $ ____
  (CONSULT POSTMASTER FOR FEES)

RECEIVED
FEDERAL ELECTION
COMMISSION
77 DEC 1 AM 11:21

2. ARTICLE ADDRESSED TO:
Idaho Education Association
IEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943165	

(Always obtain signature of addressee or agent)

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

X Dinna Hall

4. DATE OF DELIVERY
NOV 28 1977

POSTMARK
BOISE, IDAHO STA.
NOV 28 1977
USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Colorado Education Association
5200 South Quebec Street
Englewood, Colorado 80110

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Colorado Education Association (CEA) and the CEA Political Action Committee (CEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the CEA and CEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Mar. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered.....¢
- ☒ Show to whom, date, and address of delivery.....¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered.....¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$.....
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Colorado Education Assn
CEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943164	

(Always obtain signature of addressee or agent)

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

Mary Jo Hall

4. DATE OF DELIVERY 11/28

POSTMARK
ENGLEWOOD, CO
NOV 28 1977
80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-357

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered.....¢
- ☒ Show to whom, date, and address of delivery.....¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered.....¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Nebraska State Ed. Assn.
NSEA Political Action Com.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943175	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
NOV 2 [illegible]

POSTMARK
NEBR. STATE HQ. LINCOLN NEBR. NOV 28 1977 USPS

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-537

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

President
Iowa State Education Association
4025 Tonawanda Drive
Des Moines, Iowa 50312

MUR: 293(76)

Dear Sir or Madame:

The Commission has determined that there is reasonable cause to believe that the Iowa State Education Association (ISEA) and the ISEA Political Action Committee (ISEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the ISEA and ISEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

0 0 4 0 2 1 0 2 7 5

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

John J. Slattery, Jr., Esquire
101 West Walnut Street
Louisville, Kentucky 40202

MUR: 293(76)

Dear Mr. Slattery:

The Commission has determined that there is reasonable cause to believe that the Kentucky Education Association (KEA) and the Kentucky Educators Public Affairs Council (KEPAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the KEA and KEPAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 4.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered.....¢
- ☒ Show to whom, date, and address of delivery.....¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered.....¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Kentucky Education Assn.
KE Public Affairs Council

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943174	

(Always obtain signature of addressee or agent)

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

4. M. Conkosky - KEA
DATE OF DELIVERY 11/28/77

POSTMARK: NOV 28 1977 LOUISVILLE KY STA.

5. ADDRESS (Complete only if requested)
161 W Wolfe 40202

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977—O-234-337

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

Michael Herbert, Esquire
Sterns, Herbert & Weinroth
132 West State Street
Trenton, New Jersey 08608

MUR: 293(76)

Dear Mr. Herbert:

The Commission has determined that there is reasonable cause to believe that the New Jersey Education Association (NJEA) and the NJEA Political Action Committee (NJEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the NJEA and NJEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered.....¢
- ☒ Show to whom, date, and address of delivery.....¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered.....¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$.....
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
New Jersey Education Assn.
NJEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943162	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
J. Stano
C. Pgtacki

4. DATE OF DELIVERY
11/28/77

POSTMARK
TRENTON, NJ
NOV 28 1977
USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977-O-234-537

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

Wallace K. Sagendorph
Levin, Levin, Garvett & Dill
3000 Town Center, Suite 1800
Southfield, Michigan 48075

MUR: 293(76)

Dear Mr. Sagendorph:

The Commission has determined that there is reasonable cause to believe that the Michigan Education Association (MEA) and the MEA Political Action Committee (MEA-PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C). Additionally, the solicitation of non-members of the education association is a violation of §441b(b)(4)(A)(ii).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the MEA and MEA-PAC desire conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 Gross

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... ¢
- ☒ Show to whom, date, and address of delivery .... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ..... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom, date, and address of delivery .$____
- ☐ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Michigan Education Assn. (MEA)
MEA Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943161	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 11-28-77 POSTMARK

5. ADDRESS (Complete only if requested)
3000 T.C

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977—O-234-337

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 22, 1977

Wallace K. Sagendorph
Levin, Levin, Garvett & Dill
3000 Town Center, Suite 1800
Southfield, Michigan 48075

MUR: 293(76)

Dear Mr. Sagendorph:

The Commission has determined that there is reasonable cause to believe that the Garden City Education Association (GCEA) has violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. Specifically, the Commission has found that the use of the "reverse check-off" procedure in making contributions collected as a condition of membership, and the failure to inform the individual of his/her right to refuse to contribute violate 2 U.S.C. §§441b(b)(3)(A) and 441b(b)(3)(C). Additionally, the solicitation of non-members of the education association is a violation of §441b(b)(4)(A)(ii).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the GCEA desires conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles N. Steele
Associate General Counsel

MUR 293 GROSS

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ¢
   - ☒ Show to whom, date, and address of delivery ..... ¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered ..... ¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery. $
   - (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Garden City Education Assoc.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	P43160	

(Always obtain signature of addressee or agent)

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

Steve C. Kucekaw

4. DATE OF DELIVERY 11-28-77

POSTMARK

5. ADDRESS (Complete only if requested)

2000 TC.

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-837

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Twenty-three (23) State) MURS 015, 283, 288, 291, 293, 350 (76);
Education Associations) and 408 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 16, 1977, the Commission determined by a vote of 5-0 to take the following actions in the above-captioned matter:

1. That the Commission find reasonable cause to believe that twenty (20) state education associations and the respective separate segregated funds have violated 2 U.S.C. Section 441b(b)(3)(A) and (C) by utilizing monies secured as a condition of membership to make contributions to a Federal candidate and the failure to inform the employees of their right to refuse;

2. That further action be withheld in Oregon, Utah, and Minnesota until further investigation is completed; and

3. That the Commission find reasonable cause to believe that GCEA, MEA, MEA-PAC, have violated 2 U.S.C. Sections 441b(b)(3)(A) and (C) and 441b(b)(4)(A)(ii), and additionally that NEA and NEA-PAC have violated 2 U.S.C. Sections 441b(b)(3)(C) and 441b(b)(4)(A)(ii). The failure to inform the employee of his right to refuse to contribute to a political fund without reprisal and by soliciting a non-member of the employee organization violated 2 U.S.C. Sections 441b(b)(3)(C) and 441b(b)(4)(A)(ii). Additionally, the utilization of monies secured as a condition of membership to make contributions to a federal candidate violates 2 U.S.C. Section 441b(b)(3)(A).

Commissioner Thomson was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

0 0 0 1 1 2 8 4

EXECUTIVE SESSION

FEDERAL ELECTION COMMISSION

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

NOV 16 1977

November 14, 1977

MEMORANDUM TO: Marge Emmons

FROM: Ken Gross KAG

RE: MURs 015, 283, 288, 291, 293, 350, (76); and 408 (77)

The attached errata contains corrections that were noticed after the final typing of the report on these MURs. I hope the incorporation of these changes do not cause you inconvenience.

0004021028 5

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

November 11, 1977

In the Matter of	)	
	)	MURs 015, 283, 288,
Twenty-three (23) State	)	291, 293, 350, (76);
Education Associations	)	and 408 (77).

ERRATA TO GENERAL
COUNSEL'S REPORT

1. On Page 10, line 4 the second statutory citation should read: §441b(b)(4)(ii).

2. On Page 12, in lieu of sentence one, the first three sentences should read as follows:

> "All teachers in the bargaining unit represented by GCEA are required to pay all the dues and assessments including the funds for MEA-PAC and NEA-PAC. A refund can be obtained by the subsequent submission of a refund request. The contributions to MEA-PAC and NEA-PAC are collected at the local level and are part of the dues check-off procedure in this agency shop."

DATE 11/14/77

WILLIAM C. OLDAKER
GENERAL COUNSEL

0040-10286

November 11, 1977

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MURs 015,283,288,291,293,350,408
Team #1 Gross and Anderson

Please have the attached General Counsel's Report distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of November 16, 1977.

Thank you.

8004021 0287

BEFORE THE FEDERAL ELECTION COMMISSION
November 11, 1977

In the Matter of	)	
	)	MURs 015, 283, 288,
Twenty-three (23) State	)	291, 293, 350 (76);
Education Associations	)	and 408 (77)

GENERAL COUNSEL'S REPORT

Introduction

The Commission has filed suit against NEA and NEA-PAC, challenging the use of the reverse check-off system in the solicitation of funds.[1/] This report encompasses a discussion of problems stemming from complaints regarding the use and administration of reverse check-off procedures by state affiliates of NEA. Part A of this report is limited to a discussion of the individual state associations' use of the system in funding their respective state political action committees, as well as their part in the collection of funds by NEA-PAC. Part B of this report focuses on the Michigan Education Association and a local affiliate, the Garden City Education Association and additional violations which seemingly arise out of the methods used in implementing the reverse check-off. As noted in the recommendation section, the General Counsel's office believes that the available evidence warrants the conclusion that there is reasonable cause to believe that the named organizations have committed additional violations of the Act.

[1/] The present status of the use of the reverse check-off procedure is in question. NEA's attorney indicated that the procedure is not in present use and a recent NEA newsletter reported to its affiliates that it has discontinued the practice pending litigation with the FEC. However, it has been reported that the procedure is still in use in at least one state. We also note that NEA has not explained receipts in the amount of $458,490 and $104,820 in expenditures in the year 1977.

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PART A

Statement of Facts

The commission has found reason to believe that 23 state education associations have violated 2 U.S.C. §441b(b)(3)(A) in utilizing the "reverse check-off" procedure for the collection of political contributions which were later contributed to Federal candidates.[2/] Respondents are the education associations of California, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Wisconsin and Wyoming.

Respondents fall into two categories: 18 state associations were identified by NEA as affiliates which had adopted "reverse check-off" procedures;[3/] and the

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[2/] Section 441b(b)(3)(A) specifically prohibits the separate segregated fund of a labor organization from making a "contribution or expenditure by utilizing dues, fees, or other monies required as a condition of membership . . .or as a condition of employment". This prohibition is aimed at the disbursal of funds collected in violation of the section and can technically be violated only by the separate segregated fund and not by the sponsoring labor organization. However, in light of the fact that the reverse check-off procedures at issue herein have been implemented through collective bargaining agreements between the local school boards and the education associations, not their respective separate segregated funds, any determination by the Commission that a violation has been committed through the use of such a system should be found against both the education association and its political action committee.

[3/] The Michigan Education Association is dealt with separately in Part B of this report.

remaining five associations were affiliates of NEA in states from which political committees had registered with the Commission. Although in the second category it was uncertain what methods were employed to collect political contributions, the widespread use of reverse check-off procedures among NEA affiliates warranted an investigation. This category includes the education associations of Colorado, Iowa, Minnesota, Oregon and Utah.

After finding reason to believe, the Commission contacted the 23 state education associations requesting a description of the procedure used by each for the solicitation of political contributions and asking what control, if any, NEA exercised over the choice of that system. Responses received from the associations varied widely both as to content and sufficiency. Despite this difficulty, we have attempted to categorize the respondents based upon the information which they have provided.

1. The largest category (11 associations), consisting of the state education associations of California, Connecticut, Idaho, Illinois, Kansas, Nebraska, New Hampshire, Rhode Island, South Dakota, Wisconsin and Wyoming, did not respond directly to the Commission's questions concerning their collection procedures. They stated that since they acted as agents for NEA for the collection of political contributions, they had forwarded the Commission's inquiry to NEA for

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response. None of the above-named associations indicated that a different system was used in collecting funds for its own political action committee than was used in the collection of NEA-PAC monies. In fact, it appears there was a concerted effort to avoid answering a series of questions specifically aimed at political contribution methods at the state level. Additionally, NEA did not provide any information that would lead the Commission to believe that the states were not using the reverse check-off procedure to fund their state PACs, although these states deferred to NEA in responding.

2. The second category of respondents consists of the Iowa State Education Association (ISEA), the Nevada State Education Association (NSEA) and the Pennsylvania State Education Association (PSEA) which also stated that they act as agents for NEA in soliciting NEA-PAC contributions. ISEA and NSEA stated that they do not use "reverse check-off" procedures to collect money for their own political action committees, however, neither described the systems that were used. PSEA merely stated that it did not contribute to Federal candidates and was, therefore, not registered with the FEC.

3. Category 3 consists of the Colorado Education Association (CEA) and the Vermont Education Association (VEA) which both admitted to having used "reverse

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check-off" procedures during 1976-77 but stated that the systems had been discontinued. VEA did not describe its new system. CEA stated that it now uses a "positive check-off" system whereby the member is given the "option", on the membership form, of making voluntary political contributions of $5.00 to the state PAC AND $1.00 to NEA-PAC. CEA did not describe how the member makes the "voluntary addition" of the political contributions and neither CEA nor VEA provided copies of their membership forms.

4. Category 4 consists of the Massachusetts Teachers Association (MTA) and the Minnesota Education Association (MEA). Both groups stated that they do not solicit or receive political funds. Rather, political activity is carried on in both states by independent political committees which conduct solicitations separately from the collection of union membership dues. MEA said that it "urges" its members to contribute to IMPACE, and independent corporation. It is interesting to note that despite its contrary assertions, NEA identified MTA as utilizing a "reverse check-off" procedure.

5. The fifth category consists of four associations which purported to describe in detail their

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procedures for the collection of political contributions. Each one raises potential problems it its implementation:

a. The Kentucky Education Association (KEA) described a system whereby its membership form contains a $7.00 KEPAC contribution and a $1.00 NEA-PAC contribution. All members are advised of the purpose of the deductions and given the opportunity to "object". KEA did not provide copies of its membership form or describe the manner in which a member might "object" to the deduction of the KEPAC and/or NEA-PAC contribution.

b. The Oregon Education Association (OEA) offers its members direct payment or payroll deduction methods of dues payment. The membership blank includes a $1.00 contribution to NEA-PAC and a separate $5.00 contribution to its own political action committee. The member is given the opportunity, on the same form, to decline payment of either or both of the contributions by checking appropriate boxes. (A copy of the membership form is attached hereto as Exhibit 1). A closer examination of the membership form indicates, however, that the option <u>not</u> to make the political contributions may be available only

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to those members who choose the direct payment method, not the payroll deduction method, of dues payment.

c. The Utah Education Association (UEA) offers its members three options for the payment of membership dues; cash, payroll deduction, or partial ("partial" apparently refers to the payment of less than full membership dues for certain types of membership, i.e., associate, staff, educational secretary). The membership blank has a $1.00 NEA-PAC contribution and a $10.00 UCIE (Utah Council for Improvement of Education) contribution pre-printed on the form. (A copy is attached hereto as Exhibit 2). Also printed on the front of each membership blank and on a separate printed instruction sheet included in the membership materials are instructions stating that if a member does not wish to authorize a political contribution he/she should cross out the $1.00 and/or the $10.00. Presumably the option to make a political contribution or not to make one is available regardless of the method of payment the member selects. However, the preprinting of the amount of the contribution requires an affirmative act by the teacher if he/she chooses not to contribute.

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d. The New Jersey Education Association (NJEA) stated that since 1973, it has used two methods of soliciting political contributions. From 1973, until September, 1976, it used an undescribed system referred to as "voluntary non-dues contributions." This system, together with the proceeds of NJEA-PAC balls resulted in $122,665.96 in contributions to NJEA-PAC. In 1976 NJEA instituted a different system of collecting political contributions, known as the Optional Rebate Plan, in which $2.00 was collected for NJEA-PAC from each of NJEA's 80,000 members as part of NJEA membership dues. An explanatory note from NJEA which accompanied the dues deduction form stated that "[c]ontributions to NJEA-PAC will be used to support candidates and issues on the state and federal level."

The New Jersey Education Association by-laws describedits method of collecting political contributions as follows:

> Each Active Professional Member shall remit to the Association, through the same procedures by which the dues of such member are paid . . . in addition to the established dues for such member or contribution, in the amount of $2.00, for the NJEA - Political Action Committee . . . upon receipt of a request in writing from any member, the Association shall return the member's $2.00 . . .

This method describes a reverse check-off procedure, but NJEA contends that none of the funds

collected in this manner were transmitted to NEA-PAC or contributed to Federal candidates through NJEA-PAC. However, NJEA does admit that "non-dues funds" collected from NJEA members were transmitted to NEA-PAC as well as NJEA-PAC. The NJEA response indicates that all monies collected for political purposes, "whether through statewide member solicitation efforts; NJEA-PAC ball proceeds; or the new Optional Rebate Plan" are commingled in a segregated account. If this is the case, then the contribution of any funds to federal candidates whether through NJEA-PAC OR NEA-PAC, would violate §441b(b)(3)(A).

PART B

Statement of Facts

This part of the combined MURs was initiated by a complaint received by Paul E. Chamberlain and Lore M. Chamberlain, teachers employed by the Board of Education of the school district of the City of Garden City, Michigan (MUR 293). The complaint alleged that complainants are required to pay monies to a separate segregated fund as a condition of employment without being told of their right to refuse to contribute. Additionally, the complainants alleged that since they are non-members of the employee organization the

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solicitation of them violates the Act. On November 11, 1976, the Commission found reason to believe that the Michigan Education Association (MEA) and the Garden City Education Association (GCEA) violated 2 U.S.C. §441b(b)(3) and §441b(d)(4)(A)(2).

The GCEA is a local affiliate of MEA and NEA and acts as an agent to MEA and NEA in collecting monies for MEA-PAC and NEA-PAC. The GCEA and the Garden City Board of Education (the "Board") entered into a collective bargaining agreement effective from August 31, 1974 through September 1, 1976. This agreement provides for an agency shop arrangement and requires that "in the event a teacher shall not join the association (the association defined as GCEA) and execute an authorization for dues collection . . . such teacher shall, as a condition of employment cause to be paid to the association a sum equivalent to the dues and assessments. . ." Since September 1, 1976, the GCEA and the board have been operating under "Table Agreements" amending the 1974-1976 contract agreement. There are some differences between the two documents. The 1974-1976 agreement states that refusal of a teacher to contribute fairly to the costs of negotiations and administration of a collective bargaining agreement shall be just cause for termination. The Table Agreement, however, makes the refusal of a tacher to pay a sum equivalent to the dues and assessments

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of members a just cause for termination. It thus changes the language from "cost of negotiation and adminstration" to "such sum equivalent to the dues and assessments of members".

In response to a dues notice in the amount of $216 for each respondent, for the 1975-1976 school year, Mr. and Mrs. Chamberlain tendered checks in the amount of $25.00 each representing a sum equivalanet solely to the dues of GCEA. Inter alia, a $5.50 payment to MEA-PAC and a $1.00 payment to NEA-PAC were withheld. The tender was rejected by GCEA and the checks returned.

On December 8, 1975, the complainants sent a check in the amount of $372.00, this time withholding a strike assessment but paying the PAC contributions although protesting the payment in a letter sent with the check. Because the dues were incomplete as to the assessment, these funds were returned by the board to GCEA and GCEA demanded that the board discharge the complainants. In the 1976-1977 school year, governed by the Table Agreement, the complainants tendered $25.00 each protesting all dues and assessments besides the GCEA dues, specifically objecting to the MEA-PAC and NEA-PAC funding. The checks were returned by the president of GCEA and the board was notified to begin dismissal proceedings on Mr. and Mrs. Chamberlain.

All teachers in the bargaining unit represented by GCEA are required to pay all the dues and assessments including the funds for MEA-PAC and NEA-PAC are collected at the local level and are part of the dues check-off procedure in this agency shop. As shown by the Chamberlain's experience the teachers cannot refuse to pay the monies to the PACs even if they pay cash at the beginning of the school year.

ANALYSIS - PART A

The Act makes it unlawful for a separate segregated fund to make a contribution or expenditures by utilizing money secured as a condition of membership. 2 U.S.C. §441b(b)(3)(A). The FEC Regulations further state that monies paid as a condition of membership are still considered illegal as a condition of membership even if they are refundable upon request of the payor. 11 C.F.R. §114.5. The collection of political contributions through a payroll deduction as a condition of membership, although refundable upon request, describes the so-called "reverse check-off" procedure. This procedure clearly violates the Act and the Commission's regulations as set out above. This analysis will follow the categoreis set out in the statement of facts in this report.

Categories I and II

All the state education associations in these categories admit to using the reverse check-off procedure in

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funding NEA-PAC and/or its own state political action committee (PAC). As long as contributions are made to Federal candidates, the funding of the PACs at either the federal or state level will violate the Act. There is also a solicitation violation if the state education associations do not inform the employee of his/her right to refuse to contribute. In Categories I and II it appears that the state education association notified the employees of their right to a refund, not a right to refuse to contribute, thereby violating both §441b(b)(3)(C) aa and §441b(b)(3)(A) of the Act.

Category III

The state education association in this category admitted using of the reverse check-off procedure until the 1977-1978 school year and thereby violated the Act. In the present school year, new procedures have been implemented that are not adequately described, although self-proclaimed as "voluntary". In Colorado, the alleged voluntary contributions are obtained from "fund drives" and a "positive check-off" procedure. There was no explanation of how either of the solicitation methods were implemented. Vermont Education Association (VEA) indicated that they discontinued the reverse check-off in 1977 as to its state political action committees. NEA admitted that Vermont used the reverse check-off in funding NEA-PAC. Although VEA political action committee (VEA-VOTE) alleged it no longer used the

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reverse check-off, it did contribute funds to a federal candidate collected this procedure after 11 C.F.R. §114.5 was promulgated.

Category IV

The state associations in this category have not directly admitted that they utilized the reverse check-off procedure before 1977-1978. NEA has stated that the Massachusetts Teacher's Association (MTA) utilized the reverse check-off procedure in funding NEA-PAC as well as its state political action committee (VOTE). MTA merely asserts that the system used by VOTE, in soliciting funds is voluntary. No effort was made to describe the system.

Minnesota Education Association (MEA) indicated that all contributions are made to an independent committee called IMPACE. In specific response to our inquiry concerning the collection procedure, MEA stated that it "urges" its people to donate to IMPACE. No further explanation was given. IMPACE may itself, be collecting funds through reverse check-off rather than the state education association soliciting and then transferring the funds to its separate segregated fund.

Category V

Kentucky

a. Kentucky Education Association (KEA) indicates that

it has an agreement with the Kentucky Educators Public Affairs Council (KEPAC) to collect its political contributions. NEA states that Kentucky used the reverse check-off in funding NEA-PAC. The mechanics by which KEPAC rather than KEA collects the funds is not clear, but the reverse check-off if used in some areas and half the funds collected are distributed among the local affiliates and the other half is kept by KEPAC. Both the local affiliates and KEPAC have contributed to Federal candidates.

0302

Oregon

b. Oregon collects most of its contributions through payroll deduction through a system that does not appear to utilize the reverse check-off procedure. However, a closer examination of the membership blank indicates that the option not to make the political contributions may be available only to those members who choose the direct payment method, not the payroll deduction method of dues payment.

Utah

c. The Utah system also appears not to utilize the reverse check-off procedure but the preprinting of the amount of the contribution requires an affirmative act in crossing out the amount, if the teacher does not want to contribute.

New Jersey

d. New Jersey utilizes a reverse check-off procedure to collect part of its political funds, called the "Optional Rebate Plan". The New Jersey Education Association Political Action Committee (NJEA-PAC) denies that it has contributed to federal candidates from the "Optional Rebate Plan" monies. The NJEA response indicates that all monies collected for political pruposes, whether through statewide member solicitation effort, NJEA balls proceeds, or the Optional Rebate Plan, are put in a segregated account. If this is the case, then the contribution of any funds to Federal candidates whether through NJEA-PAC or NEA-PAC would violate §441b(b)(3)(A).

ANALYSIS - PART B

By admission of counsel of GCEA, MEA, and NEA these three organizations act as collection agents for NEA-PAC and thereby violate the Act by requiring teachers to contribute as a condition of membership. Informing an employee at the time of the solicitation that he has a right to a refund is not sufficient to constitute notice of his right to refuse to contribute and thus violates 2 U.S.C. §441b(b)(3)(C). The solicitation of the complainants as non-members of the education association is a violation of §441b(b)(4)(A)(ii) of the Act. This section proscribes the solicitation of contributions by

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a labor organization or its separate segregated fund from any person other than its members and their families.

RECOMMENDATION

In many instances violations of the Act are clear. In all cases the monies collected for political action committees are obtained as a condition of membership or voluntariness questions arise. These violations can only be fully perceived, corrected and further prevented through conciliation.

Therefore, it is recommended that the Commission find reasonable cause to believe that twenty (20) state education associations and the respective separate segregated funds have violated 2 U.S.C. §441b(b)(3)(A) and (C) by utilizing monies secured as a condition of membership to make contributions to a Federal candidate and the failure to inform the employees of their right to refuse.

The procedures used in Oregon, Utah and Minnesota require a further recommendation. Therefore, it is requested that further action be withheld as to these states until this investigation can be completed.

It is further recommended that the Commission find reasonable cause to believe that GCEA, MEA, MEA-PAC, have violated 2 U.S.C. §441b(b)(3)(A) and (C), and §441b(b)(4)(A)(ii). Additionally, NEA and NEA-PAC have violated §441b(b)(3)(C) and 441b(b)(4)(A)(ii) of the Act. The failure to inform the employee of his right to refuse

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to contribute to a poltical fund without reprisal and by soliciting a non-member of the employee organization violate 2 U.S.C. §§441b(b)(3)(C) and 441b(b)(4)(A)(ii). Additionally, the utilization of monies secured as a condition of membership, to make contributions to a federal candidate violates 2 U.S.C. §441b(b)(3)(A).

11/11/77
DATE

William C. Oldaker
WILLIAM C. OLDAKER
GENERAL COUNSEL

0040110305

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MUR

Dear Sir:

The Commission has determined that there is reasonable cause to believe that the (state association & PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. The Commission believes that the political contributions collected by and PAC use of the "reverse check-off" procedures are contributions required as a condition of membership in violation of §441b(b)(3)A. Additionally, the failure to inform the employee of his right to refuse to contribute without reprisal before he/she is compelled to contribute is a violation of §441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437 g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the and desires conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

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MUR

Dear Sir:

The Commission has determined that there is reasonable cause to believe that the (state association & PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. The Commission believes that the political contributions collected by and PAC use of the "reverse check-off" procedures are contributions required as a condition of membership in violation of §441b(b)(3)A. Additionally, the failure to inform the employee of his right to refuse to contribute without reprisal before he/she is compelled to contribute is a violation of §441b(b)(3)(C).

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Please advise me whether the and desires conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

NOTE: In Michigan matter, this sentence is added to paragraph 1: The solicitation of the complainants as non-members of the education association is a violation of §441b(b)(4)(A)(ii).

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oregon education association

UNITED TEACHING PROFESSION
CONTINUING MEMBERSHIP APPLICATION

SOCIAL SECURITY NUMBER

NAME (LAST, NAME, FIRST)

[redacted]

OREGON

HOME PHONE

NEA	OEA	LOCAL	DEA/PAC	PE	LOCAL PAC
10	10	10			

LEVEL	SUBJECT(S)	SEX	ETHNIC GROUP
2	14	F	6

METHOD OF PAYMENT: PAYROLL DEDUCTION OR ✓ DIRECT PAY

Please print legibly, use these codes to fill in boxes above.

FOR UNIVERSITY OFFICE
PLEASE SELECT APPROPRIATE CODES
(SEE TABLES BELOW)

			NEA	
	100	10	Active Full Time	100
	75	11	Active Half Time	50
	67	20	Associate	25
	50	25	Educational Secretary	50
	100	30	NEA - Life*	N/A
	75	40	OEA Staff	50
	25	45	Paraprofessional	50
	50	45	Agency Support Staff	N/A
			LOCAL	
	50	10	Active	
	25	25	Associate	
		10	Full Location Exchange	
			OTHER	
		60	NEA PAC	
	N/A	70	PE	
		60	LOCAL PAC	

(3) POSITION
01 Teacher
30 Administrator
35 Counselor
50 Higher Ed. Admin.
60 Librarian
90 Association Staff
95 Retired
99 Other

(4) LEVEL
1 Kindergarten
2 Elementary (1-6)
3 Secondary (7-12)
4 Two Year Higher Ed.
5 Four Year Higher Ed.
6 Adult Education
9 Other

(5) SUBJECT:
01 Agriculture
02 Art
03 Business Ed.
04 English
05 Foreign Language
06 Health & PE
07 Home Economics
08 Industrial Arts
09 Math
10 Science
11 Social Studies
12 Music
13 Special Ed.
14 Speech Ed.
15 Vocational Ed.
16 General Elementary

(6) SEX
1 Male
2 Female

(7) ETHNIC GROUP
1 Asian American
2 Black
3 Indian
4 Mexican-American
5 Other Spanish Speaking
6 Caucasian

(8) EDUCATION
1 Bachelor or Higher
2 Educational, Vocational or Technical Certificate

NEA Life Payments should be sent to NEA directly by the member.

METHOD OF PAYMENT

PURSUANT TO THE BYLAWS OF THOSE ASSOCIATIONS AS MAY BE DETERMINED FROM TIME TO TIME, AND UNLESS I REVOKE THIS AUTHORIZATION IN WRITING BETWEEN AUGUST 1 AND OCTOBER 1 OF ANY YEAR,

☐ **PAYROLL DEDUCTION**

I AUTHORIZE MY EMPLOYER TO DEDUCT FROM MY SALARY EACH PAY PERIOD AND REMIT TO OEA AND NEA DUES, ASSESSMENTS AND CONTRIBUTIONS.

OR

✓ **DIRECT PAY**

I AGREE TO PAY LOCAL, OEA AND NEA DUES, ASSESSMENTS AND CONTRIBUTIONS IN ONE PAYMENT NO LATER THAN NOVEMBER 1.

✓ I DO NOT WISH TO CONTRIBUTE $1.00 TO OEA PAC

✓ I DO NOT WISH TO CONTRIBUTE $1.00 TO NEA PAC

CONTRIBUTIONS TO LOCAL ASSOCIATION PAC IS ___, OEA/PAC ($5.00) AND NEA PAC ($1.00) MAY BE USED TO SUPPORT CANDIDATES FOR LOCAL, STATE, OR FEDERAL OFFICES AND ISSUES. THESE CONTRIBUTIONS ARE VOLUNTARY AND ARE NOT REQUIRED AS A CONDITION OF MEMBERSHIP IN ANY ORGANIZATION.

A COPY OF ANY REPORT FILED PURSUANT TO THE FEDERAL ELECTIONS CAMPAIGN ACT OF 1971 IS AVAILABLE FOR PURCHASE FROM SUPERINTENDENT OF DOCUMENTS, U.S. GPO, WASHINGTON, D.C. 20402.

DATE 7/3/76

✓ MEMBER SIGNATURE

FACULTY REP SIGNATURE

DATA PROCESSING

Exhibit 1

EXHIBIT A

UTAH EDUCATION ASSOCIATION
1977-78

LOCAL ASSOCIATION

SCHOOL NAME

SOCIAL SECURITY NUMBER

48 | | 00 | 000 | | 000 |
REG. LOCAL BLDG.

LAST NAME, FIRST, MIDDLE INITIAL

NAME	TITLE	
ADDRESS		
CITY & STATE	ZIP	

ASS'N.		ANNUAL PAYMEN
NEA		
UEA		
LOCAL		
NEA-PAC*		$ 1.0
UCIE CONTRIBUTION *		$10.0
TOTAL		

SEE CODES ON BACK OF FORM

SUBJECT CODE	POSITION CODE	LEVEL CODE	ETHNIC CODE	METHOD OF PAYMENT CODE

*I understand that my political contribution is voluntary and not a condition of membership, and will be used to support candidates for local, state, and/or federal office. I have the right to refuse to contribute, and my refusal to contribute in no way alte my membership status or benefits.

You may contribute more or less than the amount shown. If you do not wish to contribute, draw a line through the appropriat amount(s).

A copy of the NEA-PAC and UCIE reports is filed with the Federal Election Commission and is available for purchase from th FEC, Washington, D.C. 20436.

I hereby apply for membership as indicated above and agree that my membership is to continue until revoked in writing. I author the amount of dues as established each year to be deducted from my salary for the catagories indicated above unless I revoke m authorization in writing prior to September 15th of any year. If for any reason, excepting death, my employment is terminated amounts still owing under this authorization shall be deducted from final pay due.

MEMBER'S SIGNATURE DATE COLLECTOR

PROCESSING CENTER COPY

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Exhibit 2

MUR

Dear Sir:

The Commission has determined that there is reasonable cause to believe that the (state association & PAC) have violated the Federal Election Campaign Act of 1971, as amended, with regard to the above-numbered MUR. The Commission believes that the political contributions collected by and PAC use of the "reverse check-off" procedures are contributions required as a condition of membership in violation of §441b(b)(3)A. Additionally, the failure to inform the employee of his right to refuse to contribute without reprisal before he/she is compelled to contribute is a violation of §441b(b)(3)(C).

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement pursuant to 2 U.S.C. §437 g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit.

Please advise me whether the and desires conciliation in this matter. If you have any questions, please contact Kenneth A. Gross, the attorney assigned to this matter, at 202/523-4060.

Sincerely,

William C. Oldaker
General Counsel

NOTE: In Michigan matter, this sentence is added to paragraph 1: The solicitation of the complainants as non-members of the education association is a violation of §441b(b)(4)(A)(ii).

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DCC 1770
NRN

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RECEIVED
FEDERAL ELECTION
COMMISSION

'77 OCT 11 PM 2:22

New Jersey Education Association • 180 W. State St. • P.O. Box 1211 • Trenton, New Jersey 08607 • Tel: (609) 599-4561

Frank K. Totten
President

October 3, 1977

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

Gentlemen:

We have been advised by the National Education Association (NEA) that you have written to a number of states which, according to NEA, utilize a "reverse check-off" procedure to collect political contributions for NEA's political action committee (NEA-PAC).

The New Jersey Education Association (NJEA) has no record of receipt of such a letter. However, please be advised that NJEA does not utilize a "reverse check-off" procedure to collect political contributions for either NJEA's political action committees or NEA's political action committee.

Yours truly,

Frank K. Totten

Frank K. Totten
President

10044103111

njea
New Jersey Education Association
180 W. State St. • P.O. Box 1211 • Trenton, N.J. 08608



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

MCC 1758

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4451

OFFICE OF GENERAL COUNSEL
RECEIVED
FEDERAL ELECTION
COMMISSION
'77 OCT 7 PM 2:24

October 5, 1977

702928

William Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20436

Re: FEC v. NEA, et al.
Civil Action No. 77-1705

Dear Mr. Oldaker:

On August 25, 1976, you sent a letter to several of the NEA's affiliated state associations requesting certain information regarding their involvement in the collection of contributions for the NEA-PAC. In view of the NEA's prior dealings with your office vis-a-vis this matter, our pending request for an advisory opinion, and the fact that the state associations function as our agent for purposes of NEA-PAC collection, we contacted David Spiegel, the attorney in your office assigned to this matter, and informed him that the NEA would be willing to compile the requested information and transmit it to the FEC in a single document. Mr. Spiegel indicated that this would be acceptable and we were in the process of preparing such a document when we were served with a complaint in the above-captioned lawsuit. Since this lawsuit deals with essentially the same matters addressed in your letter, we believe it would be inappropriate for us to proceed with the arrangement discussed with Mr. Spiegel.

Sincerely,

Robert H. Chanin
Deputy Executive Director
and General Counsel

RHC:db

0040210313

nea
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N. W.
Washington, D. C. 20036

WASHINGTON, DC 200
PM
5 OCT
1977

ALWAYS USE ZIP

USA 13c LIBERTY

77 OCT 7

William Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. [redacted]

MUR # 1672

PENNSYLVANIA STATE EDUCATION ASSOCIATION
Box 1724, 400 North Second Street, Harrisburg, Pennsylvania 17105 phone (717) 255-7000

RECEIVED
FEDERAL ELECTION COMMISSION
'77 SEP 28 PM 12:57

Francis J. Moran, president
K. Eugene Preston, executive director

September 26, 1977

702852

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

Dear Mr. Steele:

This communication is in further response to your letter of August 25, 1977 in which you requested information concerning collection of political contributions for the NEA's Political Action Committee (NEA-PAC).

Please be advised that the Pennsylvania State Education Association acts only as an agent of the National Education Association in soliciting NEA-PAC contributions from NEA members in Pennsylvania. The Pennsylvania State Education Association does not make political contributions to candidates for Federal office and does not have a political action committee registered with the Federal Elections Commission.

Your inquiry is being forwarded to the NEA which will respond to the Commission concerning questions on solicitation of political contributions from NEA members in Pennsylvania for NEA-PAC.

Sincerely,

Francis J. Moran

Francis J. Moran

FJM/sf
1-11

cc: Warren Cruise
NEA Government Relations Legal Counsel
Central File

0 0 0 4 0 1 0 3 1 5

psea
PENNSYLVANIA STATE EDUCATION ASSOCIATION
400 North Third Street, Harrisburg, Pennsylvania 17101

TEACHERS CARE... DO YOU?

HARRISBURG PA SEP 27 77

U.S. POSTAGE 13¢

77 SEP 2 PM 12:

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

MCL 1598

RECEIVED
FEDERAL ELECTION
COMMISSION

EXECUTIVE OFFICE

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4000
JOHN RYOR, President
WILLARD H. MCGUIRE, Vice-President
JOHN T. MCGARIGAL, Secretary-Treasurer
[illegible] HERNDON, Executive Director

77 SEP 21 AM 10:

September 19, 1977

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

772795

Dear Mr. Steele:

It would be very helpful to the NEA if you would give me the names of those NEA state associations who you have asked to answer several questions concerning the method they use to collect political contributions.

Some of the state associations that received this request never used at any time the "reverse check-off system."

Therefore in order for NEA to respond to this inquiry properly, we need the names of all the state associations involved in your questionnaire.

Thanking you in advance.

Sincerely,

Warren M. Cruise

Warren M. Cruise
Counsel
Government Relations

WMC:pjt

cc: Dave Spiegel

0004103817

nea
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N. W.
Washington, D. C. 20036

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 SEP 21 AM 9:38

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

MUR # 1522

NSEA
ESTABLISHED 1867

Nebraska State Education Association

BOX 94866 · 605 SOUTH 14th · LINCOLN, NEBRASKA · 68509 · PH: 476-7511

FEDERAL ELECTION COMMISSION
SEP 19 AM 11:53

772776

September 15, 1977

Mr. David R. Spiegel
Associate General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Dear Mr. Spiegel:

In response to your letter to the President of the Nebraska State Education Association, dated August 25th, we are responding to your series of questions as follows:

> In the soliciting of any NEA-PAC contributions from NEA members, the Nebraska State Education Association acts as an agent of the National Education Association, and thus we are therefore forwarding your letter to the NEA for the proper response to your Commission.

We suggest that your further inquiries be directed to Mr. Warren Cruise at NEA Government Relations, 1201 Sixteenth St., N. W. Washington, D. C. 20036.

Sincerely,

Herbert H. Schimek
NSEA Government Relations

HHS:db

Nebraska State Education Association

NSEA
ESTABLISHED 1867

BOX 94846 · 68509
LINCOLN, NEBRASKA

FEDERAL ELECTION COMMISSION

'77 SEP 19 AM 11:23



Mr. David R. Spiegel
Associate General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Bee # 1521

MASSACHUSETTS TEACHERS ASSOCIATION

RECEIVED
FEDERAL ELECTION
COMMISSION
77 SEP 19 AM 11:52

mta

JOHN M. SULLIVAN
ASSOCIATE EXECUTIVE SECRETARY
for Government and Community Affairs

772777

September 14, 1977

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

Gentlemen:

Your letter of August 25, 1977 has been received. Due to summer vacation schedules within the Association, it was not directed to my attention until September 9, 1977. I apologize for the delay in responding.

The Massachusetts Teachers Association does not solicit or receive political contributions for candidates to federal elections. All political activities are conducted by the Voice of Teachers for Education (VOTE) which is registered as a political committee in Massachusetts.

However, VOTE does not utilize a "reverse check off" procedure to collect political contributions for NEA-PAC. It does not solicit or receive political contributions as a part of the dues process.

As an agent of NEA-PAC and totally apart from the collection of dues, VOTE solicits and receives voluntary contributions for NEA-PAC from NEA members. Therefore, I suggest that you direct your inquiries to the NEA in Washington. I am forwarding a copy of your letter to the NEA to facilitate its response.

I would appreciate it if you would address any future MTA correspondence, if any, directly to me.

Sincerely,

John M. Sullivan

John M. Sullivan
Associate Executive Secretary for
Government and Community Affairs

JMS:sae

20 ASHBURTON PLACE/BOSTON, MASSACHUSETTS 02108/TELEPHONE (617) 742-7950

"An Equal Opportunity Employer"

0 0 4 0 2 1 0 3 2 1

MASSACHUSETTS TEACHERS ASSOCIATION

mta

'77 SEP 10 AM 11:23

ATTENTION: William C. Oldaker

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

20 ASHBURTON PLACE / BOSTON, MASSACHUSETTS 02108

South Dakota Education Association
P. O. Box 939
PIERRE, SOUTH DAKOTA 57501
Area Code 605 Phone 224-5874

FEC # 1438
FEDERAL ELECTION COMMISSION
'77 SEP 19 AM 8:55

September 13, 1977

772755

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Dear Mr. Oldaker:

I am writing in response to your request for information regarding our involvement in federal elections through NEA-PAC.

We merely serve as an agent for NEA-PAC and hence have referred your inquiry to them for a response.

I have been advised by NEA-PAC counsel that this is appropriate, in light of your inquiry.

If you have further questions, please do not hesitate contacting us.

Sincerely,

Roger Erskine

Roger Erskine
Executive Director
South Dakota Education Association

RE/cm

cc: Warren Cruise

0004021032 3



SIOUX FALLS EDUCATION ASSOCIATION
2010 S. MINNESOTA AVENUE
SIOUX FALLS, SOUTH DAKOTA 57105

Roger Erskine, SDEA

FEDERAL ELECTION COMMISSION





'77 SEP 19 AM 8:38

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

0 0 0 4 0 1 0 3 2 4

FOUNDED 1863



MUR # 1470

RECEIVED
FEDERAL ELECTION
COMMISSION
77 SEP 15 PM 1:25

California Teachers Association
OFFICE OF GENERAL COUNSEL
1705 Murchison Drive, Burlingame, Ca 94010 (415) 697-1400
1125 West Sixth Street, Los Angeles, Ca 90017 (213) 482-5660

Reply to: **Burlingame**

September 8, 1977

772726

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

Re: California Teachers Association and
"Reverse Checkoff" Procedure

Dear Mr. Steele:

This is in response to your letter to California Teachers Association (CTA) dated August 25, 1977. I am the Executive Director of CTA and assist in the administration of the Association For Better Citizenship (ABC), its political action committee.

Because the political contribution solicitation methods used by CTA and other NEA affiliates are similar, we have forwarded your letter to the NEA. It, in turn, will furnish you with a response to your letter. The California Teachers Association believes that it has always fully complied with the Federal Election Campaign Act and with the F.E.C. regulations made pursuant to it.

Very truly yours,

Ralph J. Flynn
State Executive Director

RJF:rm

FOUNDED 1863

California Teachers Association

1705 Murchison Drive
Burlingame, California
94010

FEDERAL ELECTION COMMISSION

'77 SEP 15 PM 1:06

SAN FRANCISCO, CA
PM
12 SEP
1977

AIRPORT MAIL FACILITY

Charles N. Steele, Associate General Counsel

Federal Election Commission

1325 K Street N.W.

Washington, D.C. 20463

Rec# 1445

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 SEP 13 PM 4:04

MEL SMITH
PRESIDENT

September 8, 1977

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

77[illegible]

Dear Mr. Oldaker:

On August 29, the Illinois Education Association received a letter dated August 25, 1977, signed by Charles W. Steele, Associate General Counsel, requesting information about collection of National Education Association Political Action Committee funds. Any involvement of the Illinois Education Association in the collection of these monies is in the capacity of agent for the NEA, which we understand to have been in contact with the FEC already on the general subject of NEA-PAC contributions. We are forwarding your communication to the NEA for response and trust they will be in touch with you promptly to supply whatever information is appropriate.

Sincerely,

Mel Smith

Mel Smith
IEA President

jbk

cc Warren Cruise

Illinois Education Association
100 East Edwards Street
Springfield, Illinois 62704
217/544-0706

FEC
FEDERAL ELECTION

'77 SEP 13 AM 9:59

REGISTERED
NO. 14386

RETURN RECEIPT
REQUESTED

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

NEVADA STATE EDUCATION ASSOCIATION
151 EAST PARK STREET • CARSON CITY, NEVADA 89701 • PHONE 882-5574

PAUL GHILARDUCCI, President
WENDELL K. NEWMAN,
Acting Executive Director

September 7, 1977

David R. Spiegel, Esq.
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Mr. Spiegel:

In response to your telephone conversation with Wendell K. Newman, Executive Director Nevada State Education Association, on September 2, 1977 and the letter sent to me dated August 25, 1977 from Charles N. Steele, Associate General Counsel, I am replying with respect to the requested information on our Association utilization of a "reverse check-off" procedure to collect political contributions.

The Nevada State Education Association does not now, nor has it ever used a "reverse check-off" procedure to collect political contributions for its Political Action Committee, PACE. Contributions to PACE are collected solely on a voluntary basis from the teachers in Nevada.

The Nevada State Education Association in soliciting NEA-PAC contributions from the NEA members in Nevada acts as an agent of the National Education Association; therefore, I am forwarding the FEC inquiry to the NEA, which will respond to the Commission.

Sincerely yours,

Robert I. Rose
President

RIR:mt

cc: Wendell K. Newman
Board of Directors
Joyce Woodhouse, NSEA Governmental Relations
Warren Cruise, NEA Government Relations Legal Counsel

0010329

NEVADA STATE EDUCATION ASSOCIATION
151 EAST PARK STREET • CARSON CITY, NEVADA 89701

FEDERAL ELECTION COMMISSION

'77 SEP 12 PM 9:01

RENO, NV 895
-PM
7 SEP
1977

CARSON CITY
SEP 7 '77
NEV.

13

David R. Spiegel, Esq.
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

0 0 4 0 2 1 0 3 1

Ccc1423

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 SEP 12 AM 11:10

77[illegible]

AFFIDAVIT

* * * * * * * * * * *

Affiant, Wayne C. Harvey, being first duly sworn, states as follows:

1. I am the President of the Kentucky Education Association (KEA), 101 West Walnut Street, Louisville, Kentucky 40202.

2. KEA is an organization of professional educators and is incorporated under the laws of the Commonwealth of Kentucky. KEA is a state affiliate of the National Education Association (NEA). KEA and NEA have a "unified" membership agreement whereby membership in one association is a condition precedent to membership in the other.

3. Kentucky law requires boards of education to deduct dues, insurance premiums and other items from the pay of its employees if requested to do so by an employee organization. KEA, as an employee organization has made such a request in all but a few of the 181 public school districts in Kentucky. Therefore, KEA and NEA dues are deducted from the pay of members by employing school boards and forwarded to KEA. KEA then remits the deducted amounts to the appropriate payees (including NEA, insurance companies, etc.).

4. At the request of NEA-PAC (not NEA) KEA has added $1.00 per year to the dues deducted from the pay of its members. The $1.00 is a contribution to NEA-PAC to be used by NEA-PAC for political contributions or as its governing body may otherwise decide. The $1.00 is not dues but rather a contribution; all members are advised of this distinction, the nature of the NEA-PAC organization and the purposes for which the contribution will be used.

5. KEA-NEA members, upon being advised of the nature and purpose of the NEA-PAC contribution, are given several options if they object to the $1.00 deduction. The options are as follows:

a. If objection is received before the payroll deduction begins, the deduction will not be made.

b. If received after the deduction has begun but not completed, future deductions are cancelled and the amount already contributed is refunded immediately.

c. If the objection is made after the deductions are completed, the amount contributed is refunded immediately.

In any event, refusal to contribute has no effect on membership status; likewise, request for refund does not affect membership in KEA or NEA.

6. In addition to the above there are several school systems in this state that have decided not to make the deduction in question. In these cases deductions for KEA-NEA dues, insurance premiums, etc. are continued in the normal manner and membership status of the persons involved is not affected.

7. It is a policy of KEA that the check-off program for association dues and insurance programs is of primary importance and, therefore,

takes precedence over political contributions to NEA-PAC. Under this policy maintenance of membership in the association will always take precedence over questions concerning political contributions. Therefore, deduction of the contribution to NEA-PAC is not and cannot be a condition of membership in KEA or NEA.

8. Pursuant to the agreement with NEA-PAC, as described above, KEA acts as a collection agent and a fee is charged for this service.

9. NEA or NEA-PAC have no control over the solicitation of political contributions in Kentucky. As explained above KEA operates its deduction plan pursuant to state law. This plan, including that portion relating to political contributions, has been held to be legal under Kentucky law by the Attorney General of Kentucky.

10. Political contributions to NEA-PAC are collected under the above described system and forwarded to NEA-PAC. KEA also collects $7.00 per year from some of its members as a political contribution to the Kentucky Education Public Affairs Council (KEPAC) under an arrangement similar to that described above. During calendar year 1976 the total of these contributions was $202,543.98; $24,283.25 (11.99%) were contributions to NEA-PAC.

11. KEA has not made contributions to candidates for federal office. KEPAC contributed $300 to Walter "Dee" Huddleston, a candidate for federal office, in 1976.

Further affiant sayeth naught.

Wayne Harvey

Wayne Harvey

Subscribed and sworn to before me a notary public, this 8th day of September, 1977.

Notary Public, Ky. State-at-large

My commission expires Jan. 8, 1980

KENTUCKY EDUCATION ASSOCIATION

101 WEST WALNUT STREET
LOUISVILLE, KENTUCKY 40202

COMMISSION

'77 SEP RETURN RECEIPT REQUESTED

REGISTERED -
Return Reeeipt Requested

REGISTERED
NO. 19601

Mr. Charles N. Steele
Associate General Counsel
Federal Election Commission
1325 K. Street, N. W.
Washington, D. C. 20436

Attention: Mr. David R. Spiegel

PENNSYLVANIA STATE EDUCATION ASSOCIATION
Box 1724, 400 North Third Street, Harrisburg, Pennsylvania 17105 phone (717) 255-7000

Francis J. Moran, president
K. Eugene Preston, executive director

Rec #1477
1422

FEDERAL ELECTION COMMISSION

'77 SEP 12 AM 10:16

September 8, 1977

772666

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

Dear Mr. Steele:

This letter will acknowledge receipt of your letter of August 25, 1977 to Pennsylvania State Education Association President Francis J. Moran in regard to the National Education Association's Political Action Committee.

The Pennsylvania State Education Association has acted as a collection agent for "NEA-PAC." Through copy of this letter, we are authorizing the National Education Association to respond in our behalf to your inquiries.

Sincerely yours,

Francis J. Moran
President

K. Eugene Preston
Executive Director

M/P/h
cc: Warren Cruise, NEA
Central File

0 0 0 0 1 0 3 3 6

psea
PENNSYLVANIA STATE EDUCATION ASSOCIATION
400 North Third Street, Harrisburg, Pennsylvania 17101

FEDERAL ELECTION COMMISSION

TEACHERS CARE... DO YOU?

HARRISBURG SEP 8 7 7 6

77 SEP 12 AM 8:59

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

RECEIVED
FEDERAL ELECTION
COMMISSION
77 SEP 12 AM 10:09

OFFICE OF THE PRESIDENT

September 8, 1977

772672

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

Dear Mr. Steele:

The Wisconsin Education Association Council, for the purpost of collecting NEA-PAC monies, has in all instances been acting as the agent of the National Education Association. Accordingly, your letter has been forwarded to the NEA General Counsel for response.

It is my understanding that this procedure has been cleared with your office by the NEA and has been approved by you.

Sincerely,

Paul du Vair

Paul du Vair
President

PD/km

WISCONSIN EDUCATION ASSOCIATION COUNCIL
101 W. Beltline Hwy., P.O. Box 8003, Madison, Wisconsin 53708 608-255-2971 WATS 1-800-362-8034

WISCONSIN EDUCATION ASSOCIATION COUNCIL
222 W. WASHINGTON AVENUE MADISON, WISCONSIN 53703

MADISON WIS SEP 77

'77 SEP 12 AM

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

pec # 1401

NEW HAMPSHIRE

EDUCATION ASSOCIATION

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 SEP 9 PM 3:42

603/224-7751

103 NORTH STATE STREET • CONCORD, NEW HAMPSHIRE 03301

772651

September 7, 1977

Mr. David R. Spiegel, Esq.
Federal Election Commission
1325 K Street N.W.
Washington D.C. 20463

Dear Mr. Spiegel:

The New Hampshire Education Association is an affiliate of the National Education Association and, as such, acts only as the agent of the NEA in the State of New Hampshire in soliciting political action contributions from their members. For this reason, I have forwarded your inquiry of August 25, 1977 to the NEA requesting that they respond.

Sincerely,

Jim Hobson
Executive Director

JH/ms

00040103340

NEW HAMPSHIRE EDUCATION ASSOCIATION
103 NORTH STATE STREET
CONCORD, NEW HAMPSHIRE 03301

ADDRESS CORRECTION REQUESTED

03301 034

Mr. David R. Spiegel, Esq.
Federal Election Commission
1325 K Street N.W.
Washington D.C. 20463



See #1403

The Wyoming Education Association NEA

115 EAST 22nd STREET / CHEYENNE, WYOMING 82001 / (307) 634-7991

RECEIVED
FEDERAL ELECTION COMMISSION
'77 SEP 9 PM 3:39

September 6, 1977

772647

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

Dear Mr. Steele:

In answer to your letter of August 25, the Wyoming Education Association solicited National Education Association NEA-PAC contributions for NEA acting as an agent of the National Education Association. Therefore, we have forwarded the Federal Election Commission inquiry to the NEA, who will respond to it.

Sincerely,

Al Cranston

Al Cranston, President
Wyoming Education Association

ba

0 0 0 0 1 0 3 4 2

Wyoming Education Association
115 EAST 22ND STREET CHEYENNE, WYOMING 82001

77 SEP 9 PM 1:09

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

MUR # 1402

President, Ronald L. DiOrio; First Vice President, Harvey B. Joan M. Casement, Bristol County; Thomas P. Cronin, Marilyn D. Leach, Kent County; Anthony R. Leone, High- Helen F. McGovern; Assistant Secretary, John Philip Sch- James E. Driscoll; NEA Director, George Mello; Execu- '79; Stephen M. Burns '80; Frank T. Cooney '78; Ric - George H. Fleming '79; Alma Gagnon '80; Jo E. Gaines Ann Martin '80; Michael Martinous '78; Thomas F. Sing- Executive Director, Sherwin J. Kapstein; Assistant Executive Joy, UniServ; Vincent P. Santaniello, UniServ; Bernard General Counsel, Natale L. Urso, Esq.

Press; Vice Presidents, John C. Alexyon, Providence County; Washington County; John T. Dwyer, Newport County; er Education; Earlene Mara, Providence County; Secretary, uyler; Treasurer, Martha H. Vannoy; Assistant Treasurer, tive Committee; NEA Donne Blais '79; Sylvia C. Blanda hard F. Calkins, Jr. '78; Carolyn A. DiValerio '80; '80; Ann Marie Gorman '78; Eugenie Maine '78; Mary leton '79; Edna Smith '80; Joseph F. Terranova '79; Secretaries, Bernard F. Connerton, UniServ; Robert F. Singleton, UniServ; Patricia Botelho-Zinno, UniServ;

79 SEP 9 PM 3:39

300 Hennessey Avenue, North Providence, R. I. 02911 353-3600

September 6, 1977

772648

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

Dear Mr. Steele:

Since the National Education Association Rhode Island/NEA (NEARI/NEA) was acting as agent for the National Education Association (NEA) in collecting political contributions for candidates for election to Federal office, the NEA will be responding to your inquiry to us of August 25, 1977.

Thank you for your courtesy in this matter.

Sincerely yours,

Ronald L. DiOrio
President

RLD:jb

0004010344

National Education Association Rhode Island
300 Hennessey Avenue
North Providence, R. I. 02911

FEDERAL ELECTION COMMISSION
77 SEP 9 PM 1:09

PROVIDENCE RI 320
PM
7 SEP
1977

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

Connecticut Education Association
21 Oak Street • Hartford, Connecticut 06106 • (203)

SCC # 1534
NRV

FEDERAL ELECTION COMMISSION

'77 SEP 9 PM 3:55

September 6, 1977

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

Dear Mr. Steele:

This will acknowledge receipt of your Federal Election Commission letter dated August 25, 1977 requesting certain information related to the collection of monies by the Connecticut Education Association for political purposes and the relationship of this organization with the National Education Association.

Please be advised that the Connecticut Education Association does function as a collection agent for NEA-PAC. Further, it is my understanding that representatives of the National Education Association will report to the other particulars contained in your letter.

Sincerely,

Eugene A. Scalise,
Deputy Executive Secretary

EAS:ijc

cc: Joseph Standa, NEA
Florence Karpelman
Thomas Mondani
CEA-PAC

0 0 0 0 1 0 3 4 6

Connecticut Education Association
21 Oak Street Hartford, Connecticut 06106

EDUCATION
IS THE FUTURE
OF TOMORROW

HARTFORD CONN

.98

'77 SEP 9 PM 3:49

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

CERTIFIED
No. 643810
MAIL

RETURN RECEIPT REQUESTED!

ACC# 1355
NRM

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 SEP 9 PM 3:55

isea

September 7, 1977

Mr. David R. Spiegel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Sir,

This is in response to a letter dated August 25, 1977, in which it is stated the Federal Election Commission "has found reason to believe" that the Iowa State Education Association has violated the Federal Election Campaign Act of 1971, through the use of "reverse check-off" procedures to collect political contributions. The Iowa State Education Association does not now, and never has, used a "reverse check-off" procedure for collecting political contributions from its members, and, as a result, is NOT in violation of either the Federal Election Campaign Act of 1971, nor FEC regulations.

However, in soliciting contributions to the National Education Association - Political Action Committee (NEA-PAC) from NEA members, the Iowa State Education Association, as an affiliate of the NEA, is acting as an agent of the National Education Association, and, therefore, we have forwarded your inquiry to the NEA for a response.

Sincerely,

George B. Brown

GEORGE B. BROWN,
Political Action Specialist

GBB/jb

Telephone 279-9711 · Area Code 515 · 4025 Tonawanda Drive · Des Moines, Iowa 50312

BETTER SCHOOLS BUILD
BETTER COMMUNITIES

DES MOINES SEP-7'77 IOWA

U.S.POSTAGE
1 18 :

Mr. David R. Spiegel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

CERTIFIED
No. 552786
MAIL

MUR #1536

KANSAS NEA

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 SEP 9 PM 3:55

September 5, 1977

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

Dear Sir:

I have your letter of August 25, 1977, which arrived in my office August 31, 1977.

You state that our teachers association may be in violation of 2 U.S.C. §441b(b)(3)(A), the Federal Election Campaign Act of 1971, as amended.

Since we act merely as a voluntary collection agent for the National Education Association's political arm, NEA-PAC, they will represent us before the Commission in this matter.

Sincerely,

Bob Wootton

Bob Wootton
Treasurer-Designate
Kansas-Political Action Committee

BW:js

OFFICIAL PUBLICATION, THE KANSAS TEACHER / PHONE 913 [illegible] / ZIP [illegible] / KANSAS-NATIONAL EDUCATION ASSOCIATION

KANSAS-NATIONAL EDUCATION ASSOCIATION
715 WEST 10TH TOPEKA, KANSAS 66612

CERTIFIED MAIL
No. 937421

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

MCL-367

oea

Oregon Education Association 6900 S.W. Haines Road Tigard, OR 97223 Phone: 639-7651

RECEIVED
FEDERAL ELECTION
COMMISSION

'76 SEP 7 AM 10:02

772633

August 31, 1977

Mr. David R. Spiegel
c/o Federal Election Commission
1325 K. Street, N.W.
Washington, D.C. 20463

Dear Mr. Spiegel:

You have asked for specific information to demonstrate that the Oregon Education Association is not in violation of the Federal Campaign Act of 1971 as amended.

Specifically, you have made the following requests:

1) Describe the system used by your association to solicit political contributions.

   Most contributions are obtained on a payroll deduction system. The membership blank includes a breakdown of the dues available to various types of members and includes a contribution of $1 to NEA-PAC and $5 for PIE (Oregon political action committee). Additionally, the form contains an explanation of the various political committees and informs the member that a contribution is not a condition of membership. Space is provided for the member to check that he/she does not wish to contribute and in that event no collection is made. Approximately 36 percent of the members contribute.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions:

   NEA may make recommendations; however, the state retains the power to make its own determinations. The system used in Oregon is not the system recommended by the National Education Association.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so: (a) What percentage of the total collected; and (b) What amount did your association send to NEA and/or NEA-PAC in 1976?

   Oregon is a unified state. As a consequence all members of the Oregon Education Association are also members of the National Education Association. As a consequence, $30.00 of NEA dues are collected from each member and transmitted to NEA; however, none of these dollars are used for political purposes. OEA transmits $1 from each member who makes a voluntary NEA-PAC contribution. In 1976, $7,653.00 were transmitted. No transmittal is made from PIE contributions.

0 0 0 4 0 1 0 3 5 2

If you have any questions, this matter has been assigned to John Danielson, who can be contacted at (503) 639-7651.

Yours truly,

Robert Jackson

Robert Jackson
President
Oregon Education Association

RJ:gd
Attachment: Copy of 1976 Membership Application

0 0 4 0 1 0 3 5 3

oea

oregon education association

UNITED TEACHING PROFESSION

CONTINUING MEMBERSHIP APPLICATION

SOCIAL SECURITY NUMBER

NAME (LAST NAME FIRST)

ADDRESS

LOCAL ASSOCIATION

SCHOOL DISTRICT (WHERE EMPLOYED) | BUILDING

SCHOOL DISTRICT (WHERE RESIDENT) | HOME PHONE

① SOURCE CODE ▶						
② MEMBERSHIP TYPES ▶	NEA 10	OEA 10	LOCAL 10	NEA PAC	PIE	LOCAL PAC
③ POSITION 01	④ LEVEL 2	⑤ SUBJECT(S) 16	⑥ SEX F	⑦ ETHNIC GROUP 6		
⑧ EDUCATION 1	METHOD OF PAYMENT ☐ PAYROLL DEDUCTION OR ✓ DIRECT PAY					

Please print legibly, use these codes to fill in boxes above.

① TO BE COMPLETED BY UNISERV OFFICE

② MEMBERSHIP TYPES: SELECT APPROPRIATE CODES FROM THE TABLES BELOW

	OEA	% OF DUES		NEA	% OF DUES
10	Active - Full Time	100	10	Active - Full Time	100
11	Active - ¾ Time	75	11	Active - Half Time	50
12	Active - 2/3 Time	67	20	Associate	50
13	Active - Less Than 2/3	50	25	Educational Secretary	50
14	[illegible]				OEA
15	Active - Sub Part Time	25	40	OEA - Staff	50
16	SALARY (ON LEAVE, ETC.)	25	45	Paraprofessional	50
17	Active - Cert. Interns	50	65	Agency Shop (Fair Sh.)	N/A
				LOCAL	
20	Assoc. - Ed. Secretary	50	10	Active	
21	Assoc. - OEA Staff	50	20	Associate	
22	Assoc. - Paraprofessional	50	30	No Local in Existence	
23	Assoc. - All Other	50		OTHER	
			80	NEA-PAC	
25	Fair Share	N/A	90	PIE	
26	Fair Share - Charity	N/A	60	Local PAC	

DATA PROCESSING

③ POSITION

01	Teacher	30	Administrator
05	Counselor	50	Higher Ed. Admin.
10	Librarian	90	Association Staff
15	Nurse	99	Other

④ LEVEL

1 Kindergarten
2 Elementary (1-6)
3 Secondary (7-12)
4 Two Year Higher Ed.
5 Four Year Higher Ed.
6 Adult Education
9 Other

⑤ SUBJECT

01 Agriculture
02 Art
03 Business Ed.
04 English
05 Foreign Language
06 Health & PE
07 Home Economics
08 Industrial Arts
09 Math
10 Science
11 Social Studies
12 Music
13 Special Ed.
14 Driver Ed.
15 Vocational Ed.
16 General Elementary

⑥ SEX

M or F

⑦ ETHNIC GROUP

1 Asian American
2 Black
3 Indian
4 Mexican American
5 Other Spanish Speaking
6 Caucasian

⑧ EDUCATION

1 Bachelor or Higher
2 Educational, Vocational or Technical Certificate

NEA Life Payments should be sent to NEA directly by the member.

4 5 3 0 1 0 0 0 6

METHOD OF PAYMENT

PURSUANT TO THE BYLAWS OF THOSE ASSOCIATIONS AS MAY BE DETERMINED FROM TIME TO TIME, AND UNLESS I REVOKE THIS AUTHORIZATION IN WRITING BETWEEN AUGUST 1 AND OCTOBER 15 OF ANY YEAR,

☐ PAYROLL DEDUCTION

I AUTHORIZE MY EMPLOYER TO DEDUCT LOCAL, OEA AND NEA DUES, ASSESSMENTS AND CONTRIBUTIONS.

OR

✓ DIRECT PAY

I AGREE TO PAY LOCAL, OEA AND NEA DUES, ASSESSMENTS AND CONTRIBUTIONS IN ONE PAYMENT NO LATER THAN NOVEMBER 1.

✓ I DO NOT WISH TO CONTRIBUTE $1.00 TO PIE.

✓ I DO NOT WISH TO CONTRIBUTE $1.00 TO NEA PAC.

CONTRIBUTIONS TO LOCAL ASSOCIATION PAC IS ___; OEA/PIE ($5.00) AND NEA PAC ($1.00) MAY BE USED TO SUPPORT CANDIDATES FOR LOCAL, STATE OR FEDERAL OFFICES AND ISSUES. THESE CONTRIBUTIONS ARE VOLUNTARY AND ARE NOT REQUIRED AS A CONDITION OF MEMBERSHIP IN ANY ORGANIZATION.

A COPY OF ANY REPORT FILED PURSUANT TO THE "FEDERAL ELECTIONS CAMPAIGN ACT OF 1971" IS AVAILABLE FOR PURCHASE FROM SUPERINTENDENT OF DOCUMENTS, U.S. GPO, WASHINGTON, D.C. 20402.

9/2/76
DATE

MEMBER SIGNATURE

FACULTY REP SIGNATURE

oea

Oregon Education Association 6900 S.W. Haines Road Tigard, OR 97223 Phone: 639-7651

August 31, 1977

Mr. David R. Spiegel
c/o Federal Election Commission
1325 K. Street, N.W.
Washington, D.C. 20463

Dear Mr. Spiegel:

You have asked for specific information to demonstrate that the Oregon Education Association is not in violation of the Federal Campaign Act of 1971 as amended.

Specifically, you have made the following requests:

1) Describe the system used by your association to solicit political contributions.

   Most contributions are obtained on a payroll deduction system. The membership blank includes a breakdown of the dues available to various types of members and includes a contribution of $1 to NEA-PAC and $5 for PIE (Oregon political action committee). Additionally, the form contains an explanation of the various political committees and informs the member that a contribution is not a condition of membership. Space is provided for the member to check that he/she does not wish to contribute and in that event no collection is made. Approximately 36 percent of the members contribute.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions:

   NEA may make recommendations; however, the state retains the power to make its own determinations. The system used in Oregon is not the system recommended by the National Education Association.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so: (a) What percentage of the total collected; and (b) What amount did your association send to NEA and/or NEA-PAC in 1976?

   Oregon is a unified state. As a consequence all members of the Oregon Education Association are also members of the National Education Association. As a consequence, $30.00 of NEA dues are collected from each member and transmitted to NEA; however, none of these dollars are used for political purposes. OEA transmits $1 from each member who makes a voluntary NEA-PAC contribution. In 1976, $7,653.00 were transmitted. No transmittal is made from PIE contributions.

0 0 0 0 1 0 3 5

If you have any questions, this matter has been assigned to John Danielson, who can be contacted at (503) 639-7651.

Yours truly,

Robert Jackson
President
Oregon Education Association

RJ:gd
Attachment: Copy of 1976 Membership Application

0 0 0 4 0 1 0 3 5 6

oea
Oregon Education Association
6900 S.W. Haines Road
Tigard, OR 97223

FEDERAL ELECTION COMMISSION
'77 SEP 7 AM 9:57

TIGARD BR. SEP 2 1977 USPO

RETURN RECEIPT REQUESTED

CERTIFIED
No. 367865
MAIL

Mr. David R. Spiegel
c/o Federal Election Commission
1325 K. St., N.W.
Washington, DC 20463

0 0 0 1 0 1 0 3 5 7

Mcc 1348

RECEI
FEDERAL E ON
COMMIS

'76 SEP 6 [illegible] 3:43

MINNESOTA EDUCATION ASSOCIATION

MEA

A POWERFUL FORCE FOR BETTER EDUCATION

Forty-One Sherburne Avenue
St. Paul, Minnesota 55103 | 612-227-9541

August 31, 1977

772015

Charles N. Steele
Associate General Counsel
1325 K Street N. W.
Washington, D. C. 20463

Dear Mr. Steele:

Please consider this an official answer to your inquiry about the Minnesota Education Association's alleged violation of the Federal Election Campaign Act of 1971 as amended.

The Minnesota Education Association has no political action funds and, therefore, makes no contributions to NEA-PAC or to any political campaigns.

We urge our membership and others to contribute to the Independent Minnesota Political Action Committee for Education.

IMPACE is an independent corporation. It has its own board of directors and distributes its funds independently from tne Minnesota Education Association. All contributions to IMPACE are voluntary.

Answers to your specific questions are:

1) Describe the system used by your association to solicit political contributions.

   We urge people to donate to IMPACE.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions?

   No.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so: (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

President Donald C. Hill, Northfield
Vice President William Schneider, Rochester
Treasurer Alfred F. Provo, Princeton
Executive Director A. L. Gallop, St. Paul

0 0 0 4 0 1 0 3 5 8

No political contributions are collected.
Dues are collected at the local level and transmitted to the state that in turn transmits the NEA dues to NEA. The amount in 1976 was $25 per member.

For further information about IMPACE please contact:
William Schneider
Chairman of IMPACE Board of Directors
2420 - 16th Avenue Northwest
Rochester, Minnesota 55901.

I will be happy to be of further assistance to you if you feel it necessary.

Sincerely,

Donald C. Hill

Donald C. Hill
President

DCH:b

0004910359

MINNESOTA EDUCATION ASSOCIATION

Forty-One Sherburne Avenue / St. Paul, Minnesota 55103

FEDERAL ELECTION COMMISSION
'76 SEP 6 AM 9:53

Charles N. Steele
Associate General Counsel
1325 K Street N.W.
Washington, D. C. 20463

8004060

Vermont Education Association
BOX 567 - MONTPELIER - VERMONT - 05602 - TELEPHONE (802) 223-6375

MUR 1353

FEDERAL ELECTION COMMISSION
SEP 44 10:31

September 2, 1977

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

Dear Mr. Steele:

I am in receipt of your letter dated August 25, 1977 and received in my office on August 29, 1977.

In response to your inquiry, I submit the following information:

1. For the years 1975-76 and 1976-77, we used the reverse dues check-off. By action of the Board of Directors of the Vermont Education Association and based on the advice received from our national headquarters, this practice has been discontinued, effective with the 1977-78 school year.

2. The NEA has no control over the choice of the method used by this Association for the solicitation of political contributions. The system used is that which is approved by the Board of Directors of the VEA, which is the primary policy maker for this Association.

3. All monies collected (100%) for NEA-PAC are sent directly to NEA-PAC. The amount sent to NEA-PAC for 1976 was $2,600.00.

4. VEA-VOTE is a separate independent political action arm registered with the Vermont Secretary of State's office. It made the following political contributions for 1976:

   April 5, 1976 - Rep. James Jeffords - $100.00
   October 21, 1976-" " " - 100.00

   VEA-VOTE is not registered with the Federal Election Commission because it did not expend over $1,000.00 to federal candidates.

OFFICERS
Mrs. Alice N. Perine
President
James C. Kiehle
President Elect
Mrs. Janet S. Poeton
Vice President
Lawrence L. Coffin
Past President

NEA Director
Robert W. Chaffee

VEA Administrative Assistant
Mrs. Laura M. Moulton

UNISERV DIRECTORS
Norman P. Bartlett
District I
Allen T. Stook
District II
Perry M. Kacik
District III
Richard D. Lang
District IV

0004021036

I trust the preceding information will suffice. If not, kindly advise and I will attempt to answer any further inquiries.

Sincerely,

Charles J. Ochmanski
Executive Director

CJO:lmm

0004021036 2

Vermont Education Association
BOX 567 MONTPELIER VERMONT 05602

0 0 4 0 0 2 1 0 3 6 5

FEDERAL ELECTION COMMISSION

'76 SEP 6 AM 10:25

CERTIFIED
No. 518327
MAIL

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

LEL 1359

COLORADO EDUCATION ASSOCIATION
5200 SOUTH QUEBEC ST. ENGLEWOOD, COLORADO 80110 PHONE (303) 771-4200

RECEIVED
FEDERAL ELECTION
COMMISSION
6 AM 10:55

September 2, 1977

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

772534

Dear Mr. Steele:

This is written in response to your request dated August 25, 1977, addressed to the President of the Colorado Education Association. The numbered sections correspond to the three numbered questions in your letter.

I. The Colorado Education Association presently uses the following methods to solicit money for political purposes:

A. Fund Drives--These are typical, voluntary contribution campaigns in which our members are asked to give donations.

B. Positive Check Off System--As part of our annual membership drive, members are given the option at the time they join the UTP, of making a voluntary political contribution of $5.00 to our state Political Action Committee, and $1.00 to the National Education Association Political Action Committee. This is strictly a voluntary addition by the member. The voluntary nature of these contributions is clearly stated on the membership form and in other member publications. All dues money and all political contributions under this system are kept in separate accounts, are not comingled.

Some of our members were on a reverse check off system in 1976 to raise both state and NEA-PAC contributions. The NEA has advised us that the Federal Election Commission has questioned their use of that system. We are not presently using that system and we are not planning to reinstate that system.

The funds collected under the NEA reverse check off system were transmitted to NEA-PAC. We had no authority over those funds.

0 0 0 4 0 1 0 3 6 4

II. The NEA has absolutely no control over the choice of methods used by Colorado in solicitation of political contributions.

III. We transmit political contributions to NEA-PAC. In the fiscal year July 1, 1976 - June 30, 1977, we sent $4,468.65 in NEA-PAC contributions. These monies are contributed by our members to NEA-PAC. We simply pass them on.

All political contributions, both NEA-PAC and state donations, were transmitted to NEA separately from dues.

Very truly yours,

James E. Mills
President
Colorado Education Association

JEM:cfe

0004110365

COLORADO
EDUCATION
ASSOCIATION
5200 SOUTH QUEBEC ST. ENGLEWOOD, COLORADO 80110

'10 SEP 6 AM 10:36

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

00040210366

LCC 1341

RECEIVED
FEDERAL ELECTION
COMMISSION
'76 SEP 9 AM 9:46

UCIE Utah Council for Improvement of Education

875 East 5180 South • Murray, Utah 84107 • Telephone 266-7465

EXECUTIVE COUNCIL
President
JERRY CHILD
6218 South Woodland Drive
Ogden, Utah 84403
Ph. 393-6611
1st Vice President
IRENE BARDOLE
Charleston, Utah 84032
Ph. 654-1862
2nd Vice President
DAPHNE ALLER
1225 North 850 East
Bountiful, Utah 84010
Ph. 295-8240
Council Members
CONNIE KLEIN
1916 Eldorado Drive
Salt Lake City, Utah 84117
Ph. 277-4143
BETTY DASE
Mt. Pleasant, Utah 84647
Ph. 462-3031
KARL SILVESTER
2392 South 200 East
Bountiful, Utah 84010
Ph. 292-8689
TED HOUGAARD
282 Poplar Drive
Brigham City, Utah 84302
Ph. 723-2920
LUCILLE TAYLOR
160 South 1st East
Spanish Fork, Utah 84660
Ph. 789-6920
ELDON TOLMAN
4235 Highland Dr.
Salt Lake City, Utah 84117
Ph. 277-5444

September 1, 1977

772625

Charles N. Steele
Associate General Council
Federal Elections Commission
1325 K. Street N. W.
Washington, D. C. 20463

Dear Mr. Steele:

On August 25, 1977, a letter was written over your signature to the president of the Utah Education Association, 875 East 5180 South, Murray, Utah, indicating the FEC has found reason to believe the Utah Education Association has violated the Federal Election Campaign Act of 1971. You indicated your finding had to do with the fact that many state affiliates of the National Education Association are utilizing a "reverse check-off" procedure to collect political contributions, which has been ruled by the FEC to be in violation of FEC regulations.

As Director of Governmental Relations and staff liaison to the Utah Education Association's political action arm, I have been asked to respond to your communication.

The Utah PAC is known as the Utah Council for Improvement of Education (UCIE). I will respond to the three questions or requests contained in your letter, and will submit all pertinent forms.

Inquiry 1: Describe the system used by your association to solicit political contributions.

The UEA/UCIE uses a voluntary contribution system whereby each contributor, each year, has the option of making or declining a political contribution. For new teachers, or those who are not continuing in their previous positions, a new membership form and political contribution authorization is used (Exhibit A). For teachers continuing in their previous place of employment a computer printout showing pertinent membership information, professional dues and political contribution authorization is used (Exhibit B). Attached to each computer printout sheet is an explanatory sheet clarifying coding, subject matter, professional position, membership types and dues amounts, and statements explaining political contribution authorization, use and reporting (Exhibit C).

On both the new and continuing membership form the figure $10 is printed as a UCIE contribution, and $1 as a NEA-PAC contribution. They are separate political action committees and funds for each are solicited separately, authorized separately and collected separately.

Printed clearly on each membership form and re-emphasized by separate printed instructions given by association leaders (Exhibit D), is the directions that if the member does not wish to authorize a political contribution they should cross out the $10 printed thereon for UCIE and/or $1 printed thereon for NEA-PAC.

This system is absolutely not a reverse check-off procedure. Every person is given the personal option of voluntarily authorizing the contribution by leaving the printed amount intact, or by simply crossing it out, thereby declining. The member indicates their personal handling of the membership contribution document by signing or initialing the form. There is no automatic deduction such as characterizes a reverse check-off system. Every person makes a personal decision every year whether to authorize or decline a payroll deduction for a political contribution.

Inquiry 2: Does the NEA have any control over the choice or method used by your association for solicitation of political contributions?

No. The NEA has nothing whatever to do with our Utah system of soliciting and collecting political contributions. We solicit and collect contributions for the NEA-PAC but do so using our voluntary system. NEA has no control or voice in the system.

Inquiry 3: Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? if so: (a) what percentage of the total collected, and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

Yes. Professional dues and NEA-PAC contributions are collected by our association for NEA and are remitted to the NEA as they are received.

(a) One-hundred percent (100%) of all NEA professional dues and NEA-PAC political contributions collected by our association are sent to the NEA as they are received. The professional dues during 1976 were $30 for active members; $15 for associate members; $25, $33 and $55 for life members (depending on the year life payments began); $5 for retired members; and $3.50 for student members. NEA-PAC contributions were $1 per member for those who voluntarily authorized and paid them.

0 0 1 0 3 6 8

(b) The year 1976 spans part of two membership years. Therefore, the amounts shown below reflect part of the NEA dues and NEA-PAC contributions for the 1975-76 school year, and part for the 1976-77 school year. 1976 collections and remittances are as follows:

	NEA-PAC		NEA
January 1976	$ 746.26	January 1976	$ 38,891.55
February 1976	660.76	February 1976	43,474.31
March 1976	845.53	March 1976	39,989.78
April 1976	774.59	April 1976	39,863.40
May 1976	911.81	May 1976	42,135.45
June 1976	728.13	June 1976	25,080.83
July 1976	1,321.29	July 1976	31,080.83
August 1976	677.06	August 1976	16,161.11
September 1976	556.35	September 1976	17,124.32
December 1976	1,969.93	December 1976	61,351.45
Total NEA-PAC	$9,191.71	Total NEA	$352,153.03

I trust I have sufficiently explained our political contribution collection system. Also that your specific questions have been answered and documents provided.

Sincerely,

Jim Peacock

Jim Peacock
Director of Governmental Relations

JP:aw

cc: Mr. David R. Spiegel
Assigned Attorney
Federal Elections Commission
1325 K Street N. W.
Washington, D. C. 20463

Kaye C. Chatterton
UEA President

Enclosures: (4)

0010369

ATTENTION: EXHIBIT C

The following information is represented in the form of codes. If any of the codes are not correctly printed on the roster, please cross out the incorrect code and write in the correct code.

Subject

01 Agriculture	06 Foreign Language	09 Mathematics	13 Special Education
02 Art	08 Health & Phys Ed	10 Science	14 Driver Education
03 Business Ed	07 Home Economics	11 Social Studies	15 Vocational Ed
04 English	08 Industrial Arts	12 Music	16 Other/Unavailable

Position

01 Classroom Tchr/Faculty
05 Counselor
10 Librarian
15 Nurse
21 Principal
30 Supervisor
36 Superintendent
70 Admin-Higher Ed
80 Student
90 Association Staff
99 Other/Unavailable

Level

01 Kindergarten
02 Elementary
03 Secondary
04 Two-year — Higher Educ.
05 Four-year — Higher Educ.
06 Adult Education
81 Student-Freshman
82 Student-Sophomore
83 Student-Junior
84 Student-Senior
85 Student-Graduate
99 Other/Unavailable

Ethnic*

1 Asian-American
2 Black
3 Indian
4 Mexican-American
5 Other Spanish-speaking
6 Caucasian
7 Unknown/Unavailable

Method of Payment

1 Cash
2 Payroll Deduction
6 Partial

UEA Membership Types

10 Active	$67.00
20 Reserve	$33.50
30 Life	
50 Retired	$ 1.00

NEA Membership Types

10 Active	$30.00	45 Paraprofessional	$15.00
20 Associate	$15.00	50 Retired (prior to 9-1-73)	$2.00
25 Educational Secretary	$15.00	Retired (after 8-31-73)	$5.00
30 Life		60 Student	$4.50
40 Staff	$15.00		

Local Membership Types

10 Active
11 Life
12 Reserve

*The NEA is committed to assuring the equitable representation of members of ethnic minority groups at all governance levels of the Association. NEA Bylaws 12.1(d) states: "Ethnic minority shall mean those persons designated as ethnic minority by statistics published by the United States Bureau of Census. This designation shall specifically include Black, Mexican-American (Chicano), other Spanish-speaking groups, Asian-American, and Indian." In order to facilitate achievement of the goal of minority involvement, please fill in the appropriate ethnic code.

I hereby apply for membership in the UEA and NEA. I understand that of the total UEA dues, $2.20 is for a subscription to the *UEA Action* for one year and that of the total NEA dues, $1.05 is for a subscription to *Today's Education* for one year, and $.20 is for a subscription to the *NEA Reporter* for one year.

I understand that my political contribution is voluntary and not a condition of membership, and will be used to support candidates for local, state, and/or federal office. I have the right to refuse to contribute, and my refusal to contribute in no way alters my membership status or benefits.

You may contribute more or less than the amount shown. If you do not wish to contribute, draw a line through the appropriate amount(s). A copy of the NEA-PAC and UCIE reports is filed with the Federal Election Commission and available for purchase from the FEC, Washington, D.C. 20436.

EXHIBIT A

UTAH EDUCATION ASSOCIATION
1977-78

LOCAL ASSOCIATION

SCHOOL NAME

SOCIAL SECURITY NUMBER

49 | | 00 | 000 | | 000 | |

REG. LOCAL BLDG.

LAST NAME, FIRST, MIDDLE INITIAL

NAME		TITLE
ADDRESS		
CITY & STATE		ZIP

ASS'N.		ANNUAL PAYMENT
NEA		
UEA		
LOCAL		
NEA-PAC*		$ 1.00
UCIE CONTRIBUTION *		$ 10.00
TOTAL		

SEE CODES ON BACK OF FORM

SUBJECT CODE	POSITION CODE	LEVEL CODE	ETHNIC CODE	METHOD OF PAYMENT CODE

*I understand that my political contribution is voluntary and not a condition of membership, and will be used to support candidates for local, state, and/or federal office. I have the right to refuse to contribute, and my refusal to contribute in no way alters my membership status or benefits.

You may contribute more or less than the amount shown. If you do not wish to contribute, draw a line through the appropriate amount(s).

A copy of the NEA-PAC and UCIE reports is filed with the Federal Election Commission and is available for purchase from the FEC, Washington, D.C. 20436.

I hereby apply for membership as indicated above and agree that my membership is to continue until revoked in writing. I authorize the amount of dues as established each year to be deducted from my salary for the categories indicated above unless I revoke this authorization in writing prior to September 15th of any year. If for any reason, excepting death, my employment is terminated, amounts still owing under this authorization shall be deducted from final pay due.

MEMBER'S SIGNATURE DATE COLLECTOR

PROCESSING CENTER COPY

EXHIBIT B

REPORT NO. MBR 4081 MEMBERSHIP PROCESSING SYSTEM PAGE 1

PROCESS DATE 07-28-77 RENEWAL ROSTER FOR AS OF DATE 07-28-77

49-09-00-000-051-000-0001

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84109

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 04
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84120

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84109

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84119

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84109

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84109

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84109

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

MATCHKEY 0049841208EA5EC369N
SOURCE 49-09-00-000-051-000-0001
SSN 526 76 4965
ANDERSON, BARBARA
3290 S 2700 EAST
S L C UT 84109

NEA TYPE 10 SUBJECT 16 INT___
NEA DUES 30.00 POSITION 01
UEA TYPE 10 LEVEL 02
UEA DUES 67.00 ETHNIC 7
LOC TYPE 10 PAY METH 2
LOC DUES
NEA PAC 1.00
UCIE 10.00
LOC PAC

UCIE Utah Council for Improvement of Education
875 East 5180 South • Murray, Utah 84107

'78 SEP 6 AM 8:04

Charles N. Steele
Associate General Council
Federal Elections Commission
1325 K. Street N. W.
Washington, D. C. 20463

0004021037

EXHIBIT D

UCIE Utah Council for Improvement of Education

875 East 5180 South • Murray, Utah 84107 • Telephone 266-4461

EXECUTIVE COUNCIL

President

JERRY CHILD
6218 South Woodland Drive
Ogden, Utah 84403
Ph. 393-6611

1st Vice President

IRENE BARDOLE
Charleston, Utah 84032
Ph. 654-1862

2nd Vice President

DAPHNE ALLER
1225 North 850 East
Bountiful, Utah 84010
Ph. 295-8240

Council Members

CONNIE KLEIN
1916 Eldorado Drive
Salt Lake City, Utah 84117
Ph. 277-4143

BETTY DASE
Mt. Pleasant, Utah 84647
Ph. 462-3031

KARL SILVESTER
2392 South 200 East
Bountiful, Utah 84010
Ph. 292-8689

TED HOUGAARD
282 Poplar Drive
Brigham City, Utah 84302
Ph. 723-2920

LUCILLE TAYLOR
160 South 1st East
Spanish Fork, Utah 84660
Ph. 789-6920

ELDON TOLMAN
4235 Highland Dr.
Salt Lake City, Utah 84117
Ph. 277-5444

August, 1977

CONTRIBUTION AUTHORIZATIONS FOR UCIE AND NEA-PAC

Computer Print-out Membership Listing

In order to give all members the opportunity to contribute to their state and national political action arms and to standardize the membership print-out, a $10 contribution to UCIE and a $1 contribution to NEA-PAC is printed for each member on the computer sheet. If a member chooses not to authorize contributions to the UCIE or NEA-PAC, they must cross out either or both and write in their new total. The member's signature affixed to the print-out will authorize payroll deductions or cash payment for all items not crossed out.

New Membership Forms

For all new members and those that transfer from their previous year's position, and members in districts that require completion of a new membership form each year, the UCIE and NEA-PAC contributions are printed in the appropriate spaces with the contribution amounts shown. If a member chooses not to authorize contributions to the UCIE and/or NEA-PAC, they must cross out either or both contribution lines and amounts. A standard UCIE contribution is $10 and NEA-PAC is $1.

LCC 1343

RECEIVED
FEDERAL ELECTION
COMMISSION

Byron J. Johnson
Attorney at Law
P.O. Box 2753
Old Library Square
Boise, Idaho 83701
Phone (208) 336-9441
815 Washington St.

'77 SEP 6 AM 8:23

September 2, 1977

772622

William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street N.W.
Washington, D. C. 20463

Attention: David R. Spiegel

RE: IDAHO EDUCATION ASSOCIATION

Gentlemen:

As General Counsel for the Idaho Education Association, I acknowledge receipt of your letter of August 25, 1977 concerning the reverse check-off procedure for the collection of NEA's Political Action Committee funds.

Your letter has been referred to Robert H. Chanin, General Counsel for the National Education Association, 1201 - 16th Street N.W., Washington, D. C. 20036. The Idaho Education Association acted as the agent of the NEA for the collection of any NEA-PAC funds. Therefore, the NEA will respond to the questions asked in your letter.

Yours truly,

Byron J. Johnson

BJJ/vn
cc: Don Rollie
IDAHO EDUCATION ASSOCIATION

Robert H. Channin
NATIONAL EDUCATION ASSOCIATION

0 0 0 1 0 3 7 5

Byron J. Johnson
Attorney
P.O. Box 2753
Boise, Idaho 83701

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 SEP 6 AM 9:05





William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street N.W.
Washington, D. C. 20463

Attention:
David R. Spiegel

0 0 0 4 0 7 6

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Kentucky Education Association
101 W. Walnut Street
Louisville, Kentucky 40202

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0040103777

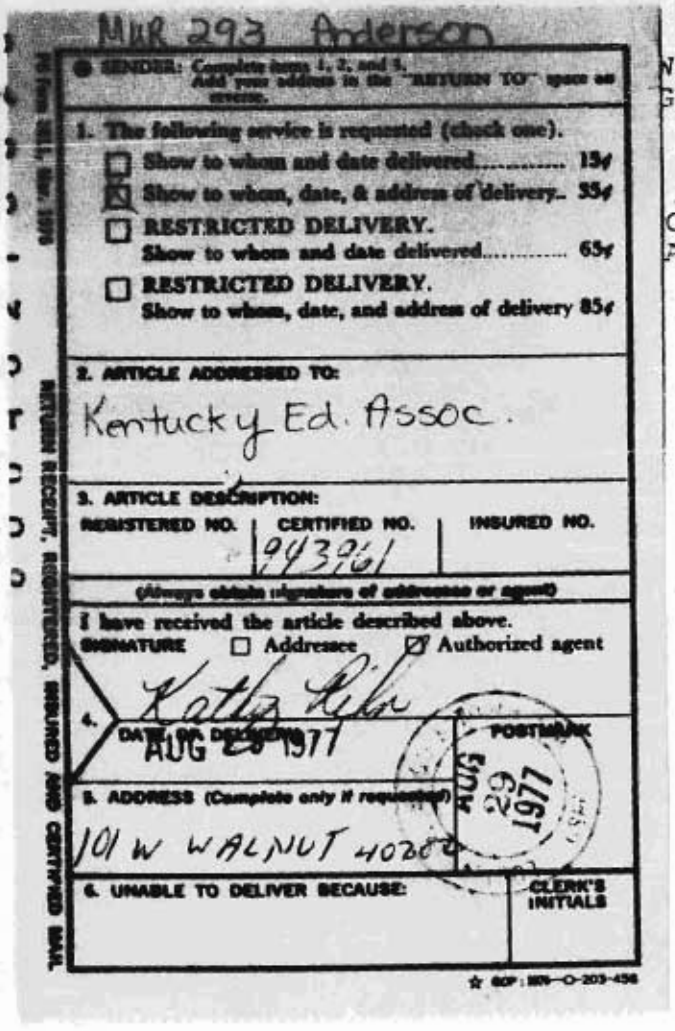
amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel



MUR 293 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Kentucky Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943961 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY AUG 29 1977 POSTMARK AUG 29 1977

5. ADDRESS (Complete only if requested) 101 W WALNUT 40202

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Kansas-NEA
715 W. 10th Street
Topeka, Kansas 66612

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for federal office? If so, please indicate the candidates supported and the

0004010379

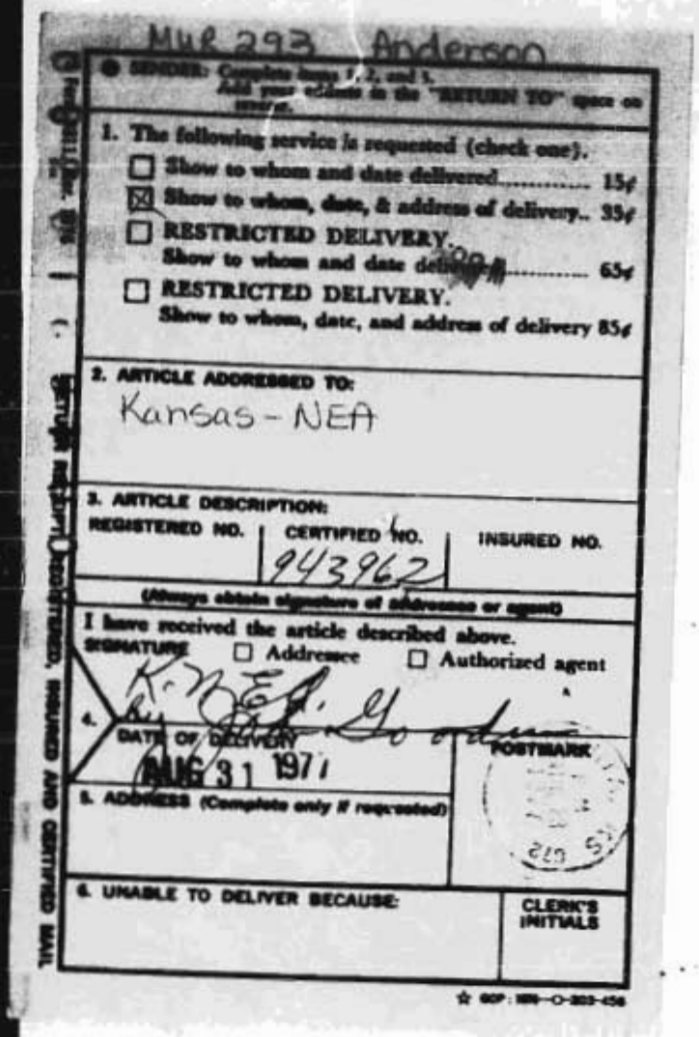
amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel



MUR 293 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Kansas - NEA

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 943962 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY AUG 31 1977 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1976—O-223-456

P 943 962 | REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Illinois Education Association
100 East Edwards Street
Springfield, Illinois 62704

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0004010381

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1976 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Illinois Ed. Assoc.

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

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY AUG 29 | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO: 1976—O-213-408

0 0 0 1 0 3 8 2

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON,D.C. 20463

August 25, 1977

President
Idaho Education Association
Box 2638, 620 N. 6th Street
Boise, Idaho 83701

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0040103833

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1974 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Idaho Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 403977 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: AUG 29 1977
POSTMARK: AUG 29 1977 STA.

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

★ GPO: 1975—O-203-465

0 0 0 0 0 0 1 0 3 8 4

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Connecticut Education Association
21 Oak Street
Hartford, Connecticut 06106

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

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3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0040103085

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1978

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

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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Conn. Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943963 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO : 1979-O-289-408

0010386

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
California Teachers Association
1705 Murchison Drive
Burlingame, California 94010

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0040-10387

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1974 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: California Teachers Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943964 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

★ GPO: 1974-O-532-884

0004010388

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Colorado Education Association
5200 S. Quebec Street
Englewood, Colorado 80110

Dear Sir or Madame:

The Federal Election Commission has found reason to believe that your association has violated the Federal Election Campaign Act of 1971, as amended. This finding is based on the fact that the National Education Association (NEA) and a large number of its state and local affiliates utilize a "reverse check-off" procedure to collect political contributions which, in the Commission's view, violates 2 U.S.C. §441b(b)(3)(A) and §114.5(a)(1) of its regulations.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions?

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so: (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

The Commission is under a duty to investigate the matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification.

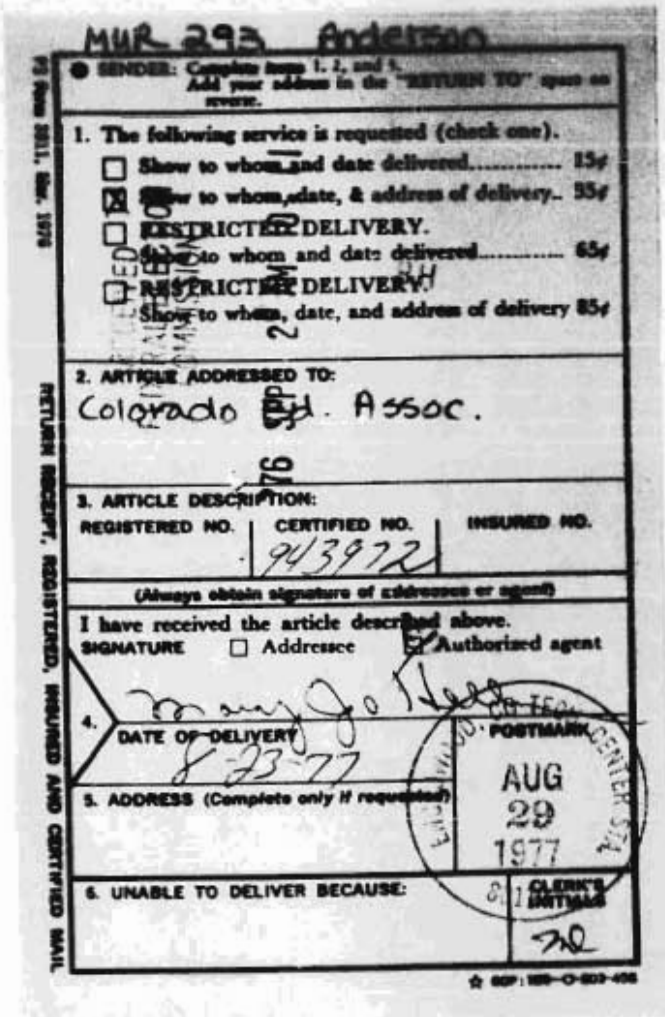
0040103809

If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel


MUR 293 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Colorado Ind. Assoc.

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 943972 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-23-77 POSTMARK AUG 29 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Iowa State Education Association
4025 Tonawanda Drive
Des Moines, Iowa 50312

Dear Sir or Madame:

The Federal Election Commission has found reason to believe that your association has violated the Federal Election Campaign Act of 1971, as amended. This finding is based on the fact that the National Education Association (NEA) and a large number of its state and local affiliates utilize a "reverse check-off" procedure to collect political contributions which, in the Commission's view, violates 2 U.S.C. §441b(b)(3)(A) and §114.5(a)(1) of its regulations.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

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The Commission is under a duty to investigate the matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification.

0 0 0 1 0 3 9 1

If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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1. The following service is requested (check one).
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- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Iowa State Ed. Assoc.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	903773	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
Charles E. Grunst

4. DATE OF DELIVERY
8-24-77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
98

DES MOINES IA AUG 29 1977 USPO

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Minnesota Education Association
41 Sherburne Avenue
St. Paul, Minnesota 55103

Dear Sir or Madame:

The Federal Election Commission has found reason to believe that your association has violated the Federal Election Campaign Act of 1971, as amended. This finding is based on the fact that the National Education Association (NEA) and a large number of its state and local affiliates utilize a "reverse check-off" procedure to collect political contributions which, in the Commission's view, violates 2 U.S.C. §441b(b)(3)(A) and §114.5(a)(1) of its regulations.

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The Commission is under a duty to investigate the matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification.

0004010393

If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1974

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 55¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 63¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Minnesota Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 953970 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

MN RPO STATION A ST. PAUL MINN. AUG 29 1977 CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Oregon Education Association
1 Plaza Southwest
6900 S.W. Haines Road
Tigard, Oregon 97223

Dear Sir or Madame:

The Federal Election Commission has found reason to believe that your association has violated the Federal Election Campaign Act of 1971, as amended. This finding is based on the fact that the National Education Association (NEA) and a large number of its state and local affiliates utilize a "reverse check-off" procedure to collect political contributions which, in the Commission's view, violates 2 U.S.C. §441b(b)(3)(A) and §114.5(a)(1) of its regulations.

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The Commission is under a duty to investigate the matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification.

0004010395

If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1976

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... 15¢
- ☒ Show to whom, date, & address of delivery .. 25¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered ..... 85¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Oregon Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 41975 | INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Elizabeth Brown

4. DATE OF DELIVERY AUG 29 1977 POSTMARK PORTLAND OR AUG 29 1977

5. ADDRESS (Complete only if requested)
6900 SW Haines 97223

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Utah Education Association
875 E. 5180 Street
Murray, Utah 84107

Dear Sir or Madame:

The Federal Election Commission has found reason to believe that your association has violated the Federal Election Campaign Act of 1971, as amended. This finding is based on the fact that the National Education Association (NEA) and a large number of its state and local affiliates utilize a "reverse check-off" procedure to collect political contributions which, in the Commission's view, violates 2 U.S.C. §441b(b)(3)(A) and §114.5(a)(1) of its regulations.

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The Commission is under a duty to investigate the matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification.

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If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1974 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Utah Ed Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 94 3976 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. Cathy Van Wagenen

DATE OF DELIVERY AUG 29 1977

POSTMARK 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO : 1975-O-203-435

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Pennsylvania State Education
Association
400 North 3rd Street
Harrisburg, Pennsylvania 17101

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for federal office? If so, please indicate the candidates supported and the

0010399

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1974

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

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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: PA. State Ed. Assoc.

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 943970 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY SEP - 1 1977 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★ GPO : 1976-O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
New Hampshire Education Association
103 North State Street
Concord, New Hampshire 03301

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1976 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: New Hampshire Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943971 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-29-77 — POSTMARK: CONCORD N.H. AUG 29 1977

5. ADDRESS (Complete only if requested): 103 No STATE ST CONCORD, N.H. 03301

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

☆ GPO : 1976-O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Nevada State Education Association
151 East Park Street
Carson City, Nevada 89701

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles A. Steele
Associate General Counsel

MUR 293 Anderson

PS Form 3811, Mar. 1974 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Nevada State Ed. Assoc.

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 793958 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. Lucille Hic

DATE OF DELIVERY 8/31/77 — POSTMARK

5. ADDRESS (Complete only if requested) 151 E. PARK ST. C.C., NV. 89701

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

☆ GPO: 1974-O-533-434

0004010401

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Nebraska State Education Association
Box 94846
Lincoln, Nebraska 68509

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

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2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

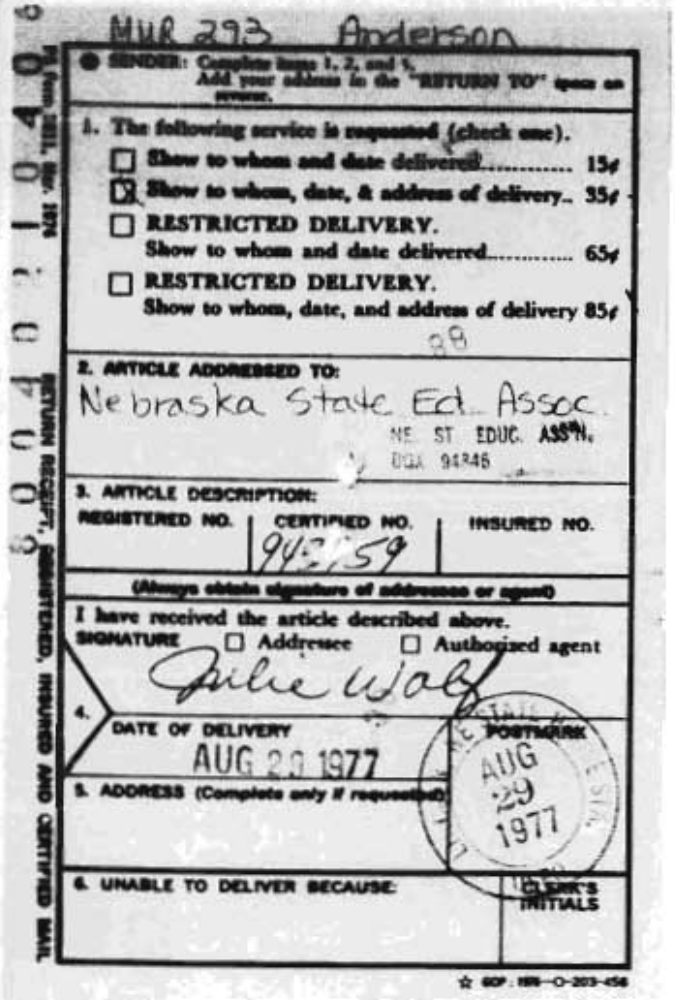
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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,


MUR 293 Anderson

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

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- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

29

2. ARTICLE ADDRESSED TO:
Nebraska State Ed. Assoc.
NE ST EDUC. ASS'N.
DOA 94346

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 94[illegible]59 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY AUG 29 1977
POSTMARK AUG 29 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ GPO : 1979—O-283-456

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Massachusetts Teachers Association
20 Ashburton Place
Boston, Massachusetts 02108

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

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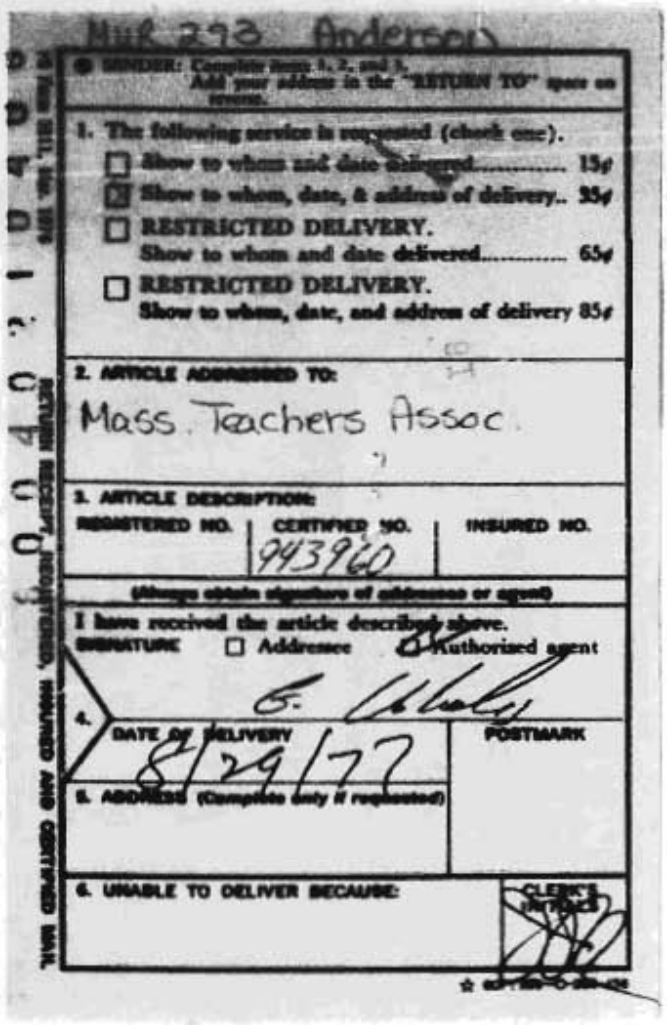
amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel


MUR 293 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mass. Teachers Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943960 | INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
E. [illegible]

4. DATE OF DELIVERY 8/29/77 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT REQUIRED, MAILED AND DELIVERED WHERE MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Wyoming Education Association
115 East 22nd Street
Cheyenne, Wyoming 82001

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

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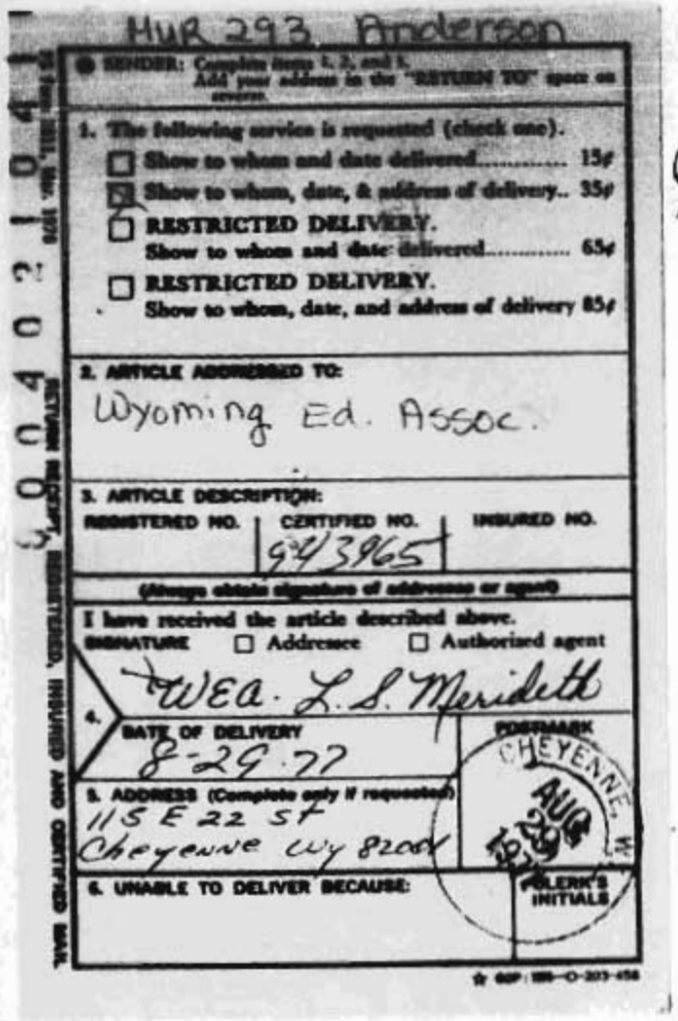
amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel


MUR 293 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Wyoming Ed. Assoc.

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 94 3965 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
WEA. L.S. Meredith

4. DATE OF DELIVERY 8-29-77 POSTMARK CHEYENNE WY AUG 29 12 PM

5. ADDRESS (Complete only if requested) 115 E 22 ST Cheyenne Wy 82001

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

P 004 021 041

REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Wisconsin Education Association
Council
222 W. Washington Avenue
Madison, Wisconsin 53703

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

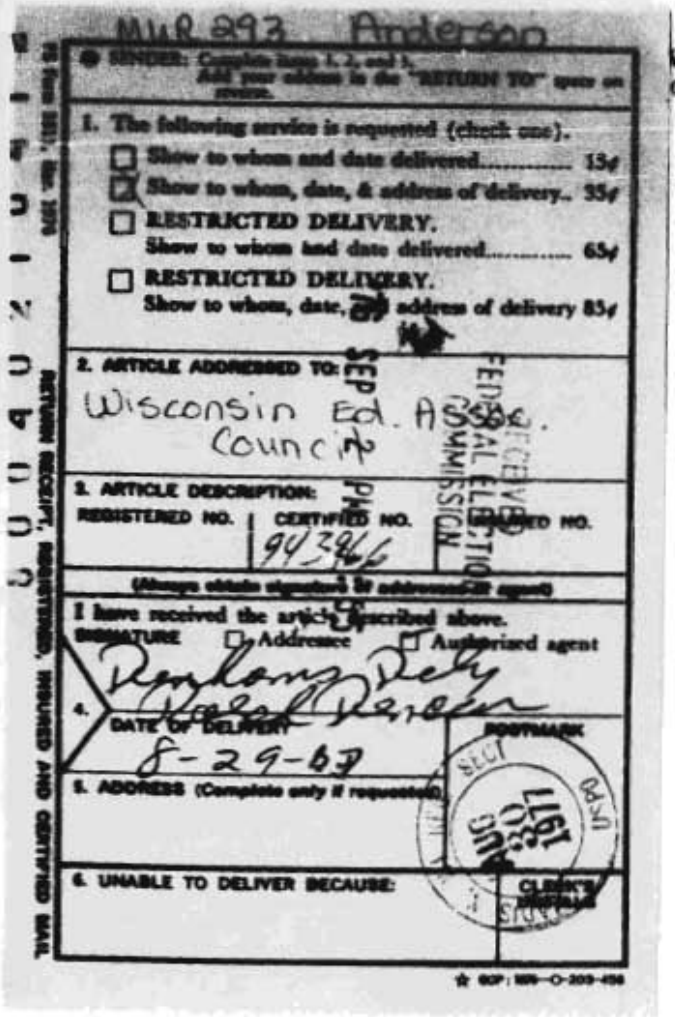
amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel


MUR 893 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Wisconsin Ed. Ass. Council

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 94396 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-29-87 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RECEIVED FEDERAL ELECTION COMMISSION SEP 2 PM

AUG 27 1987

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Vermont Education Association
Box 567
Montpelier, Vermont 05602

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2) Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3) Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

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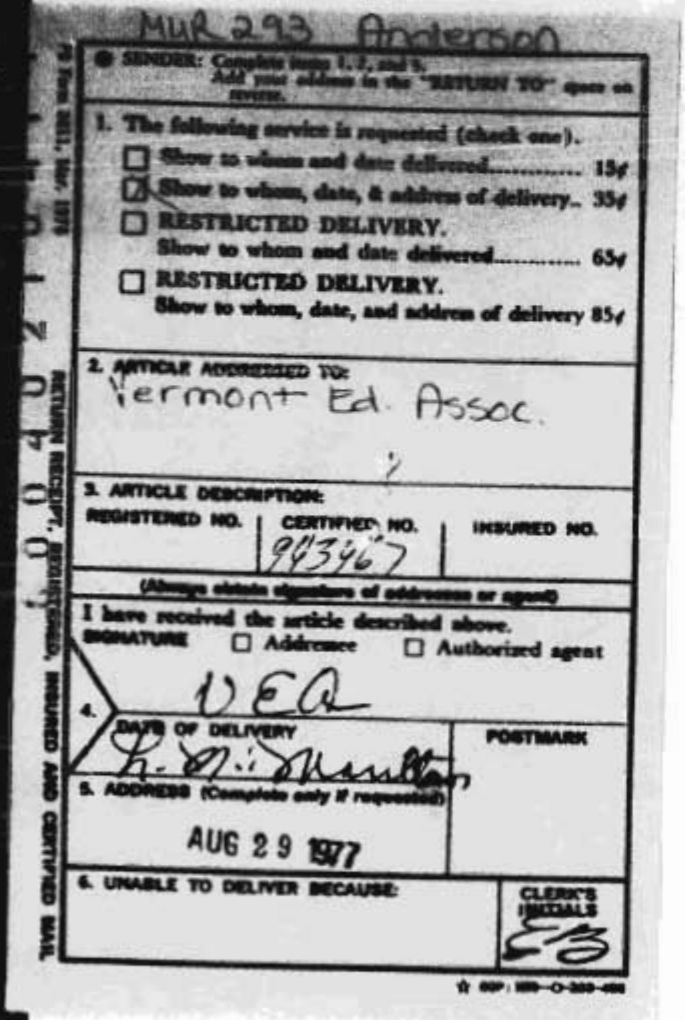
amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel


MUR 293 Anderson

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

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Vermont Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 993467 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY AUG 29 1977 | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS EB

RETURN RECEIPT, REGISTERED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
South Dakota Education Association
411 E. Capitol Avenue, P.O. Box 939
Pierre, South Dakota 57501

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0004010415

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

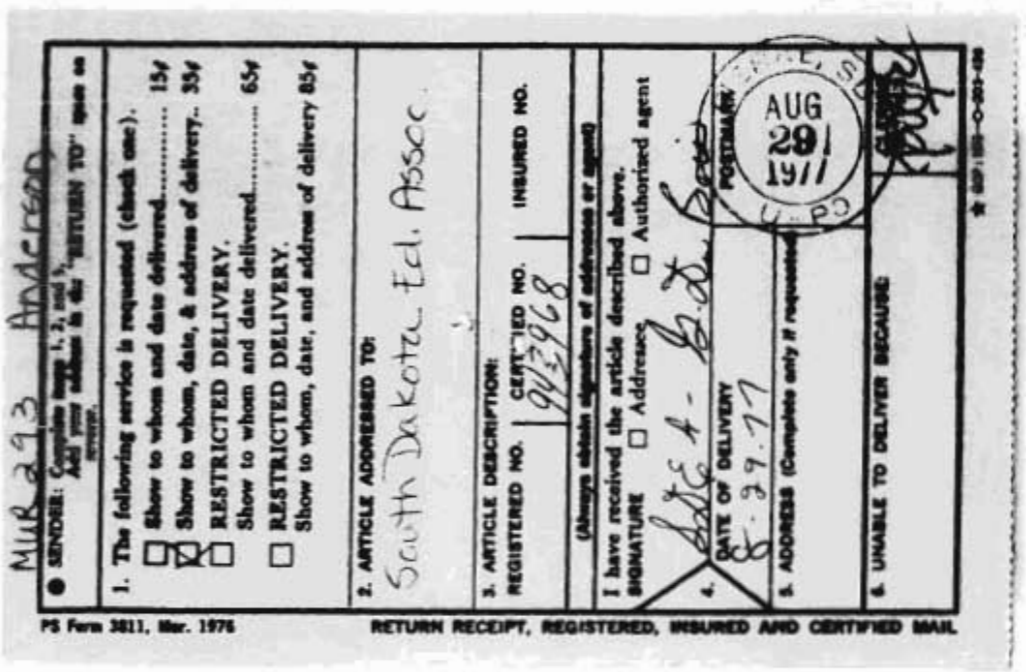
The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

0 0 0 4 0 2 1 0 4 1 6


MUR 293 Anderson

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

1. The following service is requested (check one).
☐ Show to whom and date delivered..... 15¢
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☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: South Dakota Ed. Assoc

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 992968 | INSURED NO.
(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-29-77 POSTMARK AUG 29 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 25, 1977

President
Rhode Island Education Association
300 Hennessey Avenue
N. Providence, Rhode Island 02911

Dear Sir or Madame:

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

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4) Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the

0004010417

amounts given to each. In the event that your association has a political action committee which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

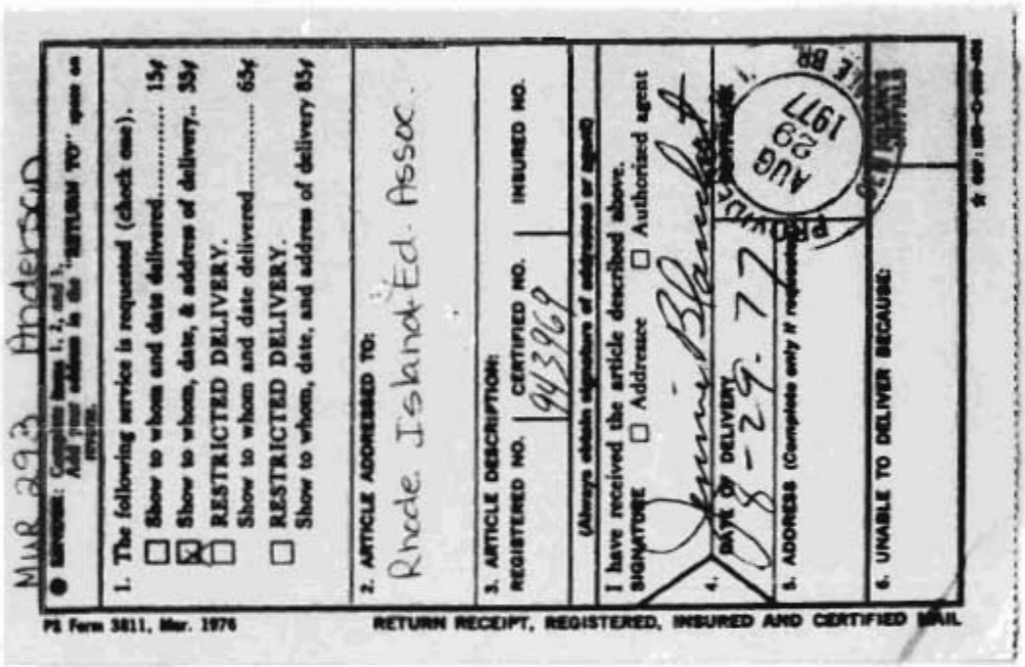
The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

0004104118


MUR 293 Anderson

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

1. The following service is requested (check one).
☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☒ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Rhode Island Ed. Assoc.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943969 | INSURED NO.
(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-29-77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

AUG 29 1977

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Education Associations of the following States: California, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Wisconsin and Wyoming	MUR 288/291/293

0004021041 9

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 19, 1977, the Commission approved the recommendation of the General Counsel to find Reason to Believe that the respondents have violated 2 U.S.C. section 441b(b)(3)(A) in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

AUGUST 19, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE EMMONS MWE

RE: MUR 288/291/293

At 1:00 p.m. on August 18, 1977 our office circulated the 48-hour report on the above-named matter.

As of 1:00 p.m. on August 19, 1977, no objections have been received to the recommendation by the General Counsel that reason to believe be found that respondents have violated 2 U.S.C. section 441b(b)(3)(A).

0004810420

August 17, 1977

MEMORANDUM TO: Marjorie Emmons

FROM: Elissa T. Garr

SUBJECT: MURs 288, 291, 293

Please have the attached 7 day General Counsel's Report on MUR 288, 291, 293 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

8 0 0 4 0 2 1 0 4 2

FEDERAL ELECTION COMMISSION
Washington, D. C.

48 HOUR GENERAL COUNSEL REPORT

MUR NO. 288, 291, 293

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION AUG 18 1977 1:00

DATE COMPLAINT RECEIVED BY OGC

ATTORNEY Spiegel/Anderson

Complainant's Name: Internally generated

SIGNATURE

Respondent's Name: Education Associations of the following States: California, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Wisconsin, Wyoming

Relevant Statute: 2 U.S.C. §441b(b)(3)(A)

Internal Reports Checked: reports of political action committees of education associations in above-named states.

Federal Agencies Checked none

SUMMARY OF ALLEGATION

Respondents are (1) affiliates of the National Education Association (NEA) which, according to NEA, have adopted "reverse check-off" procedures to collect political contributions that are later disbursed to Federal candidates,[1] and (2) affiliates of NEA in those states from which political committees have registered with the Commission and with respect to which it is uncertain what method is used to collect political contributions. These include Colorado, Iowa, Minnesota, Oregon and Utah. (Continuation Sheet)

PRELIMINARY LEGAL ANALYSIS

In §114.5(a)(1) of its regulations, the Commission construed the prohibition of 2 U.S.C. §441b(b)(3)(A) as applying to "fees or monies paid as a condition of acquiring or retaining membership or employment . . . even though they are refundable upon the request of the payor". The procedures employed by respondents fall within the ambit of this proscription and there is, therefore, reason to believe that 2 U.S.C. §441b(b)(3)(A) has been violated.

(Continuation Sheet)

RECOMMENDATION

Find reason to believe that respondents have violated 2 U.S.C. §441b(b)(3)(A).

Date of Next Commission Review:

CONTINUATION SHEET

MUR

SUMMARY OF ALLEGATIONS

It is alleged that the above-mentioned "reverse check-off" procedures violate 2 U.S.C. §441b(b)(3)(A) in that respondents' members are required to pay monies into separate segregated funds "as a condition of membership" and must request a refund in writing if they do not wish to participate.

0004104423

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[1] These include California, Idaho, Illinois, Kansas, Kentucky, Massachusetts, Nebraska, Nevada, New Hampshire, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and Wyoming.

NEA had indicated that although its Connecticut affiliate used a "reverse check-off" procedure, the monies were contributed to state and local candidates only. However, our analysis of reports on file with the Commission shows that the Connecticut Education Associations's political action committee did, in fact, contribute to Federal Candidates during 1976. NEA also identified the New Jersey Education Association and the Michigan Education Association as among its affiliates using "reverse check-off" procedures. The Commission previously found reason to believe that these organizations had violated 2 U.S.C. §441b(b)(3)(A) in MURs 283 and 293 respectively.

PRELIMINARY LEGAL ANLAYSIS

Although it is uncertain what method of solicitation is used by the five state education associations included in the second category of respondents, in light of the widespread use of "reverse check-off" procedures by NEA affiliates, it would seem advisable at this time to find reason to believe that these five associations have also violated the Act in order that they may be included in this investigation.

The NEA itself has had notice of the Commission's interpretation of the Act since it testified in opposition to §114.5(a)(1) of the regulations on June 10. 1976. NEA's state and local affiliates have had notice at least since October 5, 1976, when the Commission notified all candidates and committees that "it intends to administer the Act in a fashion which implements the interpretation set forth in the [then] proposed regulations."

Letter to state education associations which according to NEA, use "reverse check-off" procedures



FEDERAL ELECTION COMMISSION

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

Dear

The Federal Election Commission has been advised by the National Education Association (NEA) that your state education association utilizes a "reverse check-off" procedure to collect political contributions for NEA's Political Action Committee (NEA-PAC). The Commission has reason to believe that this procedure violates 2 U.S.C. §441b(b)(3)(A) and that through its use, your association is in violation of the Federal Election Campaign Act of 1971, as amended.

Under the Act you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1) Describe the system used by your association to solicit political contributions.

2. Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions? If so, please describe the manner in which NEA exercises such control.

3). Are any of the dues or political contributions collected by your association sent to NEA and/or NEA-PAC? If so, (a) what percentage of the total collected; and (b) what amount did your association send to NEA and/or NEA-PAC in 1976?

4). Has your association made any contributions to candidates for Federal office? If so, please indicate the candidates supported and the amounts given to each. In the event that your association has a political action committee



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which is registered with the Federal Election Commission, you may refer to reports on file with us for this information.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

0004010426

Letter to Colorado, Iowa, Minnesota, Oregon and Utah state education associations

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Dear

The Federal Election Commission has found reason to believe that your association has violated the Federal Election Campaign Act of 1971, as amended. This finding is based on the fact that the National Education Association (NEA) and a large number of its state and local affiliates utilize a "reverse check-off" procedure to collect political contributions which, in the Commission's view, violates 2 U.S.C. §441b(b)(3)(A) and §114.5(a)(1) of its regulations.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your association. 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. In particular, please answer the following questions:

1). Describe the system used by your association to solicit political contributions.

2). Does NEA have any control over the choice of the method used by your association for the solicitation of political contributions?

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The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten (10) days of your receipt of this

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

notification. If you have any questions, please contact Mr. David R. Spiegel, the attorney assigned to this case, at 202/523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

0004021042 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
National Education Association

MURs 015 (75), 283 (76), 288 (76), 291 (76), 293 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 11, 1977, the Commission determined by a vote of 4-0 that there is probable cause to believe a violation of 2 U.S.C. Section 441b(b)(3)(A) has occurred, and to authorize the General Counsel to file a civil suit in the above-captioned matter.

Commissioners Aikens and Harris were not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

0004010429

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 19, 1977

Kenneth J. Guido, Jr.
General Counsel
Common Cause
2030 M Street, N.W.
Washington, D.C. 20036

Dear Ken:

This is in response to your letter of June 27, 1977, regarding the status of complaints filed by Common Cause against AMPAC and NEA-PAC.

We appreciate your concern in these matters. However, as you note in your letter, the Federal Election Campaign Act of 1971, as amended, proscribes our making public any investigation without the consent of the party with respect to whom such investigation is made. 2 U.S.C. §437g(a)(3)(B). We have not obtained such a consent from any of the parties named in your complaints.

As you further indicate, however, the Commission is required by 2 U.S.C. §437g(a)(6)(C) to make public the results of any conciliation attempt, including any conciliation agreement entered into or any failure to conciliate, as well as any determination that no violation of the Act has occurred. Neither condition applies at the present time with respect to either of your complaints.

I hasten to add, however, that the Commission is actively pursuing the issues raised by your complaints, in accordance with the requirements of 2 U.S.C. §437g. In this regard, please note that on July 6, 1977, the Commission filed in the United States District Court for the Northern District of Illinois an application for an order requiring AMA and AMPAC to show cause why a Commission Order for information, issued pursuant to 2 U.S.C. §437d(a)(1), should not be enforced.

Sincerely yours,

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 19, 1977

Kenneth J. Guido, Jr.
General Counsel
Common Cause
2030 M Street, N.W.
Washington, D.C. 20036

Dear Ken:

This is in response to your letter of June 27, 1977, regarding the status of complaints filed by Common Cause against AMPAC and NEA-PAC.

We appreciate your concern in these matters. However, as you note in your letter, the Federal Election Campaign Act of 1971, as amended, proscribes our making public any investigation without the consent of the party with respect to whom such investigation is made. 2 U.S.C. §437g(a)(3)(B). We have not obtained such a consent from any of the parties named in your complaints.

As you further indicate, however, the Commission is required by 2 U.S.C. §437g(a)(6)(C) to make public the results of any conciliation attempt, including any conciliation agreement entered into or any failure to conciliate, as well as any determination that no violation of the Act has occurred. Neither condition applies at the present time with respect to either of your complaints.

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Sincerely yours,

William C. Oldaker
General Counsel

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FEC # 772

common cause
2030 M STREET, N.W., WASHINGTON, D. C. 20036 1200

NAN F. WATERMAN
Chairwoman

DAVID COHEN
President

JOHN W. GARDNER
Founding Chairman

77 JUN 29 AM 10:13

771958

June 27, 1977

William Oldaker, Esq.
General Counsel's Office
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Dear Bill:

On October 1, 1976, Common Cause filed a complaint with the Federal Election Commission against the American Medical Political Action Committee (AMPAC) and various of its state affiliates charging violations of the political contributions limits imposed by 2 U.S.C. § 441a (a)(2)(A). MUR 253

On October 20, 1976, Common Cause filed a second complaint with the Commission. This complaint charged that the National Education Association Political Action Committee (NEAPAC) made political contributions in violation of 2 U.S.C. § 441b(b)(3)(A). MUR 288

In the eight months which have passed since these complaints have been filed, there has been no indication from the Commission what action, if any, has been taken with respect to them. Of course, the Commission is barred by statute from making public its preliminary investigation without the consent of the respondent. 2 U.S.C. § 437g(a)(3)(B).

However, the prohibition against public disclosure only applies to "any notification or investigation made under paragraph (2)" of that Section. The secrecy rule does not, by its terms, apply to the Commission's conciliation efforts undertaken under 2 U.S.C. § 437g(a)(5)(A), the Commission's decision to institute civil action under 2 U.S.C. § 437g(a)(5)(B), or the Commission's referral of an apparently knowing and willful violation to the Attorney General under 2 U.S.C. § 437g(a)(5)(D). If the Commission has undertaken any of the actions respecting the complaints filed by Common Cause, publication of that fact is not barred by statute.

Regardless of the Commission's ability to publicize the status of these complaints, it is clearly bound by a legal obligation to see that these investigations are "conducted

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expeditiously." 2 U.S.C. § 437g(a)(3)(A). The uncertainties created by this long delay on the Commission's part are surely detrimental to the candidates who received contributions from AMPAC and its affiliates, to the members of NEA who are involuntary contributors to NEAPAC, as well as to Common Cause and those members of the public who are profoundly concerned about the prompt and effective enforcement of campaign finance laws.

We, therefore, would appreciate hearing what action, if any, the Commission has taken in regard to the two complaints filed by Common Cause.

Sincerely,

Kenneth J. Guido, Jr.
General Counsel

KJG:cjb

0043

common cause
2030 M STREET N.W. WASHINGTON, D.C. 20036

FEDERAL ELECTION COMMISSION

'77 JUN 29 AM 10:07

William Oldaker, Esq.
General Counsel's Office
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

8004010435

Mr. Robert Chanin
Deputy Executive Director and
General Counsel
National Education Association
1201 16th Street
Washington, D.C. 20036

JUN 29 1977

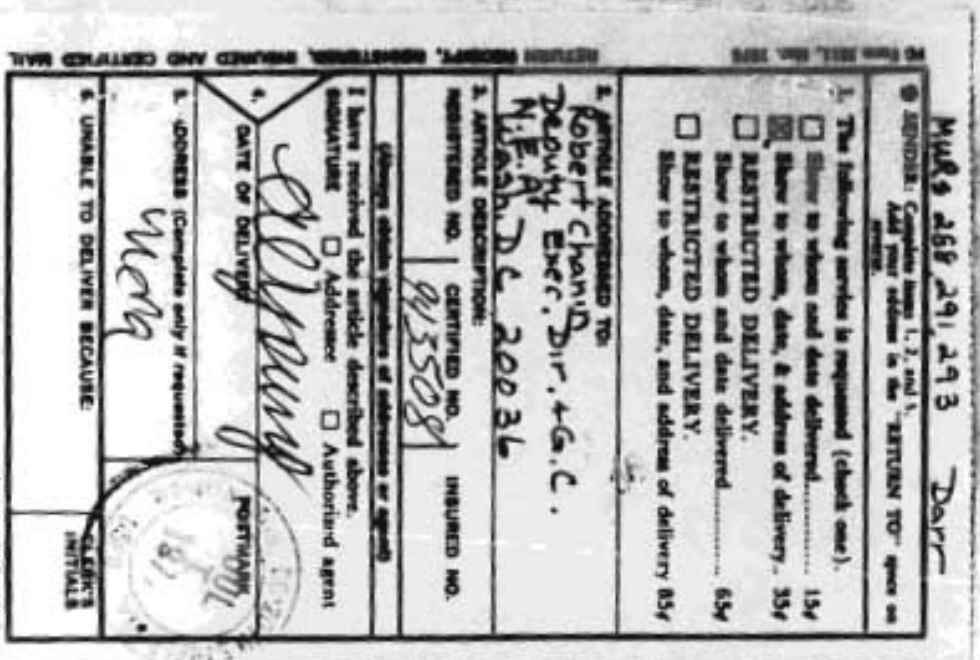
Dear Mr. Chanin:

On June 15, 1977, the Commission voted to deny your request for a hearing.

If you wish to discuss this matter further, please feel free to call me.

Sincerely yours,

William C. Oldaker
General Counsel



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Education Association) MURS 283 (76), 288 (76)
291 (76) and 293 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 15, 1977, the Commission determined by a vote of 4-1 to deny a request by the respondents to appear before the Commission in the above-captioned matter.

Voting for this determination were Commissioners Aikens, Springer, Staebler, and Tiernan; Commissioner Harris cast a dissenting vote; Commissioner Thomson was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

0004010436

16 MAY 1977

Mr. Robert H. Chanin
Deputy Executive Director
and General Counsel

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

Re: MURs 291, 293

Dear Mr. Chanin:

Please find attached a fully executed copy of the waiver that you signed in the above-numbered MURs.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

0004021043 7

MAY 1977

16 MAY 1977

Mr. Andrew Hare
Vice President
National Right to Work
Committee
8316 Arlington Boulevard
Suite 600
Fairfax, VA 22038

Re: MUR 291 (76)

Dear Mr. Hare:

For your information, please find attached a copy of a waiver executed by the National Education Association and the Commission with regard to the Commission's proceedings in the above numbered MUR.

We trust the waiver answers your inquires with regard to the status of this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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0004021043 9

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

2 MAY 1977

Warren Cruise, Esq.
National Education Association
1201 Sixteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 291, MUR 293 (76)

Dear Mr. Cruise:

Pursuant to 2 U.S.C. §437g(9) the plaintiffs in the above matters have filed separate actions in the U.S. District Court for the District of Columbia complaining of the Commission's failure to inform them of the status of the complaints or any action that might have been taken. Copies of the complaints in each action are enclosed.

As you are aware, 2 U.S.C. §437(g)(a)(3)(B) enjoins the Commission from making public any notification or investigation made under 2 U.S.C. §437(g)(a)(2).

It would facilitate our handling of these two actions if your organization would consent to the terms of the waiver which is appended to this letter. This would permit the Commission to describe the present status of the MURs to the court.

As you will note the Commission is obliged to answer the National Right to Work complaint on May 9, 1977 and the Chamberlain complaint on May 13, 1977. In order that we may have sufficient time to prepare our papers, we would appreciate it if you would indicate your response to this letter within five (5) days of its receipt.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure
AAthy:pjg:4/21/77

SEPARATE STIPULATION FOR MURs 291 & 293

The National Right to Work Committee, having brought an action in the United States District Court for the District of Columbia alleging that the Federal Election Commission has failed to act in this matter (National Right to Work Committee v. Thomson, et al., civ.action no. 77-0387), it is hereby stipulated and agreed by and between the parties hereto that the National Education Association waives its protections under 2 U.S.C. §437g(a)(3)(B) for the purpose of permitting the Federal Election Commission to advise the Court that the enforcement proceedings in this matter are in the conciliation stage, pursuant to 2 U.S.C. §437g(a)(5)(A).

It is understood that this waiver shall be used only for the purposes stated herein.

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE: _____

Duly authorized representative,
National Education Association

AAthy:pjg:4/26/777

0004021044 0

FEDERAL ELECTION COMMISSION

Memo from K. Gross to William Oldaker dated May 10, 1978, concerning missing file

File inventories

Further materials concerning conciliation negotiations have been removed pursuant 2 USCS 437g

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 Rose Wasserman

date 2/8/79

as to conciliation materials

Kenneth A. Gross

8/13/80

FEC 9-21-77

0004012441

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 19, 1979

Mr. Milton L. Chappell
Staff Attorney
National Right to Work Legal
Defense Foundation, Inc.
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22038

RE: MUR 293 (76)

Dear Mr. Chappell:

We have received your letter of November 1, 1978, concerning in part a story which appeared in the Detroit News on September 12, 1978, concerning an alleged promise made by the Michigan Education Association of a $5,000 contribution to the Levin senate campaign.

We have checked the reports filed by the Levin for Senate Committee immediately prior to the publication of this news article and since its publication. We find no evidence of such a $5,000 contribution from the Michigan Education Association or its political action committee. Neither of the latter two organizations is a reporting entity.

The Commission's actions with regard to the many respondents involved in MUR 293 (76) have resulted in either litigation or a signed conciliation agreement. The Commission has therefore voted to close the file in this matter.

Sincerely,

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 293, et al
Michigan Education Association)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 17, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Memorandum dated January 15, 1979, regarding the above-captioned matter:

1. Close the file in MUR 293 (78), et al.
2. Send the letter attached to the above-named memorandum.

Voting for this determination were Commissioners Springer, Tiernan, McGarry, and Thomson.

Attest:

1/18/79
Date

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 1-15-79, 1:14
Circulated on 48 hour vote basis: 1-15-79, 4:30

0040010443

January 15, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 293

Please have the attached Memo distributed to the Commission on a 48 hour tally basis.

Thank you.

8004021044

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
79 JAN 15 P1:14

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 15, 1979

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: MUR 293 (78), et al

On November 1, 1978, the National Right to Work Legal Defense Foundation, Inc., ("the Foundation") forwarded to the Commission a copy of a September 14, 1978, Detroit News article concerning a declaration of support and promise of a $5,000 contribution made by the Michigan Education Association ("MEA") to Carl Levin, candidate for the United States Senate. (See Attachment I). The Foundation requested a study of the reports submitted to the Commission by the Levin committee, MEA and the Michigan Education Association Political Action Committee ("MEAPAC") to determine whether such a contribution was in fact made. If MEAPAC did make a contribution to a federal candidate, the Foundation believed that MEAPAC would then come within the Commission's jurisdiction, in a manner other than as a conduit for monies obtained by means of a reverse checkoff and destined for the National Education Association Political Action Committee ("NEAPAC").

A study of the reports filed by the Levin for Senate Committee ("the Committee") reveals no contributions from MEAPAC to the Committee. Neither MEA nor MEAPAC is a reporting entity. Therefore, we continue to find that the Commission has no jurisdiction over MEA and MEAPAC as regards the collection and use of monies derived from the reverse checkoff system which have not been forwarded to NEAPAC. (The Committee's reports do show that NEAPAC made a $5,000 contribution to the Committee on October 4, 1978.)

Actions against the other respondents involved in MUR 293 (78) have resulted either in litigation or signed conciliation

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agreements. We therefore recommend that the file in this matter be closed and that the attached letter be sent to the complainant.

RECOMMENDATIONS:

1. Close the file in MUR 293 (78), et al.

2. Send attached letter.

Attachments: Detroit News article
Letter to Complainant

0004021044

News 1-A 9-12-78 Final Edition

Teachers support Fitzgerald, Levin

By PATRICIA AMSTETT
News Staff Writer

The Michigan Education Association, the state's largest teacher organization and one of Michigan's most politically active unions, yesterday pledged its full support to Democratic gubernatorial candidate William B. Fitzgerald and U.S. Senate hopeful Carl Levin.

The endorsement by the state's largest teachers union was accompanied by a promise of $17,000 to Fitzgerald and $5,000 to Levin, the maximum allowed under federal and state campaign financing laws, for the Nov.7 general election.

The contributions — part of a $125,000 campaign chest the union is amassing for all state and the U.S. Senate races in November — will make the 95,000-member organization one of the state's highest spenders in the fall election. The union spent an additional $128,000 in statewide August primary races.

Only the UAW, with 700,000 active and retired members in Michigan, has announced intentions of giving candidates more money for the fall election.

SAM FISHMAN, director of the Michigan UAW's political action committee, said the union probably will spend at least $150,000 on the statewide and U.S. Senate races.

Accompanying the Michigan Education Association endorsement was a promise to lend Fitzgerald and Levin whatever workers they need for campaign work around the state.

Schemer?

Fitzgerald, in a telephone interview yesterday, called that promise particularly important because of the narrow vote margins of Gov. William G. Milliken over his Democrat opponent, Sander Levin, in the last two elections. He is a brother of Carl Levin.

The teachers union endorsed Sander Levin in 1970 and then withdrew its support when he changed his stance to support a parochiaid proposal. The union supported Milliken four years ago.

"Milliken won against Levin by just 40,000 votes the first time and 120,000 the second time and he had the MEA endorsement then," Fitzgerald said. "This race is proving to be as narrow as they come."

THE IRONY of the yesterday's

Continued on Page 22A

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Detroit News

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. Milton L. Chappell
Staff Attorney
National Right to Work Legal
Defense Foundation, Inc.
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22038

RE: MUR 293 (76)

Dear Mr. Chappell:

We have received your letter of November 1, 1978, concerning in part a story which appeared in the Detroit News on September 12, 1978, concerning an alleged promise made by the Michigan Education Association of a $5,000 contribution to the Levin senate campaign.

We have checked the reports filed by the Levin for Senate Committee immediately prior to the publication of this news article and since its publication. We find no evidence of such a $5,000 contribution from the Michigan Education Association or its political action committee. Neither of the latter two organizations is a reporting entity.

The Commission's actions with regard to the many respondents involved in MUR 293 (76) have resulted in either litigation or a signed conciliation agreement. The Commission has therefore voted to close the file in this matter.

Sincerely,

William C. Oldaker
General Counsel

CCC#
5903

LAW OFFICES
BARNETT & ALAGIA
THE SEVENTEENTH FLOOR
KENTUCKY HOME LIFE BUILDING
P. O. BOX 1178
LOUISVILLE, KENTUCKY 40201

TELEPHONE (502) 585-4131
CABLE ADDRESS - ALBAR

FEDERAL ELECTION COMMISSION
'78 DEC 18 AM 10:32

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
JOSEPH H. DAY
JOHN T. MILLER
H. BROOKS SENN
RICHARD H. TRAUTWEIN
CHARLES DAWSON BARNETT
ANTHONY O. BROWN
CAROLYN A. DYE
JOHN E. EVANS
WM. CARL FUST
RONALD L. GAFFNEY
GARY D. GARRISON
BENJAMIN J. ISAACS
MICHAEL E. LANNON
DONALD F. MINTMIRE
CHARLES L. OWEN
IVAN RICH
JACK E. RUCK
LEE C. SUMMERS
MARY JO WINKLER

BERNARD BROWN 1902-1974
JAMES P. MILLER 1893-1967

WASHINGTON OFFICE
BARNETT, ALAGIA & CAREY
1627 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 785-8572
WILLIAM A. CAREY
RESIDENT PARTNER
ST. JOHN BARRETT
WILLIAM S. GLADING
RICHARD A. GLADSTONE
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III
RUFUS E. WILSON
OF COUNSEL

December 12, 1978

Mr. Ken Gross
Attorney at Law
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20643

308470

RE: FEC v. NEA

Dear Ken:

Please allow this to follow up on our recent conversation regarding the above referenced matter.

We would appreciate it if you would forward to us at your earliest possible convenience a copy of the order by which Judge Gasch ordered and directed the NEA to refund all contributions obtained by way of the reverse check-off unless the teacher specifically notifies NEA to the contrary.

Thank you for your expeditious assistance in this matter.

Very truly yours,

BARNETT & ALAGIA

Ronald L. Gaffney

Ronald L. Gaffney

RLG/sh

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LAW OFFICES
BARNETT & ALAGIA
THE SEVENTEENTH FLOOR
KENTUCKY HOME LIFE BUILDING
P. O. BOX 1179
ISVILLE, KENTUCKY 40201

LOUISVILLE, KY
PM
12 DEC
1978

ALWAYS USE ZIP CODE

DEC 18 AM

Mr. Ken Gross
Attorney at Law
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20643

GCC# 5459



National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22038
TELEPHONE (703) 573-7010

RECEIVED
FEDERAL ELECTION COMMISSION
'78 NOV 3 PM 12:23

November 1, 1978

807

Mr. Kenneth Gross
Federal Elections Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: Chamberlain v. Garden City Education Association, Michigan Education Association, National Education Association MUR 293 (76)

Dear Ken:

Enclosed please find a copy of the September 12, 1978 Detroit News article concerning MEA's promise to contribute $5,000.00 to the U.S. senatorial candidacy of Carl Levin. A check with Patricia Amstett, the writer of the story, reveals that her information came from an interview with MEA President Keith Geiger. After announcing MEA's endorsement of Levin, Mr. Geiger was asked whether that included contributions; Geiger's response was that MEA intends to give the maximum amount allowed under the law. The $5,000.00 figure is Ms. Amstett's interpretation of Geiger's statement. Geiger also said that at the time of the interview, apparently around September 10, 1978, MEA had not given the money.

As you know the Chamberlain's complaint referred to above alleges violation of the Federal Election Campaign Act of 1971 by the MEA's PAC's use of the reverse check-off. Your conversations with me have revealed that the FEC has been unable to proceed against MEA-PAC because of the lack of federal involvement. I believe that this may be a lead to federal involvement. I would appreciate it if you could check out the filings of MEA, MEA-PAC, and the Carl Levin campaign to see whether MEA actually contributed any money or not. Of course you will recognize that if MEA did make such a contribution, the Commission now has the handle necessary to proceed against MEA.

On another matter, I am enclosing a copy of Bob Harman's latest (third version) affidavit regarding the rebate of NEA-PAC contributions in the Chamberlain v. NEA case. You will notice that this version contradicts the second version, which contradicted the first version of the affidavit. You will also notice that

they have come up with another approximately 300 missing names for a total of 599 agency-fee payers who had never received those supposed "automatic refunds". It is my understanding that this affidavit along with the other two from Michigan and Wisconsin, which I have enclosed, have been filed with the Court and complete the requirements of the Consent Order in the Chamberlain case. Despite contradictions, we have decided not to reopen the Chamberlain case. With you, we are anxiously awaiting Judge Gasch's decision on the more important case.

Very truly yours,

Milton

Milton L. Chappell
Staff Attorney

MLC/kc

Enclosures as above

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News 1-A 9-12-78 Final Edition

Teachers support Fitzgerald, Levin

By PATRICIA ANSTETT
News Staff Writer

The Michigan Education Association, the state's largest teacher organization and one of Michigan's most politically active unions, yesterday pledged its full support to Democratic gubernatorial candidate William B. Fitzgerald and U.S. Senate hopeful Carl Levin.

The endorsement by the state's largest teachers union was accompanied by a promise of $17,000 to Fitzgerald and $5,000 to Levin, the maximum allowed under federal and state campaign financing laws, for the Nov.7 general election.

The contributions — part of a $125,000 campaign chest the union is amassing for all state and the U.S. Senate races in November — will make the 95,000-member organization one of the state's highest spenders in the fall election. The union spent an additional $120,000 in statewide August primary races.

Only the UAW, with 700,000 active and retired members in Michigan, has announced intentions of giving candidates more money for the fall election.

SAM FISHMAN, director of the Michigan UAW's political action committee, said the union probably will spend at least $150,000 on the statewide and U.S. Senate races.

Accompanying the Michigan Education Association endorsement was a promise to lend Fitzgerald and Levin whatever workers they need for campaign work around the state.

Schemer?

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The teachers union endorsed Sander Levin in 1970 and then withdrew its support when he changed his stance to support a parochiaid proposal. The union supported Milliken four years ago.

"Milliken won against Levin by just 40,000 votes the first time and 120,000 the second time and he had the MEA endorsement then," Fitzgerald said. "This race is proving to be as narrow as they come."

THE IRONY of the yesterday's

Continued on Page 22A

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Senator Levin

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

PAUL E. CHAMBERLAIN, ET AL.,	:	
Plaintiffs	:	
vs.	:	CIVIL ACTION NO. 78-0819
NATIONAL EDUCATION ASSOCIATION, ET AL.,	:	
Defendants	:	

AFFIDAVIT OF ROBERT E. HARMAN

City of Washington :
: ss.
District of Columbia :

ROBERT E. HARMAN, being duly sworn, deposes and says:

1. I am employed by the National Education Association (NEA) and have been so employed since 1960. My office is located at 1201 Sixteenth Street, N.W., Washington, D.C. 20036.

2. Since 1972, I have been the Associate Director of NEA's Division of Government Relations. Among its other functions, this Division is responsible for the administration of NEA's Political Action Committee (NEA-PAC). I personally was involved in the establishment of NEA-PAC at the beginning of the 1972-73 membership year and in my capacity as Associate Director have supervised its administration since that time.

3. The purpose of NEA-PAC is to solicit, receive, and expend political action contributions from members of NEA. However, contributions were on occasion solicited from nonmembers of NEA. Specifically, the latter solicitation involved nonmembers who were required by statute or contract to pay a fee to NEA and/or its affiliates to cover the costs of collective bargaining and contract administration. I shall in this affidavit refer to these nonmembers as "agency fee payers," although they are referred to by other designations in some states.

4. There are at the present time approximately ten states which by statute authorize an agency fee arrangement in public education. To the best of my knowledge, in only two of these states -- Michigan and Wisconsin -- have NEA-PAC contributions ever been solicited from agency fee payers. Although the Washington Education Association employed a reverse check-off dues system subsequent to the effective date of the Washington statute authorizing an agency fee arrangement in public education, no agency fee payers in Washington were ever solicited for NEA-PAC contributions by use of that check-off system or by any other means.

5. The solicitation of NEA-PAC contributions in Wisconsin took place during NEA's 1976-77 membership year and in Michigan during NEA's 1974-75 through 1976-77 membership years pursuant to the following system. NEA members were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain agency fee payers also were requested to pay $1 in addition to their annual agency fee.

6. Subsequent to the filing of the complaint with the Federal Election Commission by Paul and Lore Chamberlain regarding the solicitation of agency fee payers, I contacted Bruce Oradei, a legislative specialist for the Wisconsin Education Association Council. He informed me that unlike NEA members, agency fee payers in Wisconsin during NEA's 1976-77 membership year were not required to request a refund of their NEA-PAC contributions: the $1 was instead refunded to them automatically without any request.

7. Subsequent to the filing of the Chamberlain's complaint I also contacted Warren Culver, the Director of Public Affairs for the Michigan Education Association (MEA). He informed me that although all NEA-PAC contributions from the 1974-75 membership year were immediately refunded to agency fee payers in

Michigan without request, such an automatic refund system was not in effect during the 1975-76 and 1976-77 membership years.

8. After discovering that the Michigan Education Association had not automatically refunded to agency fee payers NEA-PAC contributions from the 1975-76 and 1976-77 membership years, I personally checked NEA-PAC's records of contributors and refunds for those two membership years. Those records show that during the 1975-76 NEA membership year there were 25 agency fee payers in Michigan and during the 1976-77 membership year there were 281 agency fee payers. Those records further show that refunds have been sent by NEA-PAC to all of these persons.

9. I am not aware of any solicitations of agency fee payers other than as indicated in paragraphs 4 through 8 above. To the best of my knowledge, all NEA-PAC funds solicited from agency fee payers, nonmembers of NEA, in violation of the federal election laws have been returned to them.

Robert E. Harman

Subscribed to before me and
sworn in my presence this
11th day of October, 1978.

Sheryl D. Fitzpatrick
Notary Public

My Commission Expires: Aug 31, 1978

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

PAUL E. CHAMBERLAIN, ET AL.,	:	
Plaintiffs	:	
vs.	:	CIVIL ACTION NO. 78-0819
NATIONAL EDUCATION ASSOCIATION, ET AL.,	:	
Defendants	:	

AFFIDAVIT OF HERBERT C. SURTMAN

City of :
: ss.
State of :

HERBERT C. SURTMAN, being duly sworn, deposes and says:

1. I am employed by the Michigan Education Association (MEA) and have been so employed since 1963. My office is located at 1216 Kendale Boulevard, East Lansing, Michigan 48823.

2. Since _____ I have been the Director of Finance for MEA. Among my functions as director, I record and oversee the collection of contributions from MEA members for the National Education Association Political Action Committee (NEA-PAC).

3. Although the purpose of NEA-PAC is the collection of political action contributions from NEA members, during the 1974-75 through 1976-77 NEA membership years some agency fee payers, nonmembers of NEA, were solicited for NEA-PAC contributions in Michigan.

4. During the 1974-75 through 1976-77 membership years NEA members were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain agency fee payers were also requested to pay $1 in addition to their annual agency fee. During the 1974-75 membership year these

Michigan agency fee payers were not required to request a refund of their NEA-PAC contributions; the $1 was instead refunded to them automatically by MEA.

5. During the 1975-76 and 1976-77 NEA membership years, NEA-PAC contributions were not automatically refunded to Michigan agency fee payers by MEA as they had been during the 1974-75 membership year. However, during those years MEA forwarded to NEA-PAC lists of Michigan agency fee payers, and Mr. Robert Harman, Associate Director of the National Education Association's Division of Government Relations, has informed me that NEA-PAC has itself refunded all contributions to persons identified by MEA as Michigan agency fee payers during the 1975-76 or 1976-77 membership years.

6. Therefore, to the best of my knowledge, all NEA-PAC contributions solicited from agency fee payers in Michigan during the 1974-75 through 1976-77 NEA membership years have been returned to the agency fee payers involved.

_____
Herbert C. Surtman

Subscribed to before me and
sworn in my presence this
____ day of October, 1978.

_____
Notary Public

My Commission Expires:_____

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

PAUL E. CHAMBERLAIN, ET AL., Plaintiffs	:	
vs.	:	CIVIL ACTION NO. 78-0819
NATIONAL EDUCATION ASSOCIATION, ET AL., Defendants	:	

AFFIDAVIT OF ROBERT F. MOELLER

STATE OF WISCONSIN :
: SS.
COUNTY OF :

ROBERT F. MOELLER, being duly sworn, deposes and says:

1. I am employed by the Wisconsin Education Association Council (WEAC) and have been so employed since 1973. My office is located at 101 West Beltline Highway, Madison, Wisconsin 53713.

2. Since 1973 I have been the Business Director for WEAC. Among my functions as Business Director, I record and oversee the collection of contributions from WEAC members for the National Education Association Political Action Committee (NEA-PAC).

3. Although the purpose of NEA-PAC is the collection of political action contributions from NEA members, during the 1976-77 NEA membership year some fair share payers, nonmembers of NEA, were solicited for NEA-PAC contributions in Wisconsin.

4. During the 1976-77 membership year NEA members were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain fair share payers

were also requested to pay $1 in addition to their annual agency fee. Unlike NEA members, however, agency fee payers in Wisconsin were not required to request a refund of their NEA-PAC contributions; the $1 was instead refunded to them automatically.

5. All NEA-PAC contributions solicited from fair share payers in Wisconsin during the 1976-77 membership year have therefore been returned to the fair share payers involved, and none of these contributions were ever sent by WEAC to NEA-PAC.

_____
Robert F. Moeller

Subscribed and sworn to before
me this _____ day of October,
1978.

_____
Notary Public
My Commission Expires: _____

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FIRST CLASS

FROM
NATIONAL
RIGHT TO WORK
LEGAL DEFENSE
FOUNDATION, INC.

8316 Arlington Blvd.
Suite 600
Fairfax, Virginia 22038

TO:

Mr. Kenneth Gross, Esq.
Federal Elections Commission
1325 K Street, N.W.
Washington, D. C. 20463

FIRST CLASS

NOV 3 PM 12:23

FEDERAL ELECTION COMM.

ACR 54104

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

nea
NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 (202) 833-4451
JOHN RYOR, President
WILLARD H. MCGUIRE, Vice-President
JOHN T. MCGARIGAL, Secretary-Treasurer
TERRY HERNDON, Executive Director

1978 OCT 30 AM 10:28

October 27, 1978

Kenneth A. Gross, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 293(76) 807485

Dear Ken:

As I explained to you on the phone several weeks ago, after the entry of NEA's conciliation agreement with the FEC in the Chamberlain matter, we discovered that although the Michigan Education Association automatically refunded NEA-PAC contributions to Michigan agency fee payers in the 1974-75 membership year, such refunds were not made by MEA in 1975-76 and 1976-77. An amendment to Robert J. Harman's September 6, 1978, affidavit filed with the Commission has thus become necessary. I am therefore enclosing with this letter a more recent affidavit from Harman, as well as affidavits from the appropriate officials at the Michigan Education Association and Wisconsin Education Association Council. These affidavits are duplicates of the affidavits which we are today filing in federal district court in compliance with the consent order in Chamberlain v. National Education Association.

I trust that the enclosed affidavits will complete the FEC file on this matter.

Sincerely,

Larry Dessem

Larry Dessem
Staff Attorney

LD:gm

Enclosures

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

AFFIDAVIT OF ROBERT F. MOELLER

STATE OF WISCONSIN :
: SS.
COUNTY OF :

ROBERT F. MOELLER, being duly sworn, deposes and says:

1. I am employed by the Wisconsin Education Association Council (WEAC) and have been so employed since 1973. My office is located at 101 West Beltline Highway, Madison, Wisconsin 53713.

2. Since 1973 I have been the Business Director for WEAC. Among my functions as Business Director, I record and oversee the collection of contributions from WEAC members for the National Education Association Political Action Committee (NEA-PAC).

3. Although the purpose of NEA-PAC is the collection of political action contributions from NEA members, during the 1976-77 NEA membership year some fair share payers, nonmembers of NEA, were solicited for NEA-PAC contributions in Wisconsin.

4. During the 1976-77 membership year NEA members were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain fair share payers

were also requested to pay $1 in addition to their annual agency fee. Unlike NEA members, however, agency fee payers in Wisconsin were not required to request a refund of their NEA-PAC contributions; the $1 was instead refunded to them automatically.

5. All NEA-PAC contributions solicited from fair share payers in Wisconsin during the 1976-77 membership year have therefore been returned to the fair share payers involved, and none of these contributions were ever sent by WEAC to NEA-PAC.

Robert F. Moeller

Subscribed and sworn to before me this 10th day of October, 1978.

Kathleen J. Mann
Notary Public

My Commission Expires: Nov. 2, 1980

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

AFFIDAVIT OF HERBERT C. SURTMAN

City of)
) ss.
State of)

HERBERT C. SURTMAN, being duly sworn, deposes and says:

1. I am employed by the Michigan Education Association (MEA) and have been so employed since 1963. My office is located at 1216 Kendale Boulevard, East Lansing, Michigan 48823.

2. Since September 1, 1971 I have been the Director of Finance for MEA. Among my functions as director, I record and oversee the collection of contributions from MEA members for the National Education Association Political Action Committee (NEA-PAC).

3. Although the purpose of NEA-PAC is the collection of political action contributions from NEA members, during the 1974-75 through 1976-77 NEA membership years some agency fee payers, nonmembers of NEA, were solicited for NEA-PAC contributions in Michigan.

4. During the 1974-75 through 1976-77 membership years NEA members in Michigan were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain agency fee payers were also requested to pay $1 in addition to their annual agency fee. During the 1974-75 membership year these Michigan

agency fee payers were not required to request a refund of their NEA-PAC contributions; the $1 was instead refunded to them automatically by MEA.

5. During the 1975-76 and 1976-77 NEA membership years, NEA-PAC contributions were not automatically refunded to Michigan agency fee payers by MEA as they had been during the 1974-75 membership year. However, MEA has forwarded to NEA-PAC lists of Michigan agency fee payers, and Mr. Robert Harman, Associate Director of the National Education Association's Division of Government Relations, has informed me that NEA-PAC has itself refunded all contributions to all persons identified by MEA as Michigan agency fee payers who made NEA-PAC contributions during the 1975-76 or 1976-77 membership years.

6. Therefore, to the best of my knowledge, all NEA-PAC contributions solicited from agency fee payers in Michigan during the 1974-75 through 1976-77 NEA membership years have been returned to the agency fee payers involved.

Herbert C. Surtman
Herbert C. Surtman

Subscribed to before me and
sworn in my presence this
26th day of October, 1978.

Joyce Anne Pearson
Notary Public

JOYCE ANNE PEARSON
Notary Public, Ingham Co., Mich.
My Commission Expires 9-16-81

My Commission Expires:

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

AFFIDAVIT OF ROBERT E. HARMAN

City of Washington :
: ss.
District of Columbia :

ROBERT E. HARMAN, being duly sworn, deposes and says:

1. I am employed by the National Education Association (NEA) and have been so employed since 1960. My office is located at 1201 Sixteenth Street, N.W., Washington, D.C. 20036.

2. Since 1972, I have been the Associate Director of NEA's Division of Government Relations. Among its other functions, this Division is responsible for the administration of NEA's Political Action Committee (NEA-PAC). I personally was involved in the establishment of NEA-PAC at the beginning of the 1972-73 membership year and in my capacity as Associate Director have supervised its administration since that time.

3. The purpose of NEA-PAC is to solicit, receive, and expend political action contributions from members of NEA. However, contributions were on occasion solicited from non-members of NEA. Specifically, the latter solicitation involved nonmembers who were required by statute or contract to pay a fee to NEA and/or its affiliates to cover the costs of collective bargaining and contract administration. I shall in this affidavit refer to these nonmembers as "agency fee payers," although they are referred to by other designations in some states.

4. There are at the present time approximately ten states which by statute authorize an agency fee arrangement in public education. To the best of my knowledge, in only two of these states -- Michigan and Wisconsin -- have NEA-PAC contributions ever been solicited from agency fee payers. Although the Washington Education Association employed a reverse check-off dues system subsequent to the effective date of the Washington statute authorizing an agency fee arrangement in public education, no agency fee payers in Washington were ever solicited for NEA-PAC contributions by use of that check-off system or by any other means.

5. The solicitation of NEA-PAC contributions in Wisconsin took place during NEA's 1976-77 membership year and in Michigan during NEA's 1974-75 through 1976-77 membership years pursuant to the following system. NEA members were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain agency fee payers also were requested to pay $1 in addition to their annual agency fee.

6. Subsequent to the filing of the complaint with the Federal Election Commission by Paul and Lore Chamberlain regarding the solicitation of agency fee payers, I contacted Bruce Oradei, a legislative specialist for the Wisconsin Education Association Council. He informed me that unlike NEA members, agency fee payers in Wisconsin during NEA's 1976-77 membership year were not required to request a refund of their NEA-PAC contributions: the $1 was instead refunded to them automatically without any request.

7. Subsequent to the filing of the Chamberlain's complaint I also contacted Warren Culver, the Director of Public Affairs for the Michigan Education Association (MEA). He informed me that although all NEA-PAC contributions from the 1974-75 membership year were immediately refunded to agency fee payers in Michigan without request, such an automatic refund system was not in effect during the 1975-76 and 1976-77 membership years.

8. After discovering that MEA had not automatically refunded to agency fee payers NEA-PAC contributions from the 1975-76 and 1976-77 membership years, I personally checked NEA's membership records for those two years. Those records show that MEA identified 25 persons as agency fee payers in Michigan during the 1975-76 membership year and 281 persons as agency fee payers during the 1976-77 membership year. During the week of October 9, 1978, I personally supervised the mailing of NEA-PAC refund checks to all of these persons shown to have been agency fee payers during either or both of the relevant membership years.

9. In confirming the list of persons to whom this October 9 mailing had been sent, I discovered that MEA records show that there were 293 Michigan agency fee payers during the 1975-76 membership year. During the week of October 23, 1978, I therefore personally supervised a second mailing of NEA-PAC checks to those 1975-76 fee payers who had not previously received a refund for that membership year. NEA-PAC checks have therefore now been sent to all persons listed on either NEA membership records or MEA records as Michigan agency fee payers for either the 1975-76 or 1976-77 membership years.

10. I am not aware of any solicitations of agency fee payers other than as indicated in paragraphs 4 through 9 above. To the best of my knowledge, all NEA-PAC funds solicited from agency fee payers, nomembers of NEA, in violation of the federal election laws have been returned to them.

Robert E. Harman

Robert E. Harman

Subscribed to before me and
sworn in my presence this
26th day of October, 1978.

Sheryl D. Fitzpatrick
Notary Public

My Commission Expires:

My Commission Expires August 31, 1983

NATIONAL EDUCATION ASSOCIATION
OF THE UNITED STATES
1201 Sixteenth Street, N. W.
Washington, D. C. 20036

RECEIVED
FEDERAL ELECTION
1978 OCT 30 AM 10:28

FIRST CLASS MAIL



OFFICE OF GENERAL COUNSEL
NATIONAL EDUCATION ASSOCIATION

TO:
Kenneth A. Gross, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION

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

September 18, 1978

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

Re: MUR 293(76)

Dear Bob:

The Commission is in receipt of the conciliation agreement you have signed in connection with this matter, as well as the payment of the civil penalty assessed, the affidavit and the letter to the respondents.

Please find enclosed a copy of this agreement which has now been approved by the Commission and signed by the General Counsel.

This investigation is now terminated. Copies of the above-mentioned documents will be placed in the public disclosure file in this matter.

Thank you for your cooperation.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION

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

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

9/18/78

Re: MUR 293(76)

Dear Bob:

The Commission is in receipt of the conciliation agreement you have signed in connection with this matter, as well as the payment of the civil penalty assessed, the affidavit and the letter to the respondents.

Please find enclosed a copy of this agreement which has now been approved by the Commission and signed by the General Counsel.

This investigation is now terminated. Copies of the above-mentioned documents will be placed in the public disclosure file in this matter.

Thank you for your cooperation.

Sincerely,

1s1

William C. Oldaker
General Counsel

Enclosures

KAG

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

CONCILIATION AGREEMENT

This matter was initiated on the basis of a written complaint filed with the Federal Election Commission (FEC or Commission). An investigation was conducted and the Commission has found reasonable cause to believe that the respondents, the National Education Association (NEA), the National Education Association Political Action Committee (NEA-PAC), the Michigan Education Association (MEA), the Michigan Education Association Political Action Committee (MEA-PAC) and the Garden City Education Association (GCEA) violated 2 U.S.C. § 441b(b)(3)(A) and (C) and § 441b(b)(4)(A)(ii). Now, therefore, NEA, NEA-PAC, MEA, MEA-PAC and GCEA and the Commission, the respective parties herein, have entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5)(A) and do hereby agree to the following:

1. The Commission has jurisdiction over the subject matter of this proceeding and over respondents, NEA-PAC, NEA, MEA and GCEA for solicitation and collection of contributionsto NEA-PAC.

2. NEA, MEA, and GCEA are labor organizations within the meaning of 2 U.S.C. § 441b(b)(1) and maintain offices at 1201 16th Street, N.W., Washington, DC 20036, 1216 Kendale Blvd., East Lansing, Michigan 48823, and 3850 Second Street, Wayne, Michigan

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48184, respectively. NEA-PAC is a separate segregated fund, registered with the Commission, established and administered by NEA for the purpose of making contributions and expenditures within the meaning of the Federal Election Campaign Act of 1971, as amended (Act).

3. During the 1975-76 and 1976-77 school years, GCEA, an affiliate of MEA and NEA, was the exclusive representative for a bargaining unit consisting of teachers employed by the Board of Education for the School District of Garden City, Michigan. During those years, members of the GCEA bargaining unit were subject to an agency shop arrangement.

4. Pursuant to the aforesaid agency shop arrangement, those individuals in the bargaining unit who were not members of NEA, MEA, and GCEA were required to pay a fee to the unions which was equivalent to the dues and assessments of union members. This fee included inter alia, monies for NEA-PAC and could be paid through payroll deduction or in cash. Although the policy adopted by the NEA's Representative Assembly provided that members could submit a written request for a refund of the NEA-PAC monies, according to counsel for respondents in this matter all NEA-PAC monies collected from agency fees payers were immediately refunded.

5. For purposes of this agreement, agency fee payers are not members of NEA or its affiliates.

6. NEA, NEA-PAC, MEA and GCEA admit that in an excess of zeal they solicited contributions from agency fee payers, non-members of the union, in violation of 2 U.S.C. § 441b(b)(4)(A)(ii) and agree to return all funds that were collected in this manner that have not

already been refunded.

7. Respondents agree to cease the solicitation of contributions for NEA-PAC or political action committees connected to local or state affiliates which contribute or expend money in connection with any Federal election from persons who are neither members of NEA or its affiliates nor family members of such persons.

8. On May 4, 1978, the illegal solicitation of Paul and Lore Chamberlain, the complainant agency fee payers, ceased to be a continuing violation of 2 U.S.C. § 441b(b)(4)(A)(ii) with respect to the 1975-76 NEA-PAC contribution. Counsel for GCEA informed the Chamberlains that it was no longer seeking the collection of political monies from non-members, for the school year 1975-76 and the amount previously demanded was adjusted. Counsel for respondents agrees to inform the Chamberlains that they will no longer seek the collection of political monies from them for the school year 1976-77 and the amount previously demanded will be adjusted.

9. Respondents admit that in an excess of zeal they solicited political monies from agency fee payers without informing them of their right to refuse to contribute in violation of 2 U.S.C. § 441b (b)(3)(C).

10. The respondents will pay to the Treasury of the United States a civil penalty in the aggregate amount of $250.

The Commission and the respondents herein enter into this conciliation agreement under the following GENERAL CONDITIONS:

11. On request of anyone filing complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or upon the Commission's own motion, it may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated it may, without further conciliation, institute a civil action for relief in the United States District Court for the District of Columbia.

12. This agreement shall become effective when all the parties hereto have executed it and the Commission has approved it.

13. The respondents shall have thirty (30) days from the effective date of this agreement to implement and comply with all the requirements contained herein.

Based upon the terms of this agreement, the Commission will dismiss the complaint of Paul and Lore Chamberlain against NEA, NEA-PAC, MEA and GCEA as to violations of 2 U.S.C. § 441b(b)(4)(A)(ii) and § 441b(b)(3)(C).

FOR THE FEDERAL ELECTION COMMISSION

William C. Oldaker
General Counsel

Date: 9/18/78

FOR THE
NATIONAL EDUCATION ASSOCIATION,
NATIONAL EDUCATION ASSOCIATION POLITICAL ACTION COMMITTEE,
MICHIGAN EDUCATION ASSOCIATION,
MICHIGAN EDUCATION ASSOCIATION POLITICAL ACTION COMMITTEE, and
GARDEN CITY EDUCATION ASSOCIATION

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

Date: 9/6/78

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	
National Education Association	)	
Political Action Committee	)	MUR 293 (76)
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 18, 1978, the Commission determined by a vote of 4-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Approve the signed conciliation agreement attached to the General Counsel's Report dated September 8, 1978.

2. Send the letters to the respondents attached to the General Counsel's Report dated September 8, 1978.

Voting for these determinations were Commissioners Aikens, Tiernan, Staebler, and Springer.

Attest:

9/18/78
Date

Marjorie W. Emmons
Secretary to the Commission

Report signed: 9-14-78
Received in Office of Commission Secretary: 9-14-78, 11:31
Circulated on 48 hour vote basis: 9-18-78, 9:45

0010478

September 14, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 293

Please have thh attached Memo and conciliation agreement in MUR 293 distributed to the Commission on a 48 hour tally basis.

Thank you.

8004021047 9

BEFORE THE FEDERAL ELECTION COMMISSION

SEPTEMBER 8, 1978

In the Matter of	)	
	)	
National Education Association	)	
National Education Association Political Action Committee	)	MUR 293(76)
Michigan Education Assoication	)	
Michigan Education Association Political Action Committee	)	
Garden City Education Association	)	

GENERAL COUNSEL'S REPORT

On November 16, 1977, the Commission found reasonable cause to believe that the National Education Association (NEA), the National Education Association Political Action Committee (NEA-PAC), the Michigan Education Association (MEA), the Michigan Education Association Political Action Committee (MEA-PAC), and the Garden City Education Association (GCEA) violated 2 U.S.C. § 441b(b)(3)(A) by the illegal use of a reverse check off procedure to solicit political action committee funds, 2 U.S.C. § 441b(b)(3)(C) by soliciting political monies from agency fee payers without informing them of their right to refuse to contribute, and 2 U.S.C. § 441b(b)(4)(A)(ii) by seeking the collection of political monies from non-members of the union. The Commission also approved the sending of a Conciliation Agreement to these respondents.

The Office of General Counsel has now received the signed conciliation agreement as approved by the Commission calling for a civil penalty of $250, a refund of those funds collected in violation of 2 U.S.C. § 441b(b)(4)(A)(ii), a letter to be sent to complainant agency fee payers Paul and Lore Chamberlain,

0004104480

informing them that the respondents will no longer seek collection of political monies from them for the school year 1976-77, and respondents' assent to cease solicitation of contributions for NEA-PAC from persons who are not members nor family of members of NEA or its affiliates. This Office has also received payment of the civil penalty.

A copy of the conciliation agreement signed on behalf of each respondent is attached, along with the letter sent to the Chamberlains, and an affidavit stating that all political funds collected from agency fee payers have been refunded.

RECOMMENDATION

1. Approve the attached signed conciliation agreement.
2. Send attached letters to respondents.

14 Sept 1978
Date

William C. Oldaker for WCO
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

CONCILIATION AGREEMENT

This matter was initiated on the basis of a written complaint filed with the Federal Election Commission (FEC or Commission). An investigation was conducted and the Commission has found reasonable cause to believe that the respondents, the National Education Association (NEA), the National Education Association Political Action Committee (NEA-PAC), the Michigan Education Association (MEA), the Michigan Education Association Political Action Committee (MEA-PAC) and the Garden City Education Association (GCEA) violated 2 U.S.C. § 441b(b)(3)(A) and (C) and § 441b(b)(4)(A)(ii). Now, therefore, NEA, NEA-PAC, MEA, MEA-PAC and GCEA and the Commission, the respective parties herein, have entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5)(A) and do hereby agree to the following:

1. The Commission has jurisdiction over the subject matter of this proceeding and over respondents, NEA-PAC, NEA, MEA and GCEA for solicitation and collection of contribution to NEA-PAC.

2. NEA, MEA, and GCEA are labor organizations within the meaning of 2 U.S.C. § 441b(b)(1) and maintain offices at 1201 16th Street, N.W., Washington, DC 20036, 1216 Kendale Blvd., East Lansing, Michigan 48823, and 3850 Second Street, Wayne, Michigan

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48184, respectively. NEA-PAC is a separate segregated fund, registered with the Commission, established and administered by NEA for the purpose of making contributions and expenditures within the meaning of the Federal Election Campaign Act of 1971, as amended (Act).

3. During the 1975-76 and 1976-77 school years, GCEA, an affiliate of MEA and NEA, was the exclusive representative for a bargaining unit consisting of teachers employed by the Board of Education for the School District of Garden City, Michigan. During those years, members of the GCEA bargaining unit were subject to an agency shop arrangement.

4. Pursuant to the aforesaid agency shop arrangement, those individuals in the bargaining unit who were not members of NEA, MEA, and GCEA were required to pay a fee to the unions which was equivalent to the dues and assessments of union members. This fee included inter alia, monies for NEA-PAC and could be paid through payroll deduction or in cash. Although the policy adopted by the NEA's Representative Assembly provided that members could submit a written request for a refund of the NEA-PAC monies, according to counsel for respondents in this matter all NEA-PAC monies collected from agency fees payers were immediately refunded.

5. For purposes of this agreement, agency fee payers are not members of NEA or its affiliates.

6. NEA, NEA-PAC, MEA and GCEA admit that in an excess of zeal they solicited contributions from agency fee payers, non-members of the union, in violation of 2 U.S.C. § 441b(b)(4)(A)(ii) and agree to return all funds that were collected in this manner that have not

already been refunded.

7. Respondents agree to cease the solicitation of contributions for NEA-PAC or political action committees connected to local or state affiliates which contribute or expend money in connection with any Federal election from persons who are neither members of NEA or its affiliates nor family members of such persons.

8. On May 4, 1978, the illegal solicitation of Paul and Lore Chamberlain, the complainant agency fee payers, ceased to be a continuing violation of 2 U.S.C. § 441b(b)(4)(A)(ii) with respect to the 1975-76 NEA-PAC contribution. Counsel for GCEA informed the Chamberlains that it was no longer seeking the collection of political monies from non-members, for the school year 1975-76 and the amount previously demanded was adjusted. Counsel for respondents agrees to inform the Chamberlains that they will no longer seek the collection of political monies from them for the school year 1976-77 and the amount previously demanded will be adjusted.

9. Respondents admit that in an excess of zeal they solicited political monies from agency fee payers without informing them of their right to refuse to contribute in violation of 2 U.S.C. § 441b (b)(3)(C).

10. The respondents will pay to the Treasury of the United States a civil penalty in the aggregate amount of $250.

The Commission and the respondents herein enter into this conciliation agreement under the following GENERAL CONDITIONS:

0004104

11. On request of anyone filing complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or upon the Commission's own motion, it may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated it may, without further conciliation, institute a civil action for relief in the United States District Court for the District of Columbia.

12. This agreement shall become effective when all the parties hereto have executed it and the Commission has approved it.

13. The respondents shall have thirty (30) days from the effective date of this agreement to implement and comply with all the requirements contained herein.

Based upon the terms of this agreement, the Commission will dismiss the complaint of Paul and Lore Chamberlain against NEA, NEA-PAC, MEA and GCEA as to violations of 2 U.S.C. § 441b(b)(4)(A)(ii) and § 441b(b)(3)(C).

FOR THE FEDERAL ELECTION COMMISSION

William C. Oldaker
General Counsel

Date: _____

FOR THE
NATIONAL EDUCATION ASSOCIATION,
NATIONAL EDUCATION ASSOCIATION
POLITICAL ACTION COMMITTEE,
MICHIGAN EDUCATION ASSOCIATION,
MICHIGAN EDUCATION ASSOCIATION
POLITICAL ACTION COMMITTEE, and
GARDEN CITY EDUCATION ASSOCIATION

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

Date: 9/6/78

0004010485

LAW OFFICES
LEVIN, LEVIN, GARVETT AND DILL
3000 TOWN CENTER, SUITE 1800
SOUTHFIELD, MICHIGAN 48075
(313) 355-5200
CABLE ADDRESS "LEGAD"

DETROIT OFFICE
1277 CITY NATIONAL BANK BLDG.
DETROIT, MICHIGAN 48226

DAVID A. GOLDMAN
LEONARD J. GRADOW
GORDON I. GINSBERG
ERWIN B. ELLMANN
HARVEY I. WAX
ALBERT M. COLMAN
ROBERT J. FINKEL
WALLACE K. SAGENDORPH
ELI GRIER
MARSHALL W. ANSTANDIG
RICHARD M. SELIN
KATHY J. GANGER
GERALD E. TITLE
HAROLD R. OSEFF
GLENN S. ADELSON
JEFFREY A. HELDT

PAUL R. LEVIN (1898-1960)
BAYRE LEVIN (1899-1951)
EARLMONT A. DILL (1901-1963)
MORRIS GARVETT (1893-1970)

August 31, 1978

RECEIVED
SEP 5 '78
NEA OFFICE OF
GENERAL COUNSEL

Mr. and Mrs. Paul E. Chamberlain
1051 - 27 1/2 Mile Road
Litchfield, Michigan 49252

Dear Mr. and Mrs. Chamberlain:

Pursuant to a Conciliation Agreement recently entered into between the Garden City, Michigan and National Education Associations and the Federal Election Commission, we herewith inform you that we, the Garden City Education Association, will no longer seek the collection of any refundable MEA-PAC, NEA-PAC monies from you as part of any agency fees now due and owing or payable in the future. This forbearance applies not only to those funds which you did not include as part of your proferred agency fee payment for the year 1975-1976 but also includes monies which would otherwise have been included in your agency fees for the year 1976-1977, albeit subject to immediate refund.

We shall at no time in the future request any MEA-PAC, NEA-PAC contributions from you as a part of any agency fee payment, regardless of whether such monies are subject to immediate and automatic refund.

Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

Wallace K. Sagendorph

WKS/sp
cc: Mr. Larry Desen
Mr. Warren Culver
Peter F. McNenly, Esq.
M. James Hart

0040104486

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

AFFIDAVIT OF ROBERT E. HARMAN

City of Washington :
ss.
District of Columbia :

ROBERT E. HARMAN, being duly sworn, deposes and says:

1. I am employed by the National Education Association (NEA) and have been so employed since 1960. My office is located at 1201 Sixteenth Street, N.W., Washington, D.C. 20036.

2. Since 1972, I have been the Associate Director of NEA's Division of Government Relations. Among its other functions, this Division is responsible for the administration of NEA's Political Action Committee (NEA-PAC). I personally was involved in the establishment of NEA-PAC at the beginning of the 1972-73 membership year and in my capacity as Associate Director have supervised its administration since that time.

3. The purpose of NEA-PAC is to solicit, receive, and expend political action contributions from members of NEA. However, contributions were on occasion solicited from nonmembers of NEA. Specifically, the latter solicitation involved nonmembers who were required by statute or contract to pay a fee to NEA and/or its affiliates to cover the costs of collective bargaining and contract administration. I shall in this affidavit refer to these nonmembers as "agency fee payers," although they are referred to by other designations in some states.

4. There are at the present time approximately ten states which by statute authorize an agency fee arrangement in public education. To the best of my knowledge, in only two of these states -- Michigan and Wisconsin -- have NEA-PAC contributions ever been solicited from agency fee payers.

5. The solicitation of agency fee payers in Wisconsin took place during NEA's 1976-77 membership year and in Michigan during NEA's 1974-75 through 1976-77 membership years pursuant to the following system. NEA members were requested to pay $1 in addition to their annual NEA membership dues. This $1 was identified as a NEA-PAC contribution and if the member chose not to make the contribution, he or she was required to request a refund. Certain agency fee payers also were requested to pay $1 in addition to their annual agency fee.

6. Following the filing of the complaint with the Federal Election Commission by Paul and Lore Chamberlain regarding the solicitation of agency fee payers, I contacted the persons in Michigan and Wisconsin who were responsible for the collection of NEA-PAC contributions during the relevant membership years. They informed me that unlike NEA members, agency fee payers in Wisconsin and Michigan were not required to request a refund of their NEA-PAC contributions: the $1 was instead refunded to them automatically without any request.

7. To the best of my knowledge, NEA-PAC never actually received any money as a result of the soliciation of agency fee payers indicated in paragraphs 5 and 6 above, and I am not aware of any other instance in which NEA-PAC contributions were solicited from agency fee payers.

Robert E. Harman

Subscribed and sworn to
before me this 6th day
of September, 1978.

Sheryl D. Fitzpatrick
Notary Public

My Commission Expires: Sept. 1, 1983

ACC# 4787

OFFICE OF GENERAL COUNSEL

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D.C. 20036 • (202) 833-4451

JOHN RYOR, President
WILLARD H. MCGUIRE, Vice-President
JOHN T. MCGARIGAL, Secretary-Treasurer

TERRY HERNDON, Executive Director

September 6, 1978

Kenneth A. Gross, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 293(78)

Dear Ken:

Enclosed please find the documents which should close out the above-captioned case. These documents include a signed conciliation agreement, an affidavit stating that all political funds collected from agency fee payors have been refunded in accordance with the conciliation agreement, a copy of a letter to the Chamberlains informing them that political funds are no longer being sought from them for the 1976-77 school year, and a check for $250.00 made out to the United States Treasury.

As I explained to you on the telephone we must file a copy of the conciliation agreement in federal court by September 18, and I would therefore appreciate a call from you when Mr. Oldaker signs the conciliation agreement on behalf of the FEC.

Sincerely,

Larry Dessem

Larry Dessem
Staff Counsel

LD:sf

Enclosures

0040210489

DAVID A. GOLDMAN
LEONARD J. GRABOW
GORDON I. GINSBERG
ERWIN B. ELLMANN
HARVEY I. WAX
ALBERT M. COLMAN
ROBERT J. FINKEL
WALLACE K. SAGENDORPH
ELI GRIER
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3000 TOWN CENTER, SUITE 1800
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(313) 352-8200
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DETROIT OFFICE
1277 CITY NATIONAL BANK BLDG.
DETROIT, MICHIGAN 48226

SAUL R. LEVIN (1898-1960)
BAYRE LEVIN (1899-1951)
EARLMONT A. DILL (1901-1963)
MORRIS GARVETT (1893-1970)

August 31, 1978

RECEIVED
SEP 5 '78
NEA OFFICE OF
GENERAL COUNSEL

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1051 - 27 1/2 Mile Road
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Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

Wallace K. Sagendorph

WKS/sp
cc: Mr. Larry Desen
Mr. Warren Culver
Peter F. McNenly, Esq.
M. James Hart

0004010490

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Education Association	)	MUR 293(76)
National Education Association	)	
Political Action Committee	)	
Michigan Education Association	)	
Michigan Education Association	)	
Political Action Committee	)	
Garden City Education Association	)	

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City of Washington :
ss.
District of Columbia :

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Robert E. Harman

Subscribed and sworn to
before me this 6th day
of September, 1978.

Sheryl D. Fitzpatrick
Notary Public

My Commission Expires: Sept. 1, 1983

15-55
540

National Education Association

of the UNITED STATES

1201 SIXTEENTH STREET, N.W., WASHINGTON, D.C. 20036

01659

DATE 8/21/78

PAY TO: U S TREASURY

AMOUNT OF CHECK $ *****25000

GENERAL ACCOUNT
AMERICAN SECURITY
AND TRUST COMPANY
WASHINGTON, D.C.

AUTHORIZED SIGNATURES

T S Walker
Allen M Belcher

⑈001659⑈ ⑆0540⑉0055⑆ 05⑉863 52 408⑈

0 0 1 1 0 4 9 3

NATIONAL EDUCATION ASSOCIATION
OF THE UNITED STATES
1201 SIXTEENTH ST. N.W. WASHINGTON, D.C. 20036

Please Refer to this number in any correspondence ▶ 01659

DESCRIPTION	UNIT REFERENCE	VENDOR INVOICE	NEA P.O.	AMOUNT
FEC DECREE	4451			250.00

DATE 8/21/78 DETACH BEFORE DEPOSITING Total $ *****250.00

ATIONAL EDUCATION ASSOCIATION
OF THE UNITED STATES
1201 Sixteenth Street, N. W.
Washington, D. C. 20036

0 4 0 : 1 0 4 9 4 TRANS URB

OFFICE OF GENERAL COUNSEL
NATIONAL EDUCATION ASSOCIATION

TO: Kenneth A. Gross, Esq.
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

4th Floor

nea
NATIONAL EDUCATION ASSOCIATION
1201 16th St., N.W.
Washington, D.C. 20036

FEDERAL ELECTION COMMISSION
'78 JUN 14 AM 11:27



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

DCC 3297

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22038
TELEPHONE (703) 573-7010

FEDERAL ELECTION
78 APR 20 AM 8:24

881041

April 18, 1978

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

Dear Ken:

Enclosed is the Chamberlain response to the latest demand for NEA-PAC payments.

Very truly yours,

Milton

Milton L. Chappell
Staff Attorney

MLC/by

0 0 0 1 1 4 9 6

Chappell

STATE OF MICHIGAN

EMPLOYMENT RELATIONS COMMISSION

LABOR RELATIONS DIVISION

In the Matter of:

GARDEN CITY SCHOOL DISTRICT,

Respondent in Case No. C76 J-344

-and-

GARDEN CITY EDUCATION ASSOCIATION,
MICHIGAN EDUCATION ASSOCIATION and
NATIONAL EDUCATION ASSOCIATION,

Respondents in Case Nos. CU76 J-45 and J-46,

-and-

PAUL E. CHAMBERLAIN and
LORE M. CHAMBERLAIN, Individuals,

Charging Parties.

_____/

AFFIDAVIT OF
PAUL E. CHAMBERLAIN
AND LORE M. CHAMBERLAIN

STATE OF MICHIGAN)
)SS
COUNTY OF WAYNE)

PAUL E. CHAMBERLAIN and LORE M. CHAMBERLAIN, being first duly sworn, depose and say that they are the Charging

Parties in the above-captioned matter; that on February 27, 1978, they received a letter from Garden City Education Association President Robert Draheim and two enclosures, copies of which are attached hereto as Exhibit A and incorporated herein by this reference, demanding payment of certain specified fees for the 1975-1976, 1976-1977 and 1977-1978 school years; and that on April 8, 1978, Paul E. Chamberlain responded to said demand in a certified letter to Mr. Draheim, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference.

If called as witnesses, the affiants would be competent to testify to the facts set forth in this Affidavit and would so testify.

Further affiants sayeth not.

Paul E. Chamberlain

Paul E. Chamberlain

Lore M. Chamberlain

Lore M. Chamberlain

Subscribed and Sworn to Before Me

this 24 day of [illegible], 1978.

[illegible]

Notary Public, Wayne County, Michigan

My Commission Expires: _____

[illegible]

0 0 4 0 1 0 4 9 8

GCEA GARDEN CITY EDUCATION ASSOCIATION

3650 Second Street
Wayne, Michigan 48184

Telephone: (313) 729-1654

February 21, 1978

Mr. and Mrs. Paul Chamberlain
1051 271/2 Mile Road
Litchfield, Michigan 49252

Dear Mr. and Mrs. Chamberlain:

Pursuant to the Arbitration of January 23, 1978 rendered by Mr. George Roumell, demand is hereby made of you to pay to the Garden City Education Association the amount of $186.00 in agency fees for the 1975/76 school year.

We also hereby demand payment of the 1976/77 agency fees which, for Mrs. Chamberlain, amount to $196.50. For Mr. Chamberlain, computed on the basis of his active and inactive service in the district during that year, the fees amount to $117.90.

For the 1977/78 school year, the agency fees due from Mrs. Chamberlain are $97.12. The agency fees due from Mr. Paul Chamberlain are local dues only in the amount of $25.00. We have provided an itemization of these agency fees in the enclosures attached to this correspondence.

We call upon you to make these payments immediately in order to maintain your employment status or any contested employment status you may wish to maintain with the district.

Any questions or comments with regard to the above, may be directed to the undersigned or to Mr. James Hart, Executive Director of the Garden City Education Association.

Very truly yours,

Robert Drahein /cjl

Robert Drahein, President
Garden City Education Association

/cjl

cc: Ronald Wyszinski
Jim Hart
File

EXHIBIT A

LORE CHAMBERLAIN

1975-76			
	MEA	$119.50	
	MEA-PAC	5.50	
	NEA	25.00	
	NEA-PAC	1.00	
	TAP	10.00	
	GCEA	25.00	
			$186.00
1976-77			
	MEA	$135.00	
	MEA-PAC	5.50	
	NEA	30.00	
	NEA-PAC	1.00	
	GCEA	25.00	
			$196.50
1977-78			
(18.08x4)	MEA (Sept.-Dec.)	72.32	
(.70x4)	MEA-PAC (Sept.-Dec.)	2.80	
(3x4)	NEA (Sept.-Dec.)	12.00	
(2.50x4)	GCEA (Sept.-Dec.)	10.00	
			$ 97.12
			$479.62

PAUL CHAMBERLAIN

1975-76

	MEA	$119.50	
	MEA-PAC	5.50	
	NEA	25.00	
	NEA-PAC	1.00	
	TAP	10.00	
	GCEA	25.00	
			$186.00

1976-77

(13.50x5)	MEA (Sept.-Jan.)	$ 67.50	
(20% Bal. Due)	MEA (Feb.-Aug.)	13.50	
(.55x5)	MEA-PAC (Sept.-Jan.)	2.75	
(20% Bal. Due)	MEA-PAC (Feb.-Aug.)	.55	
(3.00x5)	NEA (Sept.-Jan.)	15.00	
(20% Bal. Due)	NEA (Feb.-Aug.)	3.00	
(.10x5)	NEA-PAC (Sept.-Jan.)	.50	
(20% Bal. Due)	NEA-PAC (Feb.-Aug.)	.10	
(2.50x5)	GCEA (Sept.-Jan.)	12.50	
(20% Bal. Due)	GCEA (Feb.-Aug.)	2.50	
			$117.90

1977-78

	GCEA	25.00	$ 25.00
			$328.90

0001050

RECEIVED APR 10 1978

1051 - 27½ Mile Road
Litchfield, Michigan 49252

April 8, 1978

REGISTERED MAIL

Mr. Robert Draheim, President
Garden City Education Association
3850 Second Street
Wayne, Michigan 48184

RE: Agency Fee Demand of February 21, 1978

Dear Mr. Draheim:

The Arbitrator interpreted the collective bargaining agreement to provide for discharge only for the refusal "to contribute fairly to the costs of negotiation and administration of this and subsequent agreements". Since you have never informed me of my pro rata share of the "costs of negotiation and administration of this and subsequent agreements", but instead have demanded that I pay the same amount as union members, which includes supporting the TAP strike assessment, the MEA and NEA Political Action Council, and other non-collective bargaining activities; I must respectfully refuse your latest demand for more monies than either the collective bargaining agreement or state law requires.

To pay the amounts demanded and then invoke the internal remedies established by MEA and NEA as suggested by the Arbitrator does not comply with the standards set forth by the U. S. Supreme Court in the Abood case inasmuch as it still places the burden upon me, the affected individual, of monitoring all of the numerous expenditures made by the unions. The Court specifically found that placing such a burden upon a public employee was Constitutionally impermissible.

Therefore, without knowing what my pro rata share of the "costs of negotiation and administration of this and subsequent agreements" is, I am unable to make any tender.

Very truly yours,

Paul E. Chamberlain

Paul E. Chamberlain

cc: D. E. Kempner, Esq.

EXHIBIT 8

C00422105O3



FROM
NATIONAL
RIGHT TO WORK
LEGAL DEFENSE
FOUNDATION, INC.

8316 Arlington Blvd.
Suite 600
Fairfax, Virginia 22038

TO:

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



0004021504

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
TELEPHONE (703) 573-7010

RECEIVED
FEDERAL ELECTION
78 MAR 28 PM 12:13

001319

LCC 3093

March 27, 1978

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

Re: Chamberlain Case

Dear Ken:

Per our telephone conversation of March 24, 1977, enclosed is a copy of the new demands made on the Chamberlains by the Garden City Education Association. You will note in the breakdowns that they are still requiring NEA-PAC, MEA-PAC payments.

Very truly yours,

Milton L. Chappell

Milton L. Chappell
Staff Attorney

MLC/by

GCEA GARDEN CITY EDUCATION ASSOCIATION

3850 Second Street
Wayne, Michigan 48184

Telephone: (313) 729-1654

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Very truly yours,

Robert Drahein /gl

Robert Drahein, President
Garden City Education Association

/cjl

cc: Ronald Wyszynski
Jim Hart
File

EXHIBIT A

0040210506

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	MEA	$119.50	
	MEA-PAC	5.50	
	NEA	25.00	
	NEA-PAC	1.00	
	TAP	10.00	
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			$ 97.12
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0 0 0 1 0 5 0 7

PAUL CHAMBERLAIN

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	GCEA	25.00	$ 25.00
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0001-0508

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD
SUITE 600 • FAIRFAX, VIRGINIA 22038
TELEPHONE (703) 573-7010

'78 MAR 27 A11:47

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

0 0 0 4 0 4 1 0 5 0 7

NATIONAL EDUCATION ASSOCIATION
OF THE UNITED STATES
1201 Sixteenth Street, N. W.
Washington, D. C. 20036

MAR 20





OFFICE OF GENERAL COUNSEL
NATIONAL EDUCATION ASSOCIATION

TO:

William C. Oldaker, Gen. Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

National Right to Work Legal Defense Foundation, Inc.
8316 ARLINGTON BOULEVARD (U.S. 50) SUITE 600 • FAIRFAX, VIRGINIA 22030
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MUR 293

RECEIVED
FEDERAL ELECTION
COMMISSION
78 FEB 17 AM 8:56

February 15, 1978

Kenneth A. Gross, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR - 290 293

Dear Ken:

Please find enclosed a copy of the arbitration award between the Garden City Public Schools and the Garden City Education Association concerning the Schools' refusal to fire Paul and Lore Chamberlain.

Mr. Roumell denied the union's grievance provided the Chamberlains' retender $186.00 (pp. 38, 39).[1] The $186.00 includes the $1.00 for NEAPAC and the $5.50 for MEAPAC (pp. 6, 11). Therefore, the Chamberlains are still being required as a condition of employment to pay monies to a separate segregated fund in violation of §§ 441b(b)(3)(A), 441b(b)(3)(C), and 441b(b)(4)(A)(ii) of the Federal Election Campaign Act. As the arbitrator points out "[i]f the Chamberlains should fail to tender the $186.00 each, this matter is to be returned to the Arbitrator for further disposition," e.g., grievance granted and the Schools ordered to discharge the Chamberlains.

On another matter, you will notice (page 6) that those working on lifetime NEA memberships paid a different amount than the $261.00. So much for NEA's argument that reverse checkoff was needed for uniformity. (¶ 14 of NEA's Counterclaim).

Turning to MEAPAC's involvement in federal elections, I am enclosing various excerpts from MEA's Annual Report and the TEACHERS VOICE, the official organ of MEA. I have underlined important passages. While there is nothing concrete, I believe there is a trend and possible leads to concrete involvement so that the FEC would have jurisdiction over MEAPAC.

Another interesting series of facts is that in the February 10, 1975, TEACHERS VOICE, Keith Geiger is listed as MEA's

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[1] Refers to page of Arbitrator's Opinion and Award, Jan. 23, 1978, George T. Roumell, Jr., Arbitrator.

President. However, in the September 20, 1976, TEACHERS VOICE Geiger is listed as a member of NEAPAC's steering committee to choose a presidential endorsement. Then in the 1976-1977 Annual Report Geiger is again listed as MEA President. If Geiger was still being paid by MEA while on the steering committee, MEA was monetarily involved in federal elections.

I trust that this information aids the Commission in rectifying the Election law violations committed against the Chamberlains by NEA, MEA, and GCEA.

Very truly yours,

Milton L. Chappell

Milton L. Chappell
Attorney for Paul & Lore Chamberlain

MLC/by

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ANNUAL REPORT '76-'77

0040105 3



Keith B. Geiger
President



Herman W. Coleman
Executive Director

Dear Member:

We're pleased to send you this copy of MEA's Annual Report. You will find it filled with information about your organization, its accomplishments for the past year, and a few indications of the hopes and problems of the year to come.

Without a doubt, our two greatest accomplishments of the past year were the defeat of Proposal C, the tax limitation amendment, and the convening of our first conference on unified bargaining. Both provide us a valuable perspective of the year ahead.

Here's what it looks like:

–The proponents of tax limitation are at it again, and are already "gearing up" for another battle in 1978. They plan to launch an even greater effort this time around.

–Backers of the "parochiaid" concept are also making plans to put a constitutional amendment on the ballot which would permit some form of private school funding.

–As the first bargaining conference illustrated, we still must rely on each other for negotiating strength, and for the strength to bring about changes in the bargaining law.

–We have to find a new method of financing schools. Some districts are located in communities where the 50-mill limit will be reached in the next year or two.

–Teachers need to revisit the answers given local screening and endorsing committees by the 1976 legislative candidates. A vast majority of candidates told MEAPAC they would support Teacher Licensure Now, several of them that we helped win election, want to renege on that promise.

Clearly, all these issues have political overtones to them.

1. It's apparent we must fight a battle on the constitutional front, both against tax limitation and parochiaid.
2. We need to strongly influence our elected legislators that the time has come to put equity for teachers in the bargaining law.
3. We must mount a new offensive for the fair and adequate financing of education.
4. We must support legislative candidates who understand the value of keeping their word.

There is no question about it; our new direction will be heavily into the political arena. The year ahead promises to be one in which MEAPAC will have to meet several challenges head-on. We're confident teachers will respond vigorously.

So, please take some pleasure from reviewing our accomplishments in the year just completed. . .and welcome to another year of challenge.

Keith B. Geiger
President

Herman W. Coleman
Executive Director



Arthur Rice
Assoc. Dir.

Ruth Silverstein
Exec. Asst.

Elaine Pitcher
Admin. Sec'y

Judy Bell
Secretary

Sue Dumas
Secretary

Dolores Kiel
Secretary

PUBLIC AFFAIRS

Public Affairs has experienced a solid year of accomplishments, most notably in political activity and to a lesser degree, legislatively.

Political successes can be attributed to early involvement of MEA-PAC and its running start at Election '76 in the primaries which paid off in the November general election.

MEA-PAC's major goals were to elect a supportive President, assist valuable friends, and fill vacancies with friends of education. Candidates endorsed by MEA-PAC won in the Presidential campaign and the race for the U.S. Senate seat. State legislative candidates with teacher endorsement were victorious in 74 races and three out of four ballot proposals supported by MEA came out on the winning end.

It was an outstanding example of political clout by teachers.

Evaluation of state legislators continues as an on-going project. Voting records have been fed into MEA's computer system for use in future deliberations regarding the qualifications of candidates.

MEA-PAC underwent reorganization during the last year in the wake of the newly-passed Election Reform Act. With the help of MEA counsel, the reorganization was accomplished with relative ease.

On a related issue, the Federal Elections Commission ruled the negative dues checkoff for NEA-PAC funds was illegal. While MEA-PAC's method of collecting funds for state races appears to be safe, MEA has been placed in a position of having no funds available for federal elections. However, MEA-PAC and Public Affairs will prepare recommendations for collecting NEA-PAC voluntary contributions.

Legislative efforts were successful on many fronts–state aid, retirement, and defeating a proposed tax cut. The state school aid bill, as well as the higher education and Department of Education appropriation bills, received early approval last summer. State aid reflected a 7.5 per cent increase, despite a threat to cut the state income tax .2 of a per cent. One word of caution. Efforts are again underway to support private schools through a state voucher system.

Retirement legislation added new improvements. Future retirees will be allowed to buy-in for overseas teaching in dependent schools and the computation formula for military service was improved. The Retirement Coordinating Council (RCC) law suit challenging inadequate state funding of the retirement system is still pending.

Action on other important MEA legislation was delayed when the Legislature recessed for a summer vacation until mid-September. Some of the bills still pending include:

–A teacher licensure bill (HB-4242 introduced by Representative Thomas Holcomb of Lansing) which has weathered many stormy sessions in the House Education Subcommittee. Prior to the legislative recess, the bill was readied for placement on the agenda of the full House Education Committee. Opposition continues from the MFT, school administrators, school boards, etc. Increased and continued membership support is imperative.

–A retirement proposal (SB 606) that would eliminate sex discrimination in the retirement system.

–A proposal (SB 714) to update employee unemployment benefits necessary to implement federal unemployment benefits. It is unpopular because it provides benefits for non-professional school employees during the summer. Action on this bill is expected this fall.



Warren Colver
Assoc. Director



Chris Alexander
Pol. Ed. Consul.



Patrick Dolan
St. Agencies Con.

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Jimmy Carter



Walter Mondale

It's Carter-Mondale!

WASHINGTON

The Democratic ticket of Jimmy Carter and Walter Mondale has the NEA endorsement.

The ballot to determine the endorsement went to nearly 9,000 delegates to the NEA's Representative Assembly last June in Miami Beach. The vote was 5,511 for Carter-Mondale to 1,295 for the Republican ticket of Gerald Ford and Robert Dole.

See Page 8 for Michigan endorsements by MEA-PAC.

NEA-PAC had made a unanimous recommendation to delegates for endorsement of Carter-Mondale.

The NEA presidential endorsement procedure has been the most open and comprehensive ever used by any organization in this country.

The procedure was approved by NEA's 1974 Representative Assembly and reviewed by subsequent assemblies.

NEA-PAC set up an extensive screening process to investigate various candidates.

Candidates received a written questionnaire and their responses were printed in the *NEA Reporter*. Videotaped interviews with the presidential candidates were made available for state and local association meetings and shown at the NEA convention.

The balloting in late August and early September was a culmination of that process with a final decision put to nearly 9,000 delegates — almost twice as many people as the 3,008 Democrats and 2,259 Republicans who selected the nominees put together.

Geiger interviews candidates

LIVONIA

Presidential candidates were very much aware of the potential power of an NEA endorsement during their NEA interviews, according to Michigan's Keith Geiger.

Geiger was a member of NEA-PAC's 18-member Steering Committee which interviewed viable Presidential candidates last spring as a step in the NEA endorsement process. The committee was headed by NEA President John Ryor.



Geiger...
...presidential interviews

It was obvious, according to Geiger, that the candidates tried to tailor their answers to win NEA support. They all had done their homework to acquaint themselves with NEA positions prior to their interviews.

Without exception, they often prefaced their responses like this. "President Ryor, I am aware of the policy and position of NEA..."

The candidates were justified in being impressed with the potential strength of an NEA endorsement, Geiger believed.

Powerful

"It has got to be a pretty powerful endorsement," said Geiger, explaining that it has been decided by the nearly 9,000 delegates to the last NEA Representative Assembly.

The interviewing process was an impressive one for Geiger, especially when conducted with President Ford at the White House and with Jimmy Carter in Atlanta. The Carter interview came shortly before the Democratic convention and when it was obvious that Carter had the Democratic nomination sewn up.

The interviews with other candidates took place in a television studio in Washington.

The NEA-PAC Steering Committee of which Geiger was a member had important responsibilities in the NEA's endorsing process.

It developed and sent a questionnaire to candidates, received and analyzed the responses to those questionnaires, and decided which candidates should be interviewed as "viable" candidates. As a member of the committee, Geiger represented Kentucky, Indiana, and Ohio, as well as Michigan.

In this issue...

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A bright spot in Cadillac thanks to MEA teachers.....6
'Half-a-loaf' education gets state approval.....7
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MEA-PAC endorses 3 candidates

EAST LANSING

U.S. Rep. Donald Riegle of Flint has won the endorsement of the Michigan Education Association Public Affairs Council (MEA-PAC), MEA's political arm, in his bid for the U.S. senatorial seat being vacated by retiring Sen. Philip Hart.

Also winning MEA-PAC endorsements were State Board of Education candidates Florence Jo Saltzman of Franklin and John Watanen of Marquette.

Endorsement of Riegle, a Democrat, came after "one of the most unusual comparison of candidates ever undertaken," according to Bernard Nelson, MEA-PAC's chairperson and a Caro teacher.

Personal interviews were conducted with Riegle and his opponent, U.S. Rep. Marvin Esch of Ann Arbor, after both had responded in writing to searching questions on educational issues, Nelson said.

In addition, the NEA was requested to prepare and supply an analysis of the voting records on education of the two candidates and a report was prepared for the committee by political scientists employed at Michigan State University.

"Considering all the information supplied and their position on 26 straight votes on education, Mr. Riegle emerged the winner," Nelson said.

Riegle, 38, is a five-term Congressman from Michigan's 7th District. He is a member of the International Relations Committee and has served on the House Appropriations Committee and on its Foreign Operations Subcommittee.

A Flint native and graduate of the University of Michigan, he earned a master's degree at Michigan State University and was attending Harvard Business School's doctoral program when elected to Congress at the age of 28.

Riegle has served on the faculties of Harvard University, Boston University, University of Southern California, and Michigan State University, and wrote the book *O Congress*, a frank discussion of congressional life, as well as contributing articles to many of the nation's periodicals and journals.

Florence Jo Saltzman, a Franklin Republican, has been active in local and state GOP affairs. She has been a member of the Board of Control at Saginaw State College since January 1975, and a former member of the Community Education Task Force in Birmingham.

She served as president of the Birmingham board of education and is a former member of the Resolutions and Bylaws Committee of the Michigan Association of School Boards.

John Watanen, a Marquette Democrat, is president of the Association of Michigan Collegiate Faculties, a member of the Marquette County executive committee, and a former president of Local 1684, American Federation of Teachers, AFL-CIO.

He has served as PTA president for Marquette's Parkview elementary school and is currently an associate professor of English and acting director of Finnish studies at Northern Michigan University.



Riegle...
...for U.S. Senate



Saltzman...
...SBE candidate



Watanen...
...SBE candidate

MEA hearings throughout state

EAST LANSING

Statewide hearings on MEA's 1976 legislative objectives get underway later this month.

The hearings, conducted by the MEA Legislation Commission, are designed to provide grassroot input from teachers. Their input will be used to develop priority legislative items to be pursued by the MEA in the Legislature during the 1976-77 session.

MEA Legislation Commission members include: Ron Amy, Battle Creek; Alva Beamish, Sault Ste. Marie; Joel Boyd, St. Johns; Jane Campbell, Jackson; Eloita Daniri, Bay City; Donna Johnson, Flint; Edy King, Horton; Mary Kay Kosa, Monroe; Adolph Kunasiewicz, North Branch; Irene Lovig, Menominee; Barbara Malfroid, Rochester; Mary Sepe, Trenton; Donald Whitaker, Benton Harbor; Jim Wingerter, Sterling Heights; Patricia Short, Parma; and Lillian Stoner, Pontiac.

The following is a list of the legislative hearings by region:

Eastern Michigan (Regions 2, 6, 7, & 10)

Mt. Clemens — Hillcrest Country Club, Groesbeck north of 16 Mile; Monday, Oct. 11, 5-6 p.m.

Pontiac — Kiva, Oakland Inter. Sch. Dist., 2100 Pontiac Lake Rd.; Thursday, Oct. 14, 7 p.m.

Flint — Carman-Grand Blanc EA office, 1332 W. Bristol Rd; Monday, Oct. 18, 7 p.m.

Dearborn — Stout jr. high school, 18500 Oakwood at Rotunda Drive; Tuesday, Oct. 19, 7:30 p.m.

Central Michigan (Regions 3, 4 & 8)

East Lansing — MEA building, 1216 Kendale Blvd. (off Saginaw near Abbott Rd.); Wednesday, Oct. 13, 7:30 p.m.

Clinton — Clinton high school, 341 E. Michigan Ave.; Thursday, Oct. 14, 7 p.m.

Battle Creek — MEA Conference Center, St. Mary's Lake north of Battle Creek; Tuesday, Oct. 21, 7 p.m.

North Central (Regions 11, 12, 14 & 15)

Bullock Creek — Bullock Creek schools (contact local MEA office for location); Tuesday, Sept. 28, 7 p.m.

Saginaw — Holiday Inn-East, I-75 at Holland Rd; Monday, Oct. 4, 7 p.m.

Traverse City — Holiday Inn, Traverse City; Monday, Oct. 18, 7 p.m.

Gaylord — Sugar Bowl restaurant, 216 Main; Wednesday, Oct. 20, 7 p.m.

Western Michigan (Regions 5, 9, & 13)

Fremont — Fremont jr. high school, 500 Woodrow; Wednesday, Sept. 29, 7:30 p.m.

Grand Rapids — Grand Rapids EA office, 4020 Eastern SE; Wednesday, Oct. 6, 7 p.m.

Northern Michigan (Regions 16, 17 & 18)

Sault Ste. Marie — Sault area office, 406 Ashmun; Thursday, Sept. 16, 7 p.m.

Hancock — Colonial Inn, Canal Rd-Route 1; Monday, Oct. 4, 7 p.m.

Marquette — Holiday Inn, Marquette (leadership conference); Saturday, Oct. 16, morning meeting.

MEA-PAC refund

EAST LANSING

MEA members desiring a refund of their 1976-77 contribution of $5.50 to MEA-PAC for state and local political action should make their request in writing to their local EA by October 15.

The request should include their name (printed), social security number, address, and name of school district. Refund payments will be made on or before January 30, 1977.

MEA supports 18-yr.-olds

LANSING

A drive to amend the Michigan Constitution to permit 18-year-olds to run for the Legislature has started with MEA support.

That support was given by the MEA Board of Directors meeting Aug. 26-27 in response to an appeal from Rep. Jackie Vaughn (D-Detroit), who introduced the proposed constitutional amendment that won legislative approval.

The Board noted that the proposal was consistent with MEA policies and positions.

The proposal, which will be Proposition B on the November ballot, has bipartisan support.

Leading the drive for support of Proposition B will be William Noud of Stanwood, a Central Michigan University senior, and Heather Vincent, a senior at University-Liggett high school in Grosse Pointe.

NEA-PAC refund

EAST LANSING

MEA members who desire a refund of their $1 contribution to NEA-PAC for national political action should make their request in writing by Oct. 15, 1976, to their local EA.

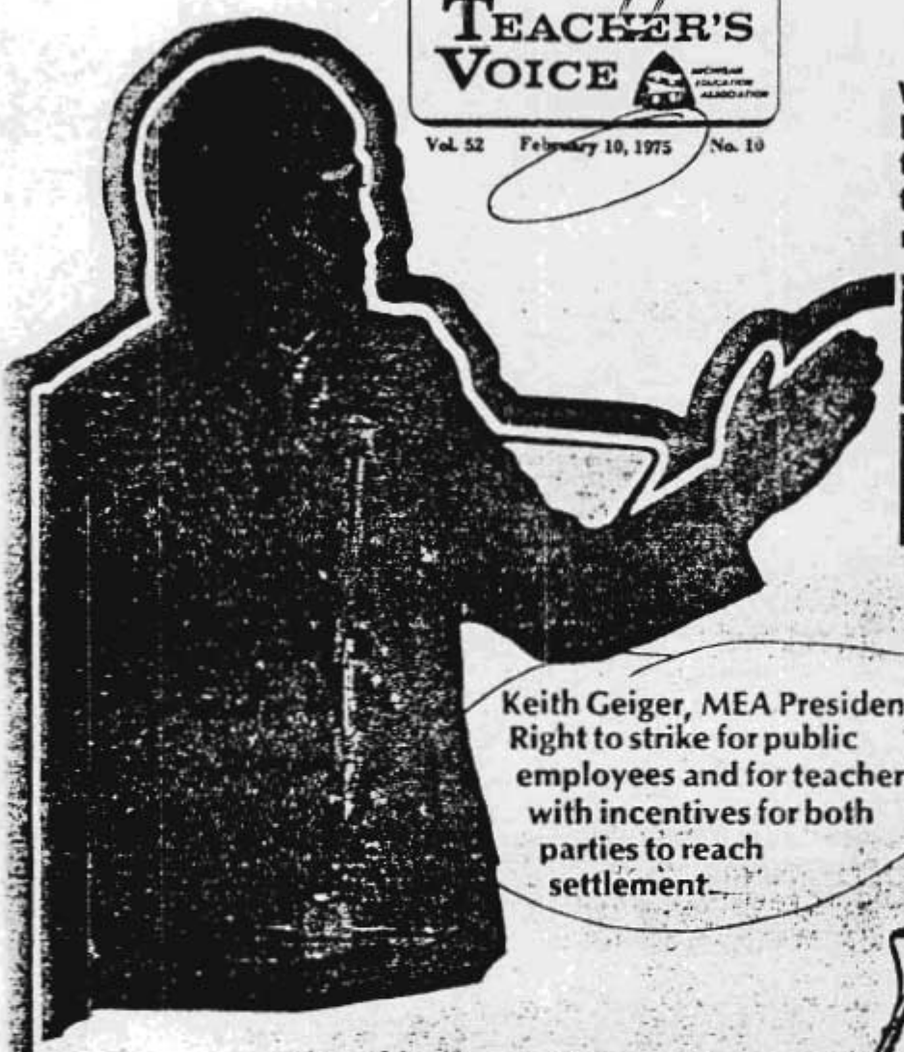
The request should include their name (printed), social security number, address, and name of school district.

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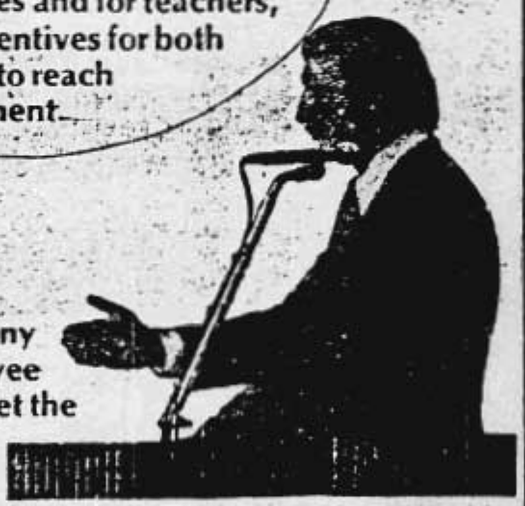
TEACHER'S VOICE
MICHIGAN EDUCATION ASSOCIATION
Vol. 52 February 10, 1975 No. 10

What Legislators know for sure . . . they want to change the law so there will be no more Crestwoods . .

But how ?



Keith Geiger, MEA President: Right to strike for public employees and for teachers, with incentives for both parties to reach settlement.



Keith committee receiving testimony on amending the public employee bargaining law — fast work to meet the February 15th deadline.

School Boards: Penalties for teachers who strike, even if it means that children lose school days.



MEA and all public employee groups presently are seeking a common position relative to recommended changes in the bargaining law.



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TEACHER'S VOICE
MICHIGAN EDUCATION ASSOCIATION
Vol. 54 November 15, 1976 No. 5



President-elect Carter





Vice President-elect Mondale

Teachers do it!

Teachers have done it!

For the first time in history they have endorsed and elected an American president.

The positions of President-elect Carter and the Democratic platform are in harmony with NEA goals, which include greatly increased federal aid for education, a federal collective bargaining law for teachers and other public employees, a separate cabinet department for education, and retirement mobility.

Vice president-elect Walter Mondale has an excellent pro-education voting record as a senator from Minnesota.

In marked contrast, the Republican platform is either silent or in opposition to NEA education concerns. President Ford's record has been one of lip-service only for education, with a consistent record of votes against (while a House member from Michigan) and vetoes of education funds.

NEA President John Ryor:

'Friends in Congress are not enough. We must have a team in the White House which is committed to making education a top national priority.'

Opponents of Proposal C came from behind to score a knock-out punch. It lost 1,849,777 to 1,395,887, with a 57 per cent margin of victory in late unofficial returns. Polls during the fall indicate it winning by as much as 4 to 1.

Teachers throughout the state campaigned against Proposal C and MEA provided most of the punch for a coalition, known as Michigan Taxpayers Voting No on Proposal C. The League of Women Voters headed the coalition.

MEA committed about $233,000 to the fight, with $10,000 coming from the NEA.

Proposal C posed a grave threat to education and all human services receiving state financing. It would have forced drastic cuts in services and/or big increases in local property taxes to offset losses in state financial support.

Herman Coleman executive director:

"We have no permanent enemies and we have no permanent friends. We just have a permanent interest in things we believe are important."



Teachers help elect a new U.S. Senator from Michigan, Donald Riegle (above), to replace the retiring Sen. Philip Hart.



Progressive, aggressive 6th District Congress member Bob Carr (above) had been targeted for defeat by reactionary forces. With teacher-PAC help, he won by 13,000 votes! See story, Page 2.

More Election '76 victories, Page 8

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By David McMahon

MEA President

Nearly single-handedly, we headed off great danger



The NEA has come of age politically. The results of the elections this year proved that teachers understand the issues that are facing our nation and our state and that we were willing to put our skills, money, and influence on the line.

Don't let anyone tell you we weren't the deciding force where it counted most!

Let's look at the record: Carter/Mondale, NEA endorsed — winners for education. Reigle for Senate, MEA endorsed — winner for education. Congressional seats, state legislative candidates, judges, state board of education member, endorsed at state and local Association levels — winners for education.

All those wins — the presidency, the congress, the legislature — all appetizers for the main course. If we had lost everything else, I would still tell you with great pride that the teachers in the MEA, almost single-handedly, averted passage of Proposal C, the greatest danger to education and other state services to people that we have faced in many years.

On Sept. 28 the independent polls showed that proposal would pass by a 4 to 1 vote. That was before we distributed brochures to our friends and neighbors, before we bought radio time and newspaper ads and TV spots.

By election night, we carried the state and defeated this potentially disastrous amendment to the constitution by 57 to 43 per cent. How did we do it? We did it because as teachers we give more than lip-service and more than money when we take a stand to protect our profession and the students we serve.

We do have influence in the political process. We have members in virtually every precinct. We vote in larger percentages than any other group. We are trained to evaluate program and performance.

Now, glowing with our accomplishments, I remind, exhort, and push those we have supported to fulfill their promises to education.

A first-term liberal Congress member targeted for defeat wins big with teacher help

EAST LANSING

U.S. Rep. Bob Carr, an East Lansing Democrat, won big in his re-election bid Nov. 2 and a large part of his success can be attributed to teacher help.

Ken MacGregor, 8-B Uniserv director, estimates about 25 per cent of the 6,800 teachers in the 6th congressional district contributed directly, in one way or another, to Carr's campaign.

MacGregor, who was released part-time by the Lansing Metro Coordinating Council to work on the campaign, helped coordinate volunteer efforts in and around the Lansing area.

Other key teacher leaders involved in the campaign included Gary King, Jackson County Education Association president; Paul Miszewski, Lansing Metro Public Affairs Council (PAC) chairperson; Connie Knowlton, chairperson; and Jackie McLaughlin, Lansing Teachers Public Affairs Council; and John Munday, EdPAC chairperson for council 8-D (Howell).

In addition to the volunteer work, Carr received from NEA and the 6th Congressional PAC the maximum amount of funds that can be contributed to a candidate under federal law.

Much of the teacher activity centered around phone banks in Jackson, Lansing, and Howell where the volunteers worked to turn out pro-Carr voters. Internally, teachers mailed campaign literature to all teachers in the 6th district showing Carr's excellent voting record on educational matters.

Real pay-off!

The results paid off on election day and Carr defeated his opponent, Clifford Taylor, by more than 13,000 votes — 108,260 to 95,055. In 1974, Carr also beat Taylor — but barely.

"The turning point was that Taylor was able to generate money and we were able to generate people," said MacGregor. "It was the person-to-person, knocking on doors that did it."

And while teachers were working tirelessly for Carr, they also expended great time and energy supporting other ballot issues and candidates. They met with success on Proposals C, D and A, three House races, two judgeships, and races for the President and U.S. Senate.

Carr's victory was significant in another sense. His district was one of 10 in the nation the GOP was determined to win. The National Congressional Republican Committee and several conservative groups backed Carr's opponent.

Plenty of money

As weeks passed, it was evident Taylor had plenty of money available for his campaign. Radio spots, television commercials, full-page newspaper ads, expensive appearing tabloids, and direct mailings to the voters flowed continuously from the Taylor camp.

Carr countered the barrage with claims that Taylor was distorting his voting record. Considering the election outcome, many voters apparently agreed.

Throughout Carr's political history, teachers have played an important role. In 1972, teachers had urged Carr to run against the incumbent, GOP Rep. Charles Chamberlain. In 1972, again with teacher backing, Carr won his first campaign by an eyelash — about 650 votes. The 13,000-vote victory margin in 1976 spe'a for itself.

"The 1976 election was a real test of the political ability and sophistication of teachers to produce," noted Al Short, MEA lobbyist. "Never before had a Democrat served more than one term from the 6th district. Teachers had a candidate with a 100 per cent favorable voting record and they were able to produce in terms of money and people."

Dec. 10 for Sen. Hart

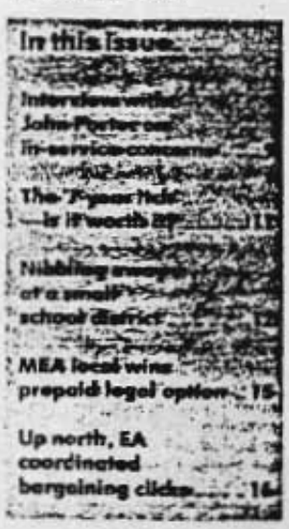
BY UPI

LANSING

Gov. Milliken has asked Michigan residents to set aside Dec. 10 as a day of special recognition for retiring U.S. Sen. Philip A. Hart.

Milliken said Hart, a Democratic Senate member for 18 years, has "given the people of Michigan and the nation 18 years of quiet, effective leadership" and has "blazed trails in civil rights, consumer protection, anti-trust activities and the issues of war and peace."

The day set aside for the observance — Dec. 10 — is Sen. Hart's 64th birthday.



Congressional, legislative winners

*Teacher PAC-endorsed candidate.
✓District in which teacher PAC-endorsed candidate lost.

*1st District
Conyers (D)
✓ 2nd District
Purcell
✓3rd District
Brown (R)
4th District
Stockman (R)
✓5th District
Sawyer (R)
*6th District
Carr (D)
*7th District
Kildee (D)
*8th District
Traxler (D)
9th District
VanderJagt (R)
10th District
Cederberg (R)
*11th District
Ruppe (R)
*12th District
Bonior (D)
*13th District
Diggs (D)
*14th District
Nedzi (D)
*15th District
Ford (D)
*16th District
Dingell (D)
*17th District
Broadhead (D)
*18th District
Blanchard (D)
19th District
Broomfield (R)

*1st District
Bennane (D)
*2nd District
Legel (D)
*3rd District
Ogonowski (D)
*4th District
Cushingberry (D)
*5th District
Montgomery (D)
*6th District
M. Hood (D)
*7th District
R. Hood (D)
*8th District
Elliott (D)
*9th District
Edwards (D)
10th District
V. Smith (D)
✓11th District
T. Stopczynski (D)
*12th District
Hertel (D)
13th District
Bryant (R)
14th District
W. Ryan (D)
*15th District
J. Young (D)
*16th District
McNeely (D)
17th District
Wiorzbicki (D)
*18th District
Vaughn (D)
19th District
S. Stopczynski (D)
20th District
Ferguson (D)
*21st District
Collins (D)
*22nd District
Owen (D)
23rd District
Conlin (R)
✓24th District
Fessler (R)
*25th District
Dutko (D)
✓26th District
Holmes (R)
*27th District
Paddon (D)
28th District
T. Anderson (D)
29th District
Sheridan (D)
✓30th District
Symons (D)
*31st District
McCollough (D)
32nd District
Young (D)
*33rd District
Keith (D)
*34th District
Bennett (D)
*35th District
Geake (R)
✓36th District
Law (R)
37th District
T. Brown (D)

38th District
Mahalak (D)
*39th District
Kehres (D)
40th District
Mowat (R)
41st District
Porter (D)
42nd District
Siljander (R)
43rd District
Gast (R)
✓44th District
Mitton (R)
45th District
Kennedy (R)
*46th District
Brown (D)
*47th District
Welborn (R)
*48th District
Rosenbaum (D)
*49th District
Angel (R)
50th District
Griffin (D)
51st District
Sharpe (R)
*52nd District
R. Smith (R)
*53rd District
Bullard (D)
54th District
Fredricks (R)
*55th District
Gilmer (R)
✓56th District
Nash (R)
*57th District
Hollister (D)
*58th District
Holcomb (D)
*59th District
Jondahl (D)
*60th District
Trim (D)
61st District
Larsen (R)
*62nd District
Harrison (D)
63rd District
McNamee (R)
64th District
Brotherton (R)
65th District
Defebaugh (R)
66th District
Geraldo (D)
*67th District
Forbes (D)
✓68th District
Cambell (R)
✓69th District
Wilson (D)
70th District
Kelsey (D)
✓71st District
Rocca (D)
72nd District
Goemaere (D)
73rd District
Dinolfo (D)
74th District
Maynard (D)

*75th District
Evans (D)
*76th District
Jewett (R)
77th District
Hoffman (R)
*78th District
Burkholder (D)
*79th District
Conroy (D)
*80th District
Scott (D)
*81st District
Cledlutter (D)
*82nd District
Crim (D)
✓83rd District
Mueller (R)
84th District
Armbruster (R)
*85th District
O'Neill (D)
*86th District
Dodak (D)
*87th District
Spaniola (D)
✓88th District
Powell (R)
✓89th District
Engler (R)
90th District
Buth (R)
*91st District
Kok (R)
*92nd District
Mathieu (D)
*93rd District
Mesanna (D)
✓94th District
Sietsema (D)
✓95th District
DeMaghar (R)
96th District
Hooper (D)
*97th District
Geerlings (R)
*98th District
Cawthorne (R)
99th District
Van Singel (R)
*100th District
Busch (R)
*101st District
Bartia (D)
102nd District
Cramton (R)
103rd District
Outing (R)
104th District
Binsfeld (R)
✓105th District
Prescott (R)
✓106th District
Stevens (R)
*107th District
Vermum (R)
*108th District
Jacobetti (D)
109th District
Gingrass (D)
*110th District
Hollman (D)

U.S. Congress 12 of 15 races won! (80 per cent) ↑ **State House** 57 of 74 races won! (77 per cent) ↑ **State races** 2 of 4 won! ↓ **Proposals** 3 of 4 won! ↓

Nationally, teachers score in 4 of 5

BY NEA NEWS SERVICE
WASHINGTON

Teachers have helped send to Congress more than four out of five candidates they backed in House and Senate races Nov. 2 — reaching a record 83 per cent win total.

NEA's independent political action arm, NEA-PAC, endorsed a total of 349 House and Senate candidates in 49 states. And, according to unofficial returns, teacher-supported candidates won in 271 of the 323 House races and in 19 of the 26 Senate contests for the combined win average of 83 per cent.

Not only did teachers participate in more Federal races this year than ever before, but they bettered their record performance of two years ago when NEA-PAC posted an 81 per cent success tally in 310 Senate and House contests.

With the victory of Jimmy Carter and Walter Mondale, who won teachers' first-ever presidential and vice-presidential endorsements, and teachers' record drive to continue a pro-education Congress in this year's election, NEA marked a major political milestone.

Teachers first entered the National political arena four years ago, in 1972. At that time NEA-PAC endorsed 140 Senate and House candidates and emerged successful in 80 per cent of the efforts.

Due to teachers biggest and most successful campaign this year, it is predicted that the 95th Congress will be as staunch a friend of education and other teacher concerns as the 94th.

The new potential of the House is expected to match or even improve on the approximately 290 members who were supportive of NEA's broad legislative goals in the last Congress, and the Senate is also maintaining its highly favorable make-up.

NEA-PAC spent $507,000 in the Congressional races — including general, special, run-off, and primary contests in 1975 and 1976. Financial contributions went to 284 candidates in 49 states.

State Board of Education

*JOHN WATANEN (D)
Professor, Northern Michigan University
Gumecindo Salas (D)
Director, Minority Programs Michigan State University
They fill two seats (8-year terms) being vacated by Marilyn Jean Kelly (D) and Gorton Riethmiller, Independent.

Michigan Supreme Court

*THOMAS KAVANAGH (8-year term)
Blair Moody Jr. (6-year term)

Proposal A wins

Bans throw-away beverage containers.
SUPPORTED by MEA.

Proposal B loses

Would have permitted 18-year-olds to run for Legislature.
SUPPORTED by MEA.

Proposal C loses

See front page.
OPPOSED by MEA.

Proposal D loses

Threatened a limitation on state revenue for two years.
OPPOSED by MEA.



Veto to end vetoes

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City State

TEACHER'S VOICE

Airport EA talks, gains, settles

CARLETON

Talks have resulted in an apparent equitable settlement of a contract dispute between the Airport Education Association (AEA/MEA-NEA) and the school board.

Both sides apparently feel they have gained from what could have developed into an unpleasant confrontation.

AEA President Mark Evans has a letter from the school board thanking the AEA for its efforts in reaching a satisfactory settlement.

The dispute began when the AEA learned that the school board had unilaterally decided to drop the option available to teachers of either MESSA or Blue Cross-Blue Shield health coverage. Board-paid coverage was going to become available only through Blue Cross-Blue Shield.

While not contractually mandated, the option had become established through traditional practice.

Court suit

The AEA told the board that it was prepared to file unfair labor practice charges and a court suit against the board for the decision. The board's response was to hold the decision in abeyance and seek a negotiated settlement of the dispute with the AEA.

Part of a compromise worked out between the AEA and the board involved making 30 AEA members aware of apparently a little-known contract provision which provides that the board will pay $13.50 a month for additional health coverage for teachers who do not need the basic protection because of a duplicate program carried by a spouse.

The 30 teachers dropped their basic coverage, which duplicated protection they already had, to buy additional MESSA benefits.

The resulting savings persuaded the board to agree to continue the MESSA-Blue Cross option and to remove the dollar limit on what the board would pay on a MESSA-negotiated dental plan, thus providing for full payment of dental coverage.

"After many hours of work and great help from Karen Chase (MEA-NEA Uniserv director), we were able to work out a settlement that was satisfactory to both parties," said Evans.

Northern Michigan EA's coordination of contract efforts starting to click

TRAVERSE CITY

The Northern Michigan Education Association (NMEA/MEA-NEA) has ratified three and rejected one local contract agreement.

The NMEA is a coordinated bargaining organization of northern lower Michigan EA locals.

The three ratified agreements are in Gaylord, Twin Valley, and Frankfort.

The rejected tentative agreement was in Glen Lake, which is now in mediation.

NMEA is still trying for contract settlements in Boyne Falls, Petoskey, Cheboygan, Rogers City, and Mancelona.

Bargaining has ceased in Kalkaska, where the school board has balked at recognizing the NMEA as bargaining agent for teachers. The board has demanded a full hearing before the Michigan Employment Relations Commission (MERC).

An EA local joining the NMEA is required to have the NMEA stipulated as the local bargaining agent for teachers, which in turn must approve any tentative agreement.

Helen Little of Frankfort, NMEA executive board chairperson, said NMEA procedures are apparently succeeding. Each local EA states its bargaining goals at the start of bargaining.

OK or reject

When it reaches a tentative settlement, it lays the settlement before the NMEA executive board. If the settlement falls seriously short of the local EA's bargaining goals, the executive board is likely to reject the settlement.

When that happens, according to Little, the NMEA returns to the local with an explanation of why the NMEA is rejecting the proposed settlement and with recommendations and other help to reach a settlement that can be approved.

Here lies the key to the NMEA's successful operation, believes Little. It is the NMEA's recommendations and help to reach a better agreement.

Ten locals comprise the NMEA, including Ellsworth and Suttons Bay, which were on multi-year contracts and not bargaining this year. Four additional locals have signified their intention of joining the NMEA. They are Central Lake, Vanderbilt, Alba, and Kingsley. Five additional locals are showing an interest.

The NMEA is looking toward doubling its membership — to 20 locals.

Teachers have claim on result of close presidential race

WASHINGTON

A few weeks ago a syndicated newspaper columnist, Clayton Fritchey, wrote that if the presidential race was close, it could well be decided by a new force in American politics — public employees.

Fritchey identified a major force within the public employee group — teachers and the NEA.

The presidential race was close — with the popular vote going 51 per cent for Jimmy Carter to 48 per cent for Gerald Ford. President Ford barely won here in Michigan, his home state.

While various segments of Jimmy Carter's support could claim credit for giving him the edge of victory, it is a fact that he had support never before given a presidential candidate — NEA endorsement.

Fritchey complimented the value of teacher political support.

"Teachers consitute an effective army of volunteer workers," he wrote. "They are generally trusted and looked up to in their communities and, as one electoral analyst has said, 'They can talk, they can get money, and they can get people' — a powerful combination."

The necessity for teachers to get into political action became painfully obvious during the days of the Nixon administration, with education funding regularly falling victim to Nixon vetoes and "no" votes by conservative Congress members.

Two years ago teachers succeeded in electing more pro-education Congress members, who became important in struggles to override vetoes by President Ford of education funds.

The last two years made it obvious that education must have support not only on Capitol Hill but in the White House. Fortunately, NEA delegates had the foresight several years earlier to start preparations for endorsement and support of a presidential candidate.

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By David McMahon

MEA President

November elections are crucial to every teacher's future



Autumn 1976 promises to be a crucial and memorable period. Consider the following:

Almost as soon as we settle into our routine of daily instruction, Michigan teachers will be faced with an historic moment. For the first time in our Association's history, one of this nation's presidential candidates will be endorsed by the NEA.

At nearly the same time, our own MEA-PAC endorsements will be made for U.S. Senate, State Supreme Court, State Board of Education and other races.

Also facing us in the November election will be a constitutional amendment to limit state spending to 8.3 per cent of personal income. This item has the potential to further complicate our professional lives.

Lurking in the background is the possible revision of the bargaining law, and the state's continuing financial crunch.

Thus, one good look at the coming school year is enough to remind us that we have many more challenges facing us than those presented by our classroom students.

Obviously, none of us will neglect the obligations posed by our instructional duties. But, at the same time, we must recognize that teachers — and all phases of education — have a significant stake in the many outcomes of this election year.

Any changes in the treatment we are accorded as professionals — any changes in the manner in which politicians generally treat education — hinge on what happens Nov. 2.

We must swing into action right now, with a commitment to do double duty — first, in the classroom, and then in the political arena.

Our efforts on behalf of candidates and issues in the next few weeks — and how well we translate those efforts at the ballot boxes and voting booths — will directly influence the future of every teacher and every student in every classroom of this state.

Welcome back!

JCEA puts lid on student-teachers

JACKSON

Only Olivet College students are acceptable as student teachers in Jackson County this fall.

This is because only Olivet College has established its compliance with guidelines of the Jackson County Education Association (JCEA/MEA-NEA) for the placement of student teachers in the county.

Accordingly, MEA-NEA supervising teachers in the county have been advised by the JCEA that they should not accept student teachers from any college except Olivet.

The guidelines are part of the JCEA's effort to maintain the MEA's suggested quota of student teachers for Jackson County. The MEA has suggested quotas statewide for the past several years. The quotas are based on the projected availability of teaching jobs.

The MEA's position has been that teacher preparation institutions are providing far more teacher candidates than the Michigan job market will absorb.

K-Mart Teacher

Mike Darling, a teacher at Jackson-Northwest who has turned down the chance to get a student teacher both second semester of last year and this fall, recalls a promising teacher candidate he had several years ago. The last Darling heard, the teacher candidate was working at K-Mart because he couldn't find a teaching position.

Jackson teacher Ray Karas said that a recent student teacher of his, also a promising candidate, received four replies to 60 letters of application that she sent throughout the state. Three of the replies said that she could come for a job interview, although she was at the end of a long line of applicants. The fourth letter said she could have an interview although the school district was not currently hiring.

Still another student in teacher preparation was back to visit her former high school counselor in Jackson County and burst into tears over the fear of not finding a teaching position.

Her counselor asked her if she hadn't been informed on the tight job market in teaching. She replied that her college counselor had attempted to soothe and reassure her that "good" teacher candidates can find jobs.

Job prospects

The JCEA's guidelines for colleges and universities placing teachers in Jackson County require them to inform prospective teachers of job prospects when they enroll in their first education course.

The guidelines also require that no student teacher be recommended for certification without a satisfactory recommendation from the student's critic or supervising teacher.

Darling recalled that a teacher preparation institution had recommended a candidate for certification who had failed to receive a favorable recommendation from the supervising teacher.

"This is a perfect example of why we want a licensure bill," commented Darling. (A licensure bill is an MEA legislative priority.)

Darling rejected having a student teacher for second semester of last year because, he explained to his building principal, the student teacher placement quota had been exceeded.

He also rejected placement of a student teacher with him this fall because the student teacher was from a university that had failed to demonstrate compliance with the JCEA's guidelines.

University wrath

Darling said that he experienced no pressure from his school district for his refusal to accept student teachers, although he caught the wrath of a university student teacher coordinator.

He brought down the coordinator's wrath by explaining that he felt not only an obligation to support the JCEA's policy, as a United Profession member, but believed in it personally.

The coordinator's response was: "If we don't place them here, we'll place them somewhere else. The kids deserve a break."

*Continued on page 9



Mike Darling, Jackson-Northwest teacher who caught the wrath of a university student teacher coordinator. (Teacher's Voice Photo)

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Aug. 16, 1976

Teachers' choice...

Sen. Mondale (below), as he spoke at the NEA convention shortly before becoming the Democratic vice-presidential nominee. His selection had a unifying effect on Michigan teacher-delegates at the Democratic convention. See story, page 3.
(NEA Photos)



Aug.
- GOP nat'l convention 16-20
- GOP state convention 27-28
- 28-29 Democratic state convention

Oct.
- Deadline to register to vote Nov. 3 — 4

Nov.
- General election — 3

Conventions just ahead

Educator caucuses will be active in the state conventions of both the Democratic and Republican parties that are just ahead. Important business at these conventions include selecting nominees for two seats on the State Board of Education (SBE) and establishing their parties' platform or positions on issues. See story, page 3.

Preparing to endorse...

From local candidates right up to President, teachers are preparing to endorse and support candidates. Michigan's Keith Geiger is shown with Democratic Presidential nominee Jimmy Carter (left) and President Ford (below). Geiger is a member of the NEA committee that interviewed Presidential candidates. Ford was interviewed at the White House and Carter was interviewed in Atlanta, Ga. Republican contender Ronald Reagan refused to be interviewed or respond to a questionnaire. Participants in the recent MEA summer leadership conference saw video tapes of the Ford and Carter interviews. For more information on the endorsement procedures, see stories on page 2.

Teachers impact Campaign







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Local leaders get ready

More than 200 persons attend the MEA's summer conference for local presidents early this month at Central Michigan University. Later, two days of specialized workshops in public relations and communications, minority concerns, instruction, political action, and business operations attract more than 200 persons, including local committee chairpersons as well as local presidents.



This summer conference was designed to broaden and improve training opportunities for MEA local leaders just prior to moving into another busy year. Its emphasis was on training to help local leaders serve teachers better.

This summer conference replaces the former fall and spring leadership conferences.

(Teacher's Voice Photos)

Victory in GOP

LANSING

Rep. Marvin Esch (R-Ann Arbor), who won the race for the Republican nomination Aug. 3 for the U.S. Senate, was supported as a "preferred candidate" by the Republican Educators Caucus.

Pat Short of Parma-Western, chairperson of the GOP Educators Caucus, said that Esch's background on the House Education and Labor Committee and his position on education issues were factors in leading the GOP Educators Caucus to support him for the nomination.

Staff vacancy

EAST LANSING

Applications are being received for an MEA-NEA Unisery staff vacancy in 5-D at Bangor.

Minimum qualifications include four years of experience in education or relevant fields, good health, fluency in oral and written communications, and leadership qualities. A master's degree is preferred.

Applications, resume, and transcript should be received by Aug. 25. Send to: Personnel Office, MEA, Box 673, East Lansing 48823.

Teacher PACs screen candidates

EAST LANSING

Teachers in their PACs (political action committees or councils) are deep into their homework for the 1976 campaign.

This is true from the national through the state to the local level.

Local teacher PACs are studying candidates and have recommended—or will recommend endorsements. Some local PACs made recommendations in the primary races just concluded. Their objective was to assure good candidates running in both major parties.

MEA-PAC, the statewide PAC, is preparing to endorse a candidate for the U.S. Senate seat being vacated by Sen. Phil Hart. It will also endorse two candidates for the State Board of Education.

Nationally NEA-PAC is in the final stages leading toward probable NEA endorsement of a Presidential candidate. The final determination of an endorsement will be in the hands of all delegates to the last NEA convention, who will vote in a mail ballot.

Basically the teacher endorsement procedures, whether on a local, state, or national level are alike. All candidates under consideration are subject to a careful screening—through a written questionnaire followed up by an interview with a PAC screening committee.

In this way the candidates' positions on education issues are determined. The candidates' past experience and records as elected public officials are also carefully studied.

Recommendation for endorsement is based on candidates' likely performance on issues of importance to teachers.

NEA presidential endorsement nears

WASHINGTON

The NEA-PAC Council will be meeting Aug. 21-22 in Washington—after the Republican nominating convention—as the next step in the NEA's Presidential endorsement procedure.

At that time the council will determine the ballot to be mailed in early September to all delegates to the NEA convention two months ago. The council will also decide on a recommendation on a Presidential endorsement. Delegates will receive the recommendation by mail prior to receiving the ballot.

The results of the ballot vote will determine the NEA's endorsement of a Presidential candidate. The endorsement position will be announced by NEA President John Ryor in October.

MEA Past President Keith Geiger has served on a steering committee that has interviewed viable Presidential candidates. Video tapes of those interviews with President Ryor and Gov. Jimmy Carter were shown to MEA local presidents and leaders at the leadership conference Aug. 3-6. Gov. Ronald Reagan declined to be interviewed or to respond to a written questionnaire.

NEA endorsement of a Presidential candidate—for the first time—was authorized by delegates to the NEA convention two years ago.

Progress toward an endorsement has moved through carefully designed procedures that have included candidates' responses to a written questionnaire on education issues, followed by an interview with a committee chaired by NEA President Ryor.

About 7,500 pink slips

EAST LANSING

The number of pink-slipped teachers in school districts where MEA-NEA affiliated units are the bargaining agents has dropped from more than 10,000 to fewer than 8,000.

Successful millage votes are identified as a factor leading to the reduction of pink slips.

Michigan voters approved 60 per cent of all school operating millage proposals during the 1975-76 fiscal year, passing 416 and rejecting 279.

During the same period, voters approved only 24 per cent of 85 bond issues.

Here is a breakdown, by zone, of the number of pink-slipped teachers in April and in early August.

Zone	April	August
2,6	2,356	2,028
3,4,8	1,619	1,471
5,9	1,498	600
7,10	3,113	2,312
11,12,13	1,179	900
14,15	731	329
Total	10,496	7,638

Meeting to feature Julian Bond

DETROIT

Georgia state Senator Julian Bond will be a speaker at the Michigan Association for Supervision and Curriculum Development (MASCD) state conference Oct. 20-23 in Detroit.

A special drive-in conference for teachers is planned on Saturday, Oct. 23.

Other speakers at the state conference will include John Porter, state superintendent of public instruction, and Arthur Jefferson, superintendent of Detroit schools.

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Preparing

Demo, GOP teachers work, work, work!

EAST LANSING

Teachers and MEA-NEA members are active in both major parties this summer.

The most desirable end result of all this work by Democratic and Republican teachers will be sound positions in both parties on education and other issues and a choice between outstanding candidates in the November election.

Democrats

Flushed with pleasure over the nomination of Sen. Walter Mondale for vice-president, Michigan Democratic educators are back and preparing for the state convention Aug. 28-29 in Detroit.

Part of the business of the state convention will be nominating two candidates for the State Board of Education (SBE) and two candidates for each of the state university boards (U-M, MSU, and WSU).

The Democratic Educators Caucus is screening candidates through questionnaires and interviews in deciding whom they will support, according to Lillian Stoner of Waterford township, Democratic Educators Caucus chairperson.

Throughout the past winter as many as 12 teachers were involved in the Democratic education platform subcommittee.

The result, said Stoner, is a Democratic document that is in harmony with MEA legislative goals.

"It's important that we maintain our high degree of involvement," declared Stoner.

That involvement was in abundant evidence at the Democratic national convention in New York City. A news media reporter, noticing the NEA button worn by Stoner, asked her if the NEA convention was also in progress. (It was not.)

MEA-NEA members who were Democratic Party delegates were impressed with the wide recognition received for the first time this year by MEA-NEA teachers as a political force within the party. Next to the United Auto Workers, MEA-NEA teachers made up the largest occupational or professional group within the Michigan delegation.



Stoner

Teachers had 172 delegates and 93 alternates at the Democratic convention, with five serving on the Rules Committee, five on the Platform Commitee, and two on the Credentials Committee.

Along with the United Auto Workers, United Mine Workers, and six AFL-CIO affiliated unions that included the American Federation of State, County, and Municipal Employees, the NEA was part of the influential Labor Coalition Clearinghouse (LCC). The LCC quietly urged Presidential nominee Jimmy Carter's selection of Sen. Walter Mondale of Minnesota as his running mate.

Mondale's selection had a great unifying effect among Michigan teacher-delegates, according to Stoner. Many of them had worked for the nomination of Rep. Morris Udall.

Sen. Mondale earlier had appeared at the NEA convention representing the Democratic National Committee. Mondale is identified as a liberal and a champion of education. A brother, William, is a past president of the Minnesota Education Association and is currently an NEA Uniserv staffer in South Dakota.

Republicans

Teachers will be delegates at the Republican National Convention Aug. 16-20 in Kansas City and are preparing for the GOP state convention Aug. 28-29 in Grand Rapids.

Seven MEA-NEA members are among a 14-member educators caucus from Michigan that will be at the GOP Presidential nominating convention, according to Pat Short, a teacher at Parma-Western. Short is chairperson of the Michigan Republican Educators Caucus. NEA President John Ryor was to testify before the GOP Platform Committee.

A screening and endorsing committee of the Republican Educators Caucus is preparing to select and support candidates for two positions on the SBE. The state convention will be nominating candidates for those positions.



Short

Two teachers are members of the all-important Issues Committee (it replaces the platform committee).

They are Rosalie Bryk of Grosse Pointe, who is vice-chairperson of the committee, and Ernest Neuenfeldt of Carman. Neuenfeldt also serves as treasurer of the Republican Educators Caucus.

Caucus meetings

EAST LANSING

The Democratic Educators Caucus will meet at 8 a.m. Saturday, Aug. 28, in the English Room of the Detroit Cadillac Hotel in Detroit. This meeting will be in connection with the Democratic state convention. The caucus will operate a hospitality suite Saturday night at the Pontchartrain Hotel.

The Republican Educators Caucus will meet at 8 a.m. Saturday, Aug. 28, at the Pantlind Hotel in Grand Rapids. This meeting will be in connection with the Republican state convention.

TEACHER'S VOICE
MICHIGAN EDUCATION ASSOCIATION
Vol 53 August 16, 1976 Page 3 No. 29

Veto hits retiree fund

LANSING

A legislative attempt to restore funds to the teachers retirement system has been nullified by Gov. William G. Milliken.

Milliken vetoed a $34.6 million line item appropriation to replace funds the state took from the Detroit teachers retirement fund by Sept. 30, 1977.

The $34.6 million was taken from the retirement system on Milliken's recommendation to help finance a bill (SB-1451) which provides for payment to school districts in early August of one-sixth the amount they received from July 1, 1975, to June 30, 1976.

The maneuver was part of the financial gimmick used by Milliken and the Legislature to "balance" the state's books, the extension of the state's normal fiscal year three months, creating a "fifth quarter."

Dorothy Eubank, executive director of the Retirement Coordinating Council (RCC), branded the gimmick a "raid" on teacher retirement funds, pointing out that the $34.6 million, through interest earnings, could have been used to finance improvements in retirement benefits.

Milliken's rationale

In his veto message, Milliken said the state took over the Detroit public school employees' fund last July 1 when it found a cost-of-living reserve of $23.7 million and various contingency funds of $10.9 million.

He said the funds were not required by law and not a practice of other state retirement systems. "These contingency funds were therefore utilized as a credit against state retirement funding obligations in the 1975-76 fiscal year," he said.

Education was also getting split state-aid payments again this month.

Michigan school districts will get only half of their bimonthly state-aid payments in August as result of a cash flow shortage in the state treasury. Half of the $129.1 million payment was made in early August, with the rest to be mailed out Aug. 23.

Cash flow problems also resulted in split payments in October, 1975, and February, April, and June of this year.

In other action, Gov. Milliken has signed into law a bill which, for this year only, allows school districts to hold a millage election on or before the second Tuesday of November and have the taxes apply for this calendar year. The usual deadline for imposing other property taxes is Sept. 16.

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State 'raids' retiree funds

LANSING

The state Legislature approved a "fifth quarter" state school support bill in the closing hours of June 30—what normally would have been the end of the state's fiscal year.

(The "fifth quarter" has come about through the Legislature's extension of the state's current fiscal year by another three months—a gimmick enabling the state to pay this year's bills with next year's revenue and perhaps avert an unconstitutional act of ending a fiscal year with a deficit.)

The bill, SB-1451, provides for payment to school districts on Aug. 1 of one-sixth the amount they received from July 1, 1975, to June 30, 1976.

In that bill is a sum of $34.6 million taken by the Legislature, upon Gov. Milliken's recommendation, from the Detroit teachers retirement fund to help finance SB-1451. Attached is a proviso that the $34.6 million must be repaid by Sept. 30, 1977.

MEA lobbyist Dan Welburn and Dorothy Eubank, executive director of the Retirement Coordinating Council (RCC), both expressed the same sentiment:

"They (the Legislature) are taking money right out of the pockets of school employees and using it without paying any interest on it," said Welburn.

Eubank pointed out the action adds a mandatory $34.6 million to next fiscal year's state budget.

The RCC and MEA sought to head off what they regarded as a "raid" on teacher retirement funds and to affix responsibility for the "raid."

The $34.6 million, generated through interest earnings, could be used to finance improvements in retirement benefits.

When Eubank sought an audience with Milliken to discuss what she called his proposal "to confiscate" the $34.6 million, he referred her to the Legislature. He explained the Legislature had already received and was considering the proposal.

In a letter to key legislators, Eubank said the governor had, in effect, tossed the responsibility to them for removing the $34.6 million from the teacher retirement fund.

Subsequently, the proposal to use the $34.6 million got little support beyond Sen. Charles Zollar (R-Benton Harbor) in the Senate Appropriations Committee. Sen. Dale Kildee (D-Flint) called the proposal about as dirty and messy as plucking a chicken.

As finally passed, however, SB-1451 provides for using the $34.6 million to help the state finance its share of school support for the "fifth quarter" but requires that it be repaid to the retirement fund by Sept. 30, 1977.

The bill then went to the governor, who could either accept it in its present form or exercise a line-item veto.

TEACHER'S VOICE
MICHIGAN EDUCATION ASSOCIATION

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Don't forget primary!

EAST LANSING

Don't forget to vote in the August 3 primary election.

For those who won't be near their usual election precinct, be sure and stop in between now and July 31 at the county clerk's office to obtain an absentee ballot.

Make your vote count in the Aug. 3 primary.



Walper

Walper named CEA exec

DENVER

John Walper, MEA associate director for business services, will become executive secretary of the Colorado Education Association Sept. 1.

Since joining the MEA staff in 1964 as controller, Walper has been a key financial adviser to the MEA Board of Directors and affiliated membership services.

He is president of MEFBA (Michigan Educators Financial Services Association), which has expanded into offering a variety of purchasing and financial services to MEA members; deputy director of MESSA, the MEA's affiliated insurance programs; and on the board of MEALS, the MEA's new prepaid legal services.

Prior to joining the MEA staff, Walper was controller at Adrian College. He is a native of Monroe and a graduate of the University of Michigan.

Big money aims at incumbents

WASHINGTON

Many teachers may be away on vacation.

But while they are away, corporations and allied special-interest groups are organizing and amassing millions of dollars to elect a Congress they consider to be more compatible with their interests.

This will mean the funneling of money—often big money—into local districts where business and special-interest groups perceive a good chance of unseating incumbent members of Congress they do not like.

Often the incumbent members are candidates elected two years ago with strong teacher support.

Two such Congress members from Michigan are already on the list to be defeated. They are Bob Carr, East Lansing, representing the Sixth Congressional District, and Richard F. VanderVeen, Grand Rapids, representing the Fifth Congressional district.

Both of these Congress members won in 1974 with local teacher PAC endorsement and active teacher support.

The National Committee for an Effective Congress (NCEC), an organization founded in 1948 to support progressive candidates for Congress, reports that Clifford Taylor, East Lansing attorney, is already the recipient of funds and help from outside the district in the effort to unseat Carr.

Close election

Taylor, a conservative Republican, won nomination over a teacher PAC "preferred" candidate in the GOP primary two years ago and came close to defeating Carr, who had teacher PAC endorsement, in the general election.

Although Taylor's first step this year is to win in the GOP primary Aug. 3, he is busily campaigning against Carr and his campaign shows signs of being well financed.

NCEC said that the source of Taylor's funds and help is a group called the "Committee for the Survival of a Free Congress," which NCEC says is led by wealthy Colorado brewer Joseph Coors. (Coors name, however, does not appear among the officers of the committee.)

The Rocky Mountain correspondent of the *New York Times*, Grace Lichenstein, noted that while Coors hasn't been much in the public eye, he is spending thousands of dollars to defeat liberal Congress members and to set up ultraconservative lobbying and research groups in Washington.

NCEC described how a combination of the Coors group and other conservative and business committees helped an ultraconservative with little political experience to defeat a moderate state legislator in a special congressional election in Texas earlier this year.

Expensive campaign

NCEC said the combination of groups helped the winning candidate to come up with $350,000 for one of the most expensive congressional races in history. The winner outspent his opponent by 2-to-1.

Under federal election law, corporations cannot contribute directly to political campaigns. But they can set up separate political action committees which can solicit and use funds from stockholders, executives, employees and even the general public.

Totals collected by such committees already are 140 per cent higher than for a comparable period in the 1974 races and could reach $30 million by November, according to NCEC.

Committees are limited to contributions of $5,000 per election—which would mean a total of $10,000 which a candidate could receive from a committee for a primary and a general election race.

However, NCEC believes the limitation can and is being circumvented through the organization of various "paper front" committees.

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Mark your calendar

February

11 — Retirement Coordinating Council, 1 p.m., MEA bldg., East Lansing.

13 — Mich. Speech and Hearing Assoc., 9 a.m., MEA bldg., East Lansing.

13 - 14 — The learning center approach K - 8, 9 a.m., MEA Conference Center, Battle Creek.

14 — Third World leadership conference, 9 a.m., MEA bldg., East Lansing.

14 — Mich. Art Education Assoc., 9:30 a.m., MEA bldg., East Lansing.

20 — Mich. Assoc. for Supervision & Curriculum Development, 9 a.m., MEA bldg., East Lansing.

20 - 21 — Native American critical issues conference, 3 p.m., Hilton Inn of Lansing.

20 - 22 — Mich. Assoc. for Educational Office Personnel professional negotiations workshop, MEA Conference Center, Battle Creek.

20 - 22 — Women's leadership conference, 5 p.m., MEA Conference Center, Battle Creek.

27 - 28 — State legislation conference, 5 p.m., Kellogg Center, Michigan State University, East Lansing.

GOP educators plan workshop

LANSING

Election of a President of the United States this year starts here in Michigan with election of party delegates, starting on the precinct level and culminates with the delegates elected to the national party conventions where a party's Presidential candidate is nominated.

With that in mind, the Republican Educators' Caucus is planning a workshop for Feb. 20-21 in Lansing to prepare GOP teachers to seek delegate seats and provide teacher input into the Republican conventions at the county, state, and national levels.

Vice President Nelson Rockefeller; Ronny Riecker, national chairwoman from Michigan; Jane Wierman, member of Michigan's Issue Committee; Paul Henry, Kent County GOP chairperson and State Board of Education member; Rep. Marvin Esch of Ann Arbor; and Robert Marshall, executive director of the Jackson County Education Association, will be speakers at the workshop.

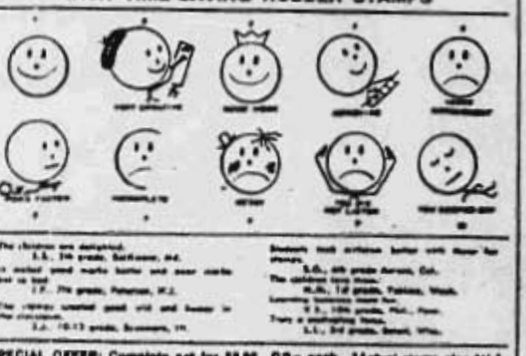
For details or registration information, contact Marcia Hansen of the GOP Educators Caucus (1-313-646-5434) or Grace Gross at MEA headquarters in East Lansing. A $50 charge will cover meals, lodging, and registration.

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(Teacher's Voice Photo)

Pink-slipped teachers at Flint rally...
...state support of K-12 in jeopardy
(See interview, opposite page)

TEACHER'S VOICE
MICHIGAN EDUCATION ASSOCIATION
Vol. 53 May 31, 1976 Page 3 No. 17

MEA Capitol rally

LANSING

Hundreds of Michigan teachers, many of them pink-slipped, and MEA leaders marched on the Capitol Monday evening, May 24.

MEA President David McMahon led the demonstration, declaring from the Capitol steps that "we are here to demonstrate to the governor and the state Legislature that there is a very serious financial problem in our schools today.

"On top of all those years of empty rhetoric, we are forced to witness the greatest election year Kabuki dance ever," declared McMahon.

Sen. Earl Nelson (D-Lansing) and Sen. Richard J. Allen (R-Alma), sponsors of a bill to provide new revenue for state services by increasing the state income tax by 2 per cent, addressed the group.

Other legislators who had opposed extension of the fiscal year and other gimmickry to solve the state's financial problems also appeared.

Chanting "Pink slip (Gov.) Milliken," teachers marched to the Capitol's front steps and after hearing from their leaders many went inside to "buttonhole" their local legislators.

The MEA-PAC Council provided funds for chartering buses to bring teachers to Lansing for the rally.

Not much pride in this vote

LANSING

"I have yet to talk with a legislator who will admit to me that he cast his vote for the extension of the fiscal year with pride. Most of the legislators recognize that it was gimmickry... they were embarrassed about this vote."

That's the candid observation of Jack Stack, an Alma physician and head of a coalition for fiscal integrity, a group formed to combat the lack of fiscal responsibility shown this year by the Legislature and Gov. William G. Milliken.

For the House and Senate voting record on extending the fiscal year, see page 8.

The battle to extend this fiscal year three months and juggle future fiscal years climaxed May 11 when the Senate gave immediate effect to SB-1173. MEA opposed the proposal since it was first introduced last November.

By extending the fiscal year, the state "saved" about $108 million. The savings, however, comes from using next year's revenues to pay last year's bills.

The "savings" is a bookkeeping technique allowing the state to end a fiscal year (now Sept. 1) without a deficit. One of the ramifications is a loss of funds for schools. Already, the Senate Education Committee has before it a proposal that would mean no state aid payment for the month of July.

*Continued on page 8



Udall...
...a close race



Stoner...
...teachers helped

Teachers impact Udall race

DETROIT

Teachers played a role in the tight race run by Rep. Morris Udall in the Michigan Democratic presidential primary.

Udall had been considered far behind former Georgia Gov. Jimmy Carter. A final tabulation of more than half a million votes showed Udall to be a tiny .3 per cent away from defeating Carter.

The tabulation was 308,997 for Carter to 304,177 for Udall.

"When teachers decide to do something, they do it despite heavy odds and without fanfare, without hoopla and shouting, and without money, using just their own personal skills," said Lillian Stoner of Waterford township schools, chairperson of the Democratic Educators Caucus and leader of an Educators for Udall group.

In several areas where Udall won big teachers had been working actively for him. These included Oakland County where he won over Carter, 37,995-22,086; Macomb County, 23,980-20,799; and Washtenaw County 16,817-5,846.

Carter had entered the primary with the endorsements of United Auto Workers President Leonard Woodcock, Detroit Mayor Coleman Young, and Henry Ford II, board chairperson of the Ford Motor Co.

Udall had the support of several MEA leaders, including MEA President David McMahon, and was the only presidential contender to appear at the MEA Representative Assembly little more than a week earlier.

Gloom had draped itself over Stoner and other Udall workers as they gathered at Udall's headquarters at the Howard Johnson motel in downtown Detroit to await the election night returns. A television network news report had just projected a gap of as much as 10 per cent between Carter and Udall.

Udall workers weren't quite prepared, therefore, when the reports starting to come in, and out of disbelief began verifying calls to be sure they weren't coming from pranksters.

The gap between Carter and Udall was narrow and over at Carter's headquarters, one of Carter's campaign managers, Duke Armstrong, said: "Three per cent ain't too damn good." But the worst news for Carter backers was yet to come as they nervously smoked cigarettes and drank beer.

At 11:30 Udall showed up at his campaign party at the Leland House, where a big, happy crowd that included a number of teachers broke forth with cheering and dancing.

Udall had special thanks for several key workers in Michigan, including Stoner, whose name, she said, should have been replaced with just "teachers."

"I will not forget that the "Educators for Udall" group offered the only organizational endorsement and work for my campaign effort in the Michigan primary," said Udall in expressing his thanks to the teachers.

0040 0530



Preparing to aid teachers

MEA-NEA Uniserv staff in all parts of Michigan are ready to help teachers facing unemployment problems. Present at a recent all-day briefing in Clarkston were MEA-NEA Uniserv staff from all zones. Clockwise, starting in the lower left corner: Warren Culver, Zone 7-10 director; Sheldon Markley, Zone 11-12-13; James Hobson, Zone 7-10; Don James, Zone 5-9; Paul Almli, Zone 3-4-8; Luis Dias, Zone 14-15-16-17-18; Charles Wicker, Zone 14-15-16-17-18; Jerry Haymond, Zone 7-10; Kristeen Hunt, MEA headquarters research consultant in negotiations; James Hart, Zone 3-4; Robert Kawalczyk, Zone 2-4; Gary Vandemark, Zone 7-10; and Eli Grier, MEA attorney.

(Teacher's Voice Photos)

More than 10,000 pink slips

EAST LANSING

MEA had counted more than 10,000 pink-slipped teachers by the middle of April.

Here is a breakdown:

Zone 2,6	2,358
Zone 3,4,8	1,619
Zone 5,9	1,498
Zone 7,10	3,113
Zone 11,12,13	1,179
Zone 14-18	731

MEA-NEA pursues jobless aid

CLARKSTON

MEA-NEA Uniserv staff representing all zones in the state recently met with Eli Grier, MEA attorney, to prepare in assisting pink-slipped teachers this spring to file for unemployment compensation.

MEA believes the intent of the law provides for unemployment benefits for pink-slipped teachers starting after their last day of teaching in the spring.

With this belief—and an intention to test the law and its interpretations by the Michigan Employment Security Commission (MESC)—MEA-NEA Uniserv helped many hundreds of pink-slipped teachers throughout the state last spring to file for unemployment compensation.

So far there has been only one decision by an MESC referee supporting unemployment compensation for a teacher during the summer months. The decision involved an Akron-Fairgrove teacher who was dismissed last spring. The MESC was expected to challenge the decision.

Denial Period

Most decisions so far have been based on wording in the law which provides for a denial period—during a vacation time or recess, between semesters or terms when a teacher is not normally employed.

MEA challenges the application of this denial period for teachers whose employment has been terminated in the spring and who are actively seeking new jobs.

"What the final outcome will be we do not know," said Kristeen Hunt, MEA research consultant for negotiations. But she said that it is important for any pink-slipped teacher to protect any potential claims by filing for unemployment compensation the day after their last day of teaching.

She emphasized that teachers just as any other unemployed citizens have a right to file claims for unemployment benefits.

School districts—as the former employers who will be held liable for any benefits paid—have an opportunity to challenge the claims.

Benefits are based on salary and number of dependents and can range from $10 a week to $136 a week, for a teacher with dependents.

Eligibility for benefits requires a teacher to be available for "suitable full-time work" in the words of the law.

The MEA pointed out that substitute teaching falls short of being "suitable full-time work" in that it can't be construed as being full-time work. It also usually pays less in compensation and does not provide many of the other benefits of a full-time position.

Any dollars left to help teachers?

NEW YORK CITY

The news magazine *U.S. News & World Report*, recently quoted Al Shanker as saying the American Federation of Teachers (AFT) spends $30 million a year on organizing, most of it to fight the NEA.

An AFT spokesperson later explained the $30 million represents a total of national, state, and local AFT spending for organizing purposes. The AFT's actual national budget is about one third that, amount — $12.7 million.

In comparison, the NEA and its affiliates have a total estimated budget of $250 million a year, with an estimated $10 million of that spent on organizing efforts.

Educators support Udall

Members of a state "Educators for Udall Group" will be trying to unify an estimated 20,000 teacher-Democrats behind their choice in the Michigan Democratic Presidential primary May 18—U.S. Rep. Morris Udall of Arizona.

Formation of the Udall group was announced by Lillian Stoner, a Waterford teacher, and chairperson of the Michigan Democratic Party's Educator Caucus.

Other co-chairpersons include Mary Kay Ross of Monroe, past MEA president and current NEA director; Ann Graham of Jackson, past chairperson of MEA-PAC; and Joel Boyd of Lansing, chairperson of the MEA Legislation Commission.

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Michigan primary

Presidential candidates Answer NEA-PAC concerns

EASTLANSING

Michigan voters will have their chance to vote their Presidential preference in the Michigan May 18 primary.

NEA-PAC has submitted a series of identical questions to Democratic and Republican hopefuls as part of NEA's presidential endorsement process. The questionnaires were sent to candidates in early February. All candidates considered viable by NEA-PAC received a questionnaire. Other candidates received the questionnaire upon request or at the request of any NEA member.

The following is the response of candidates who will appear on the Michigan ballot to this question:

If elected President, what steps would you take and/or what measures would you initiate to improve the quality of American public education?

Democrats (listed alphabetically)

Jimmy Carter

A major overhaul of the revenue-sharing concept is needed. Funds for local governments should be greatly increased and the prohibition against using these funds for education should be eliminated.

The regressive and haphazard method of financing education across the nation produces severe disparities among states and within a single state. As governor, I successfully sponsored a major reform for education financing in Georgia based on the relative wealth of the area in which a child lives, to help eliminate such disparities.

The federal share of public education costs was 10 per cent in 1974. If existing inequalities are to be eliminated and American teachers provided with a decent standard of living, the portion must be increased.

The return from federal expenditures can be greatly enhanced by simplification of laws and regulations to substitute education for papershuffling grantsmanship.

As President, I will initiate as a major and early priority a comprehensive attack upon the basic problems of education in America with particular emphasis on the obviously inadequate system of financing.

This program will include specific and substantive proposals for implementation by the President, the Congress, and the states. I will not be hesitant to propose and support basic changes.

In addition to the items already mentioned, such a program would assure the following:

—the proper relationship between private and public education;

—expanded vocational and career opportunities. (By 1980, 80 per cent of all jobs are expected to require education beyond high school but less than a four-year degree.)

—the educational rights of the handicapped.

—the proper consideration of private philanthropy in education as decisions on basic tax reform proposals are made.

A piecemeal approach will not solve the problem. A comprehensive program and the political courage to see it implemented are required.

Fred Harris

I would call for the creation of a Department of Education and would announce the goal of increasing federal support of public education to 33⅓ per cent of the total funding requirements.

Henry M. Jackson

The quality of public education in America has always been one of my greatest concerns. As my voting record on education issues indicates, and as I have also proved by sending my children to the public schools of the District of Columbia, I have a deep commitment to the public schools.

As President, I would attempt to assure to our schools one ingredient they cannot do without—money. I would ask Congress to increase the federal contribution to elementary and secondary school budgets from the present 7 per cent to 33 ⅓ per cent.

I have already announced that I think the Department of Health, Education and Welfare is unwieldly and should be reorganized into three parts. Accordingly, I would have in my cabinet an official whose sole responsibility would be education in America.

One of this secretary of education's very first jobs would be to undertake a thorough study of education in America, to review recent trends and focus on the probable problems and opportunities facing us during our administration and beyond.

More than a popularity contest

LANSING

Results of the Michigan Presidential primary on May 18 are expected, by state law, to be reflected in the selection of state delegates to the party nominating conventions.

Therefore, the Michigan Presidential primary is something more than just a popularity contest.

If you choose to vote in the Republican primary, you will receive a ballot with the names of two GOP candidates—Gerald Ford and Ronald Reagan—between whom you can vote your preference.

In addition, on the ballot will appear the names of the delegate candidates for your precinct—indicating whether they are uncommitted or the Presidential candidate to whom they are committed. There will also be space to write in the name of and vote for a delegate candidate of your choice.

If you vote in the Democratic Presidential primary, you will receive a ballot with the names of the following Democratic candidates on it: Jimmy Carter, Fred Harris, Henry Jackson, Ellen McCormack, Sargent Shriver, Morris Udall, and George Wallace. Using this ballot, you may vote your preferences.

Democratic delegates are selected through the process of filing and running for election at local and state-level party meetings. Therefore, you will not be voting for Democratic delegates in the Presidential primary.

The Democratic and Republican parties are the only two parties qualified for the Michigan Presidential primary.

NEA looks at Pres. hopefuls

WASHINGTON

NEA-PAC's interviewing of candidates for the U.S. Presidency was expected to start in the final week of April.

The interviews are part of a carefully worked out procedure leading to a recommendation on NEA endorsement of a Presidential candidate.

The NEA-PAC Steering Committee which is doing the interviewing and of which Keith Geiger of Livonia is a member, recently reviewed the responses of candidates to a questionnaire sent to them by NEA-PAC. The questionnaire was preliminary to the interviews.

Because of the large number of Presidential candidates and limited time and resources, the committee has been forced to attempt identification of "viable" candidates and focus most of its attention on those candidates.

Geiger said the interviews will be video-taped so that delegates to the NEA convention this summer in Miami can review the interviews. Candidates will also be invited to address the convention.

Later the 10,000 delegates to the NEA convention will make, through a mail ballot, the NEA's decision on endorsement of a Presidential candidate—who to endorse or whether to endorse anyone at all.

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Carter


Harris


Jackson

No photo available
McCormack


Ford


Shriver


Udall


Wallace


Reagan

This way, we will be prepared to adopt the policies which can help to assure a strengthening of public education in future years.

Ellen McCormack

No request for a questionnaire by the candidate or by any NEA member.

Sargent Shriver

Did not respond. Has announced his withdrawal from the race.

Morris Udall

Education is and should remain primarily the responsibility of local communities. But the federal government also has a role—to ensure that every American has an equal opportunity to acquire the basic skills necessary to participate in our modern society.

The challenge of the coming years is to forge an active and responsible partnership between all three levels of government which will best serve the goals of equity, opportunity, and diversity.

As President, I would undertake a thorough review and evaluation of all educational programs and I would move immediately to revitalize and upgrade the Office of Education with appointments of dedicated educators and administrators.

And we need increased federal assistance—the federal share has decreased, not increased, since Lyndon Johnson was President—if we are to bring about equity, reduce district-to-district disparities and insure that the per-pupil expenditure level does not fall below a minimally acceptable floor in any state.

It is time we had a President who will offer moral leadership and constructive proposals for achieving equal opportunity for a quality education. In the Udall administration, every resource the federal government can command will go to the enriching of schools, pre-school and school lunch programs, and to give communities the means and incentives to develop fresh solutions to achieving integrated quality education.

I have proposed such legislation in the last two Congresses, legislation which emphasizes new programs in addition to busing such as pairing and magnet schools and which provide resources to improve *all* schools.

It may not be the final answer, but it is a beginning, a mechanism for refocusing the debate on the problems of equal education-al opportunity.

George Wallace

Public education to me is a very precious privilege of our society. I want to insure in every way its continued growth and progress. This can only be done through facing up to every problem of public education.

Education begins with teachers. Without the very best teachers, we can never have the very best schools. I believe we must attract the best teachers through incentive programs and increased salaries and with programs that have real meaning to them.

I am very proud of the high retirement program in Alabama which is one of the best in the nation. In an overlook at American education, needs of our schools are obvious to everyone.

A first need is to get the judges out of the classrooms and the teachers out of the courtrooms. We have had too much interference in our school system by those who have no business in the educational process.

I envision programs for the handicapped, for the gifted child, for the deprived child whose economic status thwarts his educational plans and ambitions. I want the very best education for every child, regardless of race, creed, color, or national origin.

A removal of indecent textbook material such as we have seen in states such as West Virginia would be another important step forward in education. Public education in this country must be improved through full cooperation of all divisions of government and through deep concern for the welfare of the students.

We need new plants, improved curriculum and full attention to every phase of public education.

Republicans

Gerald Ford

(Answer prepared by "President Ford" Committee".)

A number of steps should be taken at the federal level to help improve the quality of American education. President Ford has discussed some of them in his recent program—consolidation proposal.

First, it is important for the federal government to simplify its assistance, to reduce red tape and regulations, and to encourage increased citizen involvement in education decisions and programs.

A major step in this direction is President Ford's recent proposal to consolidate 24 separate education programs under a block grant that would reduce red-tape, require more citizen involvement in the decisions about these funds, and increase state and local authority on particular approaches, while still maintaining the federal interest in targeting funds on special need of students.

This block grant proposal supports the important principle of primary state and local responsibility for the provision of educational services with targeted federal assistance.

Second, the federal government should continue its large-scale help to state and local efforts to better the education of youngsters with special education need. This continues to be not only one of the country's principal education problems, but one in which federal help still seems most needed.

Third, the federal government should strengthen its research and development capability in the field of education. The President wants to speed the pace of developing more effective educational approaches, and sees this function as especially appropriate for the federal government to perform.

Even though the over-all budget problem this year is extremely difficult, the President has asked for an increase in the budget for the National Institute for Education.

To insure quality education President Ford directs his administration to:

—remain committed to equal opportunity for education.

—work to meet the needs of the individual in our mass system of post-secondary education.

—eliminate sex discrimination in education.

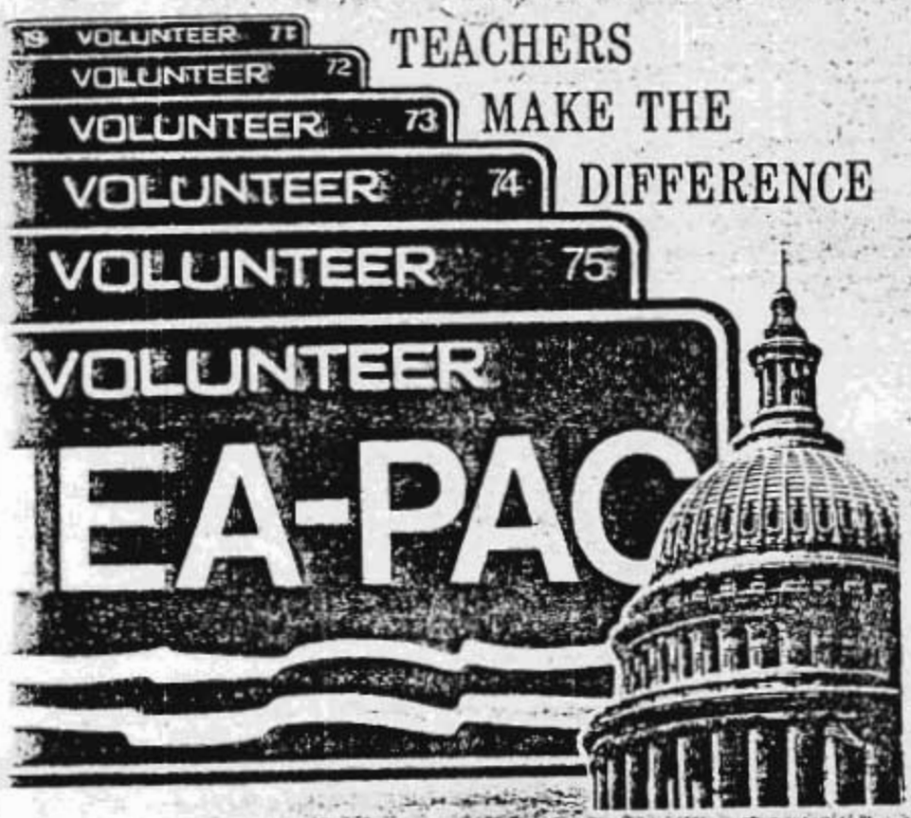
—help students make sound career choices.

—find new ways to reach students about the institutions of law and government which affect their lives, and the values these institutions represent.

Ronald Reagan

Did not respond, blaming lack of adequate staff resources.

0040 0533



TEACHERS MAKE THE DIFFERENCE

Money power falls to teacher power

"Teacher-power buries money power."

That's the assessment of someone who should know—the nation's newest member of Congress, Democrat Stanley Lundine, who recently swept to victory over his high-spending opponent in a special congressional election in New York's 39th District.

Lundine gave teacher support the credit for his win against high odds and dedicated his victory statement to the cadre of more than 100 teacher volunteers who were the core of his campaign.

Asserted Lundine: "This is an election that could not have been won without the enthusiastic support and involvement of many teachers." Pointing out that his opponent had outspent him by about 3 to 1 on media advertising, Lundine stressed that "this election demonstrates that money is no substitute for resolve."

Lundine's slim campaign chest was augmented by a $5,000 contribution from NRA-PAC (the maximum under federal law), but he found teacher determination and skill a much more valuable contribution.

The new representative said he was "complimented that my record on behalf of quality education attracted teacher support. I go to Congress resolved to reaffirm my long-standing commitment to quality education for all Americans."

Soon you'll be invited to volunteer for political service on behalf of teachers

...chers available in Michigan for "lim-...al service...
...in every precinct along with their ...he friends of good schools.

...n Michigan pays over 50% of school-

...Which business passes on its con-...ss who pays the other 50 per cent.

...ages are increasing at over 10% per

...Not by our figures, nor are they ...with inflation.

MICHIGAN EDUCATION ASSOCIATION

Business getting its PACs ready to go

Business corporations can legally establish the means of obtaining the dollars for influencing politics this year. Look for them to do that.

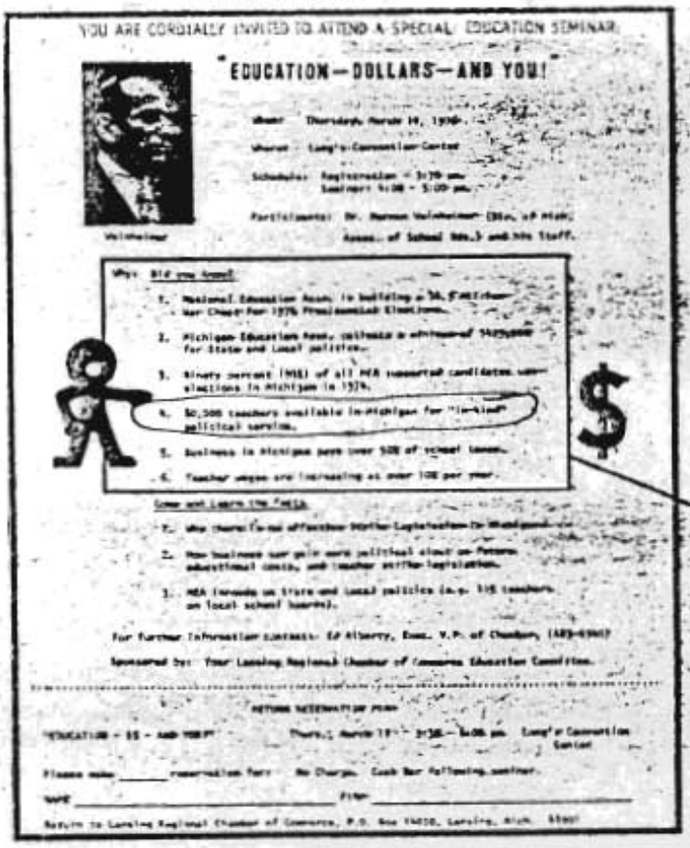
Both the Chamber of Commerce of the United States and the National Association of Manufacturers are waging vigorous campaigns to get business political action committees (PACs) organized, according to news media reports.

These PACs will amass contributions for political purposes. They can solicit these contributions from stockholders, executives, employees, and even the general public.

Federal election law prohibits direct corporate contributions in connection with federal elections, but it does permit "the establishment, administration, and solicitation of voluntary contributions to a separate segregated fund to be utilized for political purposes by a corporation."

Corporations are expected to make the most of what the law allows to influence politics this year.

Announcement (below) for recent "special education seminar" by the Lansing Regional Chamber of Commerce. Putting on the program is the Michigan Association of School Boards.



YOU ARE CORDIALLY INVITED TO ATTEND A SPECIAL EDUCATION SEMINAR

"EDUCATION—DOLLARS—AND YOU!

Why: Did you know?

1. National Education Assn. is building a $4.6 million War Chest for 1976 Presidential Elections.
2. Michigan Education Assn. collects a minimum of $429,000 for State and Local politics.
3. Ninety percent (90%) of all MEA supported candidates won elections in Michigan in 1974.
4. 30,000 teachers available in Michigan for "in-kind" political service.
5. Business in Michigan pays over 50% of school taxes.
6. Teacher wages are increasing at over 10% per year.

Come and Learn the Facts

1. Why there is no effective Voter Legislation in Washington.
2. How business can gain more political clout on future educational costs, and teacher strike legislation.
3. MEA funds on State and Local politics (e.g. 515 teachers on local school boards).

For further information contact: Ed Alberty, Exec. V.P. of Chamber, [illegible]

Sponsored by: Your Lansing Regional Chamber of Commerce Education Committee.

RETURN RESERVATION NOW

EDUCATION - $$ - AND YOU!? Thurs., March 18 - 3:30 - 5:00 p.m. Lans'g Convention Center

Please make _____ reservation here. No Charge. Cash Bar following seminar.

NAME _____ FIRM _____

Return to Lansing Regional Chamber of Commerce, P.O. Box [illegible], Lansing, Mich. [illegible]

"Come and learn the facts" proclaims this flyer urging attendance at this Chamber of Commerce seminar on education. The "facts" as presented by the Michigan Association of School Boards (MASB) are that the public must get involved to "balance" the impact of organized labor on the schools. MEA goals are contrary to the public interest. Getting the public involved means gaining "some political clout" for business people on such matters as the costs of education and teacher strike legislation.

Why: Did you know?

1. National Education Assn. is building a $4.6 million War Chest for 1976 Presidential Elections.
COMMENT: And that's only the beginning!

2. Michigan Education Assn. collects a minimum of $429,000 for state and local politics.
COMMENT: And this doesn't include the teacher power available in virtually every precinct!

3. Ninety percent (90%) of all MEA supported candidates won elections in Michigan in 1974.
COMMENT: Let's take a bow and do better this time!

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By David McMahon

MEA President



Our political strength matures, and we'll use it

It's no secret to any of us that MEA has recently moved closer to the political limelight. Our increasing political clout in the form of MEA-PAC is drawing greater attention as well as respect from many parts of the political spectrum.

From a few hesitant steps four years ago MEA-PAC has developed its political strength to the point where MEA teachers are now acknowledged to be the most effective legislative-political organization in the state with one exception, that being the UAW. We're the "newest kid on the block" and political and business leaders are showing an increased respect for our ability.

An example is the recent seminar of the Lansing Area Chamber of Commerce. We were depicted as the "ogre" — out to pillage and plunder. Not too surprising, when you learn the Chamber selected the staff of the Michigan Association of School Boards for their resource people. We were credited with collecting a minimum of $429,000 for state and local politics and having 80,000 teachers available for in-kind political services. It was also reported that 90 per cent of all MEA-supported candidates won election two years ago.

Regardless of what the profit-oriented Chamber and its school board allies might think of us, the plain fact is that MEA teachers are a strong, rapidly emerging political force.

We are 90,000 strong, with teacher members in virtually every precinct in the state. And we have a growing army of allies from other public employee groups who are flocking to the coalition banner.

In 1976 we can definitely make some changes in Michigan's congressional and legislative faces. MEA teachers will be asking hard questions of those who seek our support. Our priorities—both state and nationally—must be brought before those full legislative bodies. Candidates willing to pry out items of concern out of committees and to work for their passage are the candidates who may expect MEA support.

The clout to obtain that type of commitment is there—and we choose to use it.

Civil Service teachers organize

JACKSON

There's a new MEA-NEA affiliate—the Civil Service Educators' Association (CSEA).

It is statewide in that its current nearly 200 members is composed of teachers assigned in various state institutions. Its president is Jim Carr, an education officer at Southern Michigan prison at Jackson.

Eric B. Hansen, former president of the Eaton Rapids Education Association who has been a bargainer for the Jackson County Education Association (JCEA/MEA-NEA) for the past few years, is consultant to the CSEA.

The CSEA had its genesis last summer when teachers at Southern Michigan prison sought and received JCEA assistance. The teachers were preparing for testimony before the Compensation Advisory Board (CAB) of Civil Service.

Impressed

A CAB member, impressed with the presentation of Southern Michigan prison teachers, wondered why it was made only by Southern Michigan prison teachers when the benefits of the testimony would accrue to all Civil Service teachers.

Impetus for Civil Service teachers to organize under MEA-NEA has come from evidence that Civil Service teachers are paid on an average of 25 to 30 per cent less than public school teachers.

Also, there has been a need expressed by Civil Service teachers to be represented by an organization of teachers.

The CSEA has hardly awaited its formal orgaization to start work. For example:

—With MEA help, it is building a case for extending collective bargaining rights to Civil Service employees.

—It filed a grievance and won reinstatement of a fired teacher.

—It has initiated an inquiry on behalf of correctional teachers who are currently classified as being ineligible for hazardous duty pay.

'Meet and confer'

The testimony presented on compensation for Civil Service teachers has resulted in the CAB forwarding two recommendations to the Civil Service Commission—one a management proposal and the other an employee proposal. This development, in itself, is considered progress under the present "meet and confer" arrangements that prevail under Civil Service.

The majority of Civil Service teachers are assigned in the following state institutions: Adrian training school; Cassidy Lake School, Chelsea; Maxey training school, Whitmore Lake; Ypsilanti state hospital; Clinton Valley center, Pontiac; Hawthorne center and northville residence training center at Northville.

Kalamazoo state hospital; Kalamazoo Rehabilitation Center for the Blind; Marquette prison; Michigan reformatory and Michigan training unit at Ionia; Muskegon Correctional facility; Pine Lake technical institute at Plainwell; School for the Blind, Lansing; School for the Deaf, Flint; Southern Michigan prison, Jackson; and Lafayette clinic Detroit.

The address of the SCEA is 710 Wildwood Ave., Jackson 49201.

In this issue...

Why senior citizens needn't hesitate in supporting millages... 4

MEA leaders gear up for Election '76... 5

Teachers rapidly reestablishing NEA in New York state... 6

MEA pioneers a new fringe benefit... 8

MEA issues guidelines on student teacher placement... 10



Getting ready for Election '76

Let's get with the solution to our problems!



Right: Michigan Democratic Party Chairperson Morley Winograd with Lillian Stoner, chairperson of the Democratic Educators' Caucus.

(Teacher's Voice Photos)



Above: Michigan Republican Party Executive Director Jerry Roe with Pat Sheet, chairperson of the Republican Educators' Caucus.

LANSING

Political action has a lot to do with the problems you face in your school and classroom. Political action provides the means to a solution.

This was a message of NEA Executive Director Terry Herndon to a room full of MEA teachers and leaders from throughout the state attending a recent political action conference at Lansing.

The conference, under the auspices of MEA-PAC, was designed to launch teachers into Election '76.

Here are the roles that teachers and teacher groups will be playing in Election '76:

Teachers will actively be seeking delegate roles in their respective political parties and/or political office.

Teachers and teacher PACS will be identifying, supporting, and winning victory for candidates who support public education.

Hearings for no dues increase proposal

EAST LANSING

Regional hearings on a "no dues increase" budget proposal for the 1976-77 school year were to end this month prior to final recommendations by the MEA Board of Directors at its April 2-3 session.

The number of Uniserv offices would be reduced from 39 to 41 under the current proposal being considered by members in the Regional hearings. An earlier plan had reduced Uniserv offices to 36, but a proposal to restore five was made by the Board at its March meeting.

The Board also indicated its intent to include a $150,000 appropriation for coordinated bargaining in the 1976-77 budget proposal. Restoration of the five Uniserv offices and funds for coordinated bargaining would require further budget adjustment by the Board in April.

After the hearings the MEA Board will complete its recommendations and forward them to the MEA Representative Assembly May 6-8 in Saginaw.

The no dues increase proposal is tied to a staff restructuring plan and built around a service center concept. It was developed by the MEA executive director in line with a December Board directive.

Under the plan the present six MEA-NEA Uniserv zone offices would be reduced to five, each equipped to provide basic membership services to local affiliates and staffed with specialists in instruction and development, communications, minority affairs and public affairs.

Specialists would come from both retrained Uniserv staff and reassigned central headquarters staff. Staff attrition is expected to absorb the necessary professional staff reductions.

Also circulating at the Regional hearings is a Region 7 budget proposal calling for a $3 increase in state dues. The proposal would maintain the current Uniserv program without the service centers and would reduce some services and staff in the central headquarters. The Board took no position on this proposal but voted to send it along as a discussion item at the hearings.



Above: Too much attention to the problem and not enough to the solution. From left: Charles Alexander, MEA political action consultant; and NEA Executive Director Terry Herndon.



Above: Bernard Nelson of Cass, MEA-PAC chairperson.

0040 10537

Teacher Impact Election

A new Congress and new Legislature taking their seats next month will show that teachers did it. And in a big way!

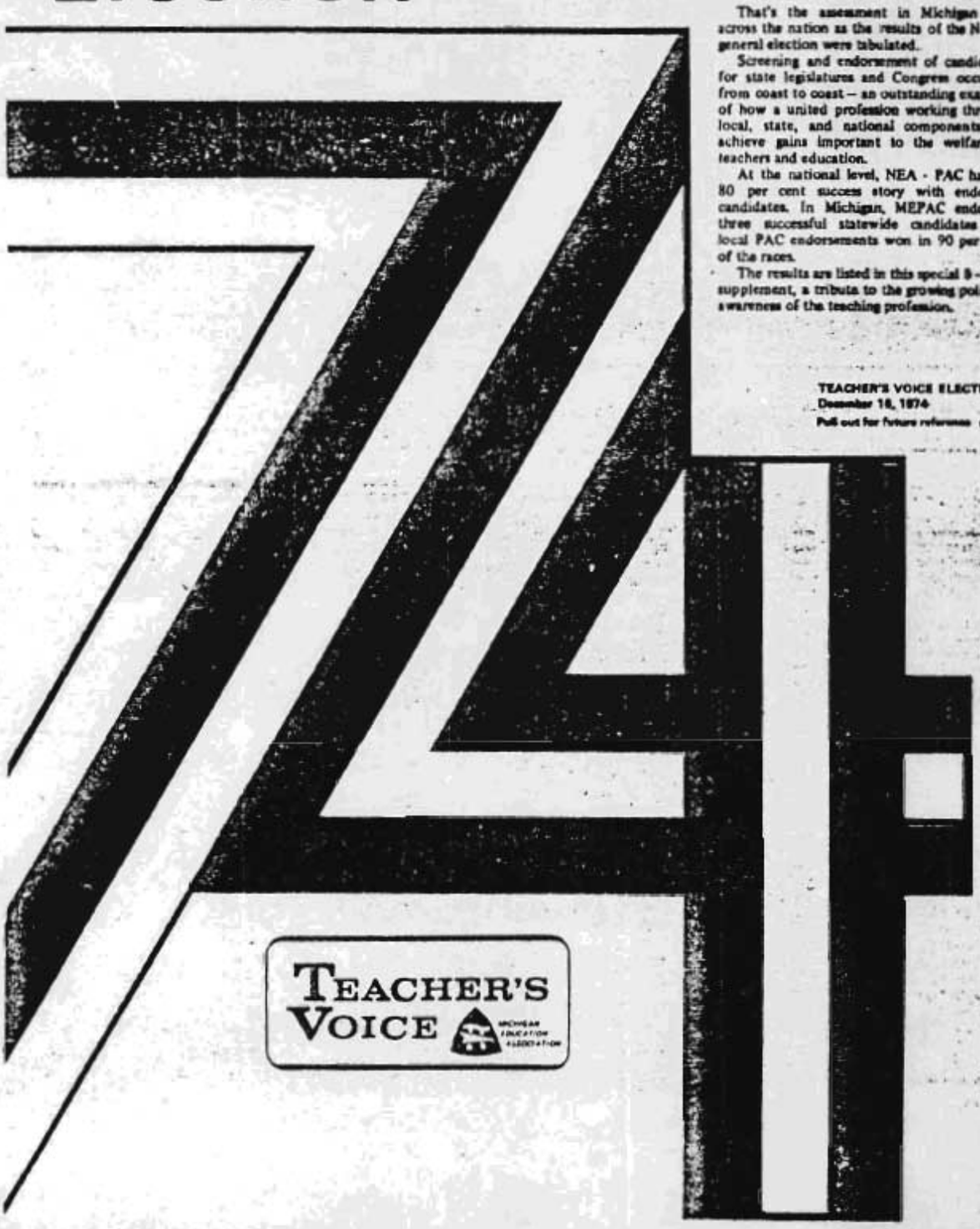
That's the assessment in Michigan and across the nation as the results of the Nov. 2 general election were tabulated.

Screening and endorsement of candidates for state legislatures and Congress occurred from coast to coast — an outstanding example of how a united profession working through local, state, and national components can achieve gains important to the welfare of teachers and education.

At the national level, NEA - PAC had an 80 per cent success story with endorsed candidates. In Michigan, MEPAC endorsed three successful statewide candidates and local PAC endorsements won in 90 per cent of the races.

The results are listed in this special 8-page supplement, a tribute to the growing political awareness of the teaching profession.

TEACHER'S VOICE ELECTION '74
December 16, 1974
Pull out for future reference



0 0 4 0 1 0 5 3 8

Our success on Nov. 5 demonstrates that teacher power is a reality



Rep. Richard VanderVeen (above) had the teachers while his opponent had President Gerald Ford. VanderVeen won in this race for the U. S. 5th congressional seat, which attracted national attention because it is Ford's old seat and Ford came to Grand Rapids to campaign for VanderVeen's opponent. VanderVeen is seen here as he spoke on the issues at a "meet the candidates" night for the 5th and 9th U. S. congressional districts, sponsored by the MEA's Region 9 council in Grand Rapids prior to the election.

(Photo by Robert Hauk)

I am very proud of the Utica teachers. Through their efforts we helped elect Jim O'Hara and James Blanchard to the U. S. Congress and elected Tom Guastello to the state Senate.

— Jim Prough
Utica PAC chairperson

EAST LANSING

Teacher political activity in Michigan has come of age.

Last summer hundreds of teachers throughout Michigan participated in screening and endorsing committees with one objective — to elect "winnable" friends of education to Congress and the Legislature.

MEPAC, the Michigan Educators Public Affairs Council, endorsed selected statewide races while local PACs concentrated on candidates for Congress and the Legislature. Endorsements were not made in all races. Teacher volunteers also aided local candidates by distributing literature, canvassing neighborhoods, and manning telephones to get the vote out on election day.

The record speaks for itself and for the finesse of teachers in politics:

Congress — 13 out of 19 candidates endorsed by local PACs with 13 winners.

Senate — 29 out of 38 candidates endorsed by local PACs, with 26 winning.

House — 70 out of 110 candidates endorsed by local PACs, with 62 winners.

"I can't help but feel excited about MEPAC's success in the November general election," said Ann Graham of Jackson, MEPAC chairperson, "and there's plenty to be excited about . . . the coming of age of our political program, teachers placing partisan considerations aside for the good of the profession, and the election of people more attuned to the needs of education today."

MEPAC endorsed candidates in

*Continued on next page



Gov. Milliken. . .
. . . endorsed, elected



Roberts. . .
. . . elected to SBE



Tilles. . .
. . . elected to SBE

0 0 0 4 0 2 1 0 5 3 9

Working to help good candidates win is quite different from 'buying' candidates







Teachers put their hard - earned dollars, a lot of them, into the '74 election. Money is, of course, essential, to help good candidates win.

Teachers also contributed many thousands of hours of work — in helping to coordinate campaign efforts and contacting groups, working with voter lists and telephoning, and stuffing envelopes and distributing campaign literature.

Such types of contributions come from commitment to good politics and are in marked contrast to the big dollar contributions by wealthy individuals, corporations, or other special interests whose obvious objectives are to "buy" candidates.

In the photo at the left (from left): Bill Howes, Utica teacher and Guastella committee treasurer; James Munroe, 9th senatorial ad hoc EA chairperson; state Senator - elect Thomas Guastella; James Johnstone, PAC member from Fraser; and Ray Chung, Utica EA president. Guastella is shown here receiving a check from teachers to help out with his campaign.

00402 0540

TEACHER'S VOICE ELECTION '74
December 18, 1974
Pull out for future reference

Teachers bring candidates into focus



Rep. Jack Gingrass of Iron Mountain comes into focus on the issues and his candidacy for reelection at a workshop of Upper Peninsula teacher - leaders prior to the election. Gingrass, with local PAC endorsement, won reelection.

(Photo by Paul Hewett)

It was the intent of EA PACs, locally and statewide, to bring candidates for office in Election '74 into sharp focus, particularly on education issues.

PAC endorsement machinery was set up to achieve that end. Here is how it functioned. Local PAC screening committees, with representatives from constituent units, screened candidates for political office. The screening involved written questions from the committee for reply by the candidates and individual interviews by the committee of the candidates.

From the data coming out of the written questions and interviews, plus other information (such as the voting and other records of incumbents), PACs made their decision on endorsement of candidates and explained those endorsements to constituent teachers in their areas.

Candidates were also welcomed or invited to EA - sponsored meetings to give rank - and - file teachers the opportunity to meet and hear the candidates in person.

It's "Meet the candidates" at the Grand Rapids Civic Center (below), sponsored by the MEA's Region 9 Council prior to the election. On one side of the platform are candidates for the 5th and 6th U.S. congressional seats and on the other side is a panel of state and local EA leaders. The Region 9 Council obtained the services of Cal Wierings, Channel 13 news anchorman, as moderator for the meeting.

(Photo by Robert Black)



American Arbitration Association
00040 10541
RECEIVED JAN 24 1978

VOLUNTARY LABOR ARBITRATION TRIBUNAL

In the Matter of the Arbitration between

GARDEN CITY PUBLIC SCHOOLS

- and -

GARDEN CITY EDUCATION ASSOCIATION

CASE NUMBER: 54 39 0578 76

AWARD OF ARBITRATOR

THE UNDERSIGNED ARBITRATOR(S), having been designated in accordance with the arbitration agreement entered into by the above-named Parties, and dated September 1, 1974 to August 31, 1976 and having been duly sworn and having duly heard the proofs and allegations of the Parties, AWARDS as follows:

The grievance is denied.

Arbitrator's signature (dated)
Jan 23, 1978

STATE OF
COUNTY OF } ss.:

On this day of , 19 , before me personally came and appeared

to me known and known to me to be the individual(s) described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

AMERICAN ARBITRATION ASSOCIATION

VOLUNTARY LABOR ARBITRATION TRIBUNAL

In the Matter of the Arbitration
Between:

Case No. 54 39 0578 76

GARDEN CITY PUBLIC SCHOOLS

- and -

GARDEN CITY EDUCATION ASSOCIATION

/

ARBITRATOR'S OPINION AND AWARD

APPEARANCES:

FOR GARDEN CITY PUBLIC SCHOOLS:
James Tobin, Attorney

FOR GARDEN CITY EDUCATION ASSOCIATION:
Wallace K. Sagendorph, Attorney

This grievance involves the interpretation of the "agency fee" provision of the 1974-1976 collective bargaining agreement between the Garden City Education Association and the Garden City Board of Education. The Association demanded that tenure proceedings be initiated against two teachers, Paul Chamberlain and Lore Chamberlain, for failure to tender fees allegedly owing to the Association pursuant to Article III, Paragraph B, of the aforementioned contract. The Board refused to initiate such proceedings resulting in the Association filing this grievance pursuant to the terms of the collective bargaining agreement.

RECEIVED JAN 2 4 1978

Paul Chamberlain has been a member of the Association since at least September 13, 1968, when he executed an authorization for the check-off of Association dues. Lore Chamberlain is his wife, and had been a member of the Association since at least February 4, 1969, when she too executed an authorization for dues check-off.

In the fall of 1974, Mr. Chamberlain was President of the Association. The fall of 1974 proved to be a difficult time for both the Association and the Board in reaching a collective bargaining agreement. As a result, the Association for the first four weeks of September, 1974, "withheld its member services" in the words of the Association, or "went on strike" in the words of the Board. This situation was ended by an injunction issued on or about September 27, 1974, by the Honorable Charles Kaufman, Circuit Judge for the County of Wayne, Michigan. As part of Judge Kaufman's Injunctive Order, the Association was required to report periodically to the Court regarding the progress of negotiations.

By November 8, 1974, a contract had not yet been agreed upon. On Monday, November 11, 1974, the Garden City teachers did not report for work. Viewing this as a violation of Judge Kaufman's Order, the Board instituted contempt proceedings against twelve members of the Association. Of the twelve contemnors, Mr. Paul Chamberlain was the only one not found in violation of the Court's Injunction on the basis of his refusal to support the Association's withholding of services. Subsequent to the contempt proceedings, Mr. Chamberlain was recalled as President by the Association. The

Association continued to withhold services until mid-December, 1974.

During the two work stoppages, the Association made available to all members who applied $200.00 in cash and $25.00 in food stamps. The Chamberlains applied for the benefits in May, 1975. The Association refused their request, alleging that the funds had been exhausted and that the Chamberlains had not demonstrated the requisite need. As a result, on June 27, 1975, the Chamberlains filed a lawsuit against the Association in the Common Pleas Court for the City of Detroit. This suit was subsequently dismissed. They also filed unfair labor practice charges with the Michigan Employment Relations Commission which are still pending.

On August 6, 1975, the Chamberlains corresponded with Mr. Edward J. Herships, Administrative Assistant for Finance for the Garden City Public Schools, and revoked the Board's authority to deduct Association dues from their paychecks. The Chamberlains' letter is as follows:

1051 - 27½ Mile Road
[illegible]schfield, Michigan 49[illegible]
August 6, 1975

Mr. Edward J. Herships:
Administrative Assistant, Finance
Garden City Public Schools
1333 Radcliff Street
Garden City, Michigan 48135

RE: 1. Article III, 1974-1976 Contract Agreement Between The Garden City Education Association And The Board Of Education Of The School District Of The City Of Garden City, Michigan (Contract); 2. Ms. Ann M. Riley letter, dated: 6/13/75 (Copy enclosed); and 3. picture captioned "Strikers get cash", page 3, Vol. 52, No. 7, Teacher's Voice, dated: 12/16/74 (Enclosed).

Dear Mr. Herships:

This is to inform you that all authority previously granted by we the undersigned under the provisions of Sec. A, Art. III of this and previous Contracts is herewith revoked.

Ms. Riley's, de facto, admission that we are not members in "good standing" and have not been, by implication, according to the Teacher's Voice, since on or before December 16, 1974 (Dateline of Teacher's Voice picture showing members in "good standing" receiving payments) leads us to believe that, neither we, nor the Board of Education are bound by the provisions of Sec. B, Art. III of the Contract for the following reason: The Contract carries no requirement for dues from teachers who have complied with Sec. A, Art. III and thereafter been reduced in membership status and/or expelled from the union, nor does there appear to be any binding commitment upon the Board of Education to terminate employment, when such persons subsequent to union denial of full membership or expulsion refuse dues or equivalency payments.

Sincerely,

Paul E. Chamberlain
Paul E. Chamberlain

Lore M. Chamberlain
Lore M. Chamberlain

Encl: Cpy Ms. Riley letter: 6/13/75
p. 3, Teacher's Voice: 12/16/74

cc: Mr. B. L. Snow, Superintendent
Mr. R. Dreheim, GCEA President
Mr. D. Wettlaufer, GCEA Treasurer

Receipt of the revocation letter was acknowledged by Mr. Ronald Wyszynski, Administrative Assistant for Personnel of Garden City Schools. This acknowledgement was made by the following letter with a copy to the Union:

"October 21, 1975

Mrs. Lore Chamberlain
c/o Farmington Elementary
Garden City, Michigan 48135

Dear Mrs. Chamberlain:

The attached payroll deduction authorization has been revoked per the instructions contained in your letter to Mr. Herships on August 6, 1975. (copy attached.)

No further deduction for Association dues will be made unless new authorization is received.

Sincerely yours,

Ronald L. Wyszynski
Administrative Assistant, Personnel

RLW:dh

cc: Mr. Daniel Wettlaufer, Treasurer, Garden City Education Association

Mr. E. J. Herships, Administrative Assistant, Finance"

A similar letter was received by Mr. Chamberlain.

In April of 1975, the Michigan Supreme Court upheld the firings of teachers in the Crestwood School District. See Rockwell v. Crestwood School District Board of Education, 393 Mich. 616 (1975). Thus, it is not surprising that the Crestwood matter was a subject of discussion among members of the Garden City Association when the teachers returned to school in the fall of 1975. As a result, on September 16, 1975, the Executive Board of the Association recommended to the Governing Board of the Association that the membership agree to assess itself $75.00 a piece for the benefit of "Fired Crestwood teachers." The Governing Board agreed and the assessment was made.

Following this assessment, the Treasurer of the Association, Mr. Daniel L. Wettlaufer, issued the following notice to all teachers employed by the Board:

"TO: MEMBERSHIP G.C.E.A.
FROM: D. WETTLAUFER TREASURER, G.C.E.A.
SUBJECT: DUES INFORMATION
DATE: SEPTEMBER 25, 1975

Garden City Education Association dues for the 1975-1976 school year will be $261.00. The cost breakdown for this year is:

$119.50	N.E.A.
5.50	N.E.A.P.A.C.
10.00	T.A.P.
26.00	N.E.A. (Includes N.E.A.P.A.C.)
25.00	G.C.E.A.
75.00	G.C.E.A. Crestwood assessment
$261.00	Total

For some people there are cost exceptions due to paid lifetime N.E.A. memberships or for those working towards life memberships. Please contact me at West High (427-8410) and I can convey your particular dues cost.

For those members who would like to pay their dues in one sum as opposed to paying in payroll deductions, I will be available until October 10 for such payment. This payment can be made by mailing your check to my home or sending it to West High in care of me. After October 10 dues payments will be paid through payroll deductions.

Sincerely

Daniel L. Wettlaufer

P.S. I'm sorry for the delay in the dues process this year, but we could not begin until the Crestwood assessment was settled."

The Chamberlains, apparently in response to this notice, wrote the following letter to the then Treasurer of the Association:

1051 - 27½ Mile Road
Litchfield, Michigan 49252
October 4, 1975

Mr. Daniel L. Wettlaufer, Treasurer
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

RE: #1 - Articles I & III, 1974-1975 Contract Agreement Between The Garden City Education Association And The Board Of Education Of The School District Of The City Of Garden City, Michigan (Contract); #2 - Section 10 (1) (c) & (2), Michigan Public Employment Relations Act (PERA); #3 - D. L. Wettlaufer letter, dated, September 25, 1975; #4 - Wayne County Circuit Court case: Abood v. Detroit Board of Education; #5 - 1975-76 GCEA Budget; and #6 - Ms. Ann W. Riley letter, dated, June 18, 1975.

Dear Mr. Wettlaufer:

Find enclosed our individual checks in amounts of $25.00, which represents a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative. Payment of MEA dues @ $119.50; MEA PAC @ $5.50; MEA TAP @ $10.00; NEA dues @ $25.00; NEA PAC @ $1.00; and GCEA Crestwood Assessment @ $75.00 have been withheld on the grounds that none of these dues and/or assessments meet the criteria of a service fee equivalent collectable from nonmembers of the exclusive bargaining representative (See; Ref. #1, #2, & #3, above).

Further, objections in concurrence with Judge Kaufman's decision (See; Ref. #4, above) are herewith formly registered against the violations of our constitutional protections for freedom of expression and association in the forced contribution of the following GCEA budgetary items included within the enclosed $25.00, service fee equivalent (See; Ref. #5, above); i.e., NEA Convention expense @ 1.9%, NEA Representative Assembly @ 0.5%; NEA Region 2 Council @ 0.8%, Urban Council expenses @ 0.1%, GCEA scholarship @ 1%, and GCEA Program & Awards @ 0.2%.

The Riley letter (Ref. #6, above) is cited as small portion of the evidence available proving our status as nonmembers of the exclusive bargaining representative via union official and clandestine acts.

Nothing contained in this letter is to be construed as a surrender of our claim to the $200.00, paid other union members prior to our expulsion, on or before December 31, 1974, nor to a prorata refund (approx. 66 2/3% of $176.00 or $117.33) of the difference between the required service fee equivalent and the full GCEA/NEA/NEA dues and assessments collected during the 1974-1975 school year.

Paul E. Chamberlain

Lore M. Chamberlain

The President, Mr. Robert J. Draheim, did not immediately respond to the Chamberlains. On November 12, 1975, he sent what appears to be a form letter to the Chamberlains, as well as to certain other teachers who had not paid the required Association assessments. This letter was as follows:

24350 Jay Road
Suite 6
Detroit, Michigan 48239
Area Code 313 537-8760

GCEA GARDEN CITY EDUCATION ASSOCIATION

CERTIFIED MAIL

November 12, 1975

Mr. Paul E. Chamberlain
1051 - 27½ Mile Road
Litchfield, MI 49252

Dear Mr. Chamberlain:

According to the Master Agreement (Article III), teachers who do not join the Garden City Education Association shall, as a condition of employment, pay a Representation Fee equal to the dues and assessment of the Garden City Education Association, the MEA, and the NEA. I am, therefore, returning your check as the amount is insufficient.

It is my duty to inform you that you have until November 26, 1975, to pay in full to the Garden City Education Association your dues and assessment, or an equivalent Representation Fee. A check for $261.00 should be made payable to the Garden City Education Association and forwarded to Mr. Daniel Kettlaufer at the address shown above.

As of this date, we have not received your application for membership, nor your authorization for deduction of the Representation Fee, nor a check to cover the payment for the Representation Fee.

If we do not receive written authorization from you by November 26, 1975, which will fulfill the contractual provisions, you will leave us no choice except to notify the Board of Education to comply with the Contract and begin dismissal proceedings.

Sincerely,

Robert J. Drabeim, President
Garden City Education Assoc., MEA-NEA

RJD:jwr

Enclosures

cc: M. J. Hart
Dr. K. Carman
E. K. Sagendorph
D. Kettlaufer

Mrs. Chamberlain received an identical letter dated the same day.

In early December, 1975, the Association notified the Michigan Education Association that the Chamberlains were dropped from the Association because of their failure to pay dues.

There was an attempt to resolve what had become a stalemate between the Chamberlains and the Association, by resort to counsel on both sides. The Chamberlains were represented by Mr. W. P. Baldwin of Albion, Michigan. The Association was represented by Mr. Wallace Sagendorph. The record does not reveal the substance of the negotiations between the parties, except that on December 8, 1975, the Chamberlains caused the following letter to be written to the Association President, Mr. Robert Draheim:

1051 - 27½ Mile Road
Litchfield, Michigan 49252
December 8, 1975

Mr. Robert J. Draheim, President
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

Dear Mr. Draheim:

In accordance with the agreement arrived at between Mr. Baldwin and Mr. Sagendorph, our respective attorneys, made known to us late Saturday forenoon, December 6, 1975, you will find enclosed our check for $372.00. This sum represents your claimed equivalent of two bargaining representative service fees, less the $75.00 Crestwood assessment.

In addition, formal protest is herewith registered against the forced collection of $119.50 for M.E.A., $5.50 for M.E.A.P.A.C., $10.00 for T.A.P., $25.00 for N.E.A., and $1.00 for N.E.A.P.A.C. (RE: Wettlaufer letter dated September 25, 1975).

You are also informed that we hereby apply for and expect no delay in a refund of the $5.50 N.E.A.P.A.C., and $1.00 N.E.A.P.A.C. collections.

Sincerely,

Paul E. Chamberlain

Lore M. Chamberlain

cc: P. C. Baldwin
R. L. Wyszynski

Mr. Sagendorph responded by letter to the Chamberlains with copies to their attorney and the Board indicating that the tender of $186.00 by each of them was not what he had agreed to. 1/. As a result, tender was thus refused by the following letter:

December 18, 1975

Mr. M. James Hart
Executive Director
Garden City Education Association
24350 Joy Road
Suite 6
Detroit, Michigan 48239

RE: Paul and Lore Chamberlain

Dear Mr. Hart:

We are in receipt of correspondence, sent to you by Mr. and Mrs. Chamberlain, of December 8, 1975, wherein they referenced an 'Agreement' between Mr. Baldwin and the undersigned.

1/ It is noted that the $186.00 represented all of the dues except the $75.00 Crestwood assessment fee. The breakdown is set forth in Mr. Wettlaufer's letter and is as follows:

$119.50	M.E.A.
5.50	M.E.A.P.A.C.
10.00	T.A.P.
26.00	N.E.A. (includes N.E.A.P.A.C.)
25.00	G.C.E.A.
75.00	G.C.E.A. Crestwood assessment
$261.00	Total

Please be advised that there was absolutely no "Agreement" reached between the undersigned and Mr. Baldwin regarding the payment by Mr. and Mrs. Chamberlain of any sum less than the full agency fee. It appears therefore that the amount that they have tendered to you is insufficient. We would advise that you return their check in the amount of $372.00 to them and renew your request for the full payment.

Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

WALLACE K. SAGENDORPH

WKS:co

cc: Mr. Philip C. Baldwin
Mr. and Mrs. Paul E. Chamberlain
Mr. Robert J. Draheim

Following this correspondence, there developed a series of correspondence between Mr. Sagendorph and the Board and subsequently the Board's counsel. To assist the reader in understanding the history of the dispute, these letters are set forth in their chronological order.

GARDEN CITY
PUBLIC SCHOOLS

1333 RADCLIFF
BOX 218 — GARDEN CITY, MICHIGAN 48135
Phone: 425-4900 Area Code: 313

BRACKEN L. SNOW, Superintendent
JOHN A. GIACOMINI, Assistant Superintendent
DONALD L. BEATTY, Assistant Superintendent, Curriculum

December 30, 1975

Mr. Robert J. Draheim, President
Garden City Education Association
24350 Joy Road, Suite 6
Detroit, Michigan 48239

RE: Mr. Paul Chamberlain

Dear Mr. Draheim:

Dr. Carman has asked me to respond to your letter to him dated December 19, 1975. Before the Board can make a decision concerning the request contained in your letter, it is necessary that you provide further information.

It is our understanding that for the current year the Association's charges to bargaining unit members are as follows:

$119.50	Michigan Education Association
5.50	M.E.A. Political Action Committee
10.00	Teacher Assistance Program
26.00	National Education Association (includes N.E.A. Political Action Committee)
25.00	Garden City Education Association
75.00	G.C.E.A. "Crestwood Assessment"

Please advise (1) which of the above items Mr. Chamberlain has paid and which he has not paid; (2) whether Mr. Chamberlain has lodged any objection with you as to his being required to pay any of the above amounts; and (3) what the Garden City Education Association has calculated as Mr. Chamberlain's fair share of the G.C.E.A.'s cost of negotiation and administration of the current agreement.

If Mr. Chamberlain has paid as much as or more than the $25.00 G.C.E.A. dues or as much as or more than his fair share of G.C.E.A. costs as referred to in (3) above, the Board would appreciate advice from you or your attorney as to the basis upon which you believe that the collective bargaining agreement, construed in the light of Section 423.210 of Michigan Compiled Laws and the case of Abood vs Detroit Board of Education, 60 Mich App 92 (1975), requires termination of Mr. Chamberlain's services.

Very truly yours,

Ronald L. Wyszynski
Administrative Assistant, Personnel

RLW:dh
cc: Mr. Robert Draheim at 31929 Warren, Garden City Michigan
Mr. Paul Chamberlain
Dr. Kenneth Carman, [illegible]

LEVIN, LEVIN, GARVETT AND DILL
1250 PENOBSCOT BUILDING
DETROIT, MICHIGAN 48226
CABLE ADDRESS
LEVLAW

January 7, 1976

Mr. Ronald L. Wyszynski
Administrative Assistant, Personnel
Garden City Public Schools
1333 Radcliff
Box 218
Garden City, Michigan 48135

RE: Paul Chamberlain
Lore Chamberlain
Geraldine Dial

Dear Mr. Wyszynski:

Your December 30, 1975 correspondence regarding the above referenced individuals has been referred to the undersigned for study and response.

Our review of the appropriate sections of the current collective bargaining agreement in effect between the Garden City Education Association and the Garden City Public Schools reveals that the Board of Education has expressly agreed that in the event a bargaining unit member fails to pay to the Association "a sum equivalent to the dues and assessments" established by the Association, the Board shall forthwith discontinue the services of that teacher. Indeed, the Board recognizes such failure to pay as "reasonable and just cause for termination of employment." We further note that the agreement provides the Association will "indemnify and save harmless the Board of Education" in the event that any bargaining unit member challenges the propriety of any sums payable to the Association as a condition of employment.

In view of the foregoing, we believe that the Board's scope of inquiry in matters involving nonpayment of agency fees is limited to whether, in fact, the dues and assessments established by the Association for bargaining unit members

have been paid. If they have not been paid, then the Board recognizes such nonpayment as reasonable and just cause for termination and must forthwith effect such termination. In the event all or any part of the agency fee is challenged by the agency payer, it is the obligation of the Association in an appropriate proceeding to indemnify and hold the Board harmless from any liability that resulted from the Board's actions.

Moreover, we believe that the Court of Appeals decision referred to in your letter, Abood v Detroit Board of Education, 60 Mich App 92 (1975) is inapplicable to the factual situation herein presented. No voluntarily funded political arm such as the Michigan Education Association Public Affairs Counsel, (MEA-PAC) existed in the Detroit Federation of Teachers at the time the Abood litigation was commenced. Garden City agency payers have the MEA-PAC contributions of $5.50 immediately refunded to them on the assumption that they do not choose to participate in the political activities of the Association. Thus we believe that the situation does not arise in which any agency payer would have an opportunity to object to the involuntary financial support of political candidates with whom he or she is not in sympathy.

The Board of Education has undertaken a contractual obligation to terminate bargaining unit members who failed to promptly pay those dues and assessments established by the Garden City Education Association. The Board has concurrently recognized such failure to pay as just and reasonable cause for such termination. The Association previously informed you that the three bargaining unit members above referred to have not paid any of the dues and assessments for the current year as is required in Article III of the agreement. We fully expect that the Board will honor its contractual obligation and terminate these individuals allowing the Association, pursuant to the indemnity and save harmless provisions in the agreement, to assume the responsibility of demonstrating that each and every item comprising those dues and assessments properly reflects current legislative and judicial attitudes.

Very truly yours,

LEVIN, LEVIN, GARRETT and DILL

WALLACE K. SAGENDORPH

WKS:cao

cc: M. James Hart

LAW OFFICES OF
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313 594-8910

SIDNEY P. MILLER (1894-1969)
GEORGE L. CANFIELD (1899-1964)
LEWIS H. PADDOCK (1894-1973)
FERRIS D. STONE (1902-1965)
SIDNEY P. MILLER, JR. (1924-1971)
LOUIS H. PEANO (1877-1963)

January 12, 1976

Mr. Wallace K. Sagendorph
Levin, Levin, Garvett and Dill
1250 Penobscot Building
Detroit, Michigan 48226

Re: Paul Chamberlain
Lore Chamberlain
Geraldine Dial

Dear Mr. Sagendorph:

Your letter to Mr. Wyszynski dated January 7, 1976 has been referred to me, as counsel for the Garden City School District, for attention and reply. I frankly find your letter quite puzzling on several counts, and must ask for further information concerning the Garden City Education Association's position, as follows:

(1) In the second paragraph of your letter, you state that the Board has agreed to discontinue a teacher's services in the event the teacher "fails to pay to the Association'a sum equivalent to the dues and assessments'established by the Association." You evidently quote from the third sentence of Section III-B of the contract, but your quotation is obviously incomplete. The contract phrase is "a sum equivalent to the dues and assessments referred to in Section A." (Emphasis added).

Section A, as you know, covers voluntary pay deduction authorizations, and refers to "membership dues of the Association as per the conditions on the form devised by the Association." The preamble to the contract makes it clear that "Association" means G. C. E. A., not M. E. A. or N. E. A. "Dues" obviously means dues, not assessments.

I am aware that many of the deduction forms voluntarily signed by teachers go beyond the scope of Section A and include dues and assessments of G. C. E. A., M. E. A, and N. E. A. This circumstance would not seem, however, to change the fact that the third sentence of Section B refers back to Section A, and that Section A speaks only to the dues of G. C. E. A.

Do you differ with this analysis? Does the Association take the position that every Garden City teacher must, on pain of being discharged, pay any and all sums (dues, assessments, contributions or whatever) which G. C. E. A. or M. E. A. or N. E. A. decides to levy?

(2) In the second paragraph of your letter, you state that the Board recognizes "such failure to pay" as "reasonable and just cause for termination of employment." The context indicates that by "such failure to pay" you evidently mean a failure to pay whatever dues and assessments are established by the Association. The contract says no such thing, of course. What it does say is that "the refusal of the teacher to contribute fairly to the costs of negotiation and administration of this and subsequent agreements" is recognized (by both parties, incidentally) as reasonable and just cause for termination of employment. A similar reference to sharing of negotiation/administration expenses appears at the very outset of Section B.

In view of this language, which your letter seems to ignore, is it not incumbent upon the Association to compute its costs of negotiation and administration of the agreement, and then demonstrate to the Board that the teachersin question here have not paid their fair share of such costs? If not, why not?

(3) In the second and third paragraphs of your letter you refer to indemnification of the Board by the Association, in the latter instance using very broad terms. I find indemnification language only in Section A, not in Section B. Are you saying that the Association would indemnify the Board fully (including damages, costs and attorney fees) from "any liability that resulted from the Board's actions" under Section B?

(4) In the third paragraph of your letter you say that the Board must "forthwith effect such termination." As I presume you know, these three teachers all have tenure status. Is it the Association's position

that they are nevertheless to be terminated "forthwith", and are not to have the benefit of charges, notice, due process hearing, etc. as provided in the Tenure Act?

(5) I do not understand the fourth paragraph of your letter, and must simply ask further questions:

(a) Does Mr. Wyszynski's letter correctly describe the Association's current charges?

(b) If the $5.50 MEA-PAC contribution is automatically refunded to all "agency payers", why is the contribution required in the first place?

(c) Does the NEA item of $26 in fact include an amount for "NEA Political Action Committee"? If so, how much? Would not such an item have the same status as the MEA-PAC item? If so, why is this amount not also refunded automatically to all "agency payers"?

(d) Do you construe the Abood decision as applying only to contributions for political purposes which the unit member may oppose? Would not its rationale extend to any purposes opposed by the unit member which are not directly connected with bargaining and contract administration costs?

(e) On what basis can the Association require payment of MEA and NEA dues, unless it shows that the sums involved are attributable to the costs of negotiation/administration of the G.C.E.A. contract?

(6) In the fifth paragraph of your letter you state that these three teachers "have not paid any of the dues and assessments for the current year." The District's information is to the contrary; each of the three teachers has notified the District of payment of a very substantial portion of the total sums claimed by the Association. In view of this conflicting information, I must ask again that you or the Association respond to the second and third paragraphs of Mr. Wyszynski's letters of December 30, 1975, specifying just which amounts (if any) each teacher has paid, what objections (if any) each teacher has lodged with the Association,

and what the Association computes to be each teacher's fair share of the Association's negotiation/administration costs.

(7) As you know, MCLA Sec. 423.210, as amended in 1973, permits only "a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative." If you claim that the Garden City agreement requires payment of dues and assessments of G.C.E.A., M.E.A. and N.E.A., on what basis can this be legally valid?

I would appreciate hearing from you concerning all of the foregoing at your early convenience, so that the Board of Education can know precisely what action it is being asked to take, and the precise basis for the Association's request, with respect to each of the three teachers involved.

Very truly yours,

James E. Tobin

JET hc
cc: Mr. Ronald L. Wyszynski

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BAYRE LEVIN
1898-1951
EARLMONT H. DILL
1901-1983
HORRIS GARVETT
1893-1971

February 17, 1976

Mr. James E. Tobin
Miller, Canfield, Paddock and Stone
2500 Detroit Bank & Trust Building
Detroit, Michigan 48226

RE: Paul Chamberlain
Lore Chamberlain
Geraldine Dial

Dear Mr. Tobin:

We correspond with you as a result of our recent telephone conversation wherein you, in behalf of the Garden City Board of Education, rejected our offer to meet and confer regarding our disputes with respect to the above referenced individuals. We are deeply disappointed that you and the Board saw fit to take this action. A conference in which our mutual concerns were advanced could have resulted in agreements resulting in far less time and expense than the avenues to which we are apparently now committed.

We are also concerned with your pronouncement that anything we write or say to you in connection with these members of the Garden City faculty will be immediately released to the press. We are mindful of the public nature of the Garden City Board of Education and the public responsibilities with which it is charged. We believe, however, that circumstances sometimes arise in which the interests of the parties to a contract are better served, if at least in the first instance, some private discussion can be held.

FEB 18 1976

With the foregoing thoughts in mind, we turn to your letter of January 12, 1976, answering the questions posed seriatim.1/

1. We remain firmly convinced that the parties' intent in Article III of the current collective bargaining agreement was to measure the agency fee by the "dues and assessments" of members referred to in Section B of the contract. We believe that this language satisfies the provisions of Section 10(1)(c) of the Public Employment Relations Act, MCLA 423.210(1)(c); MSA 17.455(10)(1)(c), wherein the legislature specifically authorized agreements between public employers and public employee groups that require "as a condition of employment that all employees in the bargaining unit pay to the exclusive bargaining representative a service fee equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative." (Emphasis supplied)

Since the Garden City Education Association is, as you well know, affiliated with the Michigan Education Association and National Education Association, and members pay combined dues to all three entities, the "dues uniformly required of members" of the Garden City Education Association include the dues of the GCEA, MEA and the NEA.

Thus in answer to your first question, we very emphatically differ with your analysis of the contractual language. We are also of the opinion, as stated to you on the telephone, that the decisions of the National Labor Relations Board with respect to whether "assessments" are included in the requirement of non-union employees to pay "the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership," 28 USCA 158(a)(3), are not applicable to our situation. We believe

---

1/ After a review of the Constitution of the Garden City Education Association and recognition of the fact that Mrs. Geraldine Dial has made a partial payment of her membership dues and has recognized liability for the remainder, we have withdrawn the tenure charges filed against her. Thus you need no longer be concerned with Mrs. Geraldine Dial. Our disputes remain regarding Paul and Lore Chamberlain.

and the Board recognizes that "membership dues" can include assessments as in, for example, the case of Mrs. Dial. We also believe that the inclusion of assessments in the term "dues uniformly required of members" is a proper construction of the Michigan statutory language.

2. The nature of the agency payer's obligation, as we have stated, is established by the contract as "dues and assessments of members." Any attempt by the Board to renegotiate at this late date the contractual language to provide for local dues only or a so called "fair share" formula is bordering on interference with the internal affairs of the GCEA and an attempt to so alter the terms and conditions of employment in the district as to discourage membership in the GCEA.

3. Insofar as question three is concerned, we agree that the indemnification language in the contract extends only to "sums improperly checked off and remitted to the teacher organization plus necessary and reasonable costs, including attorney fees, incurred by the Board in connection therewith."

4. Your question number four is answered by saying that we would be the last group to deny tenure rights to any teacher.

5. Question five is answered as follows:

(a) We believe Mr. Wyszynski's letter correctly sets forth the current dues structure of the Garden City Education Association as affiliated with the Michigan and National Education Associations.

(b) This is a practice that has grown up within the Association. It is currently under review and may possibly be changed.

(c) The fee of $1.00 which is included in the NEA item of $26.00 is treated exactly the same as MEA-PAC.

(d) We do not construe the Abood decision as holding anything other than the fact that the 1973 amendments to Section 10 of PERA are constitutional and that the amendments to that Act are not retroactive in effect. The dicta suggest two alternatives for refunds to agency payers for political contributions.

We had, well prior to the time the Abood decision was announced, chosen that alternative which provides for immediate reimbursement to any agency payer of that portion of his or her agency fee which is attributable to the political activities of the local, state and national associations.

(e) We have previously answered this question.

6. We should note that Mr. and Mrs. Chamberlain have tendered sums to the Association which the Association has rejected as not being sufficient to satisfy our agency fee obligations. Thus as of this writing, neither Paul nor Lore Chamberlain has paid any agency fees. We should also remind the Board of Education that notwithstanding its contractual obligations, these individuals remain employed and remain free to flout the obligations that others have freely and voluntarily assumed.

7. We have previously answered this question.

We call upon the Board to decide no later than Tuesday, February 24, 1976 whether it intends to honor its contractual obligations and immediately commence termination proceedings against Paul and Lore Chamberlain.

Very truly yours,

LEVIN, LEVIN, GARVETT and DILL

WALLACE K. SAGENDORPH

WKS:cao

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KENT E. SHAFER

SIDNEY T. MILLER (1884-1940)
GEORGE L. CANFIELD (1888-1952)
LEWIS H. PADDOCK (1888-1934)
FERRIS D. STONE (1882-1945)
SIDNEY T. MILLER, JR. (1884-1931)
LOUIS H. READ (1877-1943)

February 20, 1976

Wallace K. Sagendorph, Esq.
Levin, Levin, Garvett and Dill
1250 Penobscot Building
Detroit, Michigan 48226

Re: Garden City School District
Paul Chamberlain
Lore Chamberlain

Dear Mr. Sagendorph:

Receipt of your letter of February 17, 1976 is acknowledged. While not quite all of the questions posed in my letter of January 12, 1976 have been answered, I believe you have given the Board sufficient response to enable it to reach a decision.

I should note that I am certain the Board will not be in position to make its decision by the February 24 date which is mentioned in the last paragraph of your letter. The deliberations of yourself and your client on this matter have taken approximately five weeks. The Board will not need that long, but will certainly not be able to give adequate consideration to this important matter and reach a decision thereon before March 8, which is the date of its next regular meeting after the regular meeting scheduled for this next Monday, February 23.

I should say further that I regard the first two paragraphs of your letter as both unnecessary to the business at hand and inaccurate. Detailed rebuttal of your interpretation of our telephone conversations would serve no useful purpose, but I do wish to point out at the very least (1) that it was the Association which put this matter on a formal, public basis, at the very outset, by addressing a formal letter to the Board President, accompanied by purported formal "Charges"; (2) that the Association's formal action obviously required formal response,

which was made; (3) that in these circumstances the Board had every right to ask for formal, written answers to the questions posed in my letter to you of January 12, as opposed to "private discussions"; and (4) that "private discussions" between only two of the three points involved in this triangle would hardly have been appropriate in any event.

I note finally that I made no "pronouncement" that anything you wrote or said would be "immediately released to the press." What I did say was that I had to remain free to report any of our discussions or communications to my client, the Board of Education, and that since (through the Association's action) this case was now very much a matter of public record and would be dealt with by the Board in public, I could not agree to your suggestion that any discussions or communications would be confidential.

I am sure you and the Association will be promptly advised as soon as the Board has reached its decision in this matter.

Very truly yours,

James E. Tobin

James E. Tobin

JET hc

Following this exchange of letters, the instant grievance was filed. Again, so that it is clear what the Association's position is, the attachment to the grievance is reproduced here in full and is as follows:

ATTACHMENT TO GRIEVANCE OF
GARDEN CITY EDUCATION ASSOCIATION AGAINST
GARDEN CITY PUBLIC SCHOOLS BOARD OF EDUCATION

Mr. and Mrs. Paul Chamberlain are tenured public school teachers employed by the Board of Education for the Garden City Public Schools (hereinafter: "Board"). Mr. Chamberlain was, during part of the 1974-1975 school year, the President of the Garden City Education Association (hereinafter: "Association"). During the fall of 1974 Mr. Chamberlain was recalled from office by a majority vote of the Association members. Mr. Chamberlain and his wife, Mrs. Lore Chamberlain, thereafter resigned form the Garden City Education Association and took no active part in Association activities.

On June 5, 1975, Mr. and Mrs. Chamberlain instituted an unfair labor practice charge proceeding against the Association, alleging that the Association "conspired" to interfere with rights guaranteed under the Michigan Employment Relations Act, 1947 PA 335, as amended MCLA 423.21 et seq; MSA 14.455(1) et seq. This matter has been adjourned indefinitely through agreement between the parties.

On June 27, 1975, Mr. and Mrs. Chamberlain applied to the Association for financial assistance under the Teachers Assistance Program. This assistance was denied because they did not personally appear and apply for such payments, personal appearance being a required procedure.

On June 27, 1975, Mr. Chamberlain, together with Mrs. Chamberlain, filed individual suits against the Association in the Conciliation Division of the Common Pleas Court of Detroit, the suits being assigned numbers 4-365-417 and 4-365-418, respectively. Pursuant to motions brought by the Association, both cases were dismissed, the Court ruling that the Association was under no contractual duty to pay benefits under the Teachers' Assistance Program to non-members such as Mr. and Mrs. Chamberlain.

Subsequent to the commencement of the 1975-1976 school year, Mr. and Mrs. Chamberlain failed to join the Association, preferring to retain their non-member status and pay "agency fees", pursuant to Article III of the current Collective Bargaining Agreement between the Association and the Garden City Board of Education. Article III (B) provides in part that,

> "in the event that a teacher shall not join the Association and execute an obligation, for dues deduction in accordance with Section A of this ARTICLE, such teacher shall, as a condition of continued employment by the Board, cause to be paid to the Association a sum equivalent to the dues and assessments referred to in section A." (Emphasis added).

Mr. and Mrs. Chamberlain tendered to the Association checks amounting to $186.00 each, which amount represents the dues and assessments uniformly required of members of the Garden City Education Association, less a $75.00 "Crestwood Assessment", which both Mr. and Mrs. Chamberlain refused to pay.

On information and belief, the Association says that the reason Mr. and Mrs. Chamberlain have refused to pay this part of their agency fee obligation is because of a desire on their part to retaliate against the Association for the failure of their lawsuit. Any alleged objection on the grounds of a refusal to support the activities of the Association is wholly spurious in that both Mr. and Mrs. Chamberlain, particularly Mr. Chamberlain, have been active in Association affairs for many years. Mr. and Mrs. Chamberlain, as agency payers, are also relieved of the responsibility for paying $1.00 to the National Education Association Public Affairs Council (NEA-PAC) and $5.50 to the Michigan Education Association Public Affairs Council (MEA-PAC).

After repeated demands by the Association for payment of the full amount of dues and assessments uniformly required of members, and after repeated refusals on the part of Mr. and Mrs. Chamberlain to tender their agency fees, the Board of Education was asked in December of 1975 to institute tenure proceedings leading to the termination of employment of both Mr. and Mrs. Chamberlain. Charges as required by the Michigan Tenure of Teachers Act, 1937 PA 4 (ex sess), as amended, MCLA 38.71 et seq; MSA 15.1971 et seq, were filed by Mr. Robert J. Draheim, President of the Association, against Mr. Paul Chamberlain on December 9, 1975 and against Mrs. Lore Chamberlain on December 19, 1975.

Subsequent to the filing of these charges there ensued an exchange of correspondence between the Association and representatives of the Garden City Public Schools relative to the amount of dues and assessments uniformly required of members of the Garden City Education Association and the use to which each element of those dues and assessments is directed. After supplying to the Board a substantial amount of information regarding the internal affairs of the Association, the Board on March 8, 1976 determined that the $186.00 payments tendered to the Association by both Mr. and Mrs. Chamberlain "more than fulfill any obligation imposed upon them by Article III of the collective bargaining agreement as a condition of continued employment..."

Section B of Article III of the Agreement provides that if a teacher employed by the Garden City Public Schools fails to pay the required agency fees for a period of 30 days following the commencement of the teacher's employment, "the board agrees that in order to effectuate the purposes of the Public Employment Relations Act of this Agreement, the services of such teacher shall be discontinued." By its action on March 8, 1976 the Board of Education of the Garden City Public Schools has willfully failed and refused to perform its contractual duties to terminate the employment of Mr. and Mrs. Chamberlain upon their failure to remit the full agency fee within 30 days of the commencement of their employment with the school district.

The Association believes that the action of the Board of Education was motivated in large part by desire to exploit to its own advantage internal differences among members of the

bargaining unit of teachers employed by the Board. The Association believes this is the reason why the Board chose to summarily pass on the merits of this matter rather than allow the entire matter to be aired in a tenure proceeding.

The foregoing is submitted with the express understanding that additional factual information may be included in the Association case at any time subsequent to the filing of this grievance, to and including an arbitration hearing, if any.

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The crux of the issue between these parties lies within Article III §B of the current agreement. §B must be read in conjunction with §A. Article III in its entirety is as follows:

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ARTICLE III

Deductions for Professional Dues

A. Teachers may at any time have the option of signing and delivering to the Board an assignment authorizing deduction of membership dues of the Association as per the conditions on the form devised by the Association. Such sum shall be deducted in equal installments from the regular salaries of such teachers and remitted not less frequently than monthly to the Association. The Association will indemnify and save harmless the Board of Education for all sums improperly checked off and remitted to the teacher organization plus any cost, including attorney's fees, incurred by the Board in connection therewith.

B. It is recognized that because of religious conviction, or otherwise, some teache object to joining any organization engaged in collective bargaining. At the sam time, it is recognized that the proper negotiation and administration of collecti bargaining agreements entail expenses which are appropriately shared by all teach who are the beneficiaries of such agreements. To this end, in the event a teache shall not join the Association and execute an authorization for dues deduction in accordance with Section A of this Article, such teacher shall, as a condition continued employment by the Board, cause to be paid to the Association a sum equivalent to the dues and assessments referred to in Section A. In the event tha such sum shall remain unpaid for a period of thirty (30) days following the commen ment of employment of the teacher, the Board agrees that in order to effectuate the purposes of the Public Employment Relations Act and this Agreement, the servic of such teacher shall be discontinued. The refusal of the teacher to contribute fairly to the costs of negotiation and administration of this and subsequent agreements is recognized by the parties as reasonable and just cause for terminatic of employment.

The first issue to be decided is whether the collective bargaining agreement between the parties requires the institution of tenure proceedings against the Chamberlains for refusal to pay the Crestwood assessment.

The parties have an essential disagreement over the proper interpretation of the contract language. The Board relies on the last sentence of Article III, Section B, and asserts that "This language makes inescapable the conclusion that the parties specifically agreed upon the standard to be applied for Tenure Act proceedings; that standard was a teacher's refusal to contribute fairly to the costs of negotiations and administration of the labor agreement". 2/ The Board takes the position that the $75.00 assessment for the purpose of creating a relief fund does not fall within the category of costs of negotiation and administration. Since the Union failed to provide a breakdown of the costs of negotiation and administration, the Board argues that there is no showing that the Chamberlains have failed to pay the amount called for by the contract. Thus, according to the Board, institution of tenure proceedings is not required by the contract.

The Association position is that the contract requires that non-members pay all dues and assessments uniformly required to be paid by members. The Association points out that "assessments" are specifically referred to in the third sentence of Article III, Section B: "To this end, in the event a teacher shall not join the Association and execute an authorization for dues deduction in accordance with Section A of this Article, such teacher shall, as a condition of continued employment by the Board, cause to be paid to the Association a sum equivalent to the dues and assessments

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2/ Brief for employer, p. 3.

referred to in Section A." Section A, the checkoff provision, refers to "dues of the Association as per the conditions on the form devised by the Association." On that authorization, which is called a "continuing membership application," the member authorizes "the Board of Education to deduct local, Michigan and National Education Association dues and assessments." Thus, the Association contends that not only Section B, but Section A as well, by virtue of the reference to the Association authorization, includes assessments. The Section B reference back to Section A, according to this reasoning, is not a reference to dues alone but also to assessments.

The Association asserts that the last sentence of paragraph B which recognizes a teacher's refusal "to contribute fairly to the costs of negotiation and administration of this and subsequent agreements as just cause for termination" is a general statement of policy to the effect that non-members must contribute their fair share of the costs of maintaining the Union. The Association's position is that any other interpretation would be in direct contradiction to the third sentence of Section B.

Interpretation of this agreement like the interpretation of any contract requires that the arbitrator attempt to ascertain the intent of the parties as expressed in the written words of the agreement. As pointed out by the Elkouris in How Arbitration Works, (BNA, 3d Ed. 1973), p. 297, "An ambiguity in a contract usually means that the parties have failed to express that intent with clarity. Sometimes, however, an ambiguity may mean more. It may mean that there never was any meeting of the minds."

The Association is correct in asserting that the Section B reference back to Section A does include assessments by virute of the incorporation by reference of the Association's form which specifically employs the phrase "dues and assessments." Without the inclusion of the last sentence of Section B it would appear that the parties intended that payment of all dues and assessments by non-members is a condition of employment and thus refusal to comply with this condition would constitute "just cause" for discharge.

Nevertheless, the fact of the matter is that the parties did agree to the inclusion of the final sentence of Section B and the Arbitrator must attempt to reconcile what appear to be two varying standards.

The Association's attempt to diminish the significance this language by labeling it a policy statement is unconvincing. As pointed out by Arbitrator Vernon L. Stauffer in Beatrice Foods Co., 45 LA 540, 543 (1965),

> "It is academic that the interpreter of contractual provisions must where possible and practicable give meaning to all provisions and avoid rendering as surplusage language which the parties have agreed upon."

The policy statement argument does essentially render this language surplusage and for that reason is not acceptable. A similar idea was expressed by Arbitrator James T. Burke in Borden's Farm Products, Inc., 3 LA 401, 402 (1945) as follows:

> "The fact that more words were added must have some significance; they cannot be considered as mere surplusage."

Even in cases where it is impossible to ascertain the intent of the parties, arbitrators have attempted to give meaning to the agreement. In such a case, Capital Borg Dry Cleaning Co., 8 LA 586 (1947), Arbitrator Ralph S. Rice wrote as follows:

> "It is impossible to decide the issue on the basis of the agreement itself, which is obscure and self-contradictory. Nor is it possible to settle the claims of the parties on the basis of a mutual intention at the time the agreement was made, since it is clear that no mutual intention existed. Under these circumstances it becomes the obligation of the Board, to interpret the provisions of the agreement in such manner as will most equitably adjust the disagreements of the parties and furnish a stable basis for future conduct under the agreement."

Any attempt to interpret this provision might very well include an assessment of existing applicable law inasmuch as the contract expressly incorporates both State and Federal law. Article II provides in part as follows:

> "A...
>
> "As a duly elected body exercising governmental powers under the laws (or color of law) of the State of Michigan, the Board agrees that it will not, directly or indirectly, discourage, deprive, or coerce any teacher from enjoying any rights conferred by Act 379 of the Michigan Public Acts of 1965, other laws of the State of Michigan, or laws of the United States. ***
>
> "B. Nothing contained in this Agreement shall be construed to deny or restrict any teacher rights granted under the laws of the State of Michigan and/or the laws of the United States."

The language of Section B in particular makes it clear that the Agreement cannot be interpreted by the Arbitrator in such a way that the rights of a teacher guaranteed by law would be denied.

In Abood v. Detroit Board of Education, ____U.S.____, 52 L. Ed. 2d 261, 1977, the United States Supreme Court held that the First Amendment protected an employee who objected from being compelled as a condition of employment to contribute to activities unrelated to collective bargaining.

The payment of the assessment to aid striking Crestwood teachers could be viewed simply as a charitable contribution to a select group of individuals, and if so viewed the assessment might be held to be unrelated to collective bargaining. On the other hand, it could be argued that what happened in Crestwood, from an Association standpoint, could have a profound effect on the ability of Garden City Education Association as well as other associations to negotiate certain benefits for their members.

But this Arbitrator, by virtue of Article XV, Level Four, has "no power to alter, add to, or subtract from terms of this Agreement." Thus this Arbitrator does not have the authority to decide the question of the value to the Garden City Education Association of a contribution to Crestwood teachers. Article III, Section B, of the contract refers to "a refusal ... to contribute fairly to the costs of negotiation and administration of this and subsequent agreements." [Emphasis added]. The agency fee by the terms of this contract must be related to the "negotiation and administration of this and subsequent agreements."

The language in Article III, Section B, incorporates the reference to dues and assessments as contained in the membership authorization, mentioned in Article III, Section A. Although the

last sentence of Article III, Section B, would suggest an inconsistency with the rest of Section B, the fact of the matter is that this last sentence is a limitation on the operation of Section B.

Admittedly this last sentence predates Abood. Nevertheless it anticipates possible perimeters that might be dictated by the end result of Abood. In ordinary English usage, the terminology "this and subsequent agreements" cannot be expanded to include a contribution to Crestwood even if such an expansion is consistent with Abood. This is a limitation which the parties themselves have agreed to. This Arbitrator has no authority to modify the parties' agreement set forth in Article III, Section B. The language of this contract dictates that the Chamberlains were not under any obligation to pay the $75.00 Crestwood assessment. For this reason the grievance must be denied in this respect. However, the Chamberlains did tender under protest a check for $372.00 representing the $186.00 tender each for other dues and assessments. See the letter of 12/8/75. This tender was refused. The denial of the grievance here is conditioned on the tender being reinstituted. However, the Chamberlains retain the right, if they so desire, to seek the administrative remedies for agency fee payors established by the Michigan Education Association Board of Directors and to which the GCEA adheres. See Reply Brief of Garden City Education Association footnote 1 at page 3. This is a unique situation involving an arbitration case properly filed in addition to timely objection to the payment of the agency fee. Thus, it is proper to invoke the aforementioned internal remedy if necessary. By arriving at this result, however, this

Arbitrator does not mean to imply directly or indirectly that all agency payors who tendered fees in the past can utilize this procedure. This is a policy matter for the GCEA.

AWARD

1. The grievance is denied provided Paul and Lore Chamberlain retender $186.00 each. The Chamberlains shall have the right to invoke the internal remedies as established by the Michigan Education Association as to a pro rata refund policy. If the Chamberlains should fail to tender the $186.00 each, this matter is to be returned to the Arbitrator for further disposition.

GEORGE T. ROUMELL, JR.
Arbitrator

Dated: January 23, 1978.

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FIRST CLASS MAIL

FROM
NATIONAL
RIGHT TO WORK
LEGAL DEFENSE
FOUNDATION, INC.

8316 Arlington Blvd
Suite 600
[illegible], Virginia 22038

TO:

Kenneth A. Gross, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION

SWORN STATEMENT
OF
WILLIAM GORDON ENGEBRETSON

ORIGINAL

Sworn statement of WILLIAM GORDON ENGEBRETSON taken in Department No. 4 Courtroom of the Superior Court of the State of Washington, in and for Yakima County, Yakima County Courthouse, City and County of Yakima, State of Washington, on the 7th day of December, 1977, at the hour of 6:00 o'clock p.m.

In attendance were:

William Gordon Engebretson
Route 2, Box 2776
Toppenish, Washington 98948

Kenneth A. Gross, Attorney
Federal Election Commission
1325 "K" Street Northwest
Washington, D. C. 20463

Ida I. Holte, Court Reporter
P. O. Box 1113
Yakima, Washington 98907

WILLIAM GORDON ENGEBRETSON

Being first duly sworn by Mr. Gross to testify the truth, the whole truth and nothing but the truth, testified on his oath as follows:

IDA I. HOLTE
OFFICIAL COURT REPORTER
YAKIMA, WASHINGTON

MR. GROSS: This is the sworn statement of William Gordon Engebretson, and in that it is just a sworn statement, I do not believe we have any stipulations that we have to enter into other than the fact of whether the signature on the statement will be waived.

Mr. Engebretson, do you wish to waive signature?

THE WITNESS: Yes.

MR. GROSS: Okay.

BY MR. GROSS:

Q Could you state your name for the record, please?

A William Gordon Engebretson.

Q And your address?

A Route 2, Box 2776, Toppenish, Washington.

Q Zip code?

A Oh. 98948.

Q And your telephone number?

A 509 865 3746.

Q And what is your occupation?

A I teach art classes in Toppenish.

Q Who is your employer?

A Toppenish School District.

Q How long have you been teaching?

A This is my fourth year.

Q Has all of that been in Toppenish?

A Yes. Except I have also worked summers in, I have taught

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for the Yakima Indian Nation.

Q That's fine. Are you a member of the local union, if there is a local union representing the teachers in your area?

A Yes, I am.

Q And you hold a position on that union, is that correct?

A Yes.

Q What is that position?

A President.

Q How did you become president? Were you elected, or what happened?

A I was elected president elect, and -- at the beginning of the school year our president quit, and I became the president.

Q So just by virtue of the president resigning, you rose from the elected position of president elect?

A Um-hum.

Q DO you have a business office as the president of the local union, or an office that you work out of?

A No.

Q Do you have a business telephone number at work?

A No.

Q Nothing like that?

A No.

Q How is the union structured? First of all, what is the name of the union that you are president of?

A The local is the Toppenish Education Association.
Q How is that structured? In other words, is this a local union?
A Yes, this is.
Q And it deals with a particular school district?
A Okay. Yeah. All the members are teachers in the Toppenish School District, and it is just a local.
Q And would you say that each school district within the State of Washington has its own respective local union?
A Just about.
Q And how many individuals do you represent in your local association?
A Approximately 120.
Q Are these all teachers?
A There are, I think, a school nurse and an audiovisual man, maybe a couple of others that aren't teachers.
Q And in that this is a local union, you are affiliated with a state and national, is that correct?
A (Nods head)
Q And what is the name of that?
A The state is the Washington Education Association and the national is the National Education Association.
Q And your local is just one of many that is affiliated with both that state and national?
A Yes.

Q Do you know about how many there are in the State of Washington?
A Not really. I would guess about one for every city or town in the state.
Q Do you know the address of the Washington Education Association?
A 910 Fifth Avenue, Seattle, Washington 98104.
Q Do you know the names of any of the board members for WEA or Washington Education Association?
A Gail Spicer. I don't know others.
Q So that's the only one that you know of, but there are others?
A Um-hum.
Q Do you know about how many there are?
A Not exactly.
Q And, of course, the Washington Education Association is affiliated with the National Education Association?
A Right.
Q So it is just one major affiliated chain from your perspective?
A Um-hum.
Q That's correct?
A Yes.
Q Do you have any direct contact with the national?
A No. Aside from newsletters.

Q So everything you do is through the state education association. It is run through that, all the contact that you would have with the national?

A Yes.

Q Are you aware of any contractual relationships that you may have with the Washington Education Association or the National Education Association, or local arrangements, or whatever?

A No -- by our constitution and the WEA's constitution, you have to be a member of all three to be a member of any one in the state. Also there's a contract between WEA's districts, I believe, about the dues transmittal.

Q So, in other words, you cannot decide you want to be a member of the Washington Education Association and not be a member of the Toppenish Education Association or not be a member of the National Education Association? Either all or none?

A Right.

Q And you have some other agreements with them concerning the transmittal of dues, is that what you said?

A Yes.

Q As well as political contributions?

A Yes.

Q Does the Toppenish Education Association, the local that you are the president of, have a political action committee?

A Yes.
Q What is the name of that?
A Just PAC, local PAC.
Q So you call it Toppenish Education Association, Political Action Committee?
A Usually just Political Action Committee.
Q Is it registered with any agency, state or federal?
A I don't know.
MR. GROSS: Let's go off the record.
(Off-the-record)
Q Are you aware of any contributions that the Toppenish Education Association PAC has given to any candidates?
A No, I am not aware of any.
Q How is this local PAC funded, or do you have any funds?
A The money that's collected through the WEA comes back to our UniServ District. Then the local PAC can request from the UniServ District PAC for local campaigns, such as a school board member or something.
Q You have mentioned UniServ. Could you explain exactly what that is?
A Okay. The State of Washington is broken down into, oh, ten or 14 districts that, well, to provide services for the locals basically, and each district, I guess, depending on size of the district, has some staff persons that are available to have, to help the locals.

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Q Are they representatives of the locals or --

A No. The, the representatives in the district usually have some sort of say in about who is getting hired, but they are just paid staff.

Q They are strictly staff people hired by WEA. Are they teachers or --

A Well, one of the persons here in Yakima was formerly a teacher, and I suppose that's probably true for a lot of them, but I don't know.

Q So from what you have stated, the only means of obtaining funds for the local PAC is through the WEA or the UniServ. Do you have any way of collecting or soliciting funds for the local PAC?

A There isn't any regular way. We have no dues deductions or anything for that.

Q Are you aware of any moneys that the local PAC has received even?

A No.

Q Does the Washington Education Association have a Political Action Committee?

A Yes, called PULSE.

Q And is this organization an organization that the Toppenish Education Association transmits whatever moneys it may collect from its members, political moneys that it collects from its members to WEA/PULSE, Washington Education

Association/PULSE?

A That's correct. Yeah.

Q Who decides in what manner the funds are collected and what candidates receive the moneys that are contributed by WEA/PULSE?

A I am not completely certain on how the decision was made as to collection. But the candidates is off, it starts off with a recommendation by the WEA Board of Directors to the PULSE, and then it is acted on usually, it is usually, you know, acted upon at the state level.

Q Does the local have any input into those decisions?

A I suppose recommendations could be made, but they are not consulted, or we don't have a vote to find out.

Q I see. Do you have any legal or contractual relationship with the WEA/PULSE that you are aware of, or some oral understanding with them?

A Basically that the money will be transmitted to them by the guidelines of the WEA; that anybody that doesn't follow procedures will have to pay money to them.

Q So that's probably a matter of the constitution as well, as far as you know, or are you not sure?

A I am not sure if it is written in the constitution or not.

Q Do you have any direct relationship or understanding with NEA's Political Action Committee, or is everything run through the WEA/PULSE?

A As far as I know it is run through NEA.
Q So, in other words, whatever moneys that you may collect from the state level, political moneys that you would collect at the local level, even if the money is earmarked for the national, you send all this money to the state?
A Right.
Q Is that correct?
A Um-hum .
Q Are you familiar with the dues collection process of NEA and its various affiliates, this whole process of collection of dues and political contributions?
A It is usually collected at the beginning of the year. There is provision made for either a payroll deduction or a cash lump-sum payment. The association dues are continuous until such time as the member directs that they be stopped. They continue from year-to-year. If you sign on once, you are on there until you tell them to stop. The political dues are deducted automatically unless you tell them to stop.
Q Okay. Let me get into that a little bit on a question-by-question basis. First of all, do you know what the break-down is of the dues as far as local, state and national, approximate figures or something along that line?
A In the book -- (indicating).
Q Yes, you may use the manual to refresh your memory.

A Okay. According to the manual the NEA is $30, and the WEA is $105. PULSE is $10. NEA-PAC is $1.00.
Q Do you know approximately what the local dues are?
A I am not sure exactly, but it comes out to around $190.
Q Including the political action contributions?
A Yeah.
Q Does that include money for UniServ as well?
A Yes.
Q In that you just pay dues to them as you do to the national and state affiliates?
A (Nods head).
Q Is that correct?
A Right.
Q And what part does the local union pay in this dues collection process?
A The, the local passes out the forms, and informs the, our school district offices of what people are having deductions made and what people are not.
Q What forms are these?
A There are two forms. There is a form for becoming a member, and that one, once that's been signed, that's continuous from each year unless you are told to stop it at the beginning of the year.
Q Okay. Before you go on about that particular form, that's an enrollment form, and you filled it out when you come to

the school district, and you never fill it out again? It is a one-time situation as far as you know?

A Not exactly. This year we had something called a verification form, which was basically the same thing as an enrollment form, that was to be filled out again, even by people who were members.

Q This is the only year you had a verification form?

A Right.

Q And previous years they nev er used a verification form. You just didn't fill out any further enrollment form -- it was a continuing membership situation?

A Right.

Q Do you know why this year they may have used a verfication form?

A In some of the packets there's something about to revise their bookkkeeping.

Q So as far as you know, it was just an administrative matter?

A I think so.

Q Other than that you don't know of any other reasons? At least those were the reasons that they expressed to you?

THE WITNESS: Could I --

MR. GROSS: We'll go off the record.

(Off-the-record)

Q As far as this verification form is concerned, was there any reference on there to a continuing membership situation?

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A It was restated that, once that the membership was begun it would continue year-by-year until such time as the individual chose to withdraw from the association.

Q So in essence, it verified the continuing membership?

A Right.

Q As well as that particular year?

A Right.

Q And in that way it differed from a new form possibly just for that particular year? It was verifying the continual relationship?

THE WITNESS: Could I go off the record?

MR. GROSS: Okay.

(Off-the-record)

Q So as far as this enrollment form was concerned, did it differ in any way from the form that the new members had to fill out?

A It was basically the same form.

Q The verification form was basically the same form as the new member form?

A Right.

Q What part does the local school board play in the collection of the dues and assessments and contributions?

A At the time that the education association transmits the knowledge of which people are asking for deductions, the school district makes the deductions throughout the year.

Q So their role is a mechanical role through the deduction process?
A Right.
Q And is it within the discretion of each employee in nearly every case, as a teacher, as you have stated, to fill out a check-off authorization form, or may he or she use the alternative of a lump-sum cash payment of their dues at the beginning of the year?
A Okay. You have an alternative of making that lump-sum payment.
Q And the directives that you give, or the information that you relate to the school board, once someone has authorized a payroll deduction, would there be any circumstance that would create a disparity of deductions among employees by the school board?
A Different people would have different deductions for, oh, medical insurance. Some people may choose to have a certain amount of medical insurance. Others may choose to have a smaller amount or none at all. There's also differences in deductions for salary insurance.
Q What about a teacher coming on later in the school year? Would he or she pay the same dues or would he or she have the dues taken out at the same rate as one coming on at the beginning of the year as far as you know?
A As far as I know if, that the amount of, the deduction is

changed, if the person has been maybe enrolled in the education association a month or so late. THen their deduction is divided by a smaller number of months, the months remaining.

Q So from what you have stated, with teachers coming on later in the year, and variances of exercising options under the health plan and the insurance plan and -- what about in the instance of life members? WOuld that cause a disparity in the deductions by the school board from each teacher?

A Yeah. There's a different sum. I think there are actually three different sums for life members, depending on the years they were enrolled, the date of their enrollment, and then also some people that are paying up life memberships or otherwise by cash just have no sum, no deduction at all.

Q So it doesn't concern the school board in the least whether certain people are having certain sums taken out and certain employees are having other sums? It doesn't have to be a uniformity of deductions?

A THey don't have to be uniform, but it helps a little bit for the secretaries to have it, to have most of the things done at the beginning of the year, and later in the year it helps if they find out things before about the tenth of the month so they can get on the payroll, but that's about it.

Q When I say "uniform" I don't mean uniform from month-to-

month. I mean uniform among teacher-to-teacher.

A Oh. There's no problem at all. They just put it on their computer.

Q Suppose a teacher -- when I say "teacher" I am referring to all the employees in your bargaining unit that you represent, since you indicated that nearly all the employees are teachers -- suppose he or she does not wish to contribute to the Political Action Committee of the state and national associations, but wanted to pay the other dues and wished to have a check-off deduction, did not exercise the lump-sum cash payment, how could the teacher go about doing that, or could the teacher refuse to pay the political contribution part?

A There's a separate check-off blank for people that don't wish to pay the political dues. According to the WEA guidelines, it is available for one week at the beginning of the school year. If it is not filled out by the deadline that is set, the dues are automatically deducted.

Q So, from the check-off authorization form, itself, there is no way that a teacher can refuse to make a contribution on that form, itself, if they want to authorize a deduction, if they want to have a payroll deduction?

A The beginning of the enrollment form?

Q Right.

A That's correct. There are two separate forms.

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Q Okay. I was going to get back to that. I know that we had gone into the one form, and I think it is appropriate now to explain the second form. Basically, what we established was that for continuing teachers there was a verification form, and for the new teachers there was a very similar enrollment form. Now, what was the other form filled out at the beginning of the school year?

A The other one is the political action option form.

Q Okay. So the enrollment form authorizes the payroll deduction, itself?

A Yeah.

Q And there's no way on the face of that form to refuse to contribute to the Political Action Committee?

A Right.

Q But you have stated that there was a second form that made it possible for a teacher to refuse to pay or to somehow invalidate the money that would ordinarily be automatically taken out on the authorization form?

A Yes.

Q And how would the teacher go about, what would be the practicalities of obtaining, getting this form and filling it out and making sure that his contribution wasn't automatically taken out, or taken out of his pay check?

A All the forms for new members, and this year the verification for continuing members, and some pamphlets on what the

organization was doing, and some, and various kinds of information like that were provided by the WEA through the UniServ District to each local, and that packet of materials contained the political check-off forms. Although in the case, at least in Toppenish, there were not -- there weren't enough forms for the number of members.

Q What do you mean by "not enough forms"? How many forms did they give you, and how many people -- there were more people obviously that wanted a refund?

THE WITNESS: Could I go off the record?

MR. GORSS: Yes.

(Off-the-record)

Q You have indicated that there were not enough forms, or there was some problem with the forms in obtaining a refund. How bad was the problem?

A Well, everything else, there was one thing, one pamphlet or form for each member, and of the political forms there were possibly enough for possibly, about a sixth of the members. Maybe 20 forms or so at the most.

Q And you have stated that there were about 120 members in your union?

A Right.

Q And how many expressed a desire, approximately how many expressed a desire to not contribute to the Political Action Committees?

A About 80.
Q Eighty out of 120?
A (NOds head)
Q And you had, like you say, maybe 20 or so forms to give them, as far as you can remember?
A Um-hum. Right.
Q So what did you do?
A We copied the forms, made our own forms, and I included those people on the list that we sent to WEA.
Q Did you encounter any problems in copying these forms?
A The board member.
Q The board member? Who?
A A WEA board member that happens to be in our school told me I had no right to provide those forms to the members.
Q Do you know who that was?
A Gail Spicer.

THE WITNESS: May I --

MR. GROSS: Go off the record.

(Off-the-record)

Q So after you reproduced these forms to supply a sufficient amount for the people in your unit, when the member of the board of WEA who happens to be in your local district found out about it, she indicated that you had no right to do it, is that what you are saying?
A Right.

Q Do you know how many employees in your unit chose to pay a lump-sum cash payment as opposed to the check-off authorization?

A Not -- no, I don't. There were -- I can recall approximately six checks we received of people that did pay lump-sums. But I am not sure of the total. The treasurer usually handles that.

Q As far as you know, most of the people were using the payroll deduction?

A I believe so.

Q Is there any other means of paying your dues in your local district other than through the cash payment or the payroll deduction? Are there any other alternatives?

A No.

Q Is one required to pay dues or representation fees in your district? Can a person choose not to be a member?

A Yeah, a person could choose not to be a member or not pay.

Q So in that situation, you do not have an agency shop clause applicable in your jurisdiction?

A Right.

Q Is that by your own choice in your particular local, or is it allowed by state law?

A The WEA has recommended, as a matter of fact, directed all locals to negotiate with the school boards for an agency shop. In the case of Toppenish --

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Q Is that an oral directive or a written one?
A Let's see. It was written in one form as one of the major goals of negotiating for this year. It was written.
Q In what? Just a communication?
A To the negotiators.
Q But just in letter form or something like that?
A (Nods head).
MR. GORSS: Let's go off the record.
(Off-the-record)
A (continuing) Personally I am against the idea of an agency shop. When I expressed those feelings, a UniServ staff person indicated he would not provide negotiating services to us if our local didn't include that as one of our proposals to our school board.
Q So you expressed, as the president of the local, that you did not desire to have or bargain for an agency shop clause, and the representative from UniServ disagreed or would not go along with that. What exactly happened?
A Also the rest -- it was presented as a proposal, but our school board --
Q What was presented? In other words, the union proposed to the school board to have an agency shop clause?
A And it was turned down by the school board.
Q So despite the fact that you, as the president of the local, expressed that you did not want it, it was put into the

proposal. Why is that?

A There are many members in our association that wish to have it.

Q I see. So just speaking as the president you were not necessarily representing the sentiments of your constituents?

A Right.

Q We may have covered this in some fashion, but I'd like to get into the control factor again. What control does NEA or WEA have over the means that your local uses in collecting dues and political contributions?

A Let's see. A part of our agreement, the negotiated agreement between the local and the school board, states that the dues will be transmitted by the automatic payroll deduction to WEA to be passed out, including our local dues, which go to the WEA and come back.

Q In other words, you don't even retain your local dues? Everything goes to WEA, and then they send it back to you?

A (Nods head)

Q But suppose your local wanted to use a different means of collecting dues or political contributions? Could you do that, or how does WEA make sure that this system is used?

A There isn't probably a way that they --

Q I guess what I am asking you is since this thing appears to be, this system would be established at the collective

bargaining level, what influence do they have over that process, does WEA have over the bargaining process?

A Okay. THe people that do most of the negotiating for most of the associations are paid staff of NEA.

Q Through UniServ?

A Through the UniServ thing, and, for instance, the state goals which they negotiated came through them.

Q So suppose you took a vote in your local, let's say, about an agency shop situation, and it came out that the people in your district that you represent did not want an agency shop clause, and that would be against the goals of WEA, as you have stated; what would happen in that instance?

A I am not certain. I believe just -- if it got that bad, or they decided it was that bad, they could decide that we were not affiliated with them, but --

Q Would they ever adopt a resolution of the local-by-local vote that was antithetical or against the overall purposes or directives of WEA?

A There has been in the guidelines that which said that individuals that did not follow the guidelines of WEA could be disaffiliated. I don't know.

Q Individuals? Would they be disaffiliated, in other words, dropped as a member of the union?

A Right.

Q That would be the only disciplinary action that you know of?

A Yeah. I don't know if that could be, that action could be taken up for the whole association or what process they would go through, but --.

Q I see. So from what you have said, if there's a disagreement between the aims of WEA, apparently carried out through UniServ and the local, the alternative may be dropping or disaffiliation or something like that. The sentiments of the local on an important issue as far as you know would not change the position of the people who bargain on your behalf?

A I, I think that there would be, probably would be changes if somebody stood up enough, although I don't know if it would be enough to, you know, dissuade the state or anything.

Q Do you actually take a vote on certain issues, or is it just most of the time the UniServ representative comes in, bargains on behalf of the local, and establishes a contract? What part does the local play in the bargaining process?

A Okay. The local, the state guidelines, as I said, are brought by the, from the state, and those are part of our package. Other things are rate of pay and some of our fringe benefits, some classroom conditions. Things of that nature are usually done or figured through a survey of the members.

Q What do you think would happen in a situation of changing

the efforts to collect political contributions? Is there ever discussion along that line?

A At the Washington Education Representative Assembly about a year ago, there was an attempt made to make the check-off continuing, so that if somebody wanted to get out of that PULSE, they'd only have to say so once and not every year, and it was voted down.

Q Just to reiterate and clarify, the actual process of check-off and the process of negating that check-off, or at least expressing a desire not to contribute, in narrative form, if you could, just reiterate it. It may be helpful.

A Okay. At the beginning of the year you need to get a hold of a PULSE/NEA-PAC option form and have that filled out by a deadline. If the deadline is not met, the school district is authorized to deduct, authorized and required to deduct those dues for the following year.

Q So are these forms that are used for refusing to pay or expressing a desire not to have the money deducted from your pay check, when are they distributed?

A At the beginning of the year with other materials.

Q And besides this other problem of not having enough forms, you indicated that if the teacher does not fill out this option to have the money not taken out of the pay check, the money will be automatically taken out?

A Right.

Q And you stated that the form for refusing to have the money taken out must be submitted within a certain period of time?
A Right.
Q What time period is that?
A According to the WEA guidelines, there's a one-week open period.
Q One-week open period?
A (Nods head)
Q So if this form is not filled out, requesting that the money not be deducted within one week from the beginning of the school year --
A There's some -- what was it? It was stated from the beginning of the school year and, or maybe the second week of the school year.
Q So let's just say beyond the second week of the school year at best?
A Yes.
Q If the form was not filled in and returned, the money would automatically, the political contributions would automatically be deducted from the teacher's pay check?
A By the guidelines, yes.
Q By the guidelines. Now, these guidelines are issued every year in written form?
A I am not certain. Since I have been president or been an

officer only this year, I have only seen one copy of the guidelines, and that's the current one.

Q Okay. We have a copy of the guidelines here. It is for the year 1977-1978. If you could identify what's called the "Membership Enrollment Guide, 1977-78" as the guidelines, you are referring to that, is that correct?

A Right.

MR. GROSS: All right. I would like to attach this as an exhibit, if we might, and just call it Exhibit 1 to the statement.

(Membership Enrollment Guide 1977-78 marked for Identification as Statement Exhibit No. 1.)

Q So, if a teacher wanted to get his money back, once it was deducted beyond the second week of school, his political contribution money back, is there any means that he or she could obtain it?

A No.

Q Have you received complaints about this system from people in your unit?

A Many. As a matter of fact, many of the people that have checked out or opted out of the political action program have done so more for the way the dues are being collected than the actual disfavor with what's going on in political action.

Q So there are people who wanted to get their money back and did not or could not, is that correct, in your unit? Do you know of people?

A There was, there was at least one form that we received after the deadlines.

Q How about people who didn't bother to fill out the form because they thought they had missed the deadline? Do you know of people like that?

A We have, I haven't. I don't know of any people like that.

Q And what happened to this person who filled out the form after the deadline ? You don't know?

A I haven't seen the payroll sheet, but supposedly their money is being deducted.

Q So since the form was submitted late, they weren't able to opt out of the system?

A (Nods head).

Q Are you aware of any attempts to collect contributions or solicit contributions from non-members within your district?

A No.

Q Do you happen to be aware of any practices in some of the other local affiliates, where there may be an agency shop arrangement, of the solicitation of non-members?

A Not directly.

MR. GROSS: Go off the record.

(Off-the-record)

Q We have touched upon this already, but I am wondering if you could be a little more explicit on what procedures are folbwed, if any, prior to making, prior to WEA-PULSE making a contribtion or NEA-PAC making a contribution?

A I am not certain of the NEA-PAC procedures. The WEA-PULSE generally gets a recommendation from the WEA Board of Directors, and then they act on that.

Q So, does the local affiliate have any input into those decisions?

A Recommendations could probably be made, but at the time the decisions are made, we aren't asked to affirm them or anything like that.

Q Do you know of any recommendation that your affiliate has made as to federal candidates, as to a contribution given to a federal candidate?

A No, I don't know of any instances of us, our local making a recommendation.

Q Do you know of any oral directive or written directive that indicates that there is supposed to be some consultation with the local affiliates before moneys are contributed by WEA-PULSE or NEA-PAC?

A No. I haven't heard of anything like that.

Q Are you aware of any contributions that have been given to federal candidates this year by WEA-PULSE or NEA-PAC?

A There was a news release that stated that the WEA had given

money to Marvin Durning. I can't remember the district. But, nobody -- I don't know as far as we. The first time I heard it was on the radio when it was announced.

Q So not only was there no consultation, but you weren't even made aware of this contribution that was given as the president of the local affiliate?

A I wasn't president at the time. I was vice-president at that time.

Q You were vice-president. Okay.

Do you know the name of the person that filled out one of these forms not to have the money deducted and the board went ahead and deducted it anyhow?

A I can't remember that.

Q Who instructs the board not to deduct the money or to deduct the money?

A At the beginning of the year the treasurer, and probably with the president's help -- whatever officers of the local -- fill out a list that contains that information.

Q Suppose you wanted to, as president of the local, include a name of a person who filled out this form much later in the school year, or even after the two-week period or the one-week period that they have to submit the forms, what would happen in that instance?

A I am not certain exactly. THere's a chance definitely for the president at the beginning of the year to, you know,

stretch the deadline, I suppose, but later in the year --
Q What would be later in the year do you think?
A Say after a couple of pay checks, after the deduction had been made, it would be.
Q Well, when did this person submit his request not to give?
A I think I got, I think it came in after about the first pay check of the year or something.
Q And that was too late?
A Yes.
Q And in that instanc e it was too late?
A Um-hum.
Q You described two problems with the procedures in refusing to give the political contributions; namely, not having enough option forms, as well as the time limitation on which you can submit the form. Are you aware of any other practical impediments to refusing to contribute?
A Some of the people that have been in the association for a while and some of our building reps said in the past that they have held on to the forms, and that if a person wanted to make or get the form, they had to, you know, go through the, come up and argue and, you know, give every reason why they needed that form, and they tried to talk them out of it. They weren't just laying on the table, or they weren't just easy to pick up.
Q And who was giving out these forms?

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A Some of our building reps. That's mostly for communication and -- inside the local each building has an elected representative.

Q I see. So these forms were not easily made available? There were some problems in obtaining them?

A In the past.

Q In the past?

A Yeah.

Q So it is basically up to the people who are handling it at the local level how easy it is to get these forms?

A Right.

Q Are you aware of any other representations or representations that are made when the form is being given out one way or the other to encourage or discourage giving?

A No.

Q And what sort of complaints have you been receiving from people that are in your affiliate?

A Okay. People that I have --

Q As far as the political contributions are concerned.

A People that I have talked to often just say that the money is there, it belongs to them, and they don't see how somebody could force them to sign a paper just to keep their own money. That's sort of the basic one. I think it's been a concern that, about the time limits, of course, just that they, you know, people would like to stop or

start at their will, not somebody else's.

MR. GROSS: Off the record.

(Off-the-record)

MR. GROSS: I have no further questions.

(Statement Concluded)

CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I, IDA I. HOLTE, Official Court Reporter in and for the State of Washington, residing at Yakima, hereby certify that the foregoing statement of WILLIAM GORDON ENGEBRETSON was reported by me in Courtroom No. 4 of the Superior Court of the State of Washington, in and for the County of Yakima, Yakima County Courthouse, in the City of Yakima, Washington, on the 7th day of December, 1977, at the hour of 6:00 o'clock p.m. of said day; that at the taking of said statement the Federal Election Commission was represented by MR. KENNETH A. GROSS, Attorney;

That the witness was first duly sworn on oath to testify the truth, the whole truth, and nothing but the truth, whereupon he was orally interrogated and made answer as appears in the foregoing statement; that the questions and answers were taken by me in machine shorthand and thereafter

IDA I. HOLTE
OFFICIAL COURT REPORTER
YAKIMA, WASHINGTON

reduced to typewriting by me, and that the reading over by or to the witness of his said statement, and his subscription thereto, were by the witness, himself, expressly waived.

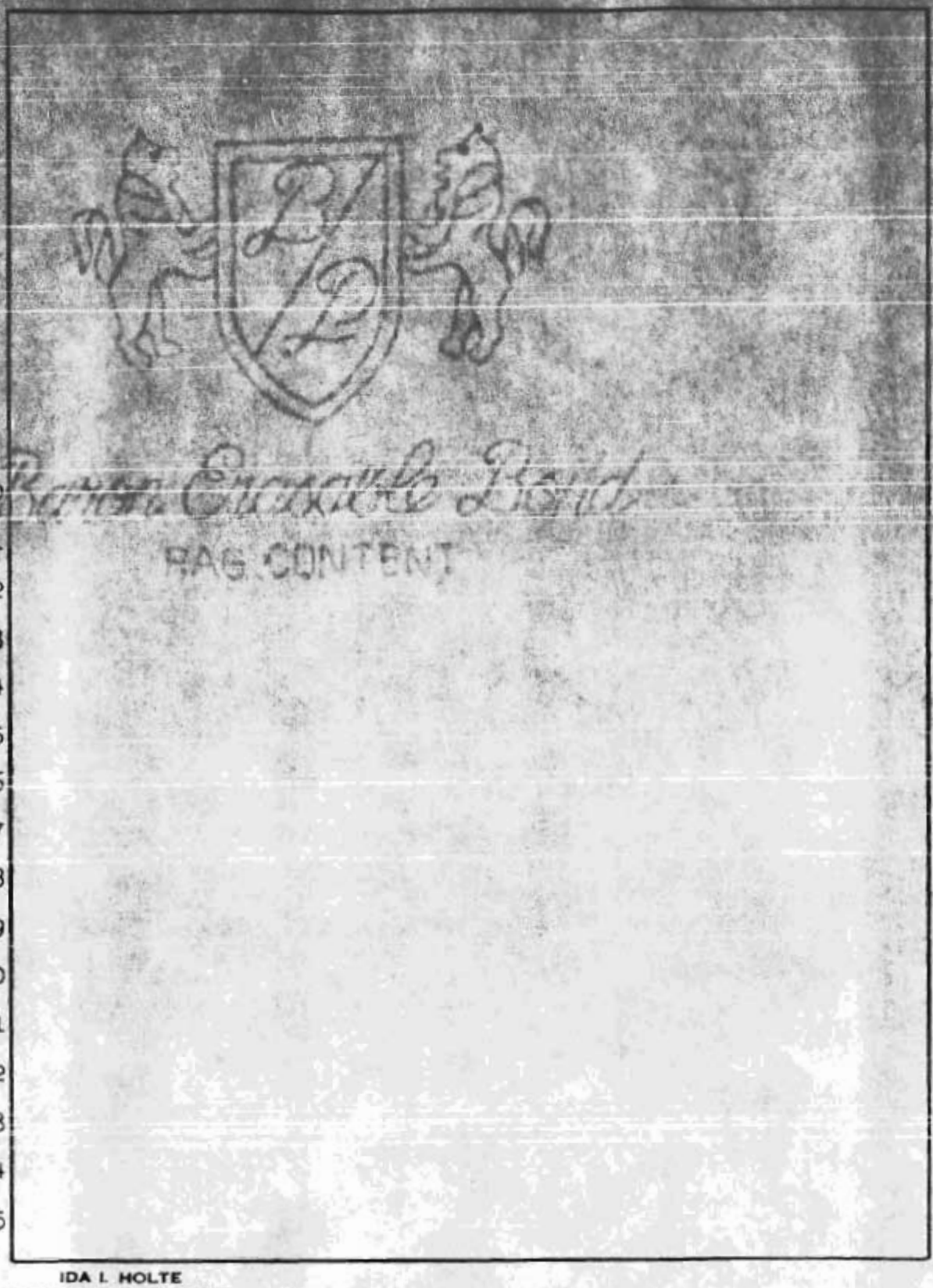
DATED this 10th day of December, 1977, at Yakima, Washington.



Ida I Holte
Official Court Reporter

Roger Oracle Bond
FLAG CONTENT

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IDA I. HOLTE
OFFICIAL COURT REPORTER
YAKIMA, WASHINGTON

MEMBERSHIP ENROLLMENT GUIDE

1977-78

FOR LOCAL AFFILIATE:

PRESIDENTS

TREASURERS

MEMBERSHIP CHAIRPERSONS

WASHINGTON
EDUCATION
ASSOCIATION

810 Fifth Avenue • Seattle Washington 98104

EXHIBIT NO. 1
IDA I. HOLTE
NOTARY PUBLIC
12/1/77
Witness: Mrs. B. Eggleston
Susan Stutzman

IDA HOLTE
OFFICIAL COURT REPORTER
YAKIMA, WASHINGTON



FROM:

Ida I. Holte
P. O. Box 1113
Yakima, Washington 98907

FIRST CLASS

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TO:

MR. KENNETH A. GROSS, ATTORNEY
FEDERAL ELECTION COMMISSION
1325 "K" STREET NORTHWEST
WASHINGTON, D. C. 20463

FOUNDED 1863

California Teachers Association
OFFICE OF GENERAL COUNSEL
1705 Murchison Drive, Burlingame, Ca 94010 (415) 697-1400
1125 West Sixth Street, Los Angeles, Ca 90017 (213) 482-5660

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Reply to: Burlingame

703536 November 29, 1977

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

Attention: Charles N. Steele
Associate General Counsel

Your Reference: MUR: 293(76)

Dear Mr. Steele:

This will refer to your letter of November 22, 1977, addressed to the President, California Teachers Association.

We are represented in this matter bv Robert H. Chanin, Esq. whose address is 1201 Sixteenth St., N.W., Washington, D.C. A copy of this letter has been provided Mr. Chanin. I expect that you will contact him with reference to your inquiry.

Very truly yours,

PETER T. CALIANO
General Counsel

PTG:lgp

cc: Robert H. Chanin, Esq.

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California
Teachers
Association

1705 Murchison Drive
Burlingame, California
94010

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

Attention: Charles N. Steele
Associated General Counsel

77 DEC 5 AM 10:

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