



NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC.
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January 4, 2005

Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2005 JAN 10 A 10:34

Re: MUR 5612

Dear Mr. Jordan:

Thank you for your December 20, 2004, letter that you sent my client, Mr. Stefan Gleason, indicating that our most recent submission needed to be notarized.

Before I get to the substance of your letter, please note that you have not corrected your records to indicate Mr. Gleason's current address. You will find attached a previous letter that I sent which gave his new address. In addition, the Commission did not copy me on the December 20, 2004, letter, even though I am one of Mr. Gleason's counsel. We are grateful that despite this, Mr. Gleason actually received your December 20, 2004, letter.

With regard to your concern about notarization and my December 8, 2004, letter which provided additional evidence for Mr. Gleason's complaint. I do not consider the additional evidence to be an "amendment," to the original, sworn complaint. It is simply additional evidence. However, you will find enclosed a notarized affidavit attesting to the additional evidence provided in my December 8, 2004, letter to you.

In addition, I am providing herein further evidence in support of Mr. Gleason's original complaint. You will find attached a transcription of a portion of a video posted on the Washington Post website on Tuesday, November 23, 2004, at 3:19 p.m. eastern standard time. This partial transcription is of an interview with America Coming Together President Ellen R. Malcolm. This partial transcript reflects the partisan nature of ACT's work. I particularly ask the FEC to notice President Malcolm's statement that America Coming Together "will go on too I hope...to make sure we can reach out to voters, keep them involved in the political process, and ultimately that means Democrats are going to win an awful lot of elections."

The entire Washington Post video is entitled "Political Players with Terry Neal: ACT President Ellen Malcolm" and can presently be found at:
http://news.yahoo.com/p/v?u=wp_av/20041123/av_wp_pl/1666b1090db27c7626c578154e346ff3&cid=2055&f=96480432. The transcript is supported by an affidavit.

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This is further evidence that ACT was engaged in partisan get-out-the vote activities.

Very truly yours,

A handwritten signature in black ink, appearing to be "BNC", with a large, sweeping horizontal stroke extending to the right.

Bruce N. Cameron

BNC/njr

enclosures

cc: Stefan Gleason

27044172254

AFFIDAVIT: Gleason complaint, MUR 5612

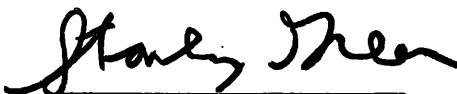
I, Stanley Greer, am competent to testify, have first hand knowledge of the following matters and after being duly sworn state as follows:

1. I am employed as a senior research association at the National Institute for Labor Relations Research ("Institute").

2. The Institute, among other things, is a repository for publications, with a focus on publications that reflect the activities of organized labor.

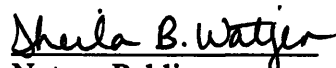
3. In the course of my work I came across the attached November 8, 2004, article from *The Nation* which reported on activities of America Coming Together and the Service Employees International Union. The attached copy is a true and accurate copy of the original article.

Further affiant sayeth naught.


STANLEY GREER

RECEIVED
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COUNSEL
2005 JAN 10 A 10:35

Before me, a Notary Public in and for the Commonwealth of Virginia, personally appeared STANLEY GREER, who swore that the contents of this Affidavit are true and subscribed to the same on the line provided for his signature on this 4th day of January, 2005.


Notary Public

My commission expires: October 31, 2008

27044172255

Plotting an Ohio Surprise

Philosophy student Julian Johannesen and photographer Cosby Lindquist have been encamped in the neighborhoods of Columbus, Ohio, for more than a year. Both were inspired back then after hearing an Al Franken speech on C-SPAN to go through the Camp Wellstone activist training program, developed by the late senator's sons and supporters. Now they knock on doors, show voters a short video about job losses on their Palm Pilots, ask about their issue interests and favored candidate in the election, and track results to download later from their Palm Pilots into central computer files. As part of a \$125 million voter-turnout operation in thirteen key states run by America Coming Together, they returned in mid-October to a poor working-class neighborhood in a swing city of a crucial swing state where ACT had been registering and educating voters.

Johannesen and Lindquist are among the ground troops mobilized by America Votes, a loose coalition of thirty-three national groups—from new formations like ACT and MoveOn.org to well-established institutions like the AFL-CIO and Planned Parenthood—coordinating efforts to register, educate and mobilize voters in unprecedented ways. America Votes and groups like ACT, one of several participating 527 groups—named after the tax-code provision regulating them—are offspring of the McCain-Feingold campaign finance reform legislation, which bans “soft money” donations but allows donors (from rich individuals like George Soros to labor unions) to channel large contributions to the 527 groups, which cannot coordinate with the Kerry campaign or the Democrats. (Adding to the strategic confusion, a single organization—like the Sierra Club—may have three or four distinct operations, some partisan and some non-partisan, with different rules about funding, advocacy and cooperation.) But America Votes is also the offspring of organized labor's revival, since 1995, of person-to-person politicking at the workplace and in working-class communities, which has greatly boosted labor's share of the vote and shaped even Republican counterstrategies.

“I'm unemployed,” Teana Foggie, a 31-year-old African-American woman explained to ACT's Johannesen, echoing other stories on the street of plants closed and jobs lost. “That's why I'm not voting for Bush.” Down the street, 55-year-old Paul Buchanan, a white former Air Force munitions expert with impressive muttonchops, was equally concerned about the economy and the war in Iraq. “We are the aggressors,” he said. “That's wrong.”

On election day in Ohio, 250 paid ACT canvassers (who claim to have talked to more than a million Ohio voters over more than a year), another 12,000 paid workers, dozens of staff from other America Votes operations, about 5,000 America Votes volunteers and an unprecedented organized labor army of union staff and volunteers will be making sure such voters get to the polls. In a state that Gore lost by 3.5 percent (166,000 votes) after abandoning it, there may be as many as 700,000 new voters, overwhelmingly from strongly Democratic counties (including 160,000 from the Cleveland area, five times the number registered in 2000). ACT claims to have registered 85,000, and

other America Votes partners—including groups focused on youth and minorities—another 215,000. If ACT's experience last year in Philadelphia is a guide, organizers will guarantee that these new voters turn out much as veteran voters do, even though, being younger and poorer, they are statistically less likely to vote.

At the national and state levels, America Votes partner groups tried to reduce duplication and coordinate efforts. In Cleveland there was a master calendar for sending registrars to public events so groups knew who was covering what. While there was no attempt to adopt a common message, discussions of what worked influenced organizational strategies. For example, ACORN, a low-income-community group, changed its message as a result of America Votes discussions to emphasize hopes for regaining a stronger economic future, not just the trauma of past job losses.

“We set out to do specific things that aren't glamorous—share polling, training, build local tables where people would share their work, build an infrastructure for volunteers,” says America Votes president Cecile Richards. “That's what happened. I'm amazed and heartened by how the progressive community did what it had to do to be strategic and effective.”

The actual work is done by the partners, who still occasionally trip over one another but are much more effective than they would be without the cooperation. Nationally ACT has 2,461 full-time canvassers, and another 1,100 from the Service Employees International Union's “Heroes” program, which pays workers to take months off their jobs to do political work. “We set out to build the largest voter-mobilization program in American history,” said ACT chief executive officer Steve Rosenthal. Although the program varies among the states, “we focus heavily on failures of this Administration: The economy stinks, it can't fund healthcare, Iraq is a quagmire.”

“The level of effort in Ohio to register and get out the vote is extraordinary,” says John Green, director of the Bliss Institute at the University of Akron. “We haven't seen anything like this in living memory.” Although Republicans have also expanded their ground game in Ohio, Richards, Rosenthal and progressive organizers there say it pales in comparison with their efforts. “It's not just the earlier effort with more resources” that has yielded results for progressives, says veteran Ohio political strategist Gerald Austin, “but people weren't stepping on each other. It's been successful because of cooperation.”

Whatever the outcome of the election, some participants want the coalition to continue. “It's a way, after the election, to build allies, and hopefully we can work together,” says Sierra Club Midwest representative Glen Brand. Others are more skeptical, but much will depend on decisions by funders. In any case, the experience has taught some lessons. “Regardless of whether this formation goes forward, some of these organizations have fundamentally changed how to do politics and will never go back to the day of doing our thing and hoping it adds up,” Richards says. “There's a fundamental shift in what people realize they can do collectively.”

DAVID MOBERG

David Moberg, a senior editor at In These Times, writes frequently for The Nation on labor issues.

27044172256

Ellen R. Malcolm Interview . . . Partial Transcript

Malcolm: ... Obviously for the Democratic side losing the presidential race was a blow to us, a disappointment ...

Neal: Yours was one of these *527 groups*, was funded with one of the biggest funders was George Soros and the Republicans spent a lot of time trying to demonize him this year, make him out to be a bad guy for putting his millions and millions of dollars ...

Neal: About how much did you raise and spend?

Malcolm: I think ACT raised about 140 million dollars, certainly larger than any amount I'm aware of in any other kind of political organization outside of the parties and it really I think is a statement about one how people wanted to change the direction of the country and two how excited people were that we were going to talk to voters, we were going to go knock on their front doors, talk about issues, follow up with phone calls, mail, and try to bring people into the political process, and I think a lot of people think that's what we need more of...

Neal: Is this election in your mind a legitimate one, there's as you know a lot of talk that there were irregularities in states like Ohio and Florida, things like that, one of the universities out west even said that they have some evidence that maybe 100,000 votes or whatever that should have gone to Kerry in Florida went to Bush instead, that sort of thing. Do you, does any of that put a question in your mind or is this a completely legitimate election, we should move on.

Malcolm: You know I think its an unfortunate part of the 2000 election and now there's so much doubts about our election process, I think that you know we should look at any problems that are out there that exist, but at the end of the day I think it was a fair election and I think Democrats need to look to the future. We need to start building, we need to start getting ready for 2006 and 2008.

Neal: Obviously the Democratic Party will go on but what will happen to America Coming Together?

Malcolm: America Coming Together will go on too I hope, and that is certainly our plan. We want to make sure we can reach out to voters, keep them involved in the political process, and ultimately that means Democrats are going to win an awful lot of elections.

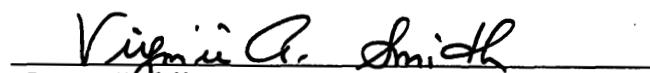
Neal: Great, thanks an awful lot for your time, we appreciate it.

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Notarization: I, Elisa, Sumanski, am competent to testify, have first-hand knowledge of the following matters and after being duly sworn state as follows: I listened to the Washington Post on-line video interview of America Coming Together President Ellen R. Malcolm. I made a partial transcript of that interview. That partial transcript proceeds this notarization and is true and accurate to the best of my ability.


Elisa Sumanski

Subscribed and sworn to before me
this 4th day of January, 2005.


Notary Public

My Commission expires: 12/31/08

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