

**FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA**

**Claire Waites, Jeanne Fox, and the National Right to
Work Legal Defense and Education Foundation, Inc.,**

Complainants,

and

**Baldwin County Education Association, Alabama
Education Association, National Education Association,
and The NEA Fund for Children and Public
Education,**

Respondents.

MUR No.

COMPLAINT

Facts:

1. Complainant Claire Waites is the Chairman of the Science Department at Daphne Middle School, which is part of the Baldwin County Public Schools in Bay Minette, Alabama. Ms. Waites is also a member, in good standing, of the Baldwin County Education Association (BCEA), the Alabama Education Association (AEA) and the National Education Association (NEA)
2. Complainant Dr. Jeanne Fox, is the Assistant Principal for the Daphne Middle School, which is part of the Baldwin County Public Schools in Bay Minette, Alabama. Dr. Fox is also a member, in good standing, of the BCEA, the AEA and the NEA.
3. Complainant National Right to Work Legal Defense and Education Foundation, Inc., provides free legal aid to employees who suffer an abuse of compulsory unionism. An abuse of

compulsory unionism includes the using the monopoly power of exclusive representation to mislead and coerce employees into compromising their political and religious autonomy.

4. Respondent BCEA is a labor organization as defined in 2 U.S.C. § 441b(b)(1). It is the exclusive monopoly bargaining representative for Ms. Waites and Dr. Fox.

5. Respondent AEA is a labor organization as defined in 2 U.S.C. § 441b(b)(1) and the state affiliate of the BCEA.

6. Respondent NEA is a labor organization as defined in 2 U.S.C. § 441b(b)(1) and the national affiliate of the BCEA and AEA.

7. The respondent The NEA Fund for Children and Public Education is a political committee as defined in 2 U.S.C. § 431(4) and the NEA is its connected organization as defined in 2 U.S.C. § 431(7).

8. The NEA Fund for Children and Public Education (PAC) made contributions to the Barack Obama Presidential campaign.

9. In 2008, Ms. Waites and Dr. Fox were elected as delegates to the July national convention of the NEA in Washington, D.C. The NEA refers to its convention as its Representative Assembly (RA).

10. Four years ago, in 2004, Ms. Waites was also a delegate to the NEA RA and believed that at that time she was coerced and deceived into supporting the NEA's PAC. She determined that would not happen again in 2008.

11. When Ms. Waites arrived at the July, 2008 NEA RA, she and Dr. Fox were talking by telephone with BCEA President Saadia Hunter. Ms. Hunter told Dr. Fox that she had made contributions to the NEA PAC in the names of Ms. Waites and Dr. Fox with the money Ms. Hunter had withheld from the travel money given to Ms. Waites and Dr. Fox by the BCEA.

12. Ms. Waites was furious about this, and told Ms. Hunter she had no right to make a NEA PAC contribution in her name.

13. Ms. Hunter told Ms. Waites that contributions to the NEA's PAC were not political contributions, they were instead contribution to a "children's fund." Ms. Waites disputed that characterization of the NEA's PAC.

14. Ms. Hunter told Ms. Waites that she would ask AEA lawyer Joseph Reed about this issue and would see if she could obtain a refund of Ms. Waites's money.

15. The next day, Dr. Fox and Ms. Waites confronted Peggy Mobley, President of the AEA, about the NEA PAC contributions being made without their permission. Ms. Waites demanded that her money be returned.

16. That same day Ms. Waites spoke with BCEA President Saadia Hunter about her involuntary contribution. Hunter now admitted that Waite's contribution would go to the Obama campaign. Ms. Hunter told Ms. Waites (presumably after checking with the AEA) that Ms. Waites could not get her money back.

17. Ms. Hunter suggested that Ms. Waites should refrain from insisting on the return of her money given to the NEA PAC because the BCEA had included the amount for Ms. Waites's NEA PAC contribution in the travel expense money given to Ms. Waites by the BCEA.

18. Notwithstanding Ms. Hunter's statement that the NEA PAC contribution originated in BCEA general treasury money, Ms. Waites still insisted upon a return of the money. Ms. Waites informed Ms. Hunter that if the funds were returned to her from the NEA PAC, she would return them to the BCEA. Ms. Waites never got the money back from the NEA PAC.

19. John Hudson, an employee of the AEA, admitted to Ms. Waites that the BCEA included the NEA PAC contribution in the expense reimbursement of every BCEA delegate to the NEA

RA. Mr. Hudson admitted to Dr. Fox that the BCEA intended to have its members' dues money go to the NEA PAC.

20. The last day of the NEA RA, President Hunter gave Ms. Waites some money to make up for her involuntary contribution to the NEA PAC. When Ms. Waites found out that this was not a return of the money given to the NEA PAC, but was rather was money taken from another teacher, she returned the money to the other teacher.

21. Neither Ms. Waites nor Dr. Fox were ever informed by anyone from the BCEA, AEA or NEA that they had a right to refuse to make contributions to the NEA PAC.

22. Neither Ms. Waites nor Dr. Fox were informed by anyone from the BCEA, AEA or NEA, at the time of that they were told that their money had been involuntarily contributed to the NEA PAC, that contributions were voluntary. Neither Ms. Waites nor Dr. Fox were informed by BCEA, AEA or NEA representatives during the NEA RA of the political purposes of the NEA PAC at the time of their solicitation to contribute to the NEA PAC. Instead, Ms. Hunter, who was soliciting the money for the NEA PAC told Ms. Waites and Dr. Fox that contributions to the NEA's PAC were not political contributions, they were instead contribution to a "children's fund."

Law:

COUNT I

23. As recited above, the BCEA included in the expense reimbursements for its delegates to the NEA RA an amount to cover the delegates' contributions to the NEA PAC. Thus, the BCEA violated 2 U.S.C. § 441b(a) which prohibits labor unions from making a "contribution or expenditure in connection with any [federal] election." Additionally, 2 U.S.C. § 441b(b)(3)(A) specifically prohibits contributions to the PAC being made from "dues, fees, or

other moneys required as a condition of membership in a labor organization.”

COUNT II

24. As recited above, Ms. Hunter, who was soliciting contributions for the NEA PAC, and was an agent for the BCEA and the NEA PAC, told Ms. Waites and Dr. Fox in violation of 2 U.S.C. § 441b(b)(3)(B), that contributions to the NEA’s PAC were not political contributions, they were instead contributions to a “children’s fund.”

25. On information and belief, the AEA encouraged and expected Ms. Hunter to solicit contributions to the NEA PAC, in violation of 2 U.S.C. § 441b(b)(3)(B), without informing Ms. Hunter that the NEA PAC was a political committee and the contributions were for political purposes rather than contributions to a “children’s fund.”

COUNT III

26. As recited above, Ms. Hunter, an agent for the BCEA and the NEA PAC, solicited money in violation of 2 U.S.C. § 441b(b)(3)(B) for the NEA PAC without informing Ms. Waites or Dr. Fox of their right to refuse to contribute without any reprisal. On information and belief, this failure to inform was the result of instructions given by agents of the AEA who not only failed to provide this information, they instructed local affiliate officers that the contributions should be given in a specific amount and in two separate payments. When the President of the AEA, Ms. Mobley, learned that Ms. Waites had been coerced into giving money to the NEA PAC as a result of AEA instructions, she did nothing which corrected the matter or recovered Ms. Waites’s money.

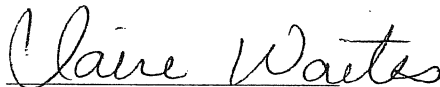
COUNT IV

27. As recited above, Ms. Hunter, an agent for the BCEA and the NEA PAC, made a contribution to the NEA PAC in the names of Ms. Waites and Dr. Fox without their prior


permission. This violates 2 U.S.C. § 441(f) which specifically prohibits campaign contributions made in the name of another person.

Remedy:

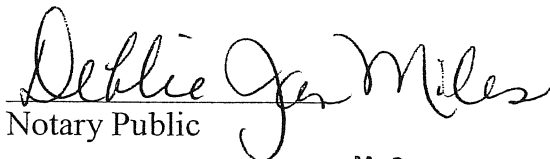
28. The complainants request that the Federal Election Commission investigate these allegations and take all available steps to enforce the law, prevent future violations of the law, and recover the money taken from Ms. Waites and all other NEA delegates who were the victims of these kinds of violations of their rights.



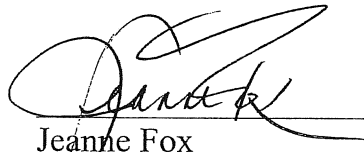
Claire Waites



Daphne, Alabama 36526

Before me, a Notary Public in and for the State of Alabama, personally appeared Claire Waites who swore under penalties of perjury that based on her personal knowledge, as reflected in the attached affidavit, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for her signature.

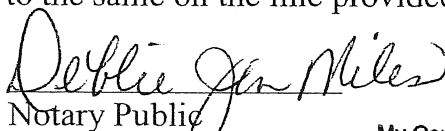

Notary Public

My Commission Expires On
02 / 08 / 2011

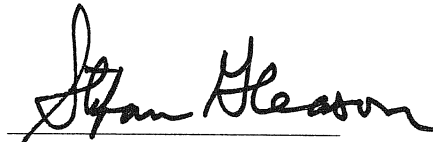

Jeanne Fox


Chickasaw, Alabama 36611

Before me, a Notary Public in and for the State of Alabama, personally appeared Dr. Jeanne Fox who swore under penalties of perjury that based on her personal knowledge, as reflected in the attached affidavit, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for her signature.


Notary Public

My Commission Expires
02 / 08 / 2011



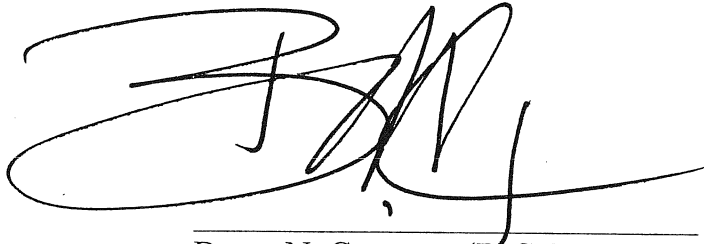
Stefan H. Gleason
Vice-President
National Right to Work Legal Defense and Education
Foundation, Inc.
8001 Braddock Road
Springfield, Virginia 22160

Before me, a Notary Public in and for the Commonwealth of Virginia, personally appeared Stefan Gleason who swore under penalties of perjury that based on his reading of the attached affidavits, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for his signature.



Notary Public Commission Expires
October 31, 2011

Respectfully submitted,



Bruce N. Cameron (D.C. Bar No. 380850)
William Messenger (VA Bar No. 47179)
c/o National Right to Work Legal
Defense Foundation
8001 Braddock Road
Springfield, Virginia 22160
(703) 321-8510

*Attorneys for Claire Waites, Jeanne Fox and National Right
to Work Legal Defense and Education Foundation, Inc.*

Dated: 1/13/09

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MUR No.

AFFIDAVIT OF CLAIRE WAITES

I, Claire Waites, am a resident of Alabama, am competent to testify under its laws, and have personal knowledge of the following facts:

1. I am the Chairman of the Science Department at Daphne Middle School, I teach 8th grade science, and I serve as an Atmospheric Education Resource Agent for the American Meteorological Society. My school is part of the Baldwin County Public Schools in Bay Minette, Alabama.
2. I am also a member, in good standing, of the Baldwin County Education Association (BCEA), the Alabama Education Association (AEA) and the National Education Association (NEA).
3. In 2004 and again in 2008, I was elected as a delegate to the national convention of the NEA. The NEA refers to its convention as its Representative Assembly (RA).
4. The 2004 NEA RA was held in Washington D.C. in 2004. In preparation for attending the RA (which was my first), I attended a meeting of the BCEA. The President of the BCEA at that time, Pat Siano, told us about the political action committee (PAC) of the NEA. This PAC is currently named "The NEA Fund for Children and Public Education." President Siano told us that we were all expected to contribute to the NEA PAC, and that this contribution requirement was "not negotiable."

5. On arrival in Washington, D.C. at the NEA RA, we were told that we should attend a morning meeting of the AEA delegation every day. Every day during that meeting we were told by the AEA President to contribute to the NEA PAC. Oddly, we were even told how to contribute -- that we must make two different payments. At first I could not imagine why you had to make two payments.

6. Frankly, I did not understand the nature of the NEA PAC. It sounded like a charity for children. However, I learned that contributions to it were not tax deductible. Instead of making the contribution right away, I procrastinated for several days because my money was very tight. Every morning the AEA president would preach to us that we (Alabama) needed to be 100 % supporters of the NEA PAC. I feared they would know I was the only hold out especially since the BCEA President Pat Siano kept saying that we had to donate. I eventually donated the money to the NEA PAC with misgivings.

7. It was not until NEA President Reg Weaver announced that NEA would be endorsing John Kerry for President that I found the true purpose of the fund. President Weaver announced the NEA PAC had raised a large amount of money that would go to our friend in education, John Kerry. Since I did not support John Kerry, I felt I had been duped into supporting a candidate who I opposed.

8. I was elected a delegate to the 2008 NEA RA. I recite what happened to me in 2004 so that my mindset for this current RA is clear: I was not going to repeat the same mistake this time; I would not donate to the NEA PAC.

9. Because of a conflict, I missed the first night of the 2008 NEA RA. However, I arrived the next day. Dr. Jeanne Fox, an administrator in my school, was also a delegate. The current BCEA President is Saadia Hunter. Dr. Fox and I were in phone contact with President Hunter. Hunter told Dr. Fox she had made our (meaning Dr. Fox and me) contributions to the NEA PAC with the money she had withheld from the travel money given to us by the BCEA. (Delegates are given 80% of their travel money up front and are given the rest on the last day of the NEA RA if they are on the convention floor 80% of the time.) I was furious about this. Dr. Fox handed me the phone and I told Ms. Hunter she had no right to do that. She could not make a political contribution in my name. She replied that it was

not a political contribution, this was a contribution to a “children’s fund.” I explained to her what I had learned about the NEA PAC in 2004, and that I did not want to contribute. I told her I thought making an involuntary contribution in my name was illegal, and that the two small payment system (instead of one big payment) also showed something improper was going on. She told me she would ask Joe Reed (an AEA lawyer) about it and get back with me. She said she would see him to get my money back.

10. That night Dr. Fox and I went to the room in which the Alabama (AEA) delegation met to find the AEA president, Peggy Mobley. We were not able to find President Mobley that night, but I found her the next morning. I told her my NEA PAC contribution was made without my permission and I wanted my money back.

11. That same day I also spoke again with BCEA President Saadia Hunter about my involuntary contribution. She admitted that my contribution would go to the Obama campaign (another candidate I did not support) and that contributing in my name was probably illegal. She now told me (presumably after checking with the AEA) that I could not get my money back. She suggested that I should not insist upon getting my NEA PAC contribution back because part of my BCEA travel money included an amount for this NEA PAC donation. I told her I still wanted the money back. If it were returned to me, I would turn it over to the BCEA. I never got the money back.

12. John Hudson, an employee of the AEA, told me that the BCEA included the NEA PAC contribution in the expense reimbursement of every BCEA delegate.

13. After AEA President Mobley was aware that I did not want to support the NEA PAC, she treated me rudely. When Senator Obama spoke to the NEA RA, the AEA gave out Obama shirts and clappers. Both Dr. Fox and I were struck on the head by other delegates after we refused to wear the Obama shirts. We left the convention hall to ensure our safety.

14. The last day of the NEA RA, President Hunter gave me some money to make up for my involuntary contribution to the NEA PAC. When I found out that this was not a return of the money given to the NEA PAC, but was rather taken from another teacher, I returned the money to the other

teacher. To this day, my involuntary contribution to the NEA PAC has not been returned. Instead, I believe it was used to help elect Senator Obama – which is completely contrary to my wishes. I went to the 2008 NEA RA determined that I would not be duped into involuntarily supporting the NEA PAC. Despite my firm determination, my money was still used to support the NEA PAC.

Claire Waites
Claire Waites

Before me, a Notary Public in and for the State of Alabama, personally appeared Claire Waites who swore under penalties of perjury that the contents of this Affidavit are true and subscribed to the same on the line provided for her signature.

Debbie Jan Miles
Notary Public

My Commission Expires On
02 / 08 / 2011

Dated:

January 7, 2009

**FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA**

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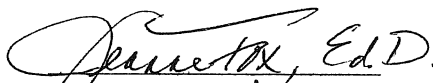
AFFIDAVIT OF JEANNE FOX

I, Dr. Jeanne Fox, am a resident of Alabama, am competent to testify under its laws, and have personal knowledge of the following facts:

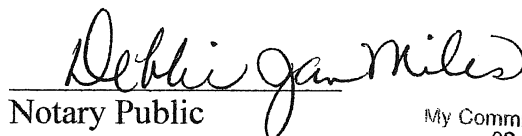
1. I am the Assistant Principal for the Daphne Middle School. My school is part of the Baldwin County Public Schools in Bay Minette, Alabama.
2. I am also a member, in good standing, of the Baldwin County Education Association (BCEA), the Alabama Education Association (AEA) and the National Education Association (NEA).
3. In 2008 I was elected as a delegate to the national convention of the NEA. The NEA refers to its convention as its Representative Assembly (RA).
4. After I arrived at the location of the 2008 NEA RA, I attended the first meeting of the Alabama (AEA) delegation. I was told by BCEA President Saadia Hunter that we were required to make a \$100.00 contribution that day to the political action committee (PAC) of the NEA. This PAC is called "The NEA Fund for Children and Public Education." I was also told by President Hunter that the next day I was required to make a second contribution of \$80.00 to the NEA PAC. When I inquired about why we could not give it all at once, President Hunter said she did not know why.

5. At the time I was told by President Hunter that I was required to make the two contributions totaling \$180.00 to the NEA PAC, I was also told that this money had already been paid to me in my delegate travel expenses – thus I would have no out-of-pocket cost for this contribution.
6. It is my opinion that President Hunter did not realize that this \$180.00 was going to support Senator Obama for President. Rather, I believe that the instructions she gave us originated with officers of the AEA.
7. When I was told that I was required to make the initial \$100.00 NEA PAC contribution, I agreed to do this based on the fact that I did not think the money was going to any political campaign. Had I known that, I would not have given any money to the NEA PAC. Instead, I thought I was giving to a children's education fund.
8. Claire Waites (another delegate to the NEA RA from my school) and I investigated where the money we were required to pay was actually going. After learning the money went to the NEA PAC, and not to a children's education charity, we confronted AEA president Peggy Mobley about this. Our complaint was that teachers did not understand this was a political contribution and that the contribution was compelled. Ms. Waites specifically asked to have her \$100.00 returned. President Mobley would not agree to return Ms. Waites's money and was rude to her in front of many other delegates.
9. Both Ms. Waites and I refused to make the second \$80.00 payment.
10. I found it extremely unfair that the delegates to the NEA RA were seemingly duped into donating money to a federal political campaign under the guise of donating to a children's education fund.
11. When I returned home from the NEA RA, I spoke with John Hudson, an AEA employee who is assigned to work with the BCEA. He confirmed that the BCEA board intended to have members' dues money, in the form of the NEA delegate expense reimbursement, to go into the NEA PAC.

12. I have read Claire Waites's affidavit in this matter. On all of the points where she says that I was with her, her written statement of the matter is in agreement with my recollection.


Jeanne Fox, Ed.D.

Before me, a Notary Public in and for the State of Alabama, personally appeared Dr. Jeanne Fox who swore under penalties of perjury that the contents of this Affidavit are true and subscribed to the same on the line provided for her signature.


Notary Public

My Commission Expires On
02/08/2011

Dated: November 25, 2008