



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 705

Date Filmed 4/25/79 Camera No. --- 2

Cameraman SPC

705



FEDERAL ELECTION COMMISSION

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

December 14, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marco E. Lopez, Esquire
House Counsel
United Farm Workers of America,
AFL-CIO
P.O. Box 62, La Paz
Keene, California 93531

Re: MUR 705

Dear Mr. Lopez:

This will acknowledge receipt of your letter, dated November 13, 1978, and also will serve to advise you that the Commission has found no reasonable cause to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, has violated 2 U.S.C. §441b(b)(3)(A). Accordingly, the Commission has voted to close its file in this matter.

Should you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4060.

Sincerely,

William C. Oldaker
General Counsel

VJC
12/14/78

790401104067

✓ 11-18-78

POSTMASTER: 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 C
 Show to whom, date, and address of delivery C
 RESTRICTED DELIVERY
 Show to whom and date delivered C
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$ C
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO

3. ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 REGISTERED NO. PLS 365

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 11/18/78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

DEFERRED
 18
 1978
 BERK'S INITIALS
[Initials]

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

December 14, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Leon E. Panetta
House of Representatives
Washington, D.C. 20515

Re: MUR 705

Dear Mr. Panetta:

This is to advise you of the actions taken by the Federal Election Commission in connection with your recent complaint.

Based on the information attached to the complaint, the Commission found reason to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, violated 2 U.S.C. §441b(b)(3)(A). That Section makes it unlawful for a separate segregated fund to make a contribution or expenditure in connection with a Federal election 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.

The Citizens Participation Day Fund was notified of the finding and was invited to provide information which would demonstrate that no further action should be taken. We also requested the United Farm Workers Federal Political Action Committee, the separate segregated federal fund maintained by the UFW, to provide us with certain background information.

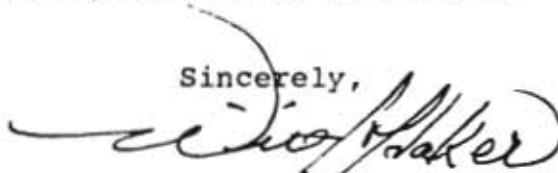
The responses we received indicate that the UFW maintains two separate segregated funds, the National United Farm Workers Volunteer Political Action Committee (the successor to the UFW Federal PAC), which exists for Federal purposes; and the Citizens Participation Day Fund, which exists for state and local purposes. We were informed

that the Citizens Participation Day Fund is entirely separate from the Federal fund; that it has never provided financial support to the Federal fund; that it does not expend monies in connection with Federal elections; and that it has never made contributions to Federal candidates.

In short, there is no indication that monies contributed to the Citizens Participation Day Fund have been expended by the Fund in connection with a Federal election. Accordingly, the Commission, on December 13, 1978, found no reasonable cause to believe that the Fund violated 2 U.S.C. §441b(b) (3) (A), and voted to close its file in this matter.

Should you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 523-4060.

Sincerely,



William C. Oldaker
General Counsel

vjc
12/14/78

790410066

7015110P00Z

Convery MUR. 705

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 _____ C
 Show to whom, date, and address of delivery _____ C
 RESTRICTED DELIVERY
 Show to whom and date delivered _____ C
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$ _____
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO
 Hon. Leon E. Panetta
 House of Representatives
 Wash., D.C. 20515

3 ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 945304

(Always obtain signature of addressee or agent)

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

4 DATE OF DELIVERY POSTMARK

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE



RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 705
Citizens Participation Day)
Fund of the United Farm Workers)
of America, AFL-CIO)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 13, 1978, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated December 4, 1978, regarding the above-captioned matter:

1. Find no reasonable cause to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, violated 2 U.S.C. §441b(b)(3)(A).
2. Close the file in this matter.
3. Authorize the sending of the letters attached to the above-named report.

Voting for this determination were Commissioners Aikens, Tiernan, Mc Garry, Thomson, and Harris.

Attest:

12/13/78
Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Signed by the General Counsel: 12-7-78
Received in Office of Commission Secretary: 12-8-78, 12:49
Circulated on 48 hour vote basis: 12-11-78, 9:00

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December 8, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 705

Please have the attached General Counsel's Report on MUR 705 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040115103

Federal candidates; and, the Citizens Participation Day Fund, which, among other things, exists to support candidates for state and local offices, and to influence the passage or defeat of ballot questions.

The Treasurer stated that the NUFWVPAC has never received financial support from the CPD Fund.

The House Counsel stated that the CPD Fund does not expend monies in connection with any Federal election; that the CPD Fund has never made a contribution to a Federal candidate; and that the CPD Fund has never provided financial assistance to the UFW Federal PAC.

In our First General Counsel's Report we stated that "the issue that confronts the Commission is 'whether the monies attained by the Citizens Participation Day Fund as a result of mandatory contributions are being used in support of Federal candidates.'"^{2/}

From the information provided in the letters at Attachments 1 and 2, it would appear that such monies are not being used in support of Federal candidates.

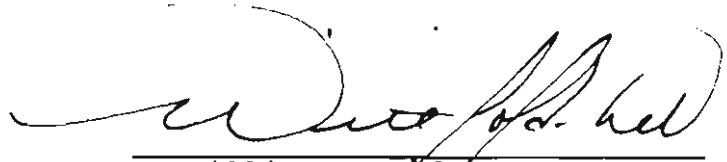
RECOMMENDATION

It is recommended that the Commission: find no reasonable cause to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, violated 2 U.S.C. §441b

^{2/} The House Counsel also stated that [although the union member's contribution to the CPD Fund is mandatory] there exists a procedure whereby the contributor may object to the use of his contribution for purposes to which he is politically or ideologically opposed.

(b) (3) (A); close its file in this matter; and authorize the sending of the attached letters.

12/7/78
Date


William C. Oldaker
General Counsel

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ATTACHMENTS:

1. Ltr from Treas, NUFWVPAC, dtd 18 Oct 78
2. Ltr from UFW House Counsel, dtd 13 Nov 78
3. Proposed ltr to complainant
4. Proposed ltr to respondent



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531
(805) 822-5571

RECEIVED
FEDERAL ELECTION
COMMISSION

*Convery
705
2*

'78 OCT 30 PM 3:58

October 18, 1978

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

887494

Dear Mr. Oldaker:

The following are in response to your questionnaire to our attention on October 6, 1978:

1. Yes, the United Farm Workers Federal Political Action Committee (UFWFPAC) is the same organization that was formally known as the Farm Workers Political Education Fund.
2. The entity of the Farm Workers Political Education Fund exists today, but it has undergone two name changes. It was amended to become the United Farm Workers Federal Political Action Committee, and then amended as it is known today as the National United Farm Workers Volunteer Political Action Committee. On September 29, 1978, we sent you a copy of the Resolution stating the recent name change to the National United Farm Workers Volunteer Political Action Committee.

The funds reported on February 1, 1977 by the Political Education Fund are still intact, and now in an account under the name of the National United Farm Workers Volunteer Political Action Committee, (National UFW V-PAC).

3. The officers of the National UFW V-PAC are the same as the officers of the Farm Workers Political Education Fund. That is:

Chairman: Cesar Chavez
Vice Chairwoman: Dolores Huerta
Treasurer: Gilbert Padilla

The account of the UFWFPAC with the Farm Workers Credit Union has been closed and the full amount was deposited in the United California Bank under the account of the National United Farm Workers Volunteer Political Action Committee on October 16, 1978. The UFWFPAC account with the United California Bank was also closed and the full amount was also transferred to the United California Bank account of the National United Farm Workers Volunteer Political Action Committee.

Attachment 1




Oldaker
October 18, 1978
Page Two

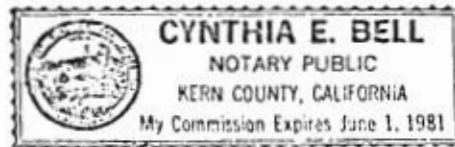
4. The purpose of the National United Farm Workers Volunteer Political Action Committee (formally UFWFPAC) is to support only federal candidates. No federal candidates have received financial support from the National United Farm Workers Volunteer Political Action Committee.
5. The 1977 end of year report filed by UFWFPAC on March 18, 1978 was wrong due to a clerical error. The amount should have been reported as \$13,922.80.
6. The National United Farm Workers Volunteer Political Action Committee (formally UFWFPAC) has never received financial support from the Citizens Participation Day Fund of the United Farm Workers.
7. The National United Farm Workers Volunteer Political Action Committee has never sponsored a forum or other event at which candidates for federal office have appeared and spoken.

If you require any further information, please contact me.

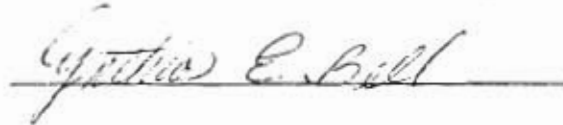
Sincerely,


Gilbert Padilla
Treasurer

GP/kj



Subscribed and sworn before me this 18 day of October, 1978
at Keene, Kern County, California.



70040115111



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531

(805) 822-5571

FEDERAL ELECTION COMMISSION

Convery 2

78 NOV 20 AM 2:09
November 13, 1978

William C. Oldaker,
General Counsel
Vincent J. Convery, Jr.
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

807931

Dear Sirs:

Cesar E. Chavez, President of the United Farm Workers of America, AFL-CIO referred your letter of October 6, 1978, to me. I believe that by this letter, your office will be able to terminate its investigation with a finding that the Citizenship Participation Day (CPD) Fund does not violate the Federal Election Campaign Act of 1971.

First, responses to the specific questions listed in your October 6, 1978, letter are given below in numerical order corresponding to the numbered questions in the letter. Second, I have included an explanation of how the Citizenship Participation Day Fund (which, as is explained below, is entirely separate from the fund from which federal campaign expenditures may be made) is set up. This description will more fully answer your questions and will provide the background as to precisely why the CPD Fund does not violate the provisions of the federal Act.

1. The Citizenship Participation Day Fund was established with the signing of the contract between the United Farm Workers Organizing Committee and the Interharvest Company on September 14, 1972. The first payments for this company were made in June 1973. The United Farm Workers Organizing Committee contract with the Freedman Company (signed April 14, 1973) was the company with the first payments: May 14, 1973.

2. The Fund's purposes are to develop, promote, and implement policies and programs which will improve and enrich the quality of farm worker life; to engage in community, civic, welfare, educational, environmental, cultural, citizenship-legislative, consumer protection, community service and other activities designed to improve the economic and social conditions of the United Farm Workers members and their families; to make

Attachment 2



70040115111

William Oldaker
Vincent J. Convery, Jr.
November 13, 1978
Page Two

political expenditures and contributions to influence the nomination and election of individuals to state, local, and/or party office, and to influence the passage or defeat of ballot questions; and to promote the general welfare and democratic way of life for all people. The CPD Fund does not expend any monies in connection with any federal election campaign.

3. The Citizenship Participation Day Fund is governed by a Board composed of the members of the National Executive Board of the Union.

4. In the past, the Farm Workers Political Education Fund, now the National United Farm Workers Volunteer Political Action Committee (see Gilbert Padilla's letter of October 18, 1978, to William Oldaker), has provided financial support to federal candidates. Contributions and/or expenditures made for such purposes have been reported to the Federal Election Commission. This fund is a separate, segregated fund within the meaning of 2 U.S.C. 441b(b) (2)(C), and has at all times been maintained separate from the CPD Fund, which does not expend monies for federal campaigns.

5. No expenditures have been made for the purpose of expressly advocating the defeat of any Federal candidate from the Citizenship Participation Day Fund.

6. The Fund has never sponsored any forums or other events at which Federal candidates have appeared and spoken. Money from the Citizenship Participation Day Fund has been used to finance political conferences at which only members of the United Farm Workers have endorsed both state and federal candidates.

7. Yes. For particulars please see Attachment A.

8. As is set forth in the responses above, the National United Farm Workers Volunteer Political Action Committee maintains a separate, segregated fund of voluntarily-contributed monies for use in federal campaigns; and the separate Citizenship Participation Day Fund is used for state and local political campaigns and for community and civic causes. As such, the Citizenship Participation Day Fund has given financial support to state and local (but not federal) candidates. Contributions for state and local political purposes by the CPD Fund are contained in reports filed pursuant to the California Political Reform Act of 1974, as amended, California Government Code Section 81000 et seq.

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William Oldaker
Vincent J. Convery, Jr.
November 13, 1978
Page Four

If an objecting member is dissatisfied with the approximate proportional allocation made by the committee of the National Executive Board or the disposition of his objection by the National Secretary-Treasurer, he may appeal directly to the full National Executive Board, and the decision of the National Executive Board shall be appealable the Public Review Board or to the Convention, at the option of said member.

Also on September 18, 1978, the Board of the Citizenship Participation Day Fund, in accordance with its function to allocate money in the CPD Fund, passed a resolution creating the National United Farm Workers Civic Action Program to improve the quality of farm worker life and to engage in civic and social welfare activities designed to improve the economic and social conditions of UFW members and their families and to promote the general welfare and democratic way of life for all people. Money allocated to the Civic Action Program (hereinafter "CAP") must be segregated from other funds and may not be expended for any activities regulated by any state or federal election or campaign reporting laws, except that CAP money may be used for non-partisan voter registration and get-out-the-vote activities.

The CPD Fund Board also passed a resolution creating the National United Farm Workers Political Action Committee for the purpose of making political expenditures and contributions to influence the nomination and election of state, local, and/or party officials and the passage or defeat of ballot questions. Money allocated to the Political Action Committee (hereinafter "PAC") must be kept in a separate and segregated fund.

By further resolution, the Board of the CPD Fund allocated all contributions to the CPD Fund collected since August 28, 1977, pursuant to Resolution 45 of the UFW Third Constitutional Convention to the Civic Action Program for the purpose of implementing the objective of the CAP Program, up to and including December 31, 1978. All contributions to the CPD Fund collected since August 31, 1977, pursuant to Resolution 45, to date, have been maintained in a segregated account, and none of these contributions have been spent for any purpose.

The above resolutions were adopted after an examination by the National Executive Board of the Union of the procedures followed by the United Auto Workers Union with respect to expenditures of contributions from members for political and civic purposes. I am informed that the United Auto Workers collects

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William Oldaker
Vincent J. Convery, Jr.
November 13, 1978
Page Five

funds from which expenditures for political and civic purposes are made by imposing a mandatory tax amounting to a percentage of each member's monthly dues and that the money so collected is allocated in part to a political action committee and in part to a community action program. I am also informed that the United Auto Workers has a procedure whereby members may object to expenditure of this dues money for activities or causes to which he is politically or ideologically opposed which is similar to the procedure adopted by the National Executive Board of the UFW.

The procedure adopted by the National Executive Board of the UFW for objecting to expenditures to which a member is politically or ideologically opposed applies to all contributions to the CPD Fund pursuant to Resolution 45, that is, both to funds allocated to the Civic Action Program and to funds allocated to the Political Action Committee in the future. To date no expenditure of any of the money in the CPD Fund collected pursuant to Resolution 45 has been made, and no decision as to how the money which has been allocated to the Civic Action Program will be spent have been made. When such decisions are made, members subject to Resolution 45 will be given notice of intended expenditures and full opportunity to invoke the procedure adopted by the National Executive Board for objecting to such expenditures.

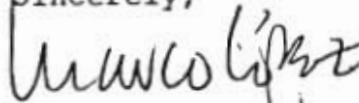
9. The Citizenship Participation Day Fund has never made any contributions to federal candidates. The National United Farm Workers Voluntary Political Action Committee is established to expend funds to federal candidates. Its account is with the United California Bank, 5191 Whittier Blvd., Los Angeles, California 90022: checking account # 148945611 and savings account # 1480434214.

10. The Citizenship Participation Day Fund has never accepted contributions, or received loans or other transfers of monies from the general treasury of the United Farm Workers of America, AFL-CIO.

11. The Citizenship Participation Day Fund has never provided financial support to the United Farm Workers Federal Political Action Committee.

If you have any further questions, please do not hesitate to contact me.

Sincerely,


Marco E. Lopez
House Counsel

MEL:kj

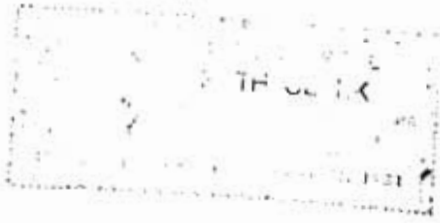
William Oldaker
Vincent J. Convery, Jr.
November 13, 1978
Page Six

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on November 13, 1978, at Keene, California.

W. Oldaker

Subscribed and sworn to before me this 13 day of November, 1978 at Keene, California.

Ruth Clark



79040113116

Attachment A

FEDERAL CANDIDATES ENDORSED BY
CITIZENS PARTICIPATION DAY FUND

September 5, 1976

President of the United States

Jimmy Carter

United States Senate

John V. Tunney

United States Congress:

District 4
District 5
District 6
District 8
District 10
District 12
District 13
District 25
District 27
District 28
District 33
District 37
District 39

Robert L. Leggett
John L. Burton
Phillip Burton
Ronald Dellums
Don Edwards
David Harris
Norman Mineta
Edward R. Roybal
Gary Familian
Yvonne Brathwaite Burke
Ted Snyder
Douglas C. Nilson Jr.
William E. Farris

September 19-20, 1976

United States Congress

District 9
District 22
District 24
District 35
District 36
District 38
District 40

Fortney Stark
Salley
Henry A. Waxman
Jim Lloyd
George E. Brown, Jr.
Jerry Patterson
Hall

December 7, 1977

United States Congress
District 6

Phillip Burton

July 30, 1978

United States Congress

District 4
District 5
District 6
District 7
District 8
District 9

Dick Fazio
John Burton
Phillip Burton
George Miller
Ronald V. Dellums
Fortney Stark

July 30, 1978

United States Congress

District 10
District 12
District 21
District 23
District 24
District 25
District 28
District 29
District 32
District 36
District 37
District 38
District 39
District 41
District 42

Don Edwards
Kirsten Olsen
James Corman
Anthony Beilenson
Henry A. Waxman
Edward R. Roybal
Dixon
Augustus Hawkins
Glenn M. Anderson
George E. Brown, Jr.
Dan Corcoran
Jerry Patterson
William E. Farris
King Golden, Jr.
Lionel Van Deerlin

September 17, 1978

United States Congress

District 1
District 2
District 13
District 14
District 15
District 18
District 19
District 30
District 31
District 34
District 35
District 40

Harold T. Johnson
Norma Bork
Norman Y. Mineta
John J. McFall
Tony Coelho
Bob Sogge
Jerry Zamos
George E. Danielson
Charles H. Wilson
Mark W. Hannaford
Jim Lloyd
Jim McGuy



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Leon E. Panetta
House of Representatives
Washington, D.C. 20515

Re: MUR 705

Dear Mr. Panetta:

This is to advise you of the actions taken by the Federal Election Commission in connection with your recent complaint.

Based on the information attached to the complaint, the Commission found reason to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, violated 2 U.S.C. §441b(b)(3)(A). That Section makes it unlawful for a separate segregated fund to make a contribution or expenditure in connection with a Federal election 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.

The Citizens Participation Day Fund was notified of the finding and was invited to provide information which would demonstrate that no further action should be taken. We also requested the United Farm Workers Federal Political Action Committee, the separate segregated federal fund maintained by the UFW, to provide us with certain background information.

The responses we received indicate that the UFW maintains two separate segregated funds, the National United Farm Workers Volunteer Political Action Committee (the successor to the UFW Federal PAC), which exists for Federal purposes; and the Citizens Participation Day Fund, which exists for state and local purposes. We were informed

Attachment 3

that the Citizens Participation Day Fund is entirely separate from the Federal fund; that it has never provided financial support to the Federal fund; that it does not expend monies in connection with Federal elections; and that it has never made contributions to Federal candidates.

In short, there is no indication that monies contributed to the Citizens Participation Day Fund have been expended by the Fund in connection with a Federal election. Accordingly, the Commission, on December , 1978, found no reasonable cause to believe that the Fund violated 2 U.S.C. §441b(b) (3) (A), and voted to close its file in this matter.

Should you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 523-4060.

Sincerely,

William C. Oldaker
General Counsel

79040113111



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7 9 9 1 1 3 1 2 1
Marco E. Lopez, Esquire
House Counsel
United Farm Workers of America,
AFL-CIO
P.O. Box 62, La Paz
Keene, California 93531

Re: MUR 705

Dear Mr. Lopez:

This will acknowledge receipt of your letter, dated November 13, 1978, and also will serve to advise you that the Commission has found no reasonable cause to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, has violated 2 U.S.C. §441b(b)(3)(A). Accordingly, the Commission has voted to close its file in this matter.

Should you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4060.

Sincerely,

William C. Oldaker
General Counsel

Attachment 4



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531
(805) 822-5571

600-56-17

FEDERAL ELECTION COMMISSION

705
mr

NOV 20 AM 2:09
November 13, 1978

William C. Oldaker,
General Counsel
Vincent J. Convery, Jr.
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

807931

Dear Sirs:

Cesar E. Chavez, President of the United Farm Workers of America, AFL-CIO referred your letter of October 6, 1978, to me. I believe that by this letter, your office will be able to terminate its investigation with a finding that the Citizenship Participation Day (CPD) Fund does not violate the Federal Election Campaign Act of 1971.

First, responses to the specific questions listed in your October 6, 1978, letter are given below in numerical order corresponding to the numbered questions in the letter. Second, I have included an explanation of how the Citizenship Participation Day Fund (which, as is explained below, is entirely separate from the fund from which federal campaign expenditures may be made) is set up. This description will more fully answer your questions and will provide the background as to precisely why the CPD Fund does not violate the provisions of the federal Act.

1. The Citizenship Participation Day Fund was established with the signing of the contract between the United Farm Workers Organizing Committee and the Interharvest Company on September 14, 1972. The first payments for this company were made in June 1973. The United Farm Workers Organizing Committee contract with the Freedman Company (signed April 14, 1973) was the company with the first payments: May 14, 1973.

2. The Fund's purposes are to develop, promote, and implement policies and programs which will improve and enrich the quality of farm worker life; to engage in community, civic, welfare, educational, environmental, cultural, citizenship-legislative, consumer protection, community service and other activities designed to improve the economic and social conditions of the United Farm Workers members and their families; to make

700-10-15121



William Oldaker
Vincent J. Convery, Jr.
November 13, 1978
Page Two

political expenditures and contributions to influence the nomination and election of individuals to state, local, and/or party office, and to influence the passage or defeat of ballot questions; and to promote the general welfare and democratic way of life for all people. The CPD Fund does not expend any monies in connection with any federal election campaign.

3. The Citizenship Participation Day Fund is governed by a Board composed of the members of the National Executive Board of the Union.

4. In the past, the Farm Workers Political Education Fund, now the National United Farm Workers Volunteer Political Action Committee (see Gilbert Padilla's letter of October 18, 1978, to William Oldaker), has provided financial support to federal candidates. Contributions and/or expenditures made for such purposes have been reported to the Federal Election Commission. This fund is a separate, segregated fund within the meaning of 2 U.S.C. 441b(b) (2)(C), and has at all times been maintained separate from the CPD Fund, which does not expend monies for federal campaigns.

5. No expenditures have been made for the purpose of expressly advocating the defeat of any Federal candidate from the Citizenship Participation Day Fund.

6. The Fund has never sponsored any forums or other events at which Federal candidates have appeared and spoken. Money from the Citizenship Participation Day Fund has been used to finance political conferences at which only members of the United Farm Workers have endorsed both state and federal candidates.

7. Yes. For particulars please see Attachment A.

8. As is set forth in the responses above, the National United Farm Workers Volunteer Political Action Committee maintains a separate, segregated fund of voluntarily-contributed monies for use in federal campaigns; and the separate Citizenship Participation Day Fund is used for state and local political campaigns and for community and civic causes. As such, the Citizenship Participation Day Fund has given financial support to state and local (but not federal) candidates. Contributions for state and local political purposes by the CPD Fund are contained in reports filed pursuant to the California Political Reform Act of 1974, as amended, California Government Code Section 81000 et seq.

79040115123

William Oldaker
Vincent J. Convery, Jr.
November 13, 1978
Page Four

If an objecting member is dissatisfied with the approximate proportional allocation made by the committee of the National Executive Board or the disposition of his objection by the National Secretary-Treasurer, he may appeal directly to the full National Executive Board, and the decision of the National Executive Board shall be appealable to the Public Review Board or to the Convention, at the option of said member.

Also on September 18, 1978, the Board of the Citizenship Participation Day Fund, in accordance with its function to allocate money in the CPD Fund, passed a resolution creating the National United Farm Workers Civic Action Program to improve the quality of farm worker life and to engage in civic and social welfare activities designed to improve the economic and social conditions of UFW members and their families and to promote the general welfare and democratic way of life for all people. Money allocated to the Civic Action Program (hereinafter "CAP") must be segregated from other funds and may not be expended for any activities regulated by any state or federal election or campaign reporting laws, except that CAP money may be used for non-partisan voter registration and get-out-the-vote activities.

The CPD Fund Board also passed a resolution creating the National United Farm Workers Political Action Committee for the purpose of making political expenditures and contributions to influence the nomination and election of state, local, and/or party officials and the passage or defeat of ballot questions. Money allocated to the Political Action Committee (hereinafter "PAC") must be kept in a separate and segregated fund.

By further resolution, the Board of the CPD Fund allocated all contributions to the CPD Fund collected since August 28, 1977, pursuant to Resolution 45 of the UFW Third Constitutional Convention to the Civic Action Program for the purpose of implementing the objective of the CAP Program, up to and including December 31, 1978. All contributions to the CPD Fund collected since August 31, 1977, pursuant to Resolution 45, to date, have been maintained in a segregated account, and none of these contributions have been spent for any purpose.

The above resolutions were adopted after an examination by the National Executive Board of the Union of the procedures followed by the United Auto Workers Union with respect to expenditures of contributions from members for political and civic purposes. I am informed that the United Auto Workers collects

7904011311

Attachment A

FEDERAL CANDIDATES ENDORSED BY
CITIZENS PARTICIPATION DAY FUND

September 5, 1976

President of the United States

Jimmy Carter

United States Senate

John V. Tunney

United States Congress:

District 4
District 5
District 6
District 8
District 10
District 12
District 13
District 25
District 27
District 28
District 33
District 37
District 39

Robert L. Leggett
John L. Burton
Phillip Burton
Ronald Dellums
Don Edwards
David Harris
Norman Mineta
Edward R. Roybal
Gary Familian
Yvonne Brathwaite Burke
Ted Snyder
Douglas C. Nilson Jr.
William E. Farris

September 19-20, 1976

United States Congress

District 9
District 22
District 24
District 35
District 36
District 38
District 40

Fortney Stark
Salley
Henry A. Waxman
Jim Lloyd
George E. Brown, Jr.
Jerry Patterson
Hall

December 7, 1977

United States Congress

District 6

Phillip Burton

July 30, 1978

United States Congress

District 4
District 5
District 6
District 7
District 8
District 9

Dick Fazio
John Burton
Phillip Burton
George Miller
Ronald V. Dellums
Fortney Stark

July 30, 1978

United States Congress

District 10	Don Edwards
District 12	Kirsten Olsen
District 21	James Corman
District 23	Anthony Beilenson
District 24	Henry A. Waxman
District 25	Edward R. Roybal
District 28	Dixon
District 29	Augustus Hawkins
District 32	Glenn M. Anderson
District 36	George E. Brown, Jr.
District 37	Dan Corcoran
District 38	Jerry Patterson
District 39	William E. Farris
District 41	King Golden, Jr.
District 42	Lionel Van Deerlin

September 17, 1978

United States Congress

District 1	Harold T. Johnson
District 2	Norma Bork
District 13	Norman Y. Mineta
District 14	John J. McFall
District 15	Tony Coelho
District 18	Bob Sogge
District 19	Jerry Zamos
District 30	George E. Danielson
District 31	Charles H. Wilson
District 34	Mark W. Hannaford
District 35	Jim Lloyd
District 40	Jim McGuy

Marco L. Lopez, House Counsel
United Farm Workers of America, AFL-CI
PO Box 62 La Paz
Glendale, California 91351

LD:KA
CGM

William C. Cidaler
General Counsel
Vincent J. Conway, Jr.
Federal Election Commission
1725 K Street
Washington, D.C. 20543

CERTIFIED

No. 247210

MAIL



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *MJE luj pc*
DATE: NOVEMBER 1, 1978
SUBJECT: MUR 705 - Interim Report dated 10-25-78
Signed: 10-27-78
Received in OCS: 10-30-78, 1:21

The above-named document was circulated on a 24 hour no-objection basis at 4:00, October 31, 1978.

The Commission Secretary's Office has received no objections to the Interim Report as of 4:30 this date.

79040115151

October 30, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 705

Please have the attached Interim Report on MUR 705
distributed to the Commission.

Thank you.

79040115132

RECEIVED
OFFICE OF THE

BEFORE THE FEDERAL ELECTION COMMISSION
October 25, 1978

78 OCT 30 P 1: 21

In the Matter of)	
)	
Citizens Participation Day Fund)	MUR 705
of the United Farmworkers of)	
America, AFL-CIO)	

INTERIM REPORT


On October 4, 1978, the Commission found reason to believe that the Citizens Participation Day Fund of the United Farmworkers of America, AFL-CIO, violated 2 U.S.C. §441b(b) (3) (A).

The Respondent received our letter of notification on October 14, 1978. Their reply was due by October 26.

On October 25, we received a telephone call from the Office of House Counsel at the UFW. A staff member from that office requested that they be granted an extension of time, indicating that their response would be mailed Monday, October 30.

We advised that an extension would not be granted, and that, if the response is not forthcoming, the Commission may have to resort to its statutory powers to compel a response.

10/27/78
Date



William C. Oldaker
General Counsel

7909071515



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531
(805) 822-5571

RECEIVED
FEDERAL ELECTION
COMMISSION

ACC# 5391

705
Convery

'78 OCT 30 PM 3:58

October 18, 1978

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

807494

Dear Mr. Oldaker:

The following are in response to your questionnaire to our attention on October 6, 1978:

1. Yes, the United Farm Workers Federal Political Action Committee (UFWFPAC) is the same organization that was formally known as the Farm Workers Political Education Fund.
2. The entity of the Farm Workers Political Education Fund exists today, but it has undergone two name changes, It was amended to become the United Farm Workers Federal Political Action Committee, and then amended as it is known today as the National United Farm Workers Volunteer Political Action Committee. On September 29, 1978, we sent you a copy of the Resolution stating the recent name change to the National United Farm Workers Volunteer Political Action Committee.

The funds reported on February 1, 1977 by the Political Education Fund are still intact, and now in an account under the name of the National United Farm Workers Volunteer Political Action Committee, (National UFW V-PAC).

3. The officers of the National UFW V-PAC are the same as the officers of the Farm Workers Political Education Fund. That is:

Chairman: Cesar Chavez
Vice Chairwoman: Dolores Huerta
Treasurer: Gilbert Padilla

The account of the UFWFPAC with the Farm Workers Credit Union has been closed and the full amount was deposited in the United California Bank under the account of the National United Farm Workers Volunteer Political Action Committee on October 16, 1978. The UFWFPAC account with the United California Bank was also closed and the full amount was also transferred to the United California Bank account of the National United Farm Workers Volunteer Political Action Committee.




7904015134

Oldaker
October 18, 1978
Page Two

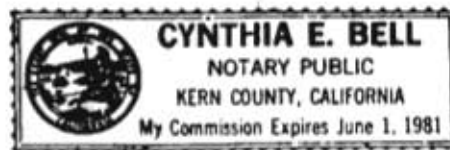
4. The purpose of the National United Farm Workers Volunteer Political Action Committee (formally UFWFPAC) is to support only federal candidates. No federal candidates have received financial support from the National United Farm Workers Volunteer Political Action Committee.
5. The 1977 end of year report filed by UFWFPAC on March 18, 1978 was wrong due to a clerical error. The amount should have been reported as \$13,922.80.
6. The National United Farm Workers Volunteer Political Action Committee (formally UFWFPAC) has never received financial support from the Citizens Participation Day Fund of the United Farm Workers.
7. The National United Farm Workers Volunteer Political Action Committee has never sponsored a forum or other event at which candidates for federal office have appeared and spoken.

If you require any further information, please contact me.

Sincerely,


Gilbert Padilla
Treasurer

GP/kj



Subscribed and sworn before me this 18 day of October, 1978
at Keene, Kern County, California.



79040115135

United States Postal Service, ATLANTA
Post Office, Atlanta, Georgia
Atlanta, Georgia

RECEIVED
FEDERAL COLLECTION
OFFICE

RECEIVED
FEDERAL COLLECTION
OFFICE
ATLANTA, GEORGIA

CERTIFIED

No.

25

MAIL

Handwritten signature
1/2/68
Atlanta

600* 5393 705



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Yuma, California 93531
(805) 822-5571

RECEIVED
FEDERAL ELECTION
COMMISSION

October 25, 1978
'78 OCT 30 PM 4:28

Vincent J. Convery, Jr.
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

807499

Dear Mr. Convery:

We have received the two letters of October 6, 1978 from Mr. Oldaker requesting information about our Citizenship Participation Day Fund and the United Farm Workers FPAC. We are presently working on our responses to these questions and will have them in the mail to you by October 30, 1978.

Sincerely,

Marco E. Lopez
Marco E. Lopez
House Counsel

ML:kj

79040115107





FEDERAL ELECTION COMMISSION

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

October 6, 1978

Mr. Gilbert Padilla, Treasurer
United Farm Workers Federal
Political Action Committee
P.O. Box 62, La Paz
Keene, California 93531

Re: MUR 705

Dear Mr. Padilla:

By this letter, the Federal Election Commission requests that you provide information which will assist it in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended.

In this connection, we would appreciate your answering the questions listed on the Attachment to this letter. We request that your answers be in notarized form and that they be forwarded to the Commission within ten days of your receipt of this letter.

Since this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. §437g(a)(3)(B) will prevail.

If you have any questions or require additional information, please contact Vincent J. Convery, Jr., the Commission attorney assigned to this matter, at 202-523-4058.

Sincerely,

William C. Oldaker
General Counsel

VJC
10/5/78

79040131

FEDERAL ELECTION COMMISSION

Attachment to letter to
Gilbert Padilla
MUR 705

QUESTIONS

1. Is the United Farm Workers Federal Political Action Committee (UFWFPAC) the same organization that formerly was known as the Farm Workers Political Education Fund?
2. (a) Does the Farm Workers Political Education Fund exist today? If not, please advise as to the date it ceased to exist.

(b) If the Political Education Fund has ceased to exist, please advise as to the disposition of its residual funds.

3. On July 17, 1976, the Farm Workers Political Education Fund filed a Statement of Organization with the Clerk of the U.S. House of Representatives. The following pertinent information was reflected in that Statement:

Chairman: Cesar E. Chavez

Vice-Chairwoman: Dolores Huerta

Treasurer: Gilbert Padilla

Banks/other repositories: a. United California Bank
b. Farm Workers Credit Union

Please advise as to whether the same information now pertains to UFWFPAC. If changes have been made, please set them out.

4. Does UFWFPAC support both State and Federal Candidates? List all Federal candidates who have received financial support from UFWFPAC from 1976 to the present.

5. The 1976 end of year report filed by UFWFPAC on February 1, 1977, indicated that the PAC had \$13,922.80 cash on hand as of December 31, 1976.

The 1977 end of year report filed by UFWFPAC on March 18, 1978, reflected that the PAC had \$150.37 cash on hand as of January 1, 1977.

Please explain the discrepancy in the cash balance as of these two dates. If the reduction in the cash balance was due to any kind of expenditure, please provide full details to the date, nature and amount of the expenditure.

6. Has UFWFPAC ever received financial support from the Citizens Participation Day Fund of the United Farm Workers? If so, when and in what amount? (For the purposes of this question, such support includes contributions, loans, expenditures and transfers of money).
7. Has UFWFPAC ever sponsored a forum or other event at which candidates for Federal office have appeared and spoken? If so, please provide particulars as to the dates, the names of such candidates and the costs to UFWFPAC.

7 7 0 4 0 1 3 1 4 1



FEDERAL ELECTION COMMISSION

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

October 6, 1978

Cesar E. Chavez, President
United Farm Workers of
America, AFL-CIO
P.O. Box 62, La Paz
Keene, California 93531

Re: MUR 705

Dear Mr. Chavez:

On September 6, 1978, the Commission received a complaint which alleged that the United Farm Workers of America may have violated the Federal Election Campaign Act of 1971, as amended. Essentially, the complaint alleged that two members of the United Farm Workers of America had been expelled from union membership for their refusal to contribute to the UFW's political action committee. A copy of the complaint is at Attachment 1.

On October 5, 1978, the Commission found reason to believe that the Citizens Participation Day Fund of the UFW violated Section 441b(b)(3)(A) of the Act. This finding is based on evidence that the UFW has compelled its members to make contributions to the Fund, and on indications that part of the monies thus realized were expended in connection with elections for Federal office.

You are invited to provide the Commission with any information which will demonstrate that no further action should be taken against the Fund under the Act. Such information should be forwarded to the Commission, in notarized form, within ten days of your receipt of this letter.

7001011314

Additionally, you are requested to provide answers to the questions at Attachment 2. These answers also should be in notarized form and should be forwarded to the Commission within ten days of your receipt of this letter.

Pursuant to 2 U.S.C. §437g(a)(3)(B), this matter will remain confidential unless you advise the Commission in writing of your desire that it be made public.

The Fund may be represented by an attorney in this matter. Should an attorney be retained, please advise us so that we may communicate directly with him/her.

If you have any questions or desire additional information, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4058.

Sincerely,

William C. Oldaker
William C. Oldaker
General Counsel

VJC
10/5/78

7904011314

MUR 705

● 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). <input type="checkbox"/> Show to whom and date delivered C <input type="checkbox"/> Show to whom, date, and address of delivery C <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered C <input type="checkbox"/> RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)	
2 ARTICLE ADDRESSED TO Cesar E. Chavez P.O. Box 62 Keene, CA 93531	
3 ARTICLE DESCRIPTION REGISTERED NO. 94353C	INSURED NO.
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <i>W. Convery</i> <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4 DATE OF DELIVERY	
5 ADDRESS (Complete only if requested)	
6 UNABLE TO DELIVER BECAUSE:	
CONVERY	



CLERK'S INITIALS
[Signature]

★GPO: 1977-248-586

LEON E. PANETTA
16TH DISTRICT, CALIFORNIA

COMMITTEES:
AGRICULTURE
HOUSE ADMINISTRATION
437 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2861

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 6, 1978

COO # 4786
DISTRICT OFFICES:
380 ALVARADO STREET
MONTEREY, CALIFORNIA 93940
(408) 649-3555
HOLLISTER, CALIFORNIA
(408) 637-0500
SALINAS, CALIFORNIA
(408) 424-2229
SAN LUIS OBISPO, CALIFORNIA
(805) 543-0134
SANTA CRUZ, CALIFORNIA
(408) 429-1978

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

Dear Chairman Aikens:

Pursuant to a request by two members of the United Farm Workers Union, I am forwarding to your attention information presented to me concerning their allegations of possible violations of federal election laws.

According to these members, the UFW adopted a resolution in 1977 requiring members to make contributions to the union's political action committee or political action fund. This year, the union is apparently enforcing that provision. Those members who are unwilling to contribute are being "tried" by the union locals, with a penalty of expulsion from the union and subsequent dismissal from employment, upon request of the union local. At this point, from the allegations presented to me, it is not clear whether or not the fund is used to support candidates for federal office.

The members of the Union who presented this information have requested that the Federal Election Commission investigate their allegations regarding involuntary political contributions, and whether or not such funds are being used in federal elections and therefore are within the jurisdiction of federal law.

I am enclosing a variety of materials pertinent to the case, including letters to me from the two members of the union who first informed me of the situation. In addition, I am including a copy of one of the workers' pay slip from the week in which he was required to contribute to the political fund. The \$77.19 the union sought from him is listed on the pay schedule under the category of "Miscellaneous" deductions.

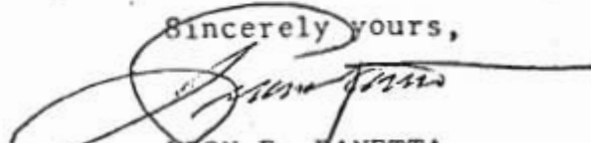
Attachment 1

790101131

Chairman Joan D. Aikens
September 6, 1978
Page Two

Please keep me informed regarding your determinations in this matter. I believe it is in the best interest of the farmworkers, the UFW and the public to have the matter clarified as soon as possible.

Sincerely yours,



LEON E. PANETTA
Member of Congress

LEP:mfd

Enclosures: letter to Congressman Panetta from Mr. Giles Breaux;
letter to Congressman Panetta from Richard Krencicki;
copy of UFW resolution requiring mandatory political contributions;
copy of pay schedule of Giles Breaux and
correspondence between the union and Mr. Breaux
on this matter;
copies of newspaper articles on the case.

Subscribed and sworn to before me this 6th day of September 1978 in the District of Columbia.



Wilton A. Smith, Jr.
Notary Public

Wilton A. Smith, Jr.
Notary Public, District of Columbia
Commission Expires October 14, 1982

79010115111

FEDERAL ELECTION COMMISSION

Attachment 2 to letter to
Cesar E. Chavez
MUR 705

1. When was the Citizens Participation Day Fund created?
2. For what purpose(s) was the Fund created?
3. Please list the officers of the Fund and the office held by each.
4. Please list all Federal candidates who have been provided with financial support by the Fund since its inception. (For the purposes of this question, such support includes contributions, loans and transfers made to a candidate or to his committee, and also includes expenditures made for the purpose of expressly advocating the election of a candidate). Please provide particulars as to dates and amounts.
5. Has the Fund ever made expenditures for the purpose of expressly advocating the defeat of any Federal candidate? If so, give particulars as to candidates, dates and amounts involved.
6. Has the Fund ever sponsored forums or other events at which Federal candidates have appeared and spoken? If so, please provide particulars as to the dates, the names of such candidates and the costs to the Fund.
7. Has the Fund ever endorsed a Federal candidate? If so, who and when?
8. What non-Federal candidates have been supported by the Fund since its inception.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Citizens Participation Day Fund) MUR 705
of the United Farm Workers of)
America, AFL-CIO)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 4, 1978, the Commission determined by a vote of 5-1 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe that the Citizens Participation Day Fund of the United Farm Workers of America, AFL-CIO, violated 2 U.S.C. §441b(b) (3)(A) of the Federal Election Campaign Act of 1971, as amended.
2. Authorize the sending of the letters attached to the First General Counsel's Report to the President of the United Farm Workers of America and to the Treasurer of the United Farm Workers Federal Political Action Committee.

Commissioner Tiernan dissented.

Attest:

10/4/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

7934011111



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
DATE: SEPTEMBER 28, 1978
SUBJECT: OBJECTION - MUR 705 - First General
Counsel's Report dated
9-25-78; Received in OCS:
9-25-78, 4:43

The above-named document was circulated on a
48 hour vote basis at 4:00, September 26, 1978.

Commissioner Tiernan submitted an objection
at 4:30, September 27, 1978, thereby placing MUR 705
on the Agenda for October 4, 1978.

A copy of Commissioner Tiernan's vote sheet
is attached.

ATTACHMENT
Copy of Vote Sheet

cc: Commissioner Tiernan

6719 1104061



FEDERAL ELECTION COMMISSION

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

Date and Time Transmitted: Sept. 26, 1978 - 4:00

Commissioner Tierney

RETURN TO OFFICE OF COMMISSION SECRETARY BY: September 28, 1978 - 4:00

MUR No. First General Counsel's Report, dated Sept. 25, 1978 - MUR 705

() I approve the recommendation

(✓) I object to the recommendation

COMMENTS: Need to discuss basis for funding
that such activities are - at this time -
"in connection" with a Federal election

Date: 9/27/78 Signature: Robert O. Tierney

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



September 25, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 705

Please have the attached First General Counsel's Report on MUR 705 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040115151

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

RECEIVED
OFFICE OF THE
MEMBER

FIRST GENERAL COUNSEL'S REPORT

78 SEP 25 P 2: 28
DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION SEP 25 1978

MUR NO. 705
DATE COMPLAINT RECEIVED
BY OGC Sept. 6, 1978
STAFF
MEMBER Convery

SOURCE: Leon E. Panetta, California

RESPONDENT'S NAME: United Farm Workers of America, AFL-CIO,
Citizens Participation Day Fund

RELEVANT STATUTE: 2 U.S.C. § 441b(b) (3) (A)

INTERNAL REPORTS CHECKED: Reports of Receipts and Expenditures

FEDERAL AGENCIES CHECKED: None

BACKGROUND

Congressman Panetta filed this notarized complaint at the request of two constituents, Giles Breaux and Richard Krencicki. (See Attachment 1a).

In letters to Mr. Panetta, the constituents alleged that their Constitutional rights had been violated by the United Farm Workers of America (UFW). They claimed they had been expelled from the UFW and, as a result, faced loss of their jobs, because they refused to contribute to the Union's "Citizens Participation Day Fund." (Attachment 1b and 1c)

RECEIVED
OFFICE OF THE
MEMBER

78 SEP 25 P 4: 30

79040115155

EVIDENCE

Messrs. Breaux and Krencicki related that they were tried, on August 9 and 29, 1978, respectively, for refusing to sign cards which would have diverted a portion of each of their salaries to the Citizens Participation Day Fund. (According to the newspaper article discussed more fully below, the UFW had negotiated a paid holiday, Citizens Participation Day, for many of its members. The members, however, are required to pay to the union the salary they would have received for the holiday). Both men were found guilty at their union trials.

Mr. Breaux was given five days in which to contribute to the Fund or in which to appeal. He appealed, but the appeal was denied on August 30, 1978.

Mr. Krencicki states that as a result of his union trial he was fined and was fired from his job.

Both men supplied documents in support of their allegations. (Attachments 1b and 1c)

A copy of a portion of the Salinas Californian, dated August 9, 1978, which was attached to the complaint, reports on the case of a third union member, Cervando Perez, who was fired from his job for refusing to contribute to the Citizens Participation Day Fund. This article also reports on a telephone interview in which union president Cesar Chavez commented both on the Perez matter and on the Citizens Participation Day Fund Program. (Attachment 1e).

DISCUSSION

2 U.S.C. §441b(b) (3) (A) makes it unlawful for a separate segregated 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.

Attached to the complaint was a copy of a resolution purportedly adopted by the UFW at its August, 1977, Constitutional Convention.

The resolution provided that contributions by UFW Members to the Citizens Participation Day Fund would, from then on, be mandatory.

(Attachment 1d)

The letters written by Messrs. Breaux and Krencicki, the documents submitted in support of those letters, and the copies of the newspaper articles attached to the complaint strongly indicate that the UFW is enforcing the mandatory contribution provision and, further, is taking action against union members who refuse to contribute.

The issue that confronts the Commission is whether the monies attained by the Citizens Participation Day Fund as a result of mandatory contributions are being used in support of Federal candidates. If so, such support clearly is in violation of Section 441b(b) (3) (A).

The Citizens Participation Day Fund has never registered as a political action committee with the Commission. Telephone conversations with the staff of the California Secretary of State indicate that the Fund is registered with that office,^{1/}that it reported having

^{1/}The Fund is registered in California under the name "State Citizens Participation Day, UFW, AFL-CIO."

expended considerable funds in support of a 1976 referendum issue, and that it has not filed any reports yet for 1978.

The UFW does maintain a separate segregated Federal fund, the United Farm Workers of America Political Action Committee (formerly known as the Farm Workers Political Education Fund). The UFW Federal Political Action Committee (UFWFPAC) last reported financial activity in 1976, when it made expenditures of \$1149.58 in connection with Federal candidates. It has reported no financial activity since December 31, 1976.^{2/}

What connection the UFWFPAC has with the Citizens Participation Day Fund, if any, is not known. We are proposing a series of questions which should clarify that relationship.

The only information we have that would tend to indicate that Citizens Participation Day monies are being used in connection with Federal candidates is contained in an article which appeared in the

^{2/} UFWFPAC attempted to file by Form 3A postcard for each reporting period of 1977. When advised that they could not file an end-of-year report by postcard, UFWFPAC filed an "amended" end-of-1977 report which reflected no financial activity whatever during the year. Despite this lack of activity, UFWFPAC reported having \$150.37 cash on hand as of January 1, 1977 (incorrectly listed as January 1, 1979, on the report), as compared with \$13,922.80 cash on hand as of December 31, 1976. We believe UFWFPAC should be asked to explain the discrepancy. (See Attachments 2 and 3).

UFWFPAC has reported by postcard for each of the first two quarters of 1978.

in the August 9, 1978, edition of the Salinas Californian. That article, in pertinent part, reported that:

" [UFW President Cesar] Chavez also said the union had gained important political clout in behalf of farm workers through the [Citizens Participation Day] political fund. Just last week the UFW Political Endorsement Conference was addressed by... Congresswoman Yvonne Bratwaite Burke.

"...[Chavez] told conference delegates that maintenance of the [Citizens Participation Day] fund was necessary... to help elect public officials sympathetic to the union." (Attachment 1e)

CONCLUSION:

We believe that the information contained in the Californian article, although slight, provides sufficient basis for finding reason to believe that the Citizens Participation Day Fund is a separate segregated fund providing, or is about to provide, support to Federal candidates with monies obtained by job discrimination and financial reprisals; the threat of job discrimination, and financial reprisals; and with monies required as a condition of membership in a labor organization.

RECOMMENDATION:

Find reason to believe that the Citizens Participation Day Fund of the United Farm Workers has violated 2 U.S.C. §441b(b)(3)(A). Send attached letters to the Fund and to the United Farm Workers Federal Political Action Committee.

Attachments

1. Complaint (1a), with attachments 1b - 1g
2. 1976 end of year report filed by UFWFPAC
3. 1977 end of year report filed by UFWFPAC
4. Proposed letter to Treasurer, UFWFPAC
5. Proposed letter to President, UFW
6. Draft Certification

LEON E. PANETTA
18TH DISTRICT, CALIFORNIA

COMMITTEES:
AGRICULTURE
HOUSE ADMINISTRATION
437 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2861

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 6, 1978

Doc # 4786
DISTRICT OFFICES:
380 ALVARADO STREET
MONTEREY, CALIFORNIA 93940
(408) 848-3555
HOLLISTER, CALIFORNIA
(408) 837-0500
SALINAS, CALIFORNIA
(408) 424-2229
SAN LUIS OBISPO, CALIFORNIA
(805) 543-0134
SANTA CRUZ, CALIFORNIA
(408) 428-1978

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

Dear Chairman Aikens:

Pursuant to a request by two members of the United Farm Workers Union, I am forwarding to your attention information presented to me concerning their allegations of possible violations of federal election laws.

According to these members, the UFW adopted a resolution in 1977 requiring members to make contributions to the union's political action committee or political action fund. This year, the union is apparently enforcing that provision. Those members who are unwilling to contribute are being "tried" by the union locals, with a penalty of expulsion from the union and subsequent dismissal from employment, upon request of the union local. At this point, from the allegations presented to me, it is not clear whether or not the fund is used to support candidates for federal office.

The members of the Union who presented this information have requested that the Federal Election Commission investigate their allegations regarding involuntary political contributions, and whether or not such funds are being used in federal elections and therefore are within the jurisdiction of federal law.

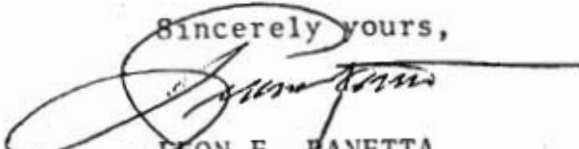
I am enclosing a variety of materials pertinent to the case, including letters to me from the two members of the union who first informed me of the situation. In addition, I am including a copy of one of the workers' pay slip from the week in which he was required to contribute to the political fund. The \$77.19 the union sought from him is listed on the pay schedule under the category of "Miscellaneous" deductions.

Attachment 1a

Chairman Joan D. Aikens
September 6, 1978
Page Two

Please keep me informed regarding your determinations in this matter. I believe it is in the best interest of the farmworkers, the UFW and the public to have the matter clarified as soon as possible.

Sincerely yours,



LEON E. PANETTA
Member of Congress

LEP:mfd

Enclosures: letter to Congressman Panetta from Mr. Giles Breaux;
letter to Congressman Panetta from Richard Krencicki;
copy of UFW resolution requiring mandatory political contributions;
copy of pay schedule of Giles Breaux and correspondence between the union and Mr. Breaux on this matter;
copies of newspaper articles on the case.

Subscribed and sworn to before me this 6th day of September 1978 in the District of Columbia.




Notary Public

Wilton A. Smith, Jr.
Notary Public, District of Columbia
Commission Expires October 14, 1982

1a

5.7. 2, 1978

Dear Mr Pinetta

I, Giles Beane, am a
Mechanic employed at West
Coast Farms in Watsonville,
Calif.

My hourly wage was, at the
time of this, 1/2 app. amount \$5.40
From this was taken 2% for
United Farm Workers Union
dues.

In May of 1978 a union
representative came to me at
work. I was handed two cards
of which one was for myself
and the other for a fellow worker
Mr. Hernandez. These cards were
for Citizen Participation Day
I signed for them.

Later, I attended a union
meeting at which time I
asked what C.P.D. and what
it was for. I could not see

Attachment 1b

7904013153

where this contribution was
of any benefit to me, for this
union had never helped
me. as far as I was, and still
am, concerned, the Kennedy
Plan is worthless. I refused
to contribute to the C.P.D. for
these reasons.

I, then, was told that I
would be fired by the
company if I did not sign.

On Sat. July 22nd at
approximately 6:30 P.M. three
Mexican men came to my
place of residence I recognized
Mr Pedro Gonzalez. one of the
other men handed me an
envelope. I asked the men
for identification of which
they refused to show me.

I handed the envelope back
to Mr Gonzalez, and asked
that he bring the envelope
to work on Monday. He tried

no more one come my papers
several times. The three men
were speaking in Mexican
I asked them to take the
papers and leave. One said
"I don't want any part of
this" and departed followed
by the other.

M Gonzalez refused to pick
up the papers, but also departed
I called the Sheriff after
I had taken down the car's
License Plate Number. The
Sheriff picked up the papers,
and took a report from me.

On Monday July 24, 1978,
I went to the Agricultural
Labor Relations Board. at 11:00
I filed a complaint
concerning Pedro Gonzalez,
other two men and the fact
that they had come to my
place of residence.

The form was incomplete

70940151

The V.T.W. and Community
with it as I was instructed
to do, because it was incomplete.
on Aug. 9 1978, because I refused
to contribute \$77.19 to C.P.D.

When a trial was held, at
this trial I was found guilty
and was given ~~five~~ five days
in which to pay, or appeal!

on Aug. 14 I did appeal
I sent a letter to C. P. D. over

The letter was received on
Aug 17 1978 I then received a
Reply in the form of a
Mandamus on the 30 of Aug.

as of September 4, 1978
according to this mandamus
I will be expelled from the
V.T.W. Union I feel that
it would be for my use to appeal
the case I would be appeal
ing to the same court that
sent the Mandamus.

790401150

16

" I have fought in 2nd
War for our civil right -
While in the US Army for
21 years. I have felt
My civil right and those
of my fellow workers are
being invaded by the
V.F.W.

1 Thank you
Giles Breaux
GILES BREUX

79040113101

16

DEPT. CODE	SUELDO POR HORA	POR CONTRATO	REGULAR	TIEMPO MEDIO	UNIDADES	REGULAR	TIEMPO MEDIO	MISCELANEO		TOTAL AHORROS	INCOME TAXES	
	HOURLY RATE	PIECE RATE	HOURS - HORAS			EARNINGS - SUELDO		CODE	AMOUNT			TOTAL GROSS
			REGULAR	OVERTIME	PIECES	REGULAR	OVERTIME	CODE	AMOUNT			
29	5.7400	6.0000	40.00	14.00	1.00	228.00	119.70		77.19	424.89	74.81	
			607.27	500.10	150.29	6.1454-70-5639				GILES PRAUX		
YEAR-TO-DATE TOTALS					SOCIAL SECURITY NO.		EMPLOYEE NAME					
			INCOME TAXES	SEGURO SOCIAL	ESTADO TAXES	S. D. I.						
			FEDERAL W/H	F. I. C. A.	STATE W/H	S. D. I.						
			SUPPORT AGRICULTURE CALIFORNIA'S MOST VITAL INDUSTRY				WEST COAST FARMS				MISC. EARNINGS 1. BOARD & LODGING VALUAT 2. GUARANTEE 3. ADJUSTMENT 4. TO BE SPECIFIED 5. TO BE SPECIFIED	
			RETAIN THIS RECEIPT THIS IS YOUR STATEMENT OF EARNINGS & DEDUCTIONS AS REPORTED TO THE GOVERNMENT.									

7 9 0 4 0 1 1 5 1

15

SEGURO SOCIAL	ESTADO TAXES	S. D.	CUOTAS DE UNION	MISCELLANEOUS CODE AMOUNT	FIN DE SEMANA	PAGO NETO	TOTAL AHORROS
DEDUCTIONS - DEDUCCIONES					PER PERIOD	NET PAY	YEAR TO DATE EARNINGS
F.I.C.A.	STATE W/H	S. D. I.	UNION DUES	MISCELLANEOUS CODE AMOUNT	MONTH DAY		
25.71	14.60	4.25	8.50	9	77.19 06/07	110.79	17.91
					06/09/78	45.08	

DATE	CHECK NO.	NET AMOUNT
------	-----------	------------

- MISC. DEDUCTIONS
- 1. LUNCHES
 - 2. ROOM & BOARD
 - 3. KNIVES
 - 4. RAINGEAR
 - 5. LOAN ADVANCES
 - 6. INTEREST INCOME
 - 7. GROUP INSURANCE
 - 8. TO BE SPECIFIED
 - 9. TO BE SPECIFIED

**NOT
NEGOTIABLE**

7 9 0 4 0 1 1 0 4 0 6 7

41

UNION NOTICE OF COMPLAINT AND TRIAL PROCEDURE

Dear Giles Breaux,

This is to inform you that Pedro Gonzalez, who is a member of the Union in good standing, filed a formal complaint against you on July 18, 1978, and that your Ranch Committee has since decided that the offense(s) you are accused of is (are) from among the list of actions for which a member of the Union can be accused according to the Constitution, Article XVIII, Section 1. This does not mean that we consider you guilty of the offense, but simply that the complaint was filed properly.

In accordance with the Constitution, we have set a trial date for August 9, 1978, the trial to be held at a Ranch Community meeting at the Union office at 7:00pm 80 Porter Dr., Watsonville. Attached is a copy of the complaint that was filed against you.

Please see Article XIX in the Constitution for a detailed description of the Trial Procedure. In general, you will be tried by your Ranch Committee in the presence of the Ranch Community. The Ranch Committee will judge guilt or innocence, and recommend its decision to the Ranch Community. The Ranch Community will have the final decision. If you are found guilty, you have a right to appeal to the National Executive Board.

You may wish to begin to prepare your defense. You may present witnesses, and documents in evidence. Neither you nor the accuser may have a lawyer, but you will be allowed to select a member of the Ranch Community to act as your counsel, if you wish such help. The burden of proof is on the accuser. You have the right to cross-examine witnesses presented by the accuser.

It is important that we in the Union deal with our problems in an honest, open and just way. This trial procedure is an attempt to do that.

7 9 0 4 0 1 5 1 3

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We will make every effort to assure that the trial is held in an orderly and fair manner.

You are required to be present at the trial. If you are not, the trial will proceed without you.

If we can explain the procedure further, or answer any other questions you have, please come by to see us.

Yours in justice,

Agustin Herrera, President
West Coast Ranch Committee

790411067

United Farmworkers of America, AFL-CIO 80 Porter Drive, Watsonville
724 1308

16

Accused Giles, Frank

Social Security Number 451-20-5639

Address 25 Echo Valley Rd., Salinas

Telephone Number 663-2250

Ranch West Coast Farms

DESCRIPTION OF THE OFFENSE (S)

This member refused to sign the contract for the 1978-79 season on Tuesday, June 6, 1978 at 2:45pm at the Town Hall of West Coast Farms. As of this date, he still has not signed. This is a violation of Article 18, Section 1 (a, b, c, and h) of the Constitution and Article 2 of the Contract.

Accuser Pedro Gonzalez

Social Security Number 547 46 4642

Address 1400 Riverside Rd., Watsonville

Telephone Number 724-1588

Ranch West Coast Farms

I. ASSERT THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY RECOLLECTION.

Pedro Gonzalez
signature

7/15/78
date

OFFICE USE ONLY

Received by *Quentin Herrera*
signature

7/18/78
date

President, United Residents
position

Watsonville
office

West Coast Farms

16

NOTICE OF FINAL DECISION

Please be advised that your Ranch Community has found you to be:

Guilty as charged with the following penalty imposed: five days to pay the \$77.19 which you received for Citizenship Participation Day. Otherwise, you will be expelled from the Union.

Innocent.

If you have been found guilty you have a right to appeal this decision to the National Executive Board within 15 days. (Please see Article XX of the UFW Constitution.)

8-11-78 4:30

Dated:

8-10-78

Signed:

Agustin Herrera

Dear Giles Breaux,

We would like to officially inform you of the results of the trial which took place on August 9, 1978. The decision was recommended by the Ranch Committee and approved by the Ranch Membership. The vote was 4 to 0 by the Ranch Committee and 47 to 3 by the membership.

You have the right to appeal within fifteen days to the National Executive Board of the Union. You must write to Gilbert Padilla, the Secretary Treasurer at P.O. Box 62, LaPaz, Keene, California 93531. If we can explain the procedure further, or answer any other questions you have, please come by and see us.

We hope that you understand the importance of the political fund for you, your family, and all farmworkers.

Sincerely,

Agustin Herrera
Agustin Herrera, President
West Coast Farms Ranch Committee

ib

August 14, 1978
25 Echo Valley Rd.
Prunedale, Calif.
93907

Dear Sirs,

I would like to appeal to a trial given to me by the Ranch Community on the ninth day of August, 1978.

The interpreter of Spanish to English did not know these languages well enough to have interpreted in this court. Therefore, at this trial, the audience had to participate in the interpretations.

I, also, at this trial, was denied a counselor, though the Ranch Community was allowed to have one present.

I demand that this trial be called a mistrial for these above reasons.

Thank you,

Giles Breaux
Giles Breaux

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1
1
1
1
0
1
6
6
2

16

AB - 1 x 67
UFW

4-000703E242 08/30/78 ICS IPMRNCZ CSP SNJA
8058225571 MGM TDRN KEENE CA 135 08-30 0028A EST

GILES BREAUX
25 ECHO VALLEY RD
PRUNEDALE CA 93907

MR BREAUX:

PLEASE BE ADVISED THAT UPON REVIEW OF THE ENTIRE RECORD IN THE TRIAL HELD BY YOUR RANCH COMMUNITY ON AUGUST 9 1978 THE NATIONAL EXECUTIVE HAS UPHELD THE SENTENCE AND VERDICT TO WIT: YOU HAVE 5 DAYS FROM THE DATE OF THIS NOTICE WITHIN WHICH TO PAY YOUR CPD CONTRIBUTION. IF SUCH CONTRIBUTION IS NOT PAID YOU WILL BE EXPELLED FROM THE UNION. PLEASE BE FURTHER ADVISED THAT ACCORDING TO ARTICLE XX SECTION 2 OF THE CONSTITUTION YOU ARE ENTITLED TO APPEAL THIS DECISION WITHIN 15 DAYS OF THE DATE OF THIS NOTICE TO EITHER THE PUBLIC REVIEW BOARD OR THE CONVENTION. YOU MAY EXERCISE THIS RIGHT BY FILING A NOTICE OF APPEAL WITH THE SECRETARY-TREASURER OF THE UNION. IN NO EVENT HOWEVER WILL THE APPEAL STAY THE SENTENCE.

GILBERT PADILLA
SECRETARY-TREASURER

0557 EST

MGMCOMP MGM

16

STATE OF CALIFORNIA
ESTADO DE CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD
CONSEJO DE RELACIONES DE TRABAJADORES AGRICOLAS

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS
CARGO CONTRA UN SINDICATO O SUS AGENTES

INSTRUCTIONS: File an original and 3 copies of this charge and an additional copy for each organization, each local and each individual named in item 1 with the ALRB regional director or sub-regional director for the region or sub-region in which the alleged unfair labor practice occurred or is occurring. The charge must be accompanied by declarations as provided in regulation 20212. There is no obligation to serve the declaration on the charged party.

DO NOT WRITE IN THIS SPACE
NO ESCRIBA EN ESTE ESPACIO

Case No. / Número del Caso

Date Filed / Fecha de Entrega

INSTRUCCIONES: Registre un original y 3 copias de este cargo y una copia para cada organización, cada local del sindicato y cada persona nombrada en el artículo 1, con el director regional o sub-regional del ALRB donde se alega que ocurrió o están ocurriendo prácticas laborales injustas. Los cargos deben ir acompañados de declaraciones como está estipulado en la regla 20212. No hay obligación de entregar la declaración a la parte demandada.

LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT
ORGANIZACION DE OBREROS O SUS AGENTES CONTRA QUIENES LOS CARGOS SON PRESENTADOS

United Farmworkers of America. AFL/CIO

a. Name - Nombre

b. Address (street and number, city, state and zip code) / Dirección (calle y número, ciudad, estado, zona postal)

80 Porter Dr. Watsonville Ca.

c. Union Representative to Contact
Representante del Sindicato con Quién Comunicarse

d. Phone Number
Número de Teléfono

(408) 633-5764

e. The above-named labor organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of the following section(s) of the Agricultural Labor Relations Act: (check appropriate box.)

Section 1154, subsection(s) A (1)

Section 1154.5 Section 1154.6

Sep. 4, 1978

Dear Mr. Panetta,

In June of 1978 Mr Breux gave me a card from the U.F.W for the C.P.D. pay to sign.

I refused to sign the card. Then the union held a ~~meeting~~ meeting at the union hall for the tractor crews and the Mechanics of West Coast farm, where told that it was Mandatory to give the C.P.D. to the union or be ~~fire~~ fired from my job, and put on trail. I was put on trail and fined \$25. The day wage for C.P.D. \$65. and ~~the~~ was fired from my job.

79940113175
Attachment 1c

I was not allowed
a Lawyer at my trial.
I feel that my constitu-
tional rights are being violated.

Richard
Krencicki

RICHARD
KRENCICKI

79010115173



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531

(805) 822-5571

Saturday, July 22, 1973.

Watsonville Office
80 Porter Drive
Watsonville, Calif.
95076

Dear Richard Krencicki,

We are giving you official notice that since you are one of the persons who have not met your obligation of Citizenship Participation Day, you will be tried in accordance with the procedure set forth in the Union's Constitution. In the next few weeks, you will be receiving written charges stating the time, date and place for your trial. In order to ensure justice for everyone, we are asking the President of our Union, Cesar Chavez, for an extension of the sixty day time limit so that we will have the opportunity to hold a trial for each person who has not met his or her obligation as a union member.

In addition, we are inviting you to a meeting where we will explain the trial procedure according to the Constitution. The meeting will be held on Wednesday, July 26 at 6:00 in the Union office at 80 Porter Drive in Watsonville.

Sincerely,

Agustin Herrera
Agustin Herrera, President
West Coast Farms Ranch Committee.

Jose Renteria
Jose Renteria, Director
U.F.W. Watsonville.

790401177

1c



COMPLAINT FOR DISCIPLINE OF UFW MEMBERS

OFFICE USE:

Received by: Quiter Herrera

Position: Presidente Comité de Paro

Date: 8-17-78

Office: Watsonville Calif.

SECTION I: INFORMATION ON MEMBER BEING CHARGED.

Name: Richard Kroniccki

Employed by: West Coast Farms

Mailing: 43 Sill Rd. W.

phone: unknown

Address: Watsonville 95076

social security #522 22 1498

SECTION II: CHARGE(S) AGAINST MEMBER

(see Article XVIII, Section 1 of the Constitution)

A. THE ABOVE MENTIONED MEMBER IS IN VIOLATION OF SUBSECTIONS A, B, C, H UNDER SECTION E, ARTICLE XVIII OF THE CONSTITUTION.

B. BRIEFLY DESCRIBE THE VIOLATION(S) ENTERED ABOVE: (be specific, if you need more space, use back of form)

He refused to sign the card for the Citizenship Participation Day Fund.

C. I FIRST BECAME AWARE OF THE VIOLATION OF THE ABOVE MENTIONED SUBSECTION(S) on June 6, 1978.

D. THE ABOVE MENTIONED VIOLATION(S) COMMITTED AND/OR PRESENTLY BEING COMMITTED AT the Union Office IN/OR NEAR THE CITY OF Watsonville in the COUNTY OF Monterey.

SECTION III. INFORMATION TO BE SUPPLIED BY MEMBER FILING COMPLAINT:

A. Name: Pedro Gonzalez

Mailing: 1200 Riverside Dr. phone: 724 1543

Address: Watsonville 95076 social security #542 48 4842

B. Employed by: West Coast Farms

C. I declare that the information supplied by me in filling out this form is true to the best of my knowledge.

Date: 8/17/78

Signed: Pedro Gonzalez

Dear Richard Kroncicki

This is to inform you that Pedro Gonzalez who is a member of the Union in good standing, filed a formal complaint against you on August 17, 1970 and that your Branch Committee has since decided that the offense(s) you are accused of is (are) from among the list of actions for which a member of the Union can be accused according to the Constitution, Article XXIII, Section 1. This does not mean that we consider you guilty of the offense, but simply that the complaint was filed properly.

In accordance with the Constitution, we have set a trial date for August 29, 1970, the trial to be held on a Branch Community meeting at the Union office at 7:30pm (place) 20 Porter Drive, Watsonville (time) attended by members of the Branch Committee and you.

Please refer to the Constitution for a detailed description of the trial procedure. It is your responsibility to your Branch Committee in the presence of the Branch Committee, the Branch Community, judge, jury or arbitrator, and witnesses, to present your case to the Branch Community. The Branch Community will make the final decision. If you are found guilty, you have a right to appeal to the National Executive Board.

You should be allowed to present your defense, to call witnesses, and document in evidence. Remember you and the accused may have a lawyer, but you will be allowed to select a member of the Branch Community to act as your counsel, if you wish such help. The burden of proof is on the accuser. You have the right to cross-examine witnesses presented by the accuser.

It is important that we in the Union deal with our problems in an honest, open and just way. This trial procedure is an attempt to do that.

1c

79011104067



4787

RESOLUTION 45- Approved by the delegates of the Third Constitutional Convention of the United Farmworkers of America, AFL-CIO , August 1977 in Fresno, California

MANDATORY CONTRIBUTIONS TO THE CITIZEN PARTICIPATION DAY FUND

WHEREAS, farmworkers face abuse and discrimination every day, both on the job and in the community, and

WHEREAS, through good union contracts farmworkers can stop the abuses and discrimination on the job, and

WHEREAS, farmworkers must build active political power to protect the gains won on the job through contracts and fight the problems of the community, and

WHEREAS, active political power means that farmworkers can lobby to pass good laws that will benefit farmworkers, and fight to block the passage of bad laws, which are sponsored by the rich lobby of growers, and

WHEREAS, active political power means voter registration and campaigns to elect good public officials, who know and understand the problems of farmworkers, and

WHEREAS, active political power means civic action in the community to stop discrimination, bad housing, police brutality, and other problems that must be changed, and

WHEREAS, a crucial element to building active political power is financial support,

THEREFORE BE IT RESOLVED that the Third Constitutional Convention of the United Farmworkers of America, AFL-CIO, in an effort to provide the financial support that is crucial to building active political power to better the lives of all farmworkers, does hereby vote to provide that contributions to the Citizen Participation Day Fund shall be mandatory.

Attachment 1d

ue

Salinas Californian

A Gannett Newspaper

107th Year - No. 189

WEDNESDAY AFTERNOON, AUGUST 11, 1971

20¢

Chavez defends UFW's rules on political dues

By DOUG FOSTER
California Staff Writer

In the wake of an internal union flap which led to the firing of a Watsonville lettuce worker, United Farm Workers President Caesar Chavez stoutly defended UFW's political fund today.

Chavez's telephone interview with the Californian came in the wake of Monday's firing of Cervando Perez, a leader at West Coast Farms. The firing was at UFW request.

"I can confirm that Perez was discharged on the union's request," said Mitch Resetar at

West Coast. "The man had done a good job. He was a good worker."

If Perez's status as a good worker is uncontested, his position as a good union member is more tenuous, according to charges brought by West Coast Ranch Committee President Agustin Herrera. Perez was charged last June with failing to contribute to the union's political "Citizenship Participation Day" (CPD) fund.

CPD monies come from a paid holiday negotiated in nearly all UFW contracts since 1973. If in-

dividual workers sign releases, contributions go into the Union's fund; if not, the money goes to the workers themselves.

In the face of concern about the level of support for the union's political activities, CPD contributions were made mandatory at last year's UFW constitutional convention. Those who refuse to pay, after trials where formal charges were brought, can be expelled from the union and lose their jobs. That is what happened to Cervando Perez.

"I worked at West Coast for five years," Cervando Perez said

yesterday. "Last year nobody had to pay CPD. Then, all of a sudden, they wanted \$50 from me. That's not fair. I have more right to the money than they do."

Perez said the purpose of the political fund was never explained to him, or to other workers at West Coast. "I just don't think it (the fund) has helped us," he added. He also thought other workers would back him up, and claimed that he was simply an example to others who have refused to make the political contributions.

"I don't think it's just. It's not only me. There are a lot of people who have not signed," Perez said.

UFW President Chavez disputed Perez's claim that large numbers of workers are refusing to pay into the political fund.

"It's a question of percentages," he said this morning. "Look at how many people don't want to pay their income taxes."

Only 8 out of 30,000 farm workers under UFW contract have been brought up on charges for refusing to make political contributions. See back page

Carter's, panel's

House will debate both tax cut plans

Attachment 1e



Chavez

(Continued from page 1)

contributions, according to Chavez.

"As you know, though, the (contributions) were mandated by the membership... and charges for not paying are brought by co-workers. There may be a few more than 8, but those are the only ones I know about," Chavez said.

Chavez also said the union has gained important political clout in behalf of farm workers through the political fund. Just last week, the UFW Political Endorsement Conference was addressed by Gov. Brown, Lt. Gov. Mervyn Dymally and Congresswoman Yvonne Bratwithe Burke.

In the address to the conference, Chavez said CPD funds were responsible for success in the battle for the Agricultural Labor Relations Act and unemployment insurance for farm workers. He told conference delegates that maintenance of the fund was necessary to prevent the gutting of the ALRB and to help elect public officials sympathetic to the union.

"This is something the membership of the union wants," Chavez said this morning.

In Watsonville tonight the trial of another West Coast worker will be held. Giles Breux, a mechanic, told the Californian he will forfeit his job rather than make his CPD contribution.

"My belief is that I vote for who I want to and donate to who I want to. I won't change, even to save my job..." Breux said.

Since most of the trials of workers charged with failing to meet union-mandated CPD responsibilities have come from two companies — West Coast and J. J. Crosetti — Chavez speculated this morning that "the companies are encouraging these workers not to pay. That's a possibility we have to look into."

A spokesman at West Coast was closemouthed about the controversy, however. "I'm in a tough position as far as commenting too much on this," Mitch Resetar said. "Just put yourself in his (Perez's) position and imagine how you'd feel."

As for the contention of Breux and Perez that the purpose of CPD had never been adequately explained by union officials, Chavez had short shrift.

"We have explained it," Chavez insisted. "What it is was explained very carefully at his trial. If anybody should know what the fund is for, it's Perez. He had every chance to learn."

Public meeting

12

Worker fired in dispute on union fund

A worker at West Coast Farms has been fired and another may lose his job because the two have refused to make contributions to the political fund of the United Farm Workers Union. Cervando Perez, a loader at West Coast for five years, was discharged by the company, at the request of the union, earlier this week, and Giles Breaux, a mechanic, was "convicted" by co-workers Wednesday and has a short period of time to either make the mandatory contribution or appeal his case.

The program requiring contributions to support the political arm of the UFW was instituted last year, according to union spokesman More Grossman, and any member who fails to contribute to the program is subject to "trial" by his co-workers.

Should a member be found guilty of failing to contribute to the fund, he has 15 days in which to appeal the decision to the National Executive Board of the UFW.

Perez, who was tried in July, was fired Monday, and Breaux was found guilty on a 46-1 vote by co-workers at Wednesday's meeting, attended by 60 union members. They then voted 47-3 to give Breaux five days in which to make the payment, or be expelled from the union.

"It must be emphasized that this is an action by the workers, not the UFW," said Grossman Friday when contacted at his La Paz office.

"It's an action by the workers, but based on the UFW constitution. The trial itself went by the book," he added. "The workers went out of their way to insure that Mr. Breaux' rights are observed."

Should Breaux, who before Wednesday's trial said he would not change his position "even to save his job," fail to make payment or file an appeal, workers at the union will notify West Coast, that he has been expelled from the UFW and company officials will then notify Breaux of his termination.

Perez, according to Grossman, was fired when he failed to reach an agreement after nearly a month of negotiations with the UFW.

"We gave him (Perez) an extra week to appeal the decision, but we heard nothing from him," said Grossman.

Perez complained that the purpose of the fund was never explained to him and that he didn't feel that field workers would benefit from it.

Because of resistance to the program from union members, UFW President Caesar Chavez has found himself defending the fund and requiring the contributions as the price of membership.

"This is something the membership of the union wants," he told the Salinas Californian.

Both Chavez and Grossman indicated there is some belief that the companies involved in most of these cases may be trying to force the issue.

Chavez said that it was possible that "the companies are encouraging these workers not to pay. That's a possibility we'll have to look into."

Grossman was a bit stronger with his statement, saying that "the companies sometimes encourage the workers to test (the union regulations)."

West Coast's Mitch Resetar was reluctant to comment about the union's procedures involving Perez and Breaux.

Attachment if

Letters to editor _____

Public forum

John Q. Public

Fund requirement deplored

To the Editor:

In regard to the story, "Chavez Defends UFW's Rules on Political Dues," Salinas Californian, August 9, 1978, the United Farm Workers union acted in a reprehensible manner in firing Mr. Cervando Prez, a loader for West Coast Farms.

He was fired not because he failed to perform to standards set by his employer, but because the union requested his dismissal citing his failure "to contribute to the union's political Citizenship Participation Day fund."

The main objective of any union should basically be, as author, John A. Fitch wrote in "Social Responsibilities of Organized Labor," to promote self-regard which in itself "impels a person to supreme self-dedication to a cause that includes but transcends the self."

This provides the union with the means to maintain cohesiveness and ultimately, of course, power.

But in no manner should this be construed as a right, absolute or otherwise, to condone or perpetuate punishment upon members who ethically and morally oppose, not the general

financing of the union, but the obligatory contribution of one's wages earned during a paid holiday for purely political purposes, not in conjunction with the normal financing of the union itself.

I do not dispute that "important political clout" has been gained in behalf of farm workers or the encouraging results that have been attained. For the many who actively worked on the vital issues concerning the farm worker, their successes are well deserved.

However, my concern is that civil liberties have been taken away from one individual in total disregard of "due process" through some union-organized trial because a political mandate set by the union was not adhered to, despite some basic guarantees accorded in the amendments to the Constitution of The United States of America.

I can only hope that such extravagant ploys are not taken up elsewhere to the detriment of us all and not just some poor soul whose cries pass with the day's news with little or no consequence.

Ignacio Hernandez Jr.
Salinas

Mechanic takes appeal to Chavez

Giles Breaux, a West Coast Farms mechanic facing expulsion from the United Farm Workers Union and loss of his job because he refused to contribute to a union political fund, has appealed his case to the union's president, Cesar Chavez.

Breaux wrote to Chavez after his co-workers at West Coast voted 47-3 on Aug. 9 to give him five days to make the payment, or be expelled from the union. Cervando Perez, a loader at West Coast for five years, was fired from his job the same week for refusing to contribute to the political fund.

Under the UFW constitution, union members are required to contribute the equivalent of one day's wages a year to the fund. According to union spokesman Marc Grossman, workers are not actually docked a day's wages, but are asked to contribute the money they receive for a paid holiday negotiated under union contracts. The holiday is called "Citizens Participation Day," Grossman said.

At West Coast Farms, according to Breaux, workers received two pay checks, one for their regular wages and one for the union political contribution. Breaux said he refused to sign the latter check over to the UFW and cashed it instead.

Grossman said Monday that Breaux's case will be heard by the UFW's national executive board, but he could not say when.

Breaux, who lives at 25 Echo Valley Road in Prunedale, said last week that he had received several job offers but would not quit his job at West Coast Farms.

"I'm going to stay here and let them fire me," he said, "and then I'm going to sit down and fight it out."

Nuclear support criticized

Attachment 1g

U.S. GOVERNMENT PRINTING OFFICE: 1974 O - 372-000

Combinated of

Name: Committee authorized by candidates to receive contributions and disburse them in connection with the election of U.S. Senator

11 <u>Federal National Assn Committee</u>	12 Identification Number <u>020011</u>
13 (a) Address (street and city) <u>12 E St</u>	14 Is this a report of multiple periods of activity for only one election? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
15 (b) City, State and Zip <u>Chicago, Illinois 60601</u>	16 If "Yes," for which election? (insert, primary, run-off) _____ (date) _____

17 Type of Report (Check appropriate box and complete, if applicable)

(1) Amendment for _____ (a) July 10 Quarterly Report
 (2) April 10 Quarterly Report (b) October 10 Quarterly Report
 (3) Termination Report

(4) Termination Report (c) January 01 Year End Report
 (5) Monthly Report _____ (month) _____
 (6) Termination Report

(7) Ten-day report covering _____ (primary, general or convention) _____ (date) _____ in the State of _____

(8) Ten-day report following _____ (primary, general or convention) _____ (date) _____ in the State of _____

	Column A This Period	Column B Previous Year To Date
18 Cash on hand January 1, 1974 <u>See explanation attached</u>		<u>13,073.53</u>
19 Cash on hand at beginning of reporting period	<u>13,073.53</u>	
20 Total receipts (from line 10)	<u>0</u>	<u>0</u>
21 Total disbursements (lines 22 and 23)	<u>13,073.53</u>	<u>13,073.53</u>
22 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
23 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>13,073.53</u>	<u>13,073.53</u>
24 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
25 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
26 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
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28 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
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32 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
33 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
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48 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>
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100 Cash on hand at close of reporting period (Subtract line 21 from line 19)	<u>0</u>	<u>0</u>

Report prepared by _____ (Name of Reporter or Candidate) _____ (Name of Candidate)

Report prepared by _____ (Name of Reporter or Candidate) _____ (Name of Candidate)

Report prepared by _____ (Name of Reporter or Candidate) _____ (Name of Candidate)

7904011513

Attachment 2

79040115133

1100

0070-0070

03 Compensation
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UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

United Farm Workers of America, AFL-CIO
Federal Political Action Committee

F.E.C. # 200961

Our FEC-3 for the period 01/76 through 12/31/76 (filed under the old name, United Farm Workers of America Farm Workers Political Education Fund), inadvertently omitted from its cash on hand reporting the sum of \$13,772.63 which has been on deposit in a separate account throughout 1976. This Year End Report corrects that error.

776884910137

FD Form 3
July 1976
Federal Election Commission
3000 K Street, N.W.
Washington, D.C. 20543

Report of Receipts and Disbursements
for a Candidate or Committee
Supporting any Candidate for
Nomination or Election to Federal Office

(Notes: Committees authorized by a candidate to receive contributions and make expenditures in connection with such election and election must maintain appropriate records with respect to each election.)

1(a) Name of Candidate or Committee (in full) Check if name or address is changed
United Farm Workers of America, AFL-CIO
Federal Political Action Fund

2 Identification Number
02004

3 (a) Address (number and street)

D. C. Box 53

(b) City, State and ZIP code

Washington, D.C. 20001

2(a) Is this a report of receipts and expenditures for only one election? Yes No

(b) If "Yes," for which election?
on _____ (date)
(general, primary, runoff) (local)

4 Type of Report (Check appropriate box and complete, if applicable)

(a) Amendment For _____ (which report) (b) July 10 Quarterly Report
(c) April 10 Quarterly Report (d) October 10 Quarterly Report

(e) January 31 Year End Report

(f) Monthly Report (month) _____

(g) Termination Report

(h) Tenth day report preceding _____ election on _____ in the State of _____ (primary, general or convention) (date)

(i) Thirtieth day report following _____ election on _____ in the State of _____ (primary, general or convention) (date)

Candidate or Committee Secretary of Receipts and Disbursements

5 Reporting Period: From _____ (month) _____ (year) to _____ (month) _____ (year)

Section A - Cash Balance Summary

Column A
This Period

Column B
Calendar Year-To-Date

6 Cash on hand January 1, 1979	\$ 150.37	\$ 150.37
7 Cash on hand at beginning of reporting period	\$ 150.37	
8 Total receipts (from line 10)	\$ 0	\$ 0
(a) Subtotal (Add lines 7 and 8)	\$ 150.37	\$ 150.37
9 Total expenditures (From line 28)	\$ 0	\$ 0
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ 150.37	\$ 150.37

Section D - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only by Presidential Candidates Receiving Federal Funds)		
12 Operating expenditures (from line 20)	\$	\$
13 Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	\$	\$
(b) Expenditures from prior years subject to limitation	\$	\$
(c) Total expenditures subject to limitation (Add lines 14a and 14b)	\$	\$

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

Gilbert Padilla
(Typed Name of Treasurer or Candidate)

Gilbert Padilla
(Signature of Treasurer or Candidate)

3-1-78
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 4373 or 18 U.S.C. § 1001.

For Further Information Contact
Federal Election Commission
1425 K Street, N.W.
Washington, D.C. 20543

Any information printed herein may not be copied for sale or use by any person for purpose of soliciting contributions or for any commercial purpose.

Attachment 3

7904011513

Form 70
1973
U.S. COMMISSION ON
SELECTED
Washington, D.C. 20540

7904011513

Name of Committee or Candidate		Column A This Year	Column B Calendar Year 1972
PART I - RECEIPTS			
15	Contributions and other income:		
	(a) Itemized (see Schedule A)	\$ 0	\$ 0
	(b) Unitemized	\$ 0	\$ 0
	(c) Cash and Collections Included Above: List by source on memo Schedule D 13		
	(d) Subtotal of contributions and other income	\$ 0	\$ 0
16	Loans and Loan Repayments Received:		
	(a) Itemized (see Schedule A)	\$ 0	\$ 0
	(b) Unitemized	\$ 0	\$ 0
	(c) Subtotal of loans and loan repayments received	\$ 0	\$ 0
17	Refunds, Rebates, Returns Received:		
	(a) Itemized (see Schedule A)	\$ 0	\$ 0
	(b) Unitemized	\$ 0	\$ 0
	(c) Subtotal of refunds, rebates, returns	\$ 0	\$ 0
18	Transfers In:		
	(a) From Affiliated Committees (Itemize on Schedule A Regardless of Amount)	\$ 0	\$ 0
	(b) From other Committees (Itemize on Schedule A Regardless of Amount)	\$ 0	\$ 0
	(c) Subtotal of transfers in	\$ 0	\$ 0
19	Total Receipts	\$ 0	\$ 0
PART II - EXPENDITURES			
20	Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):		
	(a) Itemized (see Schedule D)	\$ 0	\$ 0
	(b) Unitemized	\$ 0	\$ 0
	(c) Subtotal of operating expenditures	\$ 0	\$ 0
21	Independent Expenditures (see Schedule D)	\$ 0	\$ 0
22	Loans, Loan Repayments, and Contribution Refunds Made:		
	(a) Itemized (see Schedule D)	\$ 0	\$ 0
	(b) Unitemized	\$ 0	\$ 0
	(c) Subtotal of loans and loan repayments made and contribution refunds	\$ 0	\$ 0
23	For Use Only by Presidential Campaigns Receiving Federal Funds: Except Fundraising, Legal and Accounting Expenditures:		
	(a) Itemized (see Schedule D)	\$ 0	\$ 0
	(b) Unitemized	\$ 0	\$ 0
	(c) Subtotal of fundraising expenditures	\$ 0	\$ 0
24	Transfers Out:		
	(a) To Affiliated Committees (Itemize on Schedule D Regardless of Amount)	\$ 0	\$ 0
	(b) To Other Committees (Itemize on Schedule D Regardless of Amount)	\$ 0	\$ 0
	(c) Subtotal of transfers out	\$ 0	\$ 0
25	Total Expenditures	\$ 0	\$ 0
PART III - DEBTS AND OBLIGATIONS			
26	Debts and obligations owed to the Committees (Itemize all on Schedule C)	\$ 0	\$ 0
27	Debts and obligations owed by the Committees (Itemize all on Schedule C)	\$ 0	\$ 0
PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES			
28	Total Receipts (from line 19)	\$ 0	\$ 0
29	Transfers In (from line 18(a))	\$ 0	\$ 0
30	Net Receipts (Subtract line 29 from line 28)	\$ 0	\$ 0
31	Total Expenditures (from line 25)	\$ 0	\$ 0
32	Transfers out (from line 24(a))	\$ 0	\$ 0
33	Net Expenditures (Subtract line 32 from line 31)	\$ 0	\$ 0



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. Gilbert Padilla, Treasurer
United Farm Workers Federal
Political Action Committee
P.O. Box 62, La Paz
Keene, California 93531

Re: MUR 705

Dear Mr. Padilla:

By this letter, the Federal Election Commission requests that you provide information which will assist it in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended.

In this connection, we would appreciate your answering the questions listed on the Attachment to this letter. We request that your answers be in notarized form and that they be forwarded to the Commission within ten days of your receipt of this letter.

Since this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. §437g(a)(3)(B) will prevail.

If you have any questions or require additional information, please contact Vincent J. Convery, Jr., the Commission attorney assigned to this matter, at 202-523-4058.

Sincerely,

William C. Oldaker
General Counsel

Attachment 4

79040115121

FEDERAL ELECTION COMMISSION

Attachment to letter to
Gilbert Padilla
MUR 705

QUESTIONS

- 7
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1
1. Is the United Farm Workers Federal Political Action Committee (UFWFPAC) the same organization that formerly was known as the Farm Workers Political Education Fund?
 2. (a) Does the Farm Workers Political Education Fund exist today? If not, please advise as to the date it ceased to exist.

(b) If the Political Education Fund has ceased to exist, please advise as to the disposition of its residual funds.
 3. On July 17, 1976, the Farm Workers Political Education Fund filed a Statement of Organization with the Clerk of the U.S. House of Representatives. The following pertinent information was reflected in that Statement:

Chairman: Cesar E. Chavez

Vice-Chairwoman: Dolores Huerta

Treasurer: Gilbert Padilla

Banks/other repositories: a. United California Bank
b. Farm Workers Credit Union

Please advise as to whether the same information now pertains to UFWFPAC. If changes have been made, please set them out.

4. Does UFWFPAC support both State and Federal Candidates? List all Federal candidates who have received financial support from UFWFPAC from 1976 to the present.

5. The 1976 end of year report filed by UFWFPAC on February 1, 1977, indicated that the PAC had \$13,922.80 cash on hand as of December 31, 1976.

The 1977 end of year report filed by UFWFPAC on March 18, 1978, reflected that the PAC had \$150.37 cash on hand as of January 1, 1977.

Please explain the discrepancy in the cash balance as of these two dates. If the reduction in the cash balance was due to any kind of expenditure, please provide full details to the date, nature and amount of the expenditure.

6. Has UFWFPAC ever received financial support from the Citizens Participation Day Fund of the United Farm Workers? If so, when and in what amount? (For the purposes of this question, such support includes contributions, loans, expenditures and transfers of money).
7. Has UFWFPAC ever sponsored a forum or other event at which candidates for Federal office have appeared and spoken? If so, please provide particulars as to the dates, the names of such candidates and the costs to UFWFPAC.



FEDERAL ELECTION COMMISSION

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

Cesar E. Chavez, President
United Farm Workers of
America, AFL-CIO
P.O. Box 62, La Paz
Keene, California 93531

Re: MUR 705

Dear Mr. Chavez:

On September 6, 1978, the Commission received a complaint which alleged that the United Farm Workers of America may have violated the Federal Election Campaign Act of 1971, as amended. Essentially, the complaint alleged that two members of the United Farm Workers of America had been expelled from union membership for their refusal to contribute to the UFW's political action committee. A copy of the complaint is at Attachment 1.

On September , 1978, the Commission found reason to believe that the Citizens Participation Day Fund of the UFW violated Section 441b(b)(3)(A) of the Act. This finding is based on evidence that the UFW has compelled its members to make contributions to the Fund, and on indications that part of the monies thus realized were expended in connection with elections for Federal office.

You are invited to provide the Commission with any information which will demonstrate that no further action should be taken against the Fund under the Act. Such information should be forwarded to the Commission, in notarized form, within ten days of your receipt of this letter.

Attachment 5

Additionally, you are requested to provide answers to the questions at Attachment 2. These answers also should be in notarized form and should be forwarded to the Commission within ten days of your receipt of this letter.

Pursuant to 2 U.S.C. §437g(a)(3)(B), this matter will remain confidential unless you advise the Commission in writing of your desire that it be made public.

The Fund may be represented by an attorney in this matter. Should an attorney be retained, please advise us so that we may communicate directly with him/her.

If you have any questions or desire additional information, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4058.

Sincerely,

William C. Oldaker
General Counsel

79010115174

FEDERAL ELECTION COMMISSION

Attachment 2 to letter to
Cesar E. Chavez
MUR 705

1. When was the Citizens Participation Day Fund created?
2. For what purpose(s) was the Fund created?
3. Please list the officers of the Fund and the office held by each.
4. Please list all Federal candidates who have been provided with financial support by the Fund since its inception. (For the purposes of this question, such support includes contributions, loans and transfers made to a candidate or to his committee, and also includes expenditures made for the purpose of expressly advocating the election of a candidate). Please provide particulars as to dates and amounts.
5. Has the Fund ever made expenditures for the purpose of expressly advocating the defeat of any Federal candidate? If so, give particulars as to candidates, dates and amounts involved.
6. Has the Fund ever sponsored forums or other events at which Federal candidates have appeared and spoken? If so, please provide particulars as to the dates, the names of such candidates and the costs to the Fund.
7. Has the Fund ever endorsed a Federal candidate? If so, who and when?
8. What non-Federal candidates have been supported by the Fund since its inception.

INFORMATION



FEDERAL ELECTION COMMISSION

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

October 10, 1978

MEMORANDUM FOR: WILLIAM OLDAKER
 Attention: Vincent Convery, Jr.

THROUGH : ORLANDO B. POTTER

FROM : TOM HASELHORST *TH*

SUBJECT : MJR 705

The following Statement of Organization Amendment reflects a name change which is being forwarded for your information, as well as the establishment of a new bank account for the committee.

Should you have any questions, please contact Marybeth Tarrant at extension 34048.





UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531

(805) 822-5571 FEDERAL ELECTION COMMISSION

'78 OCT 5 PM 12:23
September 29, 1978

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

To Whom It May Concern:

This letter is to inform you that the United Farm Workers of America, AFL-CIO Federal Political Action Committee recently amended its name to become the National UFW Volunteer Political Action Committee. The Identification Number for the United Farm Workers of America, AFL-CIO Federal Political Action Committee is 028941. It is our understanding that the name change will not affect the Identification Number. If there are any forms or notices that we should send to make this changeover official, please let us know. Thank you.

Sincerely,

Marco E. Lopez
Marco E. Lopez
House Counsel

MEL:kj
Enclosure



780319364122

UNITED FARM WORKERS OF AMERICA, AFL-CIO
FEDERAL POLITICAL ACTION COMMITTEE

WHEREAS, the United Farm Workers of America, AFL-CIO has made known its intentions of forming a National UFW Volunteer Political Action Committee, and

WHEREAS, such a Committee, would, of necessity, be bound by the same functions, responsibilities and reporting requirements as have been the jurisdiction of the Federal Political Action Committee, and

WHEREAS, the continuation of both committees, simultaneously, would amount to a duplication of effort and responsibility,

THEREFORE BE IT RESOLVED that the Federal Political Action Committee shall be amended to become the National UFW Volunteer Political Action Committee, and all of its registration and reporting documents shall be amended to reflect this change, and

IT FURTHER RESOLVED that the present bank accounts in the name of the Federal Political Action Committee be transferred to a new account established by the National UFW Volunteer Political Action Committee.

78370364223
79070115100



FEDERAL ELECTION COMMISSION

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

September 7, 1978

The Honorable Leon E. Panetta
437 Cannon House Office Bldg.
Washington, D.C. 20515

Dear Congressman Panetta:

This is to acknowledge receipt of your complaint of September 6, 1978, alleging violations of the Federal Election Campaign Laws. 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,
Lester N. Scall

Lester N. Scall
Assistant General Counsel

Enclosure

79040115207

LEON E. PANETTA
19TH DISTRICT, CALIFORNIA

COMMITTEES:
AGRICULTURE
HOUSE ADMINISTRATION

437 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2861

441R705

Doc # 4-700

DISTRICT OFFICES:
380 ALVARADO STREET
MONTEREY, CALIFORNIA 93940
(408) 849-3555
HOLLISTER, CALIFORNIA
(408) 837-0500
SALINAS, CALIFORNIA
(408) 424-2229
SAN LUIS OBISPO, CALIFORNIA
(805) 845-0134
SANTA CRUZ, CALIFORNIA
(408) 429-1978

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 6, 1978

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

Dear Chairman Aikens:

Pursuant to a request by two members of the United Farm Workers Union, I am forwarding to your attention information presented to me concerning their allegations of possible violations of federal election laws.

According to these members, the UFW adopted a resolution in 1977 requiring members to make contributions to the union's political action committee or political action fund. This year, the union is apparently enforcing that provision. Those members who are unwilling to contribute are being "tried" by the union locals, with a penalty of expulsion from the union and subsequent dismissal from employment, upon request of the union local. At this point, from the allegations presented to me, it is not clear whether or not the fund is used to support candidates for federal office.

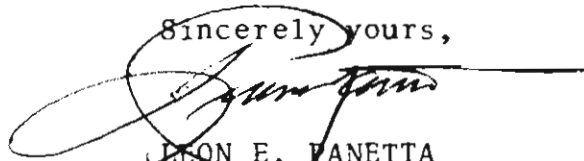
The members of the Union who presented this information have requested that the Federal Election Commission investigate their allegations regarding involuntary political contributions, and whether or not such funds are being used in federal elections and therefore are within the jurisdiction of federal law.

I am enclosing a variety of materials pertinent to the case, including letters to me from the two members of the union who first informed me of the situation. In addition, I am including a copy of one of the workers' pay slip from the week in which he was required to contribute to the political fund. The \$77.19 the union sought from him is listed on the pay schedule under the category of "Miscellaneous" deductions.

Chairman Joan D. Aikens
September 6, 1978
Page Two

Please keep me informed regarding your determinations in this matter. I believe it is in the best interest of the farmworkers, the UFW and the public to have the matter clarified as soon as possible.

Sincerely yours,

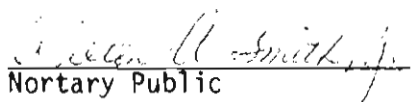


LEON E. PANETTA
Member of Congress

LEP:mfd

- Enclosures: letter to Congressman Panetta from Mr. Giles Breau;
- letter to Congressman Panetta from Richard Krencicki;
- copy of UFW resolution requiring mandatory political contributions;
- copy of pay schedule of Giles Breau and correspondence between the union and Mr. Breau on this matter;
- copies of newspaper articles on the case.

Subscribed and sworn to before me this 6th day of September 1978 in the District of Columbia.



Wilton A. Smith, Jr.
Notary Public
Notary Public, District of Columbia
Commission Expires October 14, 1982

Sy. 3, 1978

Dear Mr Panetta

I, Jules Breaux, am a
Mechanic employed at West
Coast Farms in Watsonville,
Calif.

My hourly wages were, at the
time of this pay approx \$5.40
From this was taken 2% for
United Farm Workers Union
dues

In May of 1978 a union
representative came to me at
work. I was handed two cards
of which one was for myself
and the other for a fellow worker
Mr. Hernandez. These cards were
for Citizen Participation Day
I signed for them.

Later, I attended a union
meeting at which time I
asked what C.P.D. and what
it was for. I could not see

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where his contribution was
of any benefit to me, for this
union had never helped
me. as far as I was, and still
am, concerned, the Kennedy
Plan is worthless. I refused
to contribute to the C.P.D. for
these reasons.

I, then, was told that I
would be fired by the
company if I did not sign.

On Sat. July 22nd at
approximately 6:30 pm three
Mexican men came to my
Place of residence I recognized
Mr Pedro Gonzalez. one of the
other men handed me an
envelope. I asked the men
for identification of which
they refused to show me.

I handed the envelope back
to Mr Gonzalez. and asked
that he bring the envelope
to work on Monday. He tried

7904015207
10291104067

3) To make me take the papers several times. The three men were spending in Mexican. I urged them to take the papers and leave. One said "I don't want any part of this" and departed followed by the other.

M Gonzalez refused to pick up the papers, but also departed. I called the Sheriff after I had taken down the car's license plate number. The Sheriff picked up the papers, and took a report from me.

On Monday, July 24, 1978, I went to the Agricultural Labor Relations Board. at 11:00 I filed a complaint concerning Pedro Gonzalez, other two men and the fact that they had come to my place of residence.

The form was incomplete

(7) and I could not serve
the VFW R and Community
with it as I was instructed
to do, he said it was incomplete.
on Aug. 9 1978, he said I refused
to contribute \$77.19 to C. P. D.

A trial was held at
this trial I was found guilty,
and was given ~~five~~ five days
in which to pay, or appeal!

on Aug. 14 I did appeal
I sent a letter to C. P. D. over
The letter was received on
Aug 17 1978 I then received a
Reply in the form of a
Mandamus on the 30 of Aug.

as of September 4, 1978
according to this mandamus
I will be expelled from the
V. F. W. Union I feel that
it would be of no use to appeal
the case I would be appeal
ing to the same authority that
sent the Mandamus.

79040113207

⑤ I have fought in 2nd
War for our civil right -
While in the US Army for
21 years. I have felt
My civil right and those
of my fellow war her are
being invaded by the
V.F.W.

Thank you
Giles Breaux
GILES BREUX

79010115200

EMPLOYEE CODE	BUILDING NO. OR MOBILE HOME	FOR CONTRACT	REGULAR	TEMP & SEAS.	UNEMPLOYMENT	REGULAR EARNINGS		REGISTRATION FEE	TOTAL DEDUCTIONS	INCOME TAX
			HOURS - HORAS	OVERTIME		REGULAR	OVERTIME			
			150.29	64.15		228.00	119.70	77.10	624.80	74.81
YEAR-TO-DATE TOTALS			687.17	400.15						
INCOME TAXES			FEDERAL W/M	F.I.C.A.	ESTADO TAXES	STATE W/M	S.D.L.			

SUPPORT AGRICULTURE
CALIFORNIA'S MOST VITAL INDUSTRY

WEST COAST FARMS

RETAIN THIS RECEIPT
THIS IS YOUR STATEMENT OF EARNINGS & DEDUCTIONS AS REPORTED TO THE GOVERNMENT.

GILES BREAUX

MISC. EARNINGS

- 1 BOARD & LODGING ALLOWANCE
- 2 GUARANTEE
- 3 ADJUSTMENT
- 4 TO BE SPECIFIED
- 5 TO BE SPECIFIED

007911010002

SEGURO SOCIAL	ESTADO	DEDUCTIONS - DEDUCCIONES			FIN DE SEMANA	PAGO NETO	OPTATIVO
F.I.C.A.	STATE W/H	F.D.T.	UNEMP.	STATE	PER. ENDING	NET PAY	YEAR TO DATE EARNINGS
					MONTH DAY		

11.71 11.00 4.25 6.50 9 77.19 06/07 319.79
 06/09/78 45.38

- MISC. DEDUCTIONS
- | | |
|-----------------|-------------------|
| 1 LUNCHES | 6 INTEREST INCOME |
| 2 ROOM & BOARD | 7 GROUP INSURANCE |
| 3 KNIVES | 8 TO BE SPECIFIED |
| 4 RAINGEAR | 9 TO BE SPECIFIED |
| 5 LOAN ADVANCES | |

NOT NEGOTIABLE

7 9 0 4 0 1 1 5 2 1 0

Sep. 4, 1978

Dear Mr. Punetta,

In June of 1978 Mr Breux gave me a card from the U.F.W for the C.P.D. pay to sign:

I refused! to sign the card. Then the union held a ~~meeting~~ meeting at the union hall for the tractor crews and the mechanics of West Coast farms. Were told that it was Mandatory to give the C.P.D. to the union or be ~~fire~~ fired from my job, and put on trail. I was put on trail and fined \$5. The day wage for C.P.D. \$65. and ~~the~~ was fired from my job.

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I was not allowed
a Lawyer at my trial,
I feel that my consti-
tutional rights are being violated.

Richard
Krencicki

RICHARD
KRENCICKI

7904011521

4787

RESOLUTION 45- Approved by the delegates of the Third Constitutional Convention of the United Farmworkers of America, AFL-CIO , August 1977 in Fresno, California

MANDATORY CONTRIBUTIONS TO THE CITIZEN PARTICIPATION DAY FUND

WHEREAS, farmworkers face abuse and discrimination every day, both on the job and in the community, and

WHEREAS, through good union contracts farmworkers can stop the abuses and discrimination on the job, and

WHEREAS, farmworkers must build active political power to protect the gains won on the job through contracts and fight the problems of the community, and

WHEREAS, active political power means that farmworkers can lobby to pass good laws that will benefit farmworkers, and fight to block the passage of bad laws, which are sponsored by the rich lobby of growers, and

WHEREAS, active political power means voter registration and campaigns to elect good public officials, who know and understand the problems of farmworkers, and

WHEREAS, active political power means civic action in the community to stop discrimination, bad housing, police brutality, and other problems that must be changed, and

WHEREAS, a crucial element to building active political power is financial support,

THEREFORE BE IT RESOLVED that the Third Constitutional Convention of the United Farmworkers of America, AFL-CIO, in an effort to provide the financial support that is crucial to building active political power to better the lives of all farmworkers, does hereby vote to provide that contributions to the Citizen Participation Day Fund shall be mandatory.

ue

UNION PROCEDURE OF COMPLAINT AND TRIAL PROCEDURE

Dear Giles Breaux,

This is to inform you that Pedro Gonzalez, who is a member of the Union in good standing, filed a formal complaint against you on July 18, 1978, and that your Ranch Committee has since decided that the offense(s) you are accused of is (are) from among the list of actions for which a member of the Union can be accused according to the Constitution, Article XVIII, Section 1. This does not mean that we consider you guilty of the offense, but simply that the complaint was filed properly.

In accordance with the Constitution, we have set a trial date for August 9, 1978, the trial to be held at a Ranch Community meeting at the Union office at 7:00 pm, 80 Porter Dr., Watsonville. Attached is a copy of the complaint that was filed against you.

Please see Article XIX in the Constitution for a detailed description of the Trial Procedure. In general, you will be tried by your Ranch Committee in the presence of the Ranch Community. The Ranch Committee will judge guilt or innocence, and recommend its decision to the Ranch Community. The Ranch Community will have the final decision. If you are found guilty, you have a right to appeal to the National Executive Board.

You should begin to prepare your defense. You may present witnesses, and documents in evidence. Neither you nor the accuser may have a lawyer, but you will be allowed to select a member of the Ranch Community to act as your counsel, if you wish such help. The burden of proof is on the accuser. You have the right to cross-examine witnesses presented by the accuser.

It is important that we in the Union deal with our problems in an honest, open and just way. This trial procedure is an attempt to do that.

We will make every effort to assure that the trial is held in an orderly and fair manner:

You are required to be present at the trial. If you are not, the trial will proceed without you.

If we can explain the proceedings further, or answer any other questions you have, please come by to see us.

Yours in justice,

Agustin Herrera, President
West Coast Ranch Committee

79040115213

Dear Richard Krencicki

This is to inform you that Redro Gonzalez ^(name of accuser) is a member of the Union in good standing, filed a formal complaint against you on August 17, 1976 ^(date) and that your Bench Committee has since decided that the offense(s) you are accused of is (are) free from the list of actions for which a member of the Union can be accused according to the Constitution, Article XVIII, Section 1. This does not mean that we consider you guilty of the offense, but simply that the complaint was filed properly.

In accordance with the Constitution, we have set a trial date for August 29, 1976 ^(date) the trial to be held at a formal meeting at the Union office ^(place) 7:30pm ^(time) 30 Porter Drive, Watsonville ^(address)

The Bench Committee will provide a detailed description of the trial procedure. You will be allowed to call witnesses, present evidence, and cross-examine witnesses. The Bench Committee will follow the Constitution. If you are found guilty, you have a right to appeal to the Executive Board.

You should come to court with your defense, witnesses, and documents in evidence. You do not have a lawyer, but you will be allowed to select a member of the Union Community to act as your counsel, if you wish. The burden of proof is on the accuser. You have the right to cross-examine witnesses presented by the accuser.

It is important that in the Union deal with our problems in an honest, open and fair manner. We will proceed if you attempt to do that.

Accused : _____ Giles _____

Social Security Number 454 20 5639

Address: 25 Echo Valley Rd., Salinas

Telephone Number 663 2250

Ranch: West Coast Farms

DESCRIPTION OF VIOLATION (3)

This member refused to sign the contract on this day on Tuesday, June 6, 1978 at 2:45pm at the private home of West Coast Farms. As of this date, he still has not signed. This is a violation of Article 18, Section 1 (a, b, c, and h) of the Constitution and Article 2 of the Contract.

Accuser _____ Pedro Gonzalez

Social Security Number 547 48 4642

Address: 1400 Riverside Rd., Watsonville

Telephone Number 724 1506

Ranch: West Coast Farms

I ASSERT THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY RECOLLECTION.

Pedro Gonzalez
signature

7/15/78
date

OFFICE USE ONLY

Received by _____

Quentin Herrera
signature

7/15/78
date

Resident Committee
Resident

Watsonville
Watsonville

West Coast Farms
West Coast Farms

COMPLAINT FOR DISCIPLINE OF UFW MEMBERS

OFFICE USE:

Received by: *Quiter Herrera*

Position: *Presidente Comite de Rancho*

Date: *8-17-78*

Office: *Watsonville Calif.*

SECTION I: INFORMATION ON MEMBER BEING CHARGED.

Name: Richard Krancicki

Employed by: West Coast Farms

Mailing 48 Sill Rd. W.

phone: unknown

Address Watsonville 95076

SECTION II: CHARGE(S) AGAINST MEMBER

(see Article XVIII, Section 1 of the Constitution)

A. THE ABOVE MENTIONED MEMBER IS IN VIOLATION OF SUBSECTIONS A, B, C, H UNDER SECTION 1, ARTICLE XVIII OF THE CONSTITUTION.

B. BRIEFLY DESCRIBE THE VIOLATION(S) ENTERED ABOVE:
(be specific, if you need more space, use back of form)

He refused to sign the card for the Citizenship Participation Day Fund

C. I FIRST BECAME AWARE OF THE VIOLATION OF THE ABOVE MENTIONED SUBSECTION(S) on June 6, 1978.

D. THE ABOVE MENTIONED VIOLATION(S) COMMITTED AND/OR PRESENTLY BEING COMMITTED AT the Union Office IN/OR NEAR THE CITY OF Watsonville in the COUNTY OF Monterey.

SECTION III. INFORMATION TO BE SUPPLIED BY MEMBER FILING COMPLAINT:

A. Name: Pedro Gonzalez

Mailing 1400 Riverside Dr. phone: 724 1528

Address Watsonville 95076 social security: #547 43 4842

B. Employed by: West Coast Farms

C. I declare that the information supplied by me in filling out this form is true to the best of my knowledge.

Date: 8/17/78

Signed: Pedro Gonzalez



UNITED FARM WORKERS of AMERICA AFL-CIO

National Headquarters: La Paz, Keene, California 93531

(805) 822-5571

Saturday, July 22, 1978.

Watsonville Office
80 Porter Drive
Watsonville, Calif.
95076

Dear Richard Krencicki,

We are giving you official notice that since you are one of the persons who have not met your obligation of Citizenship Participation Day, you will be tried in accordance with the procedure set forth in the Union's Constitution. In the next few weeks, you will be receiving written charges stating the time, date and place for your trial. In order to ensure justice for everyone, we are asking the President of our Union, Cesar Chavez, for an extension of the sixty day time limit so that we will have the opportunity to hold a trial for each person who has not met his or her obligation as a union member.

In addition, we are inviting you to a meeting where we will explain the trial procedure according to the Constitution. The meeting will be held on Wednesday, July 26 at 6:00 in the Union office at 80 Porter Drive in Watsonville.

Sincerely,

Agustin Herrera
Agustin Herrera, President
West Coast Farms Ranch Committee.

Jose Renteria
Jose Renteria, Director
U.F.W. Watsonville.



NOTICE OF FINAL DECISION

Please be advised that your Ranch Community has found you to be:

Guilty as charged with the following penalty imposed : five days to pay the \$77.19 which you received for Citizenship Participation Day. Otherwise, you will be expelled from the Union.

Innocent.

If you have been found guilty you have a right to appeal this decision to the National Executive Board within 15 days. (Please see Article XX of the UFW Constitution.)

8-11-78 4:30

Dated:

8-10-78

Signed:

Agustin Herrera

Dear Giles Breaux,

We would like to officially inform you of the results of the trial which took place on August 9, 1978. The decision was recommended by the Ranch Committee and approved by the Ranch Membership. The vote was 4 to 0 by the Ranch Committee and 47 to 3 by the membership.

You have the right to appeal within fifteen days to the National Executive Board of the Union. You must write to Gilbert Padilla, the Secretary Treasurer at P.O. Box 62, LaPaz, Keene, California 93531. If we can explain the procedure further, or answer any other questions you have, please come by and see us.

We hope that you understand the importance of the political fund for you, your family, and all farmworkers.

Sincerely,

Agustin Herrera
Agustin Herrera, President
West Coast Farms Ranch Committee

August 14, 1978
25 Echo Valley Rd.
Fruitedale, Calif.
93907

Dear Sirs,

I would like to appeal to a trial given to me by the Ranch Community on the ninth day of August, 1978.

The interpreter of Spanish to English did not know these languages well enough to have interpreted in this court. Therefore, at this trial, the audience had to participate in the interpretations.

I, also, at this trial, was denied a counselor, though the Ranch Community was allowed to have one present.

I demand that this trial be called a mistrial for these above reasons.

Thank you,

Giles Breaux
Giles Breaux

JB - 1 X ~~GT~~
UFW

7901011122

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645

western union

Mailgram



4-000703E242 08/30/78 ICS IPMRNCZ CSP SNJA
8058225571 MGM TDRN KEENE CA 135 08-30 0028A EST

GILES BREAUX
25 ECHO VALLEY RD
PRUNEDALE CA 93907

MR BREAUX:

PLEASE BE ADVISED THAT UPON REVIEW OF THE ENTIRE RECORD IN THE TRIAL HELD BY YOUR RANCH COMMUNITY ON AUGUST 9 1978 THE NATIONAL EXECUTIVE HAS UPHELD THE SENTENCE AND VERDICT TO WIT: YOU HAVE 5 DAYS FROM THE DATE OF THIS NOTICE WITHIN WHICH TO PAY YOUR CPD CONTRIBUTION. IF SUCH CONTRIBUTION IS NOT PAID YOU WILL BE EXPELLED FROM THE UNION. PLEASE BE FURTHER ADVISED THAT ACCORDING TO ARTICLE XX SECTION 2 OF THE CONSTITUTION YOU ARE ENTITLED TO APPEAL THIS DECISION WITHIN 15 DAYS OF THE DATE OF THIS NOTICE TO EITHER THE PUBLIC REVIEW BOARD OR THE CONVENTION. YOU MAY EXERCISE THIS RIGHT BY FILING A NOTICE OF APPEAL WITH THE SECRETARY-TREASURER OF THE UNION. IN NO EVENT HOWEVER WILL THE APPEAL STAY THE SENTENCE.

GILBERT PADILLA
SECRETARY-TREASURER

0057 EST

MGMCOMP MGM

STATE OF CALIFORNIA
ESTADO DE CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD
CONSEJO DE RELACIONES DE TRABAJADORES AGRICOLAS

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS
CARGO CONTRA UN SINDICATO O SUS AGENTES

INSTRUCTIONS: File an original and 3 copies of this charge and an additional copy for each organization, each local and each individual named in item 1 with the ALRB regional director or sub-regional director for the region or sub-region in which the alleged unfair labor practice occurred or is occurring. The charge must be accompanied by declarations as provided in regulation 20212. There is no obligation to serve the declaration on the charged party.

INSTRUCCIONES: Registre un original y 3 copias de este cargo y una copia para cada organización, cada local del sindicato y cada persona nombrada en el artículo 1, con el director regional o sub-regional del ALRB donde se alega que ocurrió o están ocurriendo prácticas laborales injustas. Los cargos deben ir acompañados de declaraciones como está estipulado en la regla 20212. No hay obligación de entregar la declaración a la parte demandada.

DO NOT WRITE IN THIS SPACE
NO ESCRIBA EN ESTE ESPACIO

Case No. / Número del Caso

Date Filed / Fecha de Entrega

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT
ORGANIZACION DE OBREROS O SUS AGENTES CONTRA QUIENES LOS CARGOS SON PRESENTADOS

United Farmworkers of America. AFL/CIO

a. Name - Nombre

b. Address (street and number, city, state and zip code) / Dirección (calle y número, ciudad, estado, zona postal)

80 Porter Dr. Watsonville Ca.

c. Union Representative to Contact
Representante del Sindicato con Quién Comunicarse

d. Phone Number
Número de Teléfono

(408) 633-5764

e. The above-named labor organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of the following section(s) of the Agricultural Labor Relations Act: (check appropriate box.)

Section 1154, subsection(s) A (1)

Section 1154.5 Section 1154.6

e. (cont'd)

La(s) organización(es) obrera(s) nombrada(s) arriba o sus agentes que ha (han) empleado y están empleando practicas laborales injustas según el significado de la (s) siguiente(s) sección(es) del ALRB: (marque el cuadro más apropiado)

[] Sección 1154, subsección(es) _____

[] Sección 1154.5 _____ [] Sección 1154.6 _____

2. Basis of the Charge (be specific as to facts, names, addresses, locations involved, dates, places, etc.)

Bases del Cargo (sea específico acerca de los hechos, nombres, domicilios, localidades, fechas, etc.)
3 men from the UFW came to my home on Sat. July 27 1978 and threaten me. one of the man was Pedro Gonzalez

3. Name of Employer - Nombre del Patrón

WEST Coast Farms!

4. Locations Involved (street, city, state and zip code) / Lugares Implicados (calle, ciudad, estado, zona postal)

5. Employer Representative to Contact
Representante del Patrón con Quién Comunicarse

6. Phone Number / Número de Teléfono

7. Nature of Employer's Agricultural Commodity or Commodities
Clase de Producto(s) Agrícola(s) del Patrón

8. Number of Workers Employed
Número de Trabajadores Empleados

9. Full Name of Party Filing Charge (including local name and number, if any)

Nombre Completo de la Persona u Organización Registrando el Cargo (incluyendo nombre y número del sindicato local, si tiene alguno)

Giles Breaux

10. Address of Party Filing Charge (street, city, state and zip code)
Dirección de la Persona u Organización Registrando el cargo (calle, ciudad, estado, zona postal)

25 Echo Valley Rd. Salinas Ca.

11. Phone Number / Número de Teléfono

633-2250

DECLARATION - DECLARACION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true to the best of my knowledge and belief.

Declaro bajo pena de perjurio que he leído el cargo mencionado arriba y que el contenido es correcto y es la verdad según mi mejor conocimiento y convicción.

By/Por _____

Title, if any / Título, si tiene alguno

Giles Breaux

Address - Domicilio

Phone No. / Teléfono

25 Echo Valley Rd

663 2250

Salinas

Date/Fecha

27-78

Salinas Californian

A Gannett Newspaper

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20 Cents

Chavez defends UFW's rules on political dues

By DOUG FOSTER
Californian Staff Writer

In the wake of an internal union flap which led to the firing of a Watsonville lettuce worker, United Farm Workers President Caesar Chavez stoutly defended UFW's political fund today.

Chavez's telephone interview with the Californian came in the wake of Monday's firing of Cervando Perez, a loader at West Coast Farms. The firing was at UFW request.

"I can confirm that Perez was discharged on the union's request," said Mitch Resetar at

West Coast. "The man had done a good job. He was a good worker."

If Perez's status as a good worker is uncontested, his position as a good union member is more tenuous, according to charges brought by West Coast Ranch Committee President Agustin Herrera. Perez was charged last June with failing to contribute to the union's political "Citizenship Participation Day" (CPD) fund.

CPD monies come from a paid holiday negotiated in nearly all UFW contracts since 1973. If in-

dividual workers sign releases, contributions go into the Union's fund; if not, the money goes to the workers themselves.

In the face of concern about the level of support for the union's political activities-CPD contributions were made mandatory at last year's UFW constitutional convention. Those who refuse to pay, after trials where formal charges were brought, can be expelled from the union and lose their jobs. That is what happened to Cervando Perez.

"I worked at West Coast for five years," Cervando Perez said

yesterday. "Last year nobody had to pay CPD. Then, all of a sudden, they wanted \$50 from me. That's not fair. I have more right to the money than they do."

Perez said the purpose of the political fund was never explained to him, or to other workers at West Coast. "I just don't think it (the fund) has helped us," he added. He also thought other workers would back him up, and claimed that he was simply an example to others who have refused to make the political contributions.

"I don't think it's just. It's not only me. There are a lot of people who have not signed..." Perez said.

UFW President Chavez disputed Perez's claim that large numbers of workers are refusing to pay into the political fund.

"It's a question of percentages," he said this morning. "Look at how many people don't want to pay their income taxes."

Only 8 out of 30,000 farm workers under UFW contract have been brought up on charges for refusing to make political

CHAVEZ

See back page

Carter's, panel's

House will debate both tax cut plans

Worker fired in dispute on union fund

A worker at West Coast Farms has been fired and another may lose his job because the two have refused to make contributions to the political fund of the United Farm Workers Union.

Dervando Perez, a leader at West Coast for five years, was discharged by the company, at the request of the union, earlier this week, and Giles Breaux, a mechanic, was "convicted" by co-workers Wednesday and has a short period of time to either make the mandatory contribution or appeal his case.

The program requiring contributions to support the political arm of the UFW was instituted last year, according to union spokesman Marc Grossman, and any member who fails to contribute to the program is subject to "trial" by his co-workers.

Should a member be found guilty of failing to contribute to the fund, he has 15 days in which to appeal the decision to the National Executive Board of the UFW.

Perez, who was tried in July, was fired Monday, and Breaux was found guilty on a 46-1 vote by co-workers at Wednesday's meeting, attended by 60 union members. They then voted 47-3 to give Breaux five days in which to make the payment, or be expelled from the union.

"It must be emphasized that this is an action by the workers, not the UFW," said Grossman Friday when contacted at his La Paz office.

"It's an action by the workers, but based on the UFW constitution. The trial itself went by the book," he added. "The workers went out of their way to insure that Mr. Breaux' rights are observed."

Should Breaux, who before Wednesday's trial said he would not change his position "even to save his job," fail to make payment or file an appeal, workers at the union will notify West Coast that he has been expelled from the UFW and company officials will then notify Breaux of his termination.

Perez, according to Grossman, was fired when he failed to reach an agreement after nearly a month of negotiations with the UFW.

"We gave him (Perez) an extra week to appeal the decision, but we heard nothing from him," said Grossman.

Perez complained that the purpose of the fund was never explained to him and that he didn't feel that field workers would benefit from it.

Because of resistance to the program from union members, UFW President Caesar Chavez has found himself defending the fund and requiring the contributions as the price of membership.

"This is something the membership of the union wants," he told the Salinas Californian.

Both Chavez and Grossman indicated there is some belief that the companies involved in most of these cases may be trying to force the issue.

Chavez said that it was possible that "the companies are encouraging these workers not to pay. That's a possibility we'll have to look into."

Grossman was a bit stronger with his statement, saying that "the companies sometimes encourage the workers to test (the union regulations)."

West Coast's Mitch Resetar was reluctant to comment about the union's procedures involving Perez and Breaux,

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Chavez

(Continued from page 1)

contributions, according to Chavez.

"As you know, though, the (contributions) were mandated by the membership... and charges for not paying are brought by co-workers. There may be a few more than 8, but those are the only ones I know about," Chavez said.

Chavez also said the union has gained important political clout in behalf of farm workers through the political fund. Just last week, the UFW Political Endorsement Conference was addressed by Gov. Brown, Lt. Gov. Mervyn Dymally and Congresswoman Yvonne Bratwath Burke.

In the address to the conference, Chavez said CPD funds were responsible for success in the battle for the Agricultural Labor Relations Act and unemployment insurance for farm workers. He told conference delegates that maintenance of the fund was necessary to prevent the gutting of the ALRB and to help elect public officials sympathetic to the union.

"This is something the membership of the union wants," Chavez said this morning.

In Watsonville tonight the trial of another West Coast worker will be held. Giles Breux, a mechanic, told the Californian he will forfeit his job rather than make his CPD contribution.

"My belief is that I vote for who I want to and donate to who I want to. I won't change, even to save my job..." Breux said.

Since most of the trials of workers charged with failing to meet union-mandated CPD responsibilities have come from two companies — West Coast and J.J. Crosetti — Chavez speculated this morning that "the companies are encouraging these workers not to pay. That's a possibility we have to look into."

A spokesman at West Coast was closemouthed about the controversy, however. "I'm in a tough position as far as commenting too much on this," Mitch Resetar said. "Just put yourself in his (Perez's) position and imagine how you'd feel."

As for the contention of Breux and Perez that the purpose of CPD had never been adequately explained by union officials, Chavez had short shrift.

"We have explained it," Chavez insisted. "What it is was explained very carefully at his trial. If anybody should know what the fund is for, it's Perez. He had every chance to learn."

Public meeting

Letters to editor

Public forum

John Q. Public

Fund requirement deplored

To the Editor:

In regard to the story, "Chavez Defends UFW's Rules on Political Dues," Salinas Californian, August 9, 1978, the United Farm Workers union acted in a reprehensible manner in firing Mr. Cervando Prez, a loader for West Coast Farms.

He was fired not because he failed to perform to standards set by his employer, but because the union requested his dismissal citing his failure "to contribute to the union's political Citizenship Participation Day fund."

The main objective of any union should basically be, as author, John A. Fitch wrote in "Social Responsibilities of Organized Labor," to promote self-regard which in itself "impels a person to supreme self-dedication to a cause that includes but transcends the self."

This provides the union with the means to maintain cohesiveness and ultimately, of course, power.

But in no manner should this be construed as a right, absolute or otherwise, to condone or perpetuate punishment upon members who ethically and morally oppose, not the general

financing of the union, but the obligatory contribution of one's wages earned during a paid holiday for purely political purposes, not in conjunction with the normal financing of the union itself.

I do not dispute that "important political clout" has been gained in behalf of farm workers or the encouraging results that have been attained. For the many who actively worked on the vital issues concerning the farm worker, their successes are well deserved.

However, my concern is that civil liberties have been taken away from one individual in total disregard of "due process" through some union-organized trial because a political mandate set by the union was not adhered to, despite some basic guarantees accorded all in the amendments to the Constitution of The United States of America.

I can only hope that such extravagant ploys are not taken up elsewhere to the detriment of us all and not just some poor soul whose cries pass with the day's news with little or no consequence.

Ignacio Hernandez Jr.
Salinas

Mechanic takes appeal to Chavez

Giles Breaux, a West Coast Farms mechanic facing expulsion from the United Farm Workers Union and loss of his job because he refused to contribute to a union political fund, has appealed his case to the union's president, Cesar Chavez.

Breaux wrote to Chavez after his co-workers at West Coast voted 47-3 on Aug. 9 to give him five days to make the payment, or be expelled from the union. Cervando Perez, a loader at West Coast for five years, was fired from his job the same week for refusing to contribute to the political fund.

Under the UFW constitution, union members are required to contribute the equivalent of one day's wages a year to the fund. According to union spokesman Marc Grossman, workers are not actually docked a day's wages, but are asked to contribute the money they receive for a paid holiday negotiated under union contracts. The holiday is called "Citizens Participation Day," Grossman said.

At West Coast Farms, according to Breaux, workers received two pay checks, one for their regular wages and one for the union political contribution. Breaux said he refused to sign the latter check over to the UFW and cashed it instead.

Grossman said Monday that Breaux's case will be heard by the UFW's national executive board, but he could not say when.

Breaux, who lives at 25 Echo Valley Road in Prunedale, said last week that he had received several job offers but would not quit his job at West Coast Farms.

"I'm going to stay here and let them fire me," he said, "and then I'm going to sit down and fight it out."

Nuclear support criticized



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