



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1519

Date Filmed 6/16/83 Camera No. --- 2

Cameraman BPE

FEDERAL ELECTION COMMISSION

1519

Attorney work product / preliminary reports

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy. |
| <input checked="" type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input checked="" type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed Michael D. Smith
 Date April 4, 1983

FEC 9-21-77

Y.S.D. 4/5/83

83040394359



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1983

Ms. Dorothy W. Glisson
Deputy Secretary for Elections
Florida Department of State,
Division of Elections
Room 1801
The Capital
Tallahassee, Florida 32301


Dear Ms. Glisson:

8 3 0 4 0 3 9 4 3 6 0
A complaint was recently filed with the Commission which included as an attachment, the enclosed letter from your office addressed to Mr. Philip M. Banner. In that letter it is stated that your office was advised that the Commission will not accept complaints from "an intermediary or agency such as the Florida Elections Commission or this Division." The purpose of this letter is to correct the apparent misunderstanding with regard to whether the Commission will accept referrals from other government agencies.

While the Commission accepts complaints from the original complainant, we also accept referrals from other government agencies. Specifically, the Commission treats compliance actions generated from referrals by other government agencies as being matters generated internally on the basis of information ascertained in the normal course of the Commission's supervisory responsibilities. If the Commission determines after reviewing a referral that an investigation is warranted, a compliance action is initiated to ascertain whether a violation of the Federal Election Campaign Act has occurred.

Should you have any questions concerning this policy, please contact Michael Dymersky at (202)523-4057.

Sincerely,


Kenneth A. Gross
Associate General Counsel

Enclosure



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

Dorothy W. Glisson
Deputy Secretary For Elections

December 1, 1982

GIVE THIS TO
Ed Jones
Junk.
PLH

EXHIBIT (F)

Mr. Philip M. Banner, Chairman
Democratic Club's of Palm Beach
County
509 Volley Place
Lake Worth, Florida 33463

Dear Mr. Banner:

This acknowledges receipt of your letter of 26 November 1982, in which you attached the recommendation of John J. Rimes, III, Legal Counsel for the Florida Elections Commission in case FEC 080-76 and the letter of the Honorable Jackie Winchester dated 21 November 1980.

We have contacted the FEC to determine its policy regarding the filing of complaints. We have been advised that the FEC will accept complaints only from the original complainant and not from an intermediary or agency such as the Florida Elections Commission or this Division. Consequently, it will be necessary for you to contact the FEC at its toll free number 1-800-424-9530 regarding the filing of a complaint against the Eleventh Congressional District Campaign Fund.

As indicated in previous correspondence, we will provide you with any information from our file regarding this matter.

Your interest and concern in the enforcement of the election laws are appreciated.

Sincerely,

Dorothy W. Glisson
Dorothy W. Glisson
Deputy Secretary for Elections

DWG/RW/pw

FLORIDA-State of the Arts

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301
(904) 488-7590

833040394361



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 30, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Voncile M. Smith, Treasurer
Eleventh Congressional District
Campaign Fund
108 Winged Foot Lane
Boca Raton, Florida 33431

Re: MUR 1519

Dear Dr. Smith:

On January 21, 1983, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 29, 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

33040394332



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Voncile M. Smith, Treasurer
Eleventh Congressional District
Campaign Fund
108 Winged Foot Lane
Boca Raton, Florida 33431

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The Commission, on March , 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

O.K. 3/27
[Signature]

3304039433



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 30, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip M. Banner
7509 Valley Place
Lake Worth, Florida 33463

Re: MUR 1519

Dear Mr. Banner:

The Federal Election Commission has reviewed the allegations of your complaint dated December 20, 1982 and determined that on the basis of the information provided in your complaint and information provided by the Respondent there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

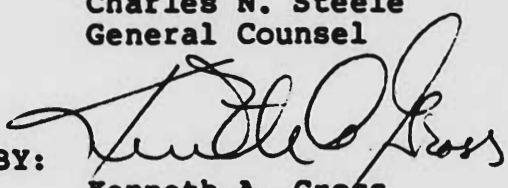
Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a) (8).

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

Sincerely,

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

3304039436



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip M. Banner
• 7509 Valley Place
Lake Worth, Florida 33463

Re: MUR 1519

Dear Mr. Banner:

The Federal Election Commission has reviewed the allegations of your complaint dated December 20, 1982 and determined that on the basis of the information provided in your complaint and information provided by the Respondent there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

OK
3/29

83040394365

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Eleventh Congressional District) MUR 1519
Campaign Fund)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on March 29, 1983, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1519:

1. Find no reason to believe that the Eleventh Congressional District Campaign Fund violated 2 U.S.C. §441d;
2. Close the file in this matter; and,
3. Approve and authorize the sending of the letters attached to the General Counsel's March 17, 1983 report.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

3-29-83

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

33040394366

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

83 MAR 17 A 9: 58

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 3-17-83

MUR 1519
DATE COMPLAINT RECEIVED
BY OGC: January 17, 1983
DATE OF NOTIFICATION TO
RESPONDENT: January 24, 1983
STAFF MEMBER: M. Dymersky

COMPLAINANT'S NAME: Philip M. Banner

RESPONDENT'S NAME: Eleventh Congressional District
Campaign Fund

RELEVANT STATUTE: 2 U.S.C. § 431(9)(B)(iv) and § 441d(a)(2)
11 C.F.R. § 100.8(b)(10) and § 100.14(b)

INTERNAL REPORTS CHECKED: Respondent's Reports

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Philip M. Banner ("Complainant"), by complaint dated December 20, 1982, alleges that the Eleventh Congressional District Campaign Fund (of the Democratic Party) ("Respondent") violated 2 U.S.C. § 441d(a)(2) by failing to provide the required disclaimer on "palm cards" which were printed and distributed at Respondent's expense.

83040394367

FACTUAL AND LEGAL ANALYSIS

Complainant alleges that Respondent, which is registered with the Commission, failed to provide a disclaimer on slate cards (approximately 65,000) which were printed and distributed at Respondent's expense. 1/ It appears that the cards had been approved by the federal candidates whose names were printed thereon, 2/ and were paid for by respondent at least in part, out of filing fees received from Democratic candidates.

2 U.S.C. § 441d(a)(2) requires that whenever an expenditure is made for the purpose of financing communications expressly advocating the election of a clearly identified federal candidate, the communication shall clearly state who paid for it and who authorized it. Clearly the subject card does neither.

1/ Ron Wood, a Palm Beach County campaign coordinator for the Carter-Mondale Presidential Committee, Inc., requested that respondent pay for the slate cards, which it did. (See Attachment I, page 17 for sample). The Chairman and the Treasurer of the Eleventh Congressional District Campaign Fund were apparently unaware that the list of candidates on the cards included eight republican candidates (for local office) out of a total of 23. (See Florida Elections Commission Case Report at Attachment I, page 22). Although the slate cards were paid for by the Eleventh Congressional District Campaign Fund, the card states that it was approved by four other organizations: Concerned Citizens for Equality in Education; Concerned Citizens of Riviera Beach; Concerned Citizens Voters League of Boynton Beach; and, Concerned Citizens for Progress in Belle Glade - Pahokee.

2/ The names of the following federal candidates were included on the cards: Jimmy Carter; Walter Mondale; Bill Gunter; and Dan Mica.

However, the Act specifically exempts from the term "expenditure," the payment by a local committee of a political party, of the costs of printing and distributing slate cards containing the names of three (3) or more candidates, for which an election is held in a state in which the committee is organized. 2 U.S.C. § 431(9)(B)(iv) and 11 C.F.R. § 100.8(b)(10).


That the Eleventh Congressional District Campaign Fund is a local committee of a political party is clear from the facts set forth in the complaint. Its Statement of Organization on file with the Commission states that the "committee is a subordinate committee of the Democratic Party." 11 C.F.R. § 100.14(b). Moreover, the palm cards contained more than the minimum-required three (3) candidates for public office. Accordingly, the General Counsel is recommending that the Commission find no reason to believe that the Eleventh Congressional District Campaign Fund violated the Act, and close the file as to it.

83040394363

RECOMMENDATIONS

1. Find no reason to believe that the Eleventh Congressional District Campaign Fund violated 2 U.S.C. § 441d;
2. Close the file in this matter; and,
3. Approve and authorize the sending of the attached letters.

16 March 1983
Date



Charles N. Steele
General Counsel

Attachments

1. Complaint with attachments (23 pages)
2. Respondent's response (23 pages)
3. Letter to respondent (1 page)
4. Letter to complainant (1 page)

83040394370



THE PRESIDENT'S COUNCIL DEMOCRATIC CLUB'S OF PALM BEACH COUNTY



1982 Chairman:

Philip M. Banner
509 Volley Place
Lake Worth, FL 33463

December 20, 1982

General Counsel

Federal Elections Commission 1325 K St.
Washington, D.C. 20463

Philip M. Banner

Dec. 20, 1982

Rinda R. [illegible]

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 3 1984
BONDED THRU GENERAL INS. UNDERWRITERS

Dear Sir;

Under 111.4 complaints, violations of Federal Law are herein reported. The complaints are based upon information and belief and upon documentary evidence attached for your perusal.

- 1; On November 21, 1980 Jackie Winchester, Supervisor of Elections Palm Beach County entered an election law complaint to the state of Florida dated November 21, 1980. COPY ATTACHED MARKED EXHIBIT (A)
- 2; On December 4, 1980 the complaint was answered by Florida Deputy Secretary for Elections Dorothy W. Glisson naming 5 respondents. Respondant number 1 as shown is "The Eleventh Congressional District Campaign Fund. This is marked EXHIBIT (B) (FEC # 080-76)
- 3; On November 3, 1981 John J. Rimes III Assistant Atty. General Florida Dept. of State submitted a official Memorandum concerning 5 (five) respondents of which one is the Winchester vs 11th Congressional District. It clearly states that the 11th Cong. District Campaign Fund is outside the jurisdiction of the State of Florida and is a Federal Committee. He stated " This matter has been forwarded to that Commission for their perusal". I called Washington twice and spoke to information specialist Paul Reyes. There is no record of Mr. Rimes III request or any file of violations on the 11th Congressional District Campaign Fund!!!! What happened to the States Complaint? This memorandum is marked EXHIBIT (C).
- 4; After the 1980 campaign the Chairman of the Palm Beach County Democratic Executive Committee Mr. Edward Kelly formed a special committee of ten members of that committee (executive committee members) and their findings and recommendations of violations are hereby attached marked EXHIBIT (D). Mr. Kelly complains of many violations including auditing and reports. His complaint is against Boone Darden, and Veneille Smith respectively chairman and treasurer of the 11th Cong. District Campaign Fund. According to the evidence found in the letters and memos from State the State Chairman of the Democratic Executive Party is also a member.
- 5; The Sun Sentinel dated Thursday October 14, 1982 carried the verdict of the State on violations convictions against four respondents.

★★★★★★★★

First Vice Chairman:

Jack Babich
Bonnaire Blvd.
Delray Beach, FL 33446
tel.: 499-0437

★★★★★★★★

Second Vice Chairman:

Evelyn Ostrow
313 S.W. 21st Street
Boynton Beach, FL 33435
tel.: 737-5491

★★★★★★★★

Treasurer:

Gertude Green
141 So. Ridge Rd.
Tallahassee, FL 32302
tel.: 582-5775

★★★★★★★★

Parliamentarian:

John Bianco
610 Barkley Dr. E.
J. Palm Beach, FL 33406
tel.: 967-7958

★★★★★★★★

Secretary:

id. Krutick
139 Watford
Delray Beach, FL
tel.: 499-0906

Participation—Key To Active Lifestyle

Attachment I - (C)

who were named in the complaint by Jackie Winchester, by Dorothy Glisson and by Asst. Atty. General John J. Rimes III shown in items exhibits (A) (B) (C). The newspaper article is marked EXHIBIT (E).

(2)

6; On December 1, 1982 a letter was received from the Deputy Secretary of Elections State of Florida Dorothy W. Glisson marked EXHIBIT (F). This letter acknowledges the recommendation of Legal Counsel for the Florida Elections Commission in Case FEC 080-76.

Mrs. Glisson stated that the State of Florida could not file the complaint.

7; A memorandum dated October 20, 1981 is hereby submitted by Dorothy W. Glisson to the Florida Elections Commission concerning the investigation. This is a case file marked EXHIBIT (G). Page two of this memo shows the names and addresses of respondents.

Summary;

The preponderance of evidence is found in each and every exhibit showing many violations of both State and Federal Election Laws. We have a case here where four of the five original respondents were found guilty of state violations and were fined accordingly. The 11th Congressional District Campaign Fund was responsible for funding and payment of the alleged illegal palm cards (75000 cards) and they escaped prosecution!!! If they were tried first the State may have found that they were the ones guilty instead of the parties convicted. The question arises as to the origination of the funds and if they came from candidates fees whether or not it is a State violation along with a federal violation.

The complainants of record were those authorities and people who have made formal complaints in this matter, I am merely compiling their complaints of record. The complainants shown in this report are; 1; Ed. Kelly former Palm Beach County Dem. Exec. Committee Chairman who submitted an eight page report exhibit (D); 2; Supervisor of Elections Palm Beach County Jackie Winchester marked EXHIBIT (A); Dorothy Glisson, Deputy Secretary for Elections marked EXHIBIT (B); John J. Rimes III Assistant Attorney General State of Florida marked EXHIBIT (C);

I find it quite odd that this Federal Case was not entered as recommended by the Assistant State Attorney John J. Rimes III. Each person or entity are shown clearly. Statements are herein made by officials in exhibit reports which is the source of information. A clear and concise recitation of the facts describing many violations are in the official reports; Documentation has been provided meeting all the criteria under 111.4 2 U.S.C.

Submitted by: P.M. Banner 7509 Volley Pl. Lake Worth, Florida 33463

Attachment I - (2)



Palm Beach County

JACKIE WINCHESTER
Supervisor of Elections

County Office Bldg.
810 Datura Street
West Palm Beach, FL 33401
Telephone: (305) 837-2650

November 21, 1980

Honorable Dorothy Glisson
Deputy Secretary for Elections
Capitol Building - Room 1801
Tallahassee, Florida 32301

Dear Mrs. Glisson,

Enclosed is information relating to a campaign advertisement that was circulated in Palm Beach County prior to and on the day of the November 4th General Election. It is my understanding that 70,000 of these were printed. The card does not list the political party affiliations of the candidates, some of whom are Democrat and some Republican, and it has no disclaimer.

Shortly before the election it came to my attention that the card had actually been paid for by the 11th Congressional District campaign fund, a political committee of the Democratic party and controlled by Ron Wood the campaign coordinator for the Carter-Mondale committee. The source of monies for these funds was the state Democratic Executive Committee and the chairman and treasurer of the fund were respectively W. Boone Darden and Voncile Smith, the state Democratic Committeeman and Committeewoman for Palm Beach County. I pointed out to Mr. Wood that the funds which came from the filing fees of the Democratic candidates could not be legally used to support Republican candidates and demanded that he withdraw the cards. He stated that most of them already been distributed and recovered about 70,000 which were destroyed. Mr. Darden and Dr. Smith stated that when they signed the check for the printing, they were under the impression that the card endorsed only Democratic candidates and assumed that it met the requirements of the law.

None of the four committees listed on the card are registered as endorsing organizations in Palm Beach County. The chairman of the Concerned Citizens for Equality in Education is Dr. Marshall Jenkins, 424 South Chillingsworth Drive, West Palm Beach, Florida. Dr. Jenkins, on October 30th purchased a list of registered voters and at that time he stated that his committee was a registered political committee. The oath which he signed in order to obtain this list is enclosed. The chairman of the Concerned Citizens of Riviera Beach is Mr. Donald Wilson, 1416 W. 27th Street, Riviera Beach, Florida 33404. I advised Mr. Wilson that he should file

Attachment I (3)

the statement of an endorsing organization, but so far he has not. Several members of this group have called to say that they did not concur in the endorsements and were not consulted prior to the printing of the card. The chairman of the Concerned Voters League of Boynton Beach is Mr. Samuel Wright, 318 N.E. 10th Avenue, Boynton Beach, Florida 33435. (4)

In attempting to obtain information about Concerned Citizens for Progress in Belle Glade and Pahokee, it seems that this organization is no longer in existence, and has not been active since last July. I spoke to a Reverend Leon Camel, 2 Everglades Avenue, Okeechobee Center, Belle Glade, Florida 33430 who told me that he had worked with Marshall Jenkin's group but had not seen the card and was surprised to learn of some of the endorsements of which he apparently did not approve.

There has been a great deal of publicity surrounding these cards (news clips enclosed) and allegations that as much as \$5,000 per candidate was demanded by the group for placement of the candidates name on the card. I have been unable to substantiate any of these allegations. Copies of candidates reports which show payments to members of the groups listed on the card for literature distribution are enclosed.

I am also enclosing copies of the statement of organization of the 11th Congressional District campaign fund. To date, no campaign finance reports have been filed by this political committee. They have stated that they did, in fact sign a check to pay for this card in the amount of over \$1,000. Ron Wood has stated that he knew there would be names of Republican candidates on the card that did not care so long as Carter-Mondale was on the card.

I would appreciate your investigating and reporting on this violation to the Florida Elections Commission so that they may take appropriate action.

Sincerely,

Jackie Winchester
Jackie Winchester
Supervisor of Elections

JW/mm1
Encls.

Subscribed and sworn to before me this 21st day of November A.D.,

1980

(seal)

Theresa DeFoe
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Dec. 4, 1981
Selected by American Fed. & Country Company

Attachment I - (P4)



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

Ron Levitt
Assistant Secretary of State

Dorothy W. Glisson
Deputy Secretary For Elections

EXHIBIT (B)

5

December 4, 1980

Honorable Jackie Winchester
Supervisor of Elections
810 Datura Street
West Palm Beach, Florida 33401

Dear Ms. Winchester:

We have received your letter of complaint alleging election law violations by the following organizations:

1. The 11th Congressional District Campaign Fund;
2. Concerned Citizens for Equality in Education;
3. Concerned Citizens of Riveria Beach;
4. Concerned Citizens Voters League of Boynton Beach and
5. Concerned Citizens for Progress in Belle Glade and Pahokee.

We appreciate your interest in the election laws and any investigation by this office will be to the fullest.

Please note that section 106.25, Florida Statutes, provides that complaints, election law investigations and all related matters must remain confidential until a final disposition has been reached by the Florida Elections Commission. This applies to our office as well as to the complainant. The breach of this confidentiality constitutes a criminal violation of the law.

FLORIDA-State of the Arts

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301
(904) 488-7690

Attachment I-(5)

83040394375

Honorable Jackie Winchester
Page Two

(6)

You will be contacted by an investigator from our office in the future regarding these complaints. Your continued cooperation will be appreciated.

Sincerely,

Dorothy W. Glisson
Dorothy W. Glisson
Deputy Secretary for Elections

DWG/BR/ee

83040394376

Attachment I-(6)

Memorandum FLORIDA DEPARTMENT of STATE

TO: Florida Elections Commission
FROM: John J. Rimes, III, Assistant Attorney General
DATE: November 3, 1981

EXHIBIT (C) D

(7)


SUBJECT: Recommendation of Counsel FEC 080-76
Winchester vs. 11th Congressional District Campaign Fund
Concerned Citizens for Equality in Education
Concerned Citizens of Riviera Beach
Concerned Citizens Voters League of Boynton Beach
Concerned Citizens for Progress in Belle Glade - Pahokee

4377
Wm. J. →
Did not file
money statement
Held back
candidate fees

This case has been forwarded by the Division of Elections to the Florida Elections Commission with a finding of an apparent violation with respect to the above-mentioned entities except for Respondent, 11th Congressional District Campaign Fund which is a Federal committee and is not within the jurisdiction of the Florida Elections Commission, but rather the Federal Elections Commission. This matter has been forwarded to that Commission for their perusal. The violations as to the remaining entities were brought to the attention of the Division by the Palm Beach County Supervisor of Elections, Jackie Winchester, and involved an alleged failure to have disclaimer notices; failure to express any political party on political advertisements of candidates in a general election and failure to file statements of endorsement.

FEC 080-76 Winchester vs. 11th Congressional District Campaign Fund; Concerned Citizens for Equality in Education; Concerned Citizens of Riviera Beach; Concerned Citizens Voters League of Boynton Beach; and Concerned Citizens for Progress in Belle Glade - Pahokee

Respondents, Concerned Citizens in Equality in Education, Concerned Citizens of Riviera Beach, Concerned Citizens Voters League of Boynton Beach and Concerned Citizens for Progress in Belle Glade - Pahokee (hereinafter Concerned Citizens Committees) were all entities which endorsed various candidates in the November 4, 1980, elections. The funds for printing the sample ballots were received from the 11th Congressional District Campaign Fund and contained upon the sample ballots were the names of all Concerned Citizens Committees.

Attachment I - (7) 

MEMORANDUM

8

TO: Florida Elections Commission
FROM: John J. Rimes, III, Assistant Attorney General
DATE: November 3, 1981
SUBJECT: Recommendation of Counsel FEC 080-76
Winchester vs. 11th Congressional District Campaign Fund
Concerned Citizens Committees

Page Two

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
IS THIS A FACT?
" " The monies were apparently received by Mr. Ron Wood, who worked on behalf of the Carter-Mondale Committee in Palm Beach County who then authorized the printing of the sample ballots. None of the sample ballots contained upon them the disclaimer notices or the party affiliation of the candidates and all of the Concerned Citizens Committees failed to file statements of endorsement with the local Supervisor of Elections.

As a result of the above it appears that probable cause exists as to Respondent Concerned Citizens Committees for violation of F.S. 106.143(1) and (2) and F.S. 106.144. As noted above the Commission does not have jurisdiction over expenditures made by the 11th Congressional District Campaign Fund insofar as said fund is a Federally registered committee and is governed by the Federal Elections Laws.

Attachment I - (8)

January 10, 1983

Federal Elections Commission
C/O Mr. Kenneth A. Gross
Associate General Counsel
Washington, D.C. 20463

RECEIVED AT THE FEC
Ccc# 9339

83 JAN 17 - P 2:01 -

Re; December 20, 1982 COMPLAINT
vs The 11th Congressional District
Campaign Fund... FEC 080-76

10:33:35

(9)

Dear Mr. Gross;

Upon receipt of your letter dated January 3, 1983 I immediately called Washington and spoke to Mr. Steve Barndollar. Your letter stated that the complaint was not in compliance with the rules due to no notarization. I would request that you examine the top right hand top-side of the complaint which was duly notarized and signed in the presence of a Notary.

You will note that there is a FEC 080-76 number on the memo from Mr. Grimes Florida State Assistant Attorney General, it was sent as evidence of the States Complaint.

Further evidence was provided in the form of official documentation of complaints by Jackie Winchester, Elections Supervisor Palm Beach County Florida wherein she named 5 ----- including The 11th Congressional District Campaign Fund. Other conclusive evidence includes an 8 page report on violations submitted by Ed Kelly former Palm Beach County Executive Committee Chairman of the Democratic Party that includes the evidence of wrongdoing.

In 1982, The Democratic Council of Presidents voted unanimously to act on the complaint against the parties who were part of the act wherein 8 Republicans were assisted in their campaigns with Democratic Funds.

I swear under the laws of perjury that I believe the facts shown in the complaint dated December 20, 1982 are believed to be true to the best of my knowledge. The three complaints and evidence sent to you for remedial action are all from official sources and there is no reason to believe them to be untrue.

Sincerely,

Philip M. Banner
Philip M. Banner

7509 Volley Place

Lake Worth, Florida 33463

Sworn before me 13 day of
January 1983

Dana Dugan

C.C. AMENDED COMPLAINT ATTACHED

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES OCT 28 1986
BONDED THRU GENERAL INSURANCE UND

Attachment I-(9)

The 1980 general election campaign demonstrated a number of strengths and weaknesses of the Palm Beach County Democratic Executive Committee and its members. Among its strengths was the overriding commitment of its leadership and great majority of members to devote considerable time, energy and Committee funds to support the local Democratic legislative and Constitutional candidates. Among its weaknesses were the Committee's inability to generate a substantial campaign treasury and an unwillingness of most of its members to look beyond their individually favorite local candidates, fueled, in part, by the enormous size of the County, advantages of the Clubs in providing alternative forums for exposure and support in certain Democratic enclaves, wide range of political philosophies in the Party, and County tradition of Democratic candidates organizing and running on their own. These factors contributed to the creation of the Eleventh Congressional District Campaign Fund, independent of the Executive Committee, and the allocation of money from the Fund to purchase and distribute palm cards endorsing eleven Democrats and eight Republicans (a copy of which is attached hereto).

HISTORY

On or about July 5, 1980, Chairman Edward Kelly, as requested, submitted the names of the County Campaign Committee to State Vice Chairman Nancy Abrams. On September 13, 1980, the State Campaign Committee met in Tampa with Ms. Abrams to attempt to coordinate planned activities. Attending the meeting from Palm Beach County were State Committeeman Boone Darden, Representative Ed Healy and State Committeewoman Voncile Smith, who submitted tentative Palm Beach campaign plans. Neither formal action was taken at the meeting nor was another State Campaign Committee meeting held involving Palm Beach representatives. On September 19, 1980, Chairman Kelly met with Ms. Abrams to present possible Palm Beach County campaign plans to be funded in part by the State Party but no commitment was made.

On September 24, 1980, the County Campaign Committee, including Chairman Kelly, State Committeeman Darden, State Committeewoman Smith,

former Chairman Jackie Malone, and Campaign Committee member Willa

Ed. Kelly 210 MANANA LA. PALM BEACH FLA 33480

NOTE: This complaint was submitted to the DEC
By Ed Kelly. 1981 Chairman TEL 655 4717
(305)

Attachment I - (10)

State
Demands

8899
1980

7500
palm cards
= 4350

Parrington, met with Ms. Abrams and Ms. Emily Brinkley of the State Party at the West Palm Beach Headquarters. There, the Campaign Committee was introduced to Mr. Ron Wood, the local coordinator for the Presidential Campaign selected by the Carter-Mondale Committee. Ms. Abrams proposed the following campaign plan for Palm Beach County:

1. The State Party refused to acknowledge that the Executive Committee was entitled to any greater return of funds from filing fees then already received. However, the State Party would contribute a lump sum of \$4,000.00 to the Executive Committee--\$2,000.00 of which would be used to get out the vote on Election Day and \$2,000.00 of which would be earmarked to assist local candidates;

2. An additional \$29,000.00 would be funneled to the Executive Committee but disbursed exclusively by Mr. Wood. Without exclusive control over such money by Mr. Wood, it was threatened that the Executive Committee would not receive any State Party funds to assist with the local campaign; and

3. The Carter-Mondale Committee would establish headquarters separate from that of the Executive Committee and the Executive Committee would refrain from organizing a parallel plan to get out the vote on Election Day but would attempt to coordinate local plans with the Carter-Mondale program.

Chairman Kelly tentatively accepted the joint campaign strategy, except he refused to relinquish control of the disbursement of Executive Committee funds, regardless of the source. Mr. Wood invited Chairman Kelly to meet with Jay Hakes, State Carter Campaign Coordinator to resolve the differences of opinion.

Several days later, Chairman Kelly attended a meeting with Mr. Wood, at which State Committeeman Darden and State Committeewoman Smith were present along with a "Steering Committee" to assist in the coordination of Carter-Mondale campaign activities. Members of the Steering Committee included William Clarke, Robert Levinson, Mrs. Richard DiFilippo and Carol Roberts. At this meeting, Ms. Roberts reiterated, that someone other than Chairman Kelly and Treasurer Henry Handerl be responsible for the disbursement of money collected by the Executive Committee for the coordinated activities. Chairman Kelly again refused.

On or about September 28, 1980, Chairman Kelly, Treasurer Handler, and Campaign Committee member Fearrington met with Mr. Wood in Ms. Fearrington's law office. Mr. Wood suggested that the Executive Committee contribute \$750.00 to the State Party so as to reserve one-half side of a planned Carter-Mondale brochure, or, in the alternative, share one-half of a palm card for all local Democratic candidates. Chairman Kelly, having consulted with the local Democratic candidates several days previous to the meeting, rejected the offer, stating that our local candidates preferred other means of advertising. Again Mr. Wood raised the issue of control over funds deposited with the Executive Committee. In response, the three Palm Beach County representatives stated that all monies to be deposited in the Executive Committee's account would be disbursed only by Chairman Kelly and Treasurer Handler. Mr. Wood was told that the Executive Committee did not want to be saddled with bills and invoices incurred by the Carter-Mondale Campaign Committee after the campaign since it was Mr. Wood's stated intention to disburse all monies funneled through the Committee by Election Day. Further, the three Palm Beach County representatives objected to Mr. Wood's statement that he would not guarantee which candidate would appear on a palm card paid exclusively by the Carter-Mondale Committee. Mr. Wood rejected the concerns of the County representatives and said that the condition that money be disbursed only by Chairman Kelly and Treasurer Handler was unacceptable to the Carter-Mondale Campaign Committee.

* { Thereafter, Chairman Kelly, State Committeeman Darden, State Committeewoman Smith, Mr. Wood and Mr. Hakes met, whereat Mr. Hakes announced the formation of the "Eleventh Congressional District Campaign Fund", to be run by Mr. Darden and Ms. Smith and plans for a Carter-Mondale fundraiser to generate money for Mr. Wood's electioneering plans. State Committeeman Darden and State Committeewoman Smith accepted responsibility for overseeing the Fund, Ms. Smith stating that she wanted to guarantee that incoming campaign money would not be allocated to pay the debts, if any, of the Executive Committee. Thereafter, the Executive Committee devoted its funds exclusively to local candidates through radio spots, large newspaper advertisement and maintenance of the County Headquarters in West Palm Beach.

ELEVENTH CONGRESSIONAL DISTRICT CAMPAIGN FUND

The Fund filed a statement of organization with the office of the Palm Beach County Supervisor of Elections but failed to file campaign finance reports. According to the July 31, 1981 Report of Receipts and Disbursements, filed by State Committeewoman Smith, the fund collected and expended the following monies:

Receipts	Amount
Democratic Executive Committee of Florida	\$ 15,000.00
Carter/Mondale Reelection Committee	1,979.84
Engineers PAC	100.00
Individual Contributions	2,200.00
Total Receipts	\$ 19,279.84

Expenses	Amount
Salaries, Travel, Transportation, Literature Distribution	\$ 11,543.50
Transportation, Buses	1,950.00
Catering	350.10
Signs	235.00
Bumper Stickers	576.20
Office Supplies	594.52
Printing	2,169.55
Refund of Individual Contribution	100.00
Postage	544.00
Total Expenses	\$ 18,062.87
Balance on Hand	\$ 1,216.97

Salaries? who?

Copies of same are available for inspection by Executive Committee members.

State Committeewoman Smith has stated that contributions came directly to Mr. Wood and monies were released directly to Mr. Wood or pursuant to Mr. Wood's instructions. On or about October 28, 1980, the palm cards at issue were paid for. Outside of the endorsement of eight

* Republicans, the cards failed to identify the publishing political committee and failed to indicate that it was a paid political advertisement. The cards also listed four organizations which had "approved" the slate of candidates endorsed thereon:

1. Concerned Citizens for Equality in Education;
2. Concerned Citizens of Riviera Beach;
3. Concerned Citizens Voters League of Boynton Beach; and
4. Concerned Citizens for Progress in Belle Glade-Pahokee.

Of the four groups listed above, two, the Concerned Citizens of Riviera Beach and Concerned Citizens for Progress in Belle Glade-Pahokee have never qualified as political committees with the Palm Beach County Supervisor of Elections. In response to the immediate protest raised by several of the local candidates and Chairman Kelly, nearly 10,000 of the originally distributed 75,000 were reported recovered and, the evening before the Election, new cards were printed deleting endorsements of Republican candidates but were never distributed.

State Committeeman Darden and State Committeewoman Smith, though having signed the checks to pay for the subject palm cards, disavow prior knowledge or prior approval of their contents, having left the matter up to Mr. Wood. There have been no facts or evidence submitted to contradict them. Mr. Wood departed the County almost immediately after Election Day.

RESULT

There is no way to measure the benefit, if any, Democrats derived from the Eleventh Congressional District Campaign Fund. Though there is no sure way to quantify the harm resulting from the Fund's activities, particularly the purchase and distribution of the subject palm cards, in terms of numbers of votes cast against our candidates, several results are certain:

1. Democratic money was used against Democratic candidates and office holders;
2. The Party, Executive Committee and our candidates were embarrassed and forced to devote time and energy at (what then appeared as) a crucial time in the campaign to attempt to undo perceived harm from the distribution of the subject palm cards; and

Attachment I - (14)

3. The Party, Executive Committee and our candidates were unnecessarily placed at odds with each other in an otherwise difficult campaign year, only to reinforce in the minds of our office holders and candidates the perception of the Party's and Executive Committee's ineffectiveness.

By reason of the foregoing, the Election and Campaign Practices Committee moves for the adoption of the following resolution:

WHEREAS, the Palm Beach County Democratic Executive Committee must avoid the reoccurrence of the above cited events.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That, in light of the fact that the Executive Committee can never prevent the assignment of local campaign representatives of state or national Democratic candidates to Palm Beach County and that it shall always be the members of the Executive Committee who remain in Palm Beach County and are charged to carry out the best interests of and represent the Democratic Party after such local campaign representatives depart, the officers of the Executive Committee shall meet with the appropriate representatives of state and national Democratic candidates to formulate, on a case by case basis, a coordinated campaign strategy and to discourage exclusively independent campaign activities.

2. That it shall be the duty of all officers and members of the Executive Committee, in their respective formal capacities, to comply with such coordinated campaign strategy.

a. That this provision is by no means meant to discourage or prohibit any officer or member of the Executive Committee from devoting time, energy or resources to any Democratic candidate of his or her individual choice.

3. That State Committeeman Boone Darden and State Committeewoman Voncile Smith, in their respective formal capacities, knowingly volunteered to involve themselves in a campaign program lacking appropriate safeguards to guarantee the best interests of our local candidates, contrary to the collective decision of the Executive Committee's officers, and failed to properly supervise such program.

4. That the officers and Campaign Committee of the Executive Committee shall devise a campaign program for Palm Beach County by May of each election year so as not to compel the Committee to rely upon the ideas and activities proposed by the State Party or local campaign representatives of state and national Democratic candidates.

5. That formal demand be made by the Chairman on the Eleventh Congressional District Campaign Fund and State Democratic Party for turnover of the Fund's remaining \$1,216.97 to the Executive Committee.

6. That the Chairman send a copy of this Report and Resolution to the Chairman of the State Democratic Party as an indication of the Executive Committee's resentment of the State Party's and Carter-Mondale Committee's activities as described above which were an affront to the Executive Committee and Palm Beach County Democrats.

8 3 0 4 0 3 9 4 3 8 7

**PUNCH THE RIGHT NUMBER
FOR OUR CHILDREN**

Approved state for the Nov. 4th General Election, by
major Black organizations of Palm Beach County:

Concerned Citizens for Equality in Education
Concerned Citizens of Riviera Beach
Concerned Citizens Voters League of Boynton Beach
Concerned Citizens for Progress in Belle Glade - Pahokee

CANDIDATES:

Office	Name	Punch Number
President	Jimmy Carter	2
Vice President	Walter Mondale	2
U.S. Senator	Bill Gunter	21
Rep. in Congress 11th District	Dan Mica	31
State Attorney	David Bludworth	42
15th Judicial Circuit Public Defender	Barry M. Cohen	44
15th Judicial Circuit St. Senator 27th Dist.	Tom Lewis	48
St. Rep. - 78th Dist.	Ray Liberti	59
St. Rep. - 79th Dist.	Eleanor Weinstock	62
St. Rep. - 80th Dist.	Jim Watt	65
St. Rep. - 81st Dist.	Edward J. Healey	68
St. Rep. - 82nd Dist.	Gene Campbell	71
St. Rep. - 83rd Dist.	Mack Freeman*	74
Sheriff	Richard P. Wille	79
Prop. Appraiser	David L. Reid	82
Supv. of Elections	George R. Blanck	85
County Comm. District 1	Peggy B. Evatt	87
District 3	Chuck Potter	91
District 5	Bill Bailey	94
Judge - 4th Dist. Court of Appeal	James C. Downey	140 yes
School Board District 1	Paula F. Nessmith	153
District 3	Joan Colavecchio	157
District 7	LaVoise E. Taylor*	160

* Black Candidates

Persons who need aide to the poll must call

Attachment I - (17)

17

pg 8

Evidence
O = Republican
Candidates

75000 Palm Cards

EXHIBIT (E)

Attachment I-(18)

8304039431

EXHIBIT(E)



Sun-Sentinel

Palm Beach

Thursday, October 14, 1982

State Elections Commission fines 4 for violations in 1980 campaign

By Marlon Phelps
Staff Writer

Two years after Palm Beach County, state and national Democratic officials were embarrassed by the use of party funds to endorse eight Republican candidates, the Florida Elections Commission has fined four men \$300 each for the incident.

Boynton Beach Councilman Sam Wright, former School Board candidate Marshall Jenkins, Belle Glade Rev. Leon Camel and Donald Wilson of Riviera Beach were fined for breaking three state election laws during 1980 campaigns.

About 50,000 "palm cards" were printed and distributed — small endorsement cards that could be carried into voting booths. Paid for with \$1,000 in state Democratic funds, the cards urged re-election of President Jimmy Carter and the eight Republicans.

That, in itself, violated state and national Democratic Party rules.

But the commission also found the cards violated state law because they did not include statements that each was a political advertisement paid for by the Democratic Party.

The cards listed as endorsers Concerned Citizens of Boynton Beach, Concerned Citizens for Equality in Education, Concerned Citizens for Progress in Belle Glade-Pahokee and Concerned Citizens of Riviera Beach.

The four black leaders violated state law, the commission found, because the groups they represented did not file papers required by the state of organizations making political endorsements.

According to the commission, Wright was affiliated with the Boynton group, Jenkins with the education group, Camel with the Belle Glade group and Wilson with the Riviera Beach group.

"I tried to tell those people I am not associated with that organiza-

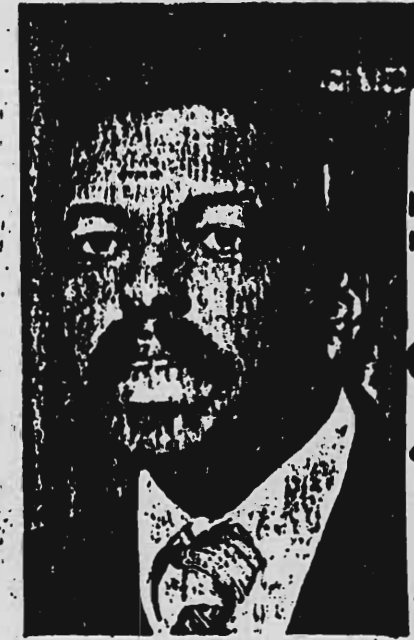
tion," said Camel. "At this time, I don't know what I'm going to do about the fine. I don't want to fight with the government."

The other three men could not be reached for comment Wednesday.

Although county Democratic Chairwoman Voncille Smith and state Democratic Party Committeeman Boone Darden signed checks authorizing the cards, they were cleared of any wrongdoing by a subsequent state Ethics Commission investigation.

Most of the blame was cast on Ron Woods, the Carter-Mondale county coordinator, who was fired shortly after the cards were distributed. It was at Woods' request that the check was authorized, Mrs. Smith said.

"He refused to abide by state party rules, and he lied in order to get state Democratic money. We were taken in by what he said. He admitted that later," she said.



Sam Wright

1982 Chalm
M. Banner
Volley Place
Worth, FL 3
966-6666

First Vice Cha
Babich
Cnaire Blvd.
ay Beach, FL
-499-0437

Second Vice Ch
Ostrow
S.W. 21st St
aton Beach, F
-737-5491

Treasurer:
ude Green
So. Ridge Rc
FL 33462
-962-5775

Parliamentari
Blanco
Barkley Dr. E
Palm Beach, Fl
-967-7958

Secretary:
Patrick
Waterford
ay Beach, FL
-999-0906

81

Participation—Key to Active Lifestyle



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

Dorothy W. Glisson
Deputy Secretary For Elections

December 1, 1982

Mr. Philip M. Banner, Chairman
Democratic Club's of Palm Beach
County
509 Volley Place
Lake Worth, Florida 33463

Dear Mr. Banner:

This acknowledges receipt of your letter of 26 November 1982, in which you attached the recommendation of John J. Rimes, III, Legal Counsel for the Florida Elections Commission in case FEC 080-76 and the letter of the Honorable Jackie Winchester dated 21 November 1980.

We have contacted the FEC to determine its policy regarding the filing of complaints. We have been advised that the FEC will accept complaints only from the original complainant and not from an intermediary or agency such as the Florida Elections Commission or this Division. Consequently, it will be necessary for you to contact the FEC at its toll free number 1-800-424-9530 regarding the filing of a complaint against the Eleventh Congressional District Campaign Fund.

As indicated in previous correspondence, we will provide you with any information from our file regarding this matter.

Your interest and concern in the enforcement of the election laws are appreciated.

Sincerely,

Dorothy W. Glisson

Dorothy W. Glisson
Deputy Secretary for Elections

DWG/RW/pw

FLORIDA-State of the Arts

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301
(904) 488-7690

Attachment I-(19)

GIVE THIS TO
Ed Jones
Junk.

PL

EXHIBIT (F)

(19)

3040394339

EXHIBIT (G)

20

Memorandum FLORIDA DEPARTMENT of STATE

To: Florida Elections Commission
From: Mrs. Dorothy W. Glisson, Deputy Secretary for Elections
Date: October 20, 1981
Subj: DE 080-76

This is to inform you that the Division's investigation of the above referenced case is complete.

My review of the investigative report submitted by Noel Crick indicates there (may) ~~(may not)~~ have been an apparent violation of Chapter 106, Florida Statutes.

I hereby transmit the case file to you for your disposition.

040394390

Attachment I - (20) 13

(21)

Division of Elections/Florida Elections Commission

CASE REPORT

To: Mrs. Dorothy W. Glisson, Director
From: Noel Crick, Investigator
Date: October 20, 1981
Case: DE080-76, Winchester vs Eleventh Congressional District Campaign Fund; Concerned Citizens for Equality in Education; Concerned Citizens of Riviera Beach; Concerned Citizens Voters League of Boynton Beach; and, Concerned Citizens for Progress in Belle Glade-Pahokee

Respondents: Mrs. Voncile M. Smith, Treasurer
Eleventh Congressional District Campaign Fund
108 Winged Foot Lane
Boca Raton, Florida 33431

Dr. Marshall Jenkins, Chairman
Concerned Citizens for Equality in Education
424 South Chillingsworth Drive
West Palm Beach, Florida 33409

Mr. Donald Wilson, Chairman
Concerned Citizens of Riviera Beach
1416 West 27th Street
Riviera Beach, Florida 33404

Mr. Samuel Wright, Chairman
Concerned Citizens Voters League of Boynton Beach
318 Northeast 10th Avenue
Boynton Beach, Florida 33435

Reverend Leon Canel
Concerned Citizens for Progress in Belle Glade-Pahokee
2 Everglades Avenue - Okeechobee Center
Belle Glade, Florida 33430

Complainant: Honorable Jackie Winchester
Palm Beach County Supervisor of Elections
810 Datura Street
West Palm Beach, Florida 33401

Case opened: December 4, 1980

Election date: November 4, 1980

ALLEGED VIOLATIONS

Sections 106.143(1) Florida Statutes, failure to have proper disclaimer notice; s. 106.143(2), F.S., failure to express the name of the political party on political advertisement of candidates in a general election; and, s. 106.144(1), F.S., failure to file a Statement of Endorsement.

Attachment I-(21)

BACKGROUND

Complainant is Supervisor of Elections in Palm Beach County. Respondents jointly had printed and distributed a 3-1/2" x 5-1/2" sample ballot showing the approved slate for the November 4th General Election of major Black organizations of Palm Beach County, listing candidates from the U. S. President down to School Board Districts.

ALLEGED VIOLATIONS

Complaint alleged that the sample ballot was void the proper disclaimer notice; void any party affiliation of the candidates; and, that the four committees endorsing the approved slate of candidates on the sample ballot were not registered as endorsing organizations in Palm Beach County.

SUMMARY OF INVESTIGATION

Complaint reflected that the sample ballot had actually been paid for by the Eleventh Congressional District Campaign Fund, a political committee registered as a Federal Committee with the Federal Elections Commission. The sample ballot was paid for by this committee after a request for check for payment of a sample ballot was received from Ron Wood, campaign coordinator for the Carter-Mondale Committee of Palm Beach County. Although the slate endorsed some Republicans, this fact seemed to be unknown to the Chairman and Treasurer of the Eleventh Congressional District Campaign Fund, who are the State Democrat Committeeman and Committeewoman of Palm Beach County.

Dr. Voncile Smith, Treasurer for the Eleventh Congressional District Campaign Fund, was contacted for information concerning the method of payment of the sample ballot.

On February 3, 1981, a letter with attachments was received from Dr. Smith reflecting that the group of which she is treasurer is a duly Federal Committee, registered with the Federal Elections Commission. One of the attachments was a copy of a letter from Boone Darden, State Democratic Committeeman for Palm Beach County and chairman of this committee. This letter stated that a check was written for Ron Wood (coordinator for the Carter-Mondale Campaign) for sample ballots that did endorse Republican candidates as well as some Democratic candidates. Also attached was a sworn statement of Ron Wood stating that he personally met with Dr. Marshall Jenkins and Robert Miller of the Concerned Citizens for Equality in Education to pay \$1,010.00 for printing and the only agreement was to have these persons endorse Carter-Mondale. Mr. Wood further stated that this was not previously discussed with Boone Darden or Voncile Smith. Further, Mr. Wood stated he requested the check to pay for the sample ballot from Boone Darden indicating that the money was for payment of a sample ballot.

On a report filed with the Federal Elections Commission and copied to this Division covering the period October 15, 1980 through December 31, 1980, page 3 of 6 of itemized disbursements, an expenditure in the amount of \$1,010.00 was showing as being paid to Goodway Printers of West Palm Beach for printing costs. The date of this expenditure was October 30, 1980.

A check with all cities concerned and the Palm Beach County Supervisor of Elections office on October 20, 1981, revealed that

Attachment I - (22)

CASE REPORT, DE080-76, page 3

to date none of the four endorsing committee's ever registered as Endorsing Organizations.

Exhibits

- A - Complaint
- B - Sample Ballot
- C - Response of Voncile Smith
- D - Letter of Boone Darden
- E - Statement of Ron Wood
- F - FEC Reports of Eleventh Congressional District Campaign Fund
- G - Miscellaneous

Attachment I - (23^E)

203992

RECEIVED AT THE FEC

Acc# 9504

83 FEB 10 P1:51 (24)

108 Winged Foot Lane
Boca Raton, Florida 33431
February 7, 1983

Anderson
D. Kennedy

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Through: Mr. Kenneth A. Gross, Associate General Counsel
FEDERAL ELECTIONS COMMISSION
1325 K Street
Washington, D. C. 20463

RE: MUR 1518

Dear Mr. Steele:

This is in response to Mr. Philip M. Banner's allegation that Boone Darden and I violated the Federal Election Law in 1980 through the Eleventh Congressional District Campaign Fund.

If you read through the attached materials you will note that Mr. Banner has waged a long battle to try to discredit Mr. Darden and Me. Mr. Banner has apparently long disliked me for reasons perhaps best known to himself. He has attempted through every channel imaginable (at meetings of the Palm Beach County Democratic Executive Committee, through the local newspapers, through the Florida Democratic Party, through the Florida Elections Commission, and now through you) to discredit us for an incident we had felt was resolved satisfactorily in November, 1980. Part of Mr. Banner's unrest is apparently due to his insistence on running and maintaining an organization which attempts to compete with the Palm Beach County Democratic Executive Committee of which I am chairman. According to Florida Statutes and the Florida Democratic Party Rules, any group using the Democratic label in a partisan manner must obtain the authorization to do so through the county Democratic Executive Committee and the Florida Democratic Party. Mr. Banner and the "President's Council Democratic Clubs of Palm Beach County" has refused to do this. Because Mr. Banner and that group have given support to Republican candidates and wrongly give the appearance of representing the Democratic Party, as Palm Beach County Democratic Executive Committee Chairman I filed an injunction against them in late August, 1982 to prevent their continuing to use the name "Democratic." Because of crowded court dockets the hearing on this injunction is still pending (see Attachments 1 and 2).

I do not intend, however, to base my answer to your inquiry about Mr. Banner's allegations on personality problems Mr. Banner may feel. I have previously spent considerable time answering these same allegations (as well as others) when Mr. Banner has directed them to other agencies, so I hope you will accept references to my earlier answers as part of my response. Please note the following:

1. Letter from Mr. Banner to Mr. Whitehead dated September 1, 1982, in which Mr. Banner cites numerous "allegations" against me. (Attachment 3.)
2. Mr. Whitehead's letter acknowledging receipt of Mr. Banner's letter of September 1, 1982. (Attachment 4.)
3. My letter of September 13, 1982, to Mr. Whitehead. (Attachment 5.)

Please note item #2 (bottom of page 1) relative to Mr. Banner's Exhibit (D).

Attachment II - (1)

304039439

Mr. Charles N. Steele, C
from Voncile M. Smith, MUR 1518, February 7, 1983
page 2

(25)

This report never was accepted by the Palm Beach County Democratic Executive Committee (see Attachments 6 and 7 below), but was tabled. Mr. Banner is basing his charges in large part on a report that has no official standing.

The explanation of what happened relative to the use of funds for the palm cards or "sample ballots" follows on page 2 of that letter. Mr. Darden and I were lied to by Ron Wood, the Carter-Mondale Coordinator, who had ordered the cards. Wood later acknowledged his responsibility for the incident.

Please note the attached copy of Ron Wood's notarized statement relative to palm cards or "sample ballots". I have included the "Exhibits 1-8 referred to in my letter of September 13, 1982. They immediately follow the letter and are all part of Attachment 5. Mr. Wood's statement is "Exhibit 4" in this Attachment.

4. Letter from Henry B. Handler to Charles Whitehead dated September 22, 1982. (Attachment 6.) This letter indicates that the Report of Election Practices and Campaign Committee was not acted upon.
5. Letter from Edward M. Kelly to Charles Whitehead dated October 1, 1982. (Attachment 7.) Please note especially paragraph #4 of this letter which confirms the report Mr. Banner has sent you was not acted upon.
6. Letter from Charles A. Whitehead to me dated October 4, 1982. (Attachment 8, including attachment of letter he wrote Mr. Banner relative to Mr. Banner's letter of September 1, 1982 - Attachment 3.)

You will note the information Mr. Banner has supplied you relative to report DE080-76 from the Division of Elections/Florida Elections Commission (Banner's Exhibit G) and the memorandum from Mr. John J. Rimes (Banner's Exhibit C) indicate that Boone Darden and I supplied them the same information relative to our innocence that I now send you in the various attachments. This is all the information I have. I hope it is sufficient to answer Mr. Banner's allegations.

Sincerely yours,

Voncile M. Smith

Voncile M. Smith

Enclosures

Attachment II - (2)

62
Attachment 5
(Exhibit 7)

Coastal Star, Thursday, September 2, 1982

Local News

Democratic Groups Trading Charges

By Gary Blankenship

It's either a battle to protect a group of loyal, effective and hard-working Democrats or an attempt to squelch a group of would-be power brokers depending on who's doing the talking.

It's the conflict between the Palm Beach Democratic Executive Committee and the Council of the Democratic Club Presidents of Palm Beach County that burst into the open Aug. 27. That's when the executive committee went to court to try to prohibit the presidents' council from using the word "Democratic" in its name.

Council President Phil Banner said the executive committee's request for an injunction was an attempt to cover up committee misdeeds. He and John Blasco, another club member, vowed to fight the suit; no hearing has been set.

Club President Phil Banner said the executive committee's request for an injunction was an attempt to cover up committee misdeeds. However, county party Chairman Voncie Smith, who ordered the suit filed, dismissed the charges and said Banner's group has been misleading the public.

of doing this, they have made uncomfortable quite a few candidates."

The presidents' council doesn't have a charter from the local or state party, Dr. Smith said.

"Any group using the name Democrat and speaking as though they represent the party is supposed to have permission by party bylaw and state law to use the name," she said.

Banner, also an executive committee member, has a short reply.

"It's ridiculous," he said. "All she's done is cause discontent and polarize the members of the executive committee."

Republicans.

Mrs. Smith denied that move had any bearing on the suit, saying she had discussed taking that action long before Banner's request.

Much of the controversy about the president's council stems from a speech given at a meeting last year by County Commissioner Norman Gregory, a Republican. At a stormy Aug. 27 meeting with the club presidents, Dr. Smith explained party rules prohibit any party organization from giving a Republican a forum. Gregory's visit to

words and in an Aug. 29 letter to state party Chairman Charles Whitehead criticizing several party actions.

He (Gregory) came as vice chairman of the County Commission to tell us about the legality of the proposed administrative complex and it was not in his election year, nor was he there for political reasons," he said.

As for the Gregory contribution, Banner said he wrote a \$40 check to the Boynton Beach Golf Association for an appreciation dinner for Gregory and didn't know the money was going to Gregory's campaign.

Attachment II - (3)

Attachment 5
(Exhibit 8)

(27)

Monday, September 11, 1982-A17

Letters to the Editor

Disunity Among Democrats

In an article "Democratic Groups Ex-
In Suit Over Name" by political writer
on Sept. 2, I find *The Post* reporting
to the facts that the reporter wants
to know. I am an elected official (Democratic
member) of Palm Beach County and it is my
duty to state the true facts.

The reporter in an interview thinking that he
understands the 12 serious charges that
are the Chairman of both state and national
the Democratic party requesting an im-
peachment. The reporter submitted my re-
sponse and printed her remarks without
opportunity to reply. Unfair journalism.
The reporter stated that Chairman Voncile Smith "dis-
misses" and that our group "has been misled."
She has no authority to dismiss the charges.
We sent to higher authorities. Everyone
knows it is the Council of Presidents of Demo-
crats that has been active in the public interest on
the Democratic Executive Committee of
member seems to only work on foreign
where is so much to be accomplished here in
Palm Beach. Our organization is about eight years
on the official state list as an unchartered

The reporter stated I have a short reply as an "execu-
tive member." This is both misleading and
untrue. As a committee member I object with many others
to the untimely lawsuit in an election year creat-
ing object that the suit without the vote consti-
tute the bylaws. I object to the expenditure of

\$77 for the suit without authorization according to the
bylaws. I object to the chairman having involved 88
members in a lawsuit that could bring countersuit and
legal responsibilities. If we really were an illegal group,
why did the state and national committeemen attend our
meeting recently and praise our organization? Why did the
last chairman attend our meeting? Why were we allowed
to make a Council of President's report at all meetings in
the past? No one past or present has officially taken the
position that we should cease and desist from using the
name, why now? I agree with former chairlady Jackie
Malone who spoke up against the suit and raised the
correct questions at the last meeting of the executive
committee. Her views are shared by many members who
are afraid to speak out. The word Democratic is a basic
American word that should not be limited to one's own use.

The reporter casually mentions a 1980 report. It is a
complaint against Chairman Voncile Smith and State and
National Committeemen Boone Darden filed by the last
Chairman Ed Kelly. The reporter fails to mention that it is
an eight-page complaint that alleges illegal payment for
75,000 palm cards, paid for by Democrats, that had the
names of eight Republicans on it. That provided unfair
competition to our own candidates. It should bother every
Democrat in the county.

Your reporter continues to write about the invitation
to Norman Gregory to a meeting of the Council of Presi-
dents. The article states he gave a speech — absolutely
untrue. He rendered a report on the forthcoming County
Administrative Complex. He came as the vice-chairman
of the County Commission, not as a Republican. Voncile
Smith attended a nonpartisan union affair and was seen
greeting Republicans. She also served on the union screen-
ing committee recently that endorsed Republicans. This
certainly should be against party rules to wear two hats.
And then she says we can't invite elected officials to our
nonchartered organization.

The reporter's mentioning of a contribution to Greg-
ory is misleading. The reporter knows darn well that the
dinner I attended was for the Greater Boynton Beach Golf
Association. They have PAC records at the elections of-
fice. The records show that a great many Democrats
contributed to the Golf Association and also went to the
dinner. John Lomelo Jr., recently appointed regional
Democratic chairman, stated at the last meeting "Indi-
viduals have a constitutional right."

He was right. As an individual I am under the consti-
tution of the United States and have every right to act
individually. No one could have known what the Golf
Association was going to do with its money.

Philip M. Banner
Lake Worth

Attachment II (4)

attachment 6

28

SACHS & WEISS, P.A.

ATTORNEYS AT LAW

SUITE 402 INTERSTATE PLAZA
1499 WEST PALMETTO PARK ROAD
BOCA RATON, FLORIDA 33432

TELEPHONE (305) 368-6644
BROWARD 426-6585
PALM BEACH 734-6181

PETER S. SACHS •
HOWARD I. WEISS •
HENRY B. HANDLER
BETH F. LINZNER
SPENCER M. SAX

• FLA., N.Y. BARS

NEW YORK OFFICE
501 SEVENTH AVENUE
NINTH FLOOR
NEW YORK, N.Y. 10018
TELEPHONE (212) 944-0156

REPLY TO: BOCA RATON

September 22, 1982

Charles A. Whitehead, Chairman
Democratic Executive Committee
of Florida
Post Office Box 1758
Tallahassee, Florida 32302

RE: Complaints of Philip M. Banner

Dear Chairman Whitehead:

In response to your September 3, 1982 correspondence, it is my impression that the complaints against Voncile Smith and Boone Darden have been raised in an appropriate manner before the Palm Beach County Democratic Executive Committee and that body, after due consideration, decided by overwhelming vote to table discussions and actions with respect thereto. Accordingly, it is my opinion that our Committee needlessly runs the risk of disharmony and disunity by resurrecting the matters raised by Mr. Banner.

Very truly yours,

HBH:mmm

cc: Dr. Voncile Smith

HENRY B. HANDLER

Attachment II-(5)

Edward M. Kelly
210 Manana Lane,
Palm Beach, FL 33480

29

Oct. 1, 1982

Charles A. Whitehead, Chairman
Democratic Executive Committee of Florida
Box 1758, Tallahassee, FL 32302

Dear Charles:

I am sorry to be so late responding to your letter of Sept..
3rd with enclosures.

The second enclosure entitled "Report of Election Practices
and Campaign Committee" was the third of a series of three
reports by this committee usually known as the "Ethics
Committee". The Committee was headed by Henry Handler.

The first report dealt with loyalty of Clubs and Club Presidents
to the Democratic Party. It was passed by an overwhelming
vote, included with the minutes of the meeting and sent to
Tallahassee. The second report dealt with conduct of Executive
Committee members. It, too, was passed, included with the
minutes and sent to Tallahassee.

This third report was presented to the Executive Committee
at a regular meeting but it was not voted on. The report was
tabled. The minutes simply reflected that a report was
made and tabled. I did not send a copy of the report to
Tallahassee since it had been tabled.

The first enclosure - a long complicated letter from Phil
Banner - looks to me like it could be handled here in the
county by our County Chair, State Committee man and woman,
and Regional Chairman.

Everyone here is enthusiastic about the campaigns of our
Democratic candidates. Brad Culverhouse has a good chance to
win the new 12th Congressional District and Dan Mica is
expected to win easily in the 14th.

Sincerely,



Edward M. Kelly

cc Kathy Kossman

Attachment II (6)

3040394393

Democratic Executive Committee of Florida

Post Office Box 1758 • Tallahassee, Florida 32302 • Phone (904) 222-3411

Charles Whitehead
Chairman
Hazel Evans
Vice Chairmen
Monnie Yungblom
Treasurer
Kathleen Keenan
Executive Director

National Committee
Members:
Wayne Bailey
Phyllis Miller
Boone Darden
Mayre Lutha Tillman
Michael Shea
Ann Cramer

Congressional District
Chairmen & Vice Chairmen:

1st -
A.J. Boland
Nathalie Gray
2nd -
Judy Fendrich
R.C. Janney
3rd -
Bill Landis
Ann Henkel
4th -
T. Wayne Bailey
Grace Carlisle
5th -
Pete Vogt
Carol Cycmanick
6th -
Bob DeWitt
Phyllis Bleiweis
7th -
Michael Shea
Mayre Lutha Tillman
8th -
John Sabin
Hazel Evans
9th -
Dan Chambers
Alice Hall
10th -
Harold Grizzard
Lucy DuCharme
11th -
Dave Berrett
Bobbie Gant
12th -
Wesley Ward
Judy Franklin
13th -
Vasco Peoples
Sheila Sanders
14th -
William "Boone" Darden
Honey Duncan
15th -
Ruse Barakat
Ann Cramer
16th -
Ann Cramer
Ruse Barakat
17th -
Nancy A. Parrish
Simon Ferro
18th -
Simon Ferro
Nancy A. Parrish
19th -
Sophia (Connie) Gibbs
Simon Ferro

October 4, 1982

Honorable Voncile Smith
108 Winged Foot Lane
Boca Raton, Florida 33431

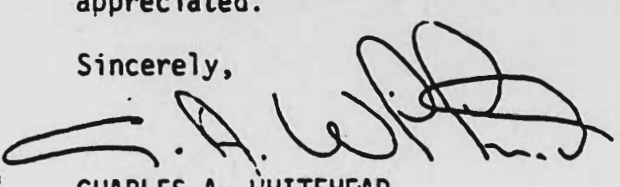
Dear Voncile:

Thank you for your letter of September 13 regarding the allegations of Philip M. Banner.

Enclosed is a copy of a letter I have written to Mr. Banner advising him that I see no reason for any action to be taken by the State Democratic Party in regard to his complaints.

Your continuing efforts on behalf of the Democratic Party are appreciated.

Sincerely,


CHARLES A. WHITEHEAD
Chairman

CAW/rg

Enclosure

cc: Boone Darden
Honey Duncan
Ed Kelly
Henry Handler
John Bianco

Attachment II - (7)



(31)

Democratic Executive Committee of Florida

Post Office Box 1758 • Tallahassee, Florida 32302 • Phone (904) 222 3411

Charles Whitehead
Chairman
Hazel Evans
Vice Chairman
Minnie Youngkins
Treasurer
Kathleen Kossman
Executive Director

National Committee
Members
Wayne Bailey
Phyllis Miller
Boone Darden
Moyre Lutha Tillman
Michael Shea
Ann Cramer

Congressional District
Chairmen & Vice Chairmen:

1st -
A.J. Roland
Nathalie Gray
2nd -
Judy Fendrich
J. Janner
3rd -
Bill Landon
Ann Henkel
4th -
Wayne Bailey
Grace Carlisle
5th -
Pete Vogt
Carol Cymernick
6th -
Bob DeWin
Phyllis Biewers
7th -
Michael Shea
Moyre Lutha Tillman
8th -
John Sabin
Hazel Evans
9th -
Chambers
Alice Hall
10th -
Harold Grizzard
Lucy DuCharme
11th -
Dave Barrett
Bobbie Gant
12th -
Wesley Ward
Judy Franklin
13th -
Vicki Peoples
Shelia Sanders
14th -
William "Boone" Darden
Honey Duncan
15th -
Russ Barakat
Ann Cramer
16th -
Ann Cramer
Russ Barakat
17th -
Nancy A. Parnish
Simon Ferro
18th -
Simon Ferro
Nancy A. Parnish
19th -
Sophia (Connie) Gibbs
Simon Ferro

October 4, 1982

Mr. Philip M. Banner
7509 Volley Place
Lake Worth, Florida 33463

Dear Mr. Banner:

Voncile Smith wrote to me regarding the complaints and charges you made, and from her response to your complaints and charges, there apparently is no reason for any action to be taken by the State Democratic Party. If I should receive any information from the State Committeeman and State Committeewoman from Palm Beach County relative to this matter which would warrant an investigation, I will contact you. Otherwise, as far as I am concerned, the matter is closed.

During this crucial election period I feel that the Democratic Party should expend its energies and efforts in constructive ways related to the election of Democrats and not become involved in petty matters.

Sincerely,

CHARLES A. WHITEHEAD
Chairman

CAW/rg

cc: ☒ Voncile Smith
Boone Darden
Honey Duncan
Ed Kelly
Henry Handler
John Bianco

Attachment II - (8)

83 FEB 10 2 11 51

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA.

CIVIL DIVISION.

(32)

CASE NO.

THE PALM BEACH COUNTY DEMOCRATIC
EXECUTIVE COMMITTEE, an authorized
Committee of the State Democratic
Party,

Plaintiff,

vs.

PHILIP BANNER, individually and on
behalf of THE COUNCIL OF THE
DEMOCRATIC CLUB PRESIDENTS OF PALM
BEACH COUNTY,

Defendants.

COMPLAINT

The Plaintiff, PALM BEACH COUNTY DEMOCRATIC EXECUTIVE
COMMITTEE, sues Defendant, PHILIP BANNER, individually and on
behalf of the COUNCIL OF DEMOCRATIC CLUB PRESIDENTS, and alleges:

1. Jurisdiction is vested in this Court pursuant to
Article V, Florida Constitution, through the equitable and chan-
cery powers vested with this Court.
2. Plaintiff is an authorized Committee established in
accordance with the rules of the State Democratic Executive Committee
pursuant to Florida Statute 103.091.
3. Defendant, PHILIP BANNER, individually and through
the Council of Democratic Club Presidents of Palm Beach County,
is a resident of Palm Beach County, Florida.
4. Defendant is engaged in the practice of using the
word "Democrat" or "Democratic" in the description of the Council
of Club Presidents, an organization of individuals located in Palm
Beach County, Florida.
5. Said use of the words "Democrat" or "Democratic", is
unauthorized by Plaintiff, and is misrepresentative to the public
in its use.
6. The use of the word "Democrat" or "Democratic" by
Defendant is injurious to Plaintiff and to the public at large and

contrary to Florida Statutes, the Rules of the State Democratic Party, and the Rules of the Palm Beach County Democratic Executive Committee.

7. Numerous attempts have been made to stop Defendants from continuing the use of the word "Democrat" or "Democratic", but Defendants have continued in this practice.

WHEREFORE, Plaintiff would respectfully request this Honorable Court to enter an Order of Judgment temporarily and permanently enjoining the Defendants from the use of the word "Democrat" or "Democratic" as a description of their organization, now and in the future.

Respectfully submitted,

GARY S. ISRAEL, ESQ.
Attorney for Plaintiff
105 So. Narcissus Avenue
Citizens Bldg. - Suite 504
West Palm Beach, Florida 33401
(305) 655-3825

Attachment 2

Demo Chairman Draws Support in Feud Over Name

Palm Beach County Democratic Chairman Vancile Smith got an overwhelming vote of support from the county Executive Committee last Thursday for ordering an injunction filed against the Council of Democratic Club Presidents of Palm Beach County.

She got that support after telling the group in an impassioned speech, "If you do not want me to do that (file the injunction), then I don't want the (chairman's) job... If you don't want me to do what is right, then I don't want the job."

The injunction seeks to stop the club from using the word Democratic in its name and activities, because it is not chartered by the local party and has provided a platform for a Republican officeholder, a violation of party rules.

Dr. Smith said she decided to file for the injunction after "much soul searching," adding, "If we say we cannot abide by these rules and by the laws of the state, then we have a serious problem."

Although she got the overwhelming support of the committee, her action was challenged by some club members at the meeting and also by former county chairman Jackie Malone. Mrs. Malone said although the suit identified the Executive Committee as the plaintiffs, she disagreed with the action.

She asked Mrs. Smith on what authority she filed the suit, and the chairman replied she has authority to act for the committee between meetings.

Mrs. Malone then noted the injunction request was filed only six days before the committee's meeting and asked why she couldn't wait.

"If you want an honest answer, I think this action comes about six years too late," Mrs. Smith replied.

After the vote, about a half-dozen of the presidents' club members walked out of the meeting as club member Sid Krutick charged the action besmirches members who work "for Democrats 100 percent."

34

Gary Blankenship



Attachment II - (11)

Charles Whitehead
Democratic State Chairman
P.O. Box 1758
Tallahassee, Florida 32302

SEP - 1 1982

There is a principle which is a bar against
information, which is a proof against all
argument, and which cannot fail to keep a man
in everlasting ignorance. That principle is
condemnation before investigation.

Dear Mr. Whitehead;

I have your letter of May 6, 1982 regarding election practices in the 1980 campaign. You stated that you would get back in touch when you hear from the parties shown as having received copies of our letter and enclosures. The enclosures refer to the original complaint submitted by former chairman of P.B. County Ed. Kelly. We haven't heard from you.

As a committeeman here in Palm Beach County I am herewith submitting further serious complaints against our Democratic Executive Committee. I ask that you review the merits of the complaints and take immediate remedial action, including the removal of the persons that are guilty of placing democrats on a collision course here in this county.

Complaints:

- 1; At the July meeting of the D.E.C. in P.B. County a resolution was read by the legislative committee regarding the new county administrative complex being built. I quoted Roberts Rules of Order, Rule #47 page 201 that states "Votes that are null and void even if unanimous. No motion is in order that conflict with the laws of the nation, or state, or with the assembly's constitution or bylaws, and if such a motion is adopted, even by unanimous vote, it is null and void".

When I asked to show the Roberts Rule book to the chairman I was called out of order. The chairman refused to discuss or accept Roberts Rules of Order.

I complained that the language of the resolution presented legal problems in that it stated "set up as a front" referring to the county commissioners as having done something wrong or illegal, knowingly.

Considering that the Supreme Court of Florida has rendered a decision regarding issuance of bonds in a case involving the building of a jail in Volusia County that was not retroactive on any previous deals concerning bonds the matter was moot. The legal question has been answered by the highest court in the state and therefore Roberts Rules No. 47 applies. The arguments should have been considered and reviewed instead of being ignored. It is interesting to note that this same resolution was presented in July and August and will be offered again at the September meeting. We previously researched the entire complex building deal by taking the matter to the highest legal sources of state. After reviewing it with Frank Stockton of the state attorney's office we were told that the matter was a judgement decision and perfectly legal. It is ironic that the D.E.C. here hardly ever acts on local issues should persist on calling for an investigation on a dead issue. We are mandated to operate under Roberts Rules. I also expect an apology.

2; August meeting of the DEC;

According to your letter of May 6, 1982 it shows that copies of my letter and the complaint of the 1980 campaign practices by Ed. Kelly was sent to Ed. Kelly; Henry Handler; Voncile Smith and Boone Darden.

- A) When the chairman asked if there was any further business I took the floor and presented the 1980 campaign complaint (9 pages) written by the former administration. The chairman was asked to step aside because the complaint concerned her and Boone Darden that alleges the payment of 75000 palm cards with democratic monies that had the names of 8 republican's on it. Chairman ruled not to step aside. She stated that she never received a copy of the complaint. Your letter officially states differently.
- B) I was ruled out of order. I realize it's an unpopular matter but there was no reason for complete disorder of the meeting without any attempt from the chair or the officers to restore order while I was speaking. I stated that over 40% of our democratic voters received these palm cards that were in opposition to our candidates. We talk of unity and cooperation to defeat republicans but we act differently as in this case that spelled disaster for all of us.
- C) Committeeman Gary Israel stated that the Ethics Committee must first receive and review the complaint before it can be brought to the membership. I replied that it had already been reviewed by the ethics committee by a large group of a special committee (I have their names) and it was presented on the floor in 1981 and tabled. Therefore, under Roberts Rules of order it can be presented again and again hopefully without a riot.
- D) State Committeeman Boone Darden had to be restrained from cursing me with four letters after the meeting. This kind of conduct from our state and national representative is reprehensible. My action on the matter was not personal, it was meant to be objective. He should have stepped in and called for order instead of letting me become the victim of harsh treatment. One would think that I signed the check for the palm cards instead of Boone Darden and Voncile Smith. Up till now this was kept as an internal matter, it destroys our credibility.
- 3; Officers and members of the DEC belong to the A.D.A.

The ADA is a non partisan organization and many of our officers and members are members. They use the name "Democratic". Here we have republicans working with democrats out in the open. The Palm Beach chairman is a member of the DEC.

Attachment II - (12)

35

Heretofore in public places such as the library or the county commission facilities. Meeting in a Union Hall is not considered a public place and I feel that it presents an act of intimidation. I would feel the same way meeting in a management location, we belong in a public place that is available to us.

(36)

5: Minutes at the DEC meetings;

The minutes are incomplete and misleading. The August meeting did not report the discussion on Roberts Rules of Order I presented at the July meeting.

6: disregard of the chairmans order to meet with me;

At the July meeting the elgislative committee was ordered to invite P. Tanner to meet with them on the matter of the resolution on the new county administrative complex. There was no such invitation to attend and present the facts I have to offer in opposition. I reported this to the chairman at the August meeting.

7: Atlantic Democratic Club endorsements;

Their newspaper in August endorsed a candidate against party rules. In 1980 the Century Club placed a republican advertisement in their newspaper that was in opposition to our democratic candidates. The matter was brought to the DEC by myself and others and no action was ever taken. It appears that these two clubs can do as they please.

8: Labor sponsored PICNIC in August 1982;

Our chairman attended this non-partisan affair and was seen greeting people coming in. How can the chairman of the D.E.C. attend an affair such as this that included republicans, democrats and others?

9: Koehler vs Culverhouse race for a congressional seat;

It appears that our democratic executive committee favors Culverhouse. This may be due to the fact that our democratic executive committee officers are mostly union people and that the unions have openly endorsed Culverhouse. No one is allowed to endorse candidates with opposition in the primary. The DEC should remain totally impartial and fair to all candidates.

10: Unfair to a candidate;

Mayor Mike Martino of Palm Beach Gardens came to the August meeting of the Council of Presidents. He complained to our members that he was discouraged by the DEC from going to club's. This is a contradiction of our purposes and policies. Many members heard him.

11: DEMOS SUE OVER USE OF NAME;

We had a meeting with Mayor John Lomelo, Jr. to resolve important issues that face democrats here in Palm Beach County. We met on July 22, 1982 at his office with myself, Leon Smiles and John Bianco. His letter of August 5, 1982 states "I would like to take this opportunity to tell you what a pleasure it was meeting you, and I look forward to working with you for the betterment of the Democratic Party in the future. I honestly believe that had Mayor Lomelo attended the scheduled meeting of the Council of President's on August 16th as scheduled, we would not have the problems that will result from such an untimely legal action and counter-actions. The suit according to the attached newspaper was initiated by Voncile Smith, a long term opponent of the council. The Council is 8 years old and is credited with many actions on local issues.

She was quoted stating that the local party's credibility is at stake because the council has no authority to represent the Democratic Party. We have never made any such representation and therefore the charge is made of clothe. On the contrary, we state that we have no charter, want no charter under existing conditions of the P.B. DEC.

There is a quote that a republican Norman Gregory at a council meeting is totally out of context with the truth. He came as the Vice-Chairman of the County Commission to tell us about the legality of the proposed administrative complex and it was not in his election year, nor was he there for political reasons, it was announced. I have been attack by the DEC many times in the past and responded fully to the issue in a letter to the edit of the Post that was printed for all to read.

There is a quote about a \$40. contribution. I paid \$40. by check to The Boynton Beach Golf Association. I did not attend in any political capacity and it is my expressed constitutional right to remain free and unrestricted as an individual citizen.

12: Conclusion;

Here is a chairman complaining and nitpicking while she attends a non-partisan affair, signed checks for material telling democrats to vote for republicans. Affairs here in Palm Beach County have reached a stage that requires the state organization to immediately start an investigation into the charges and complaints of those who oppose poor administration of the Palm Beach Committee. Expecting your reply in detail,

d.c. All Members of the President's Council

enclosures; Sun Sentinel August 28, 82 notice of suit

J. Lomelo's letter of August 5, 1982

8-16 Council Bulletin and the DEC resolution on the Admin. Complex

Lake Worth Herald 8-12-82 re; picnic affair

Sincerely,

Philip M. Banner
Committeeman.

Attachment II - (13)

Chairman of the PBCDEC. Three reporters called me and told me that he had said he had proof that Boone and I supported Republicans. When they wanted details I told them to read the news stories their papers carried in November, 1980 since that was the only incident I could recall where such an allegation could possibly be made. They were shocked to learn that that was what Banner had referred to, and consequently, no new stories appeared. (The story of course was "old" news and I think they immediately saw through Banner's scheme.)

37

In case you do not recall the details of that incident, Charlie, let me refresh your memory:

In 1980 at the urging of Ron Wood, the Palm Beach County Carter-Mondale campaign coordinator, and Jay Hakes, Boone, Ed Kelly, and I met with Ron and Jay to discuss how money for the 1980 election was to come from Tallahassee to Palm Beach County. Ed, who had been a Kennedy supporter, indicated that many candidates and some members of the PBCDEC (meaning himself among them) did not want the local candidates tied in with the Carter-Mondale effort. His support for the Carter-Mondale candidacies was lukewarm at best. Ron, Jay, Boone, and I felt that this attitude was harmful to the total election effort. Ed Kelly agreed at the meeting I have described to support our efforts to set up a separate account (the Eleventh Congressional District Campaign Fund) to funnel money into the county from Tallahassee with the intent of a GOTV campaign to help all Democratic candidates.

Boone was to chair that fund and I was to act as treasurer. Unfortunately, Boone and I trusted Ron Wood, and that trust was betrayed. In the rush of the final days of the campaign (less than a week before the election), Ron asked us for a check to pick up some "sample ballots" he had ordered. I asked him, "For our whole Democratic slate?" He responded, "Yes, for our slate." I asked to see the copy, but he said he had taken the only form to the printer, but he needed the cards immediately so he could distribute them. Trusting him, we co-signed a check to the printer.

I am attaching (Exhibits 3, 4, 5, and 6) a) a letter I wrote to the Elections Division in response to a complaint filed by Supervisor of Elections Jackie Winchester, b) a letter from Ron Wood in which he accepts responsibility, and c) newspaper clipping of the time.

Our side of the story evidently satisfied the Elections Commission as well as the Democratic candidates slighted by that illegal form. Admittedly, under the circumstances, we were perhaps remiss in not accompanying Ron Wood to the printer, but we had no reason to expect misconduct from him. Since 1980 I have had a good relationship with most of those former Democratic candidates. One, Gary Israel, who is now a member of the PBCDEC, actively endorsed my campaign for PBCDEC Chairman and has worked closely with me in the current campaign. I feel I have a good relationship with Jackie Winchester, and she recognizes that Boone and I have been victimized. (Ron Wood's letter does say he did not know he was acting illegally. This part is not true since I had told him on two prior occasions that all literature must support only the Democratic candidates.)

My question is - If the Democratic candidates involved and the PBCDEC are satisfied with Boone's and my performance and the evidence supporting our story, why does Mr. Banner persist? I think his record for Democratic "loyalty" speaks for itself.

3. Mr. Banner's question about the PBCDEC members and the ADA is too ridiculous to waste time on.
4. Ditto for his question on the union meeting hall.
5. On his question relative to the minutes - Why does he think time for additions or corrections to minutes before their approval at each meeting is provided? This is where he should deal with what he may think are omissions, not in the press (but, I have noted before that he appears to be abysmally ignorant regarding parliamentary law and practice).

Attachment II - (14)

33040394407

3040394408

- 6.. At the July meeting of the PBCDEC, Harry Bilawsky, Chairman of the Legislative Committee, announced in Mr. Banner's presence the date and site for the Legislative Committee meeting and indicated that Mr. Banner and all other PBCDEC members were welcome to attend.
7. The Club endorsement problem is being handled. Relative to the 1980 ad for a Republican, action was taken in 1981 during club charter renewals to try to prevent any support of opposition party candidates. Those of us responsible for club charter renewals in 1983 have already discussed steps to take relative to primary endorsements that have occurred this year.
8. The Labor Picnic question does not merit an answer.
9. Mr. Banner's statement relative to Koehler vs. Culverhouse is subjective and unfounded.
10. Mr. Martino did not complain to me, and I know of no incident to substantiate Mr. Banner's allegation.
11. I think Mr. Banner's statements relative to the injunction I filed speak for themselves: 1) Mr. Banner did give a forum to a Republican office holder at a function advertised as a "Democratic Party" meeting, 2) that "Council" had operated for years without any legal recognition from the PBCDEC or the FDP. John Lomelo cancelled his scheduled meeting with them when learned of their status and attended the September 2 meeting of the PBCDEC where he affirmed that such groups cannot operate without permission from the Party. The "Council of Democratic Club Presidents" has consistently defied the PBCDEC, its members and officers are often not club presidents (including Mr. Banner himself), and people have often felt it was competing with the PBCDEC relative to Party policy making, a condition by Florida Statute and Democratic State Party Rules we find intolerable. I think Mr. Banner's own statements (Exhibit 8) confirm this.
12. I hope this answers for you the calibre of Mr. Banner's complaints. By the enclosures he has sent you, Mr. Banner has condemned his own credibility. He is not a Club President, yet he sits as chairman of a group that has the audacity to call itself "The Presidents' Council, Democratic Clubs of Palm Beach County." He indicates his ignorance of Florida law, Florida Democratic Party Rules, and parliamentary procedure. He has given a forum to a Republican office holder and candidate at this so-called "Democratic" organization. He has made ridiculous evaluations relative to our relationship to Labor. (Does he also advocate that you kick Dan Miller off the Central Committee?) He has shown an obviously contrived attempt to discredit Boone and me. You might also note that it is Mr. Banner who keeps the controversy before the public by his preoccupation with publicity for himself (see Exhibits 7 and 8).

If you have any questions, please let me know. Banner has succeeded in using four hours of my time by forcing a response to his nonsense.

Sincerely,

Voncile M. Smith

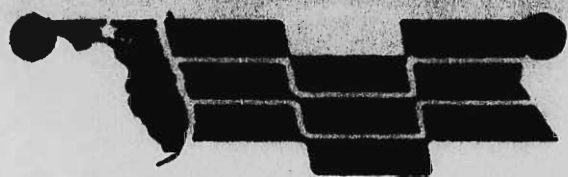
Enclosures: Exhibits 1-8

c/c Boone Darden

Attachment II - (15)

Attachment 4

39



Democratic Executive Committee of Florida

Post Office Box 1758 • Tallahassee, Florida 32302 • Phone (904) 222-3411

Charles Whitehead
Chairman
Hazel Evans
Vice Chairman
Monnie Yungkins
Treasurer
Kathleen Roseman
Executive Director

National Committee
Members
Wayne Bailey
Phyllis Miller
Boone Darden
Marty Lutha Tillman
Michael Shea
Ann Cramer

James J. District
James J. District Chairman

Richard J.
District

Walter J.
District

James J.
District

James J.
District

James J.
District

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James J.
District

September 3, 1982

Mr. Philip M. Banner
7509 Volley Place
Lake Worth, Florida 33463

Dear Mr. Banner:

This will acknowledge receipt of your recent letter with additional complaints about the Palm Beach County Democratic Executive Committee. We have not received a response from Ed Kelly, Henry Handler, Voncile Smith, and Boone Darden to the letter we sent to them on May 6, 1982 with a copy of your letter and enclosures regarding the complaint of election practices in the 1980 campaign.

We are again sending copies of your correspondence with enclosures to Mr. Kelly, Mr. Handler, Ms. Smith, and Mr. Darden, and after we receive a response from them, we will get back in touch with you.

Sincerely,

CHARLES A. WHITEHEAD
Chairman

CAW/rg

cc: Ed Kelly
Henry Handler
Voncile Smith
Boone Darden
John Bianco

Attachment II - (16)

attachment 5

(40)

**PALM BEACH COUNTY
DEMOCRATIC EXECUTIVE COMMITTEE**

Vencile M. Smith
Chair

September 13, 1982

Honorable Charles Whitehead
Post Office Box 1758
Tallahassee, Florida 32302

Dear Charlie:

This is in response to your letter of September 3, 1982 relative to the diatribe from Phillip M. Banner. I apologize for the delay in responding to your May letter. Boone had told me he had discussed the matter with you and I had assumed you had sufficient information about the 1980 issue and about Mr. Banner's legitimacy. I realize that as Chairman of the Florida Democratic Party you want response to any complaints so that you may be aware of all the questions involved.

Let me tell you first of all that Phillip Banner appears to be a malcontent who has repeatedly violated his oath of office by supporting Republicans. I sense that the PBCDEC would prefer to wait until after the November election to deal with charges I feel obligated to bring against him. I feel he is attempting to disrupt the Democratic Party, to embarrass some of our candidates, and to keep me preoccupied by having to respond to numerous, petty, unfounded charges.

I am enclosing some material which illustrates Mr. Banner's ongoing support for one Republican official including a \$40.00 contribution to that official's fundraiser held just this year. (See Exhibits 1 and 2.)

Mr. Banner opposed my election as chairman of the PBCDEC. He has consistently in my opinion attempted to subvert the will of the majority at our DEC meetings. I think he seeks attention for himself in addition to desiring to create a negative image for the Party.

Now, in answer to Mr. Banner's allegations:
(Complaint received by you September 1, 1982.)

1. I feel Mr. Banner clearly does not understand Robert's Rules of Order or read very well. The Resolution he mentions was referred back to the Legislative Committee for rewording. Mr. Banner was invited to the Legislative Committee meeting when the item was considered. Mr. Banner failed to attend the meeting. Instead, he continued his tirade on this issue at the next regular meeting of the PBCDEC. The Resolution was rewritten by an attorney member of the Legislative Committee and subsequently passed overwhelmingly at the PBCDEC meeting in September.

Mr. Banner appears to be oblivious to the parliamentary law requirement of rule by majority. He has ignored the fact that he has the right to appeal a decision by the chair nor does he seem to understand how parliamentary law requires such an appeal be disposed of.

2. A large majority of the membership of the PBCDEC has repeatedly indicated that they do not wish to discuss or consider the Ad Hoc Committee report on the 1980 palm card incident. Boone and I as well as other members of the committee feel the report is a) untimely, b) inaccurate and incomplete, c) misleading, d) divisive, e) and vindictive. Since I do not wish to attack the personalities involved in the establishment, makeup, and conduct of that Ad Hoc Committee, I will not elaborate unless you insist. I can assure you that the PBCDEC does not support Mr. Banner in his attempts to discredit us. Mr. Banner attempted to get broad press coverage on this issue in May of this year right after my election as

Attachment II - (17)

The Post, Wednesday, August 19, 1981—C3

Gregory Talk to Demos Ruffles Party Feathers

by Gary Blankenship

Post Staff Writer

When the Palm Beach County Council of Democratic Club Presidents met Monday night, they did something surprising for Democrats — they invited Republican County Commissioner William Gregory to speak.

And that has some Democratic officials checking to see if the presidents might have violated party policy.

County Democratic Chairman Ed Kelly said the county Democratic Executive Committee has passed a resolution banning committee members or club presidents from providing a forum for Republican officeholders. However, he noted the presidents' group is not a chartered Democratic organization, although some members belong to chartered Democratic clubs.

Banner, who is president of the presidents' club, president of the Lake Worth West Democratic Club, a member of the county Executive Committee and the man who invited Gregory to speak to the presidents, sees no problem.

"It's a question of how you interpret the rules," Banner said.

He noted his group is not chartered through the Executive Committee and therefore has its own operating procedures and bylaws.

"We didn't recognize him (Gregory) as a Republican running for office. Had this been 1982 and had he been recognized as a man politicking for office, we wouldn't have invited him," he said.

Banner said he was unaware that Gregory has already filed a notice of intent that he will seek reelection next year and had begun raising funds. He said he is impressed with Gregory and that some club presidents might support, as individuals, his re-election.

Kelly said the incident will be referred to the Executive Committee's Rules and Campaign Practices subcommittee and that Banner may have

acted improperly as a club president and Executive Committee member.

He said there was nothing wrong with the presidents' group inviting Gregory because, despite their name, they do not represent the Democratic Party.

"I'm issuing a disclaimer that that organization is not a Democratic organization. It's just an ad hoc committee of people," Kelly said. "They are wrong in using the word Democratic."

When they use the word Democratic in their releases, the public is

misled into the belief they're the voice of the Democratic Party."

In the past, political parties have successfully sued to prevent unauthorized groups from using their names, but no action has ever been taken against the presidents' club.

Banner said he invited Gregory after Democratic Commissioner Frank Foster didn't respond to an invitation to the group's previous meeting and after Democratic Commissioner Peggy Evatt turned down several invitations to appear.

CAMPAIGN FUND RAISER

(Section 100.025, Florida Statutes)

attachment 5
(Exhibit 2)Campaign Fund Raiser held on 2/19/82

(Date)

(42)

for Norman R. Gregory

(Name of Candidate)

CONTRIBUTIONS

Pages 52 through 73

Date	Contributor Information	Description of In-Kind Contributions	Amount
2/19/82	Clem Pirajoli 305 S.W. 6th Court Boynton Beach, Fl.		\$ 80
	Joe Juto 1320 S.W. 26th Ave. Boynton Beach, FL.		40
	Frank Cole 959 High Park Rd. Loxahatchee, Fl. 33470	(occ)	180
	Fred DiSalle 1316 S.W. 18th St. Boynton Beach, FL.		40
	Maria Bruno 5126 Maine Street Lake Worth, Fl.	(occ)	400
	Irving Gross 228 Waterford J, Kings Point Delray Beach, Fl. 33445	(occ)	200
	Percy Lee 602 Clear Lake Ave. W. Palm Beach, Fl.	(occ)	200
	Phil Banner 7509 Valley Place Lake Worth, Fl.		40
	Bob Beane 502 E. Ocean Ave. Boynton Beach, FL.		40
	Carol Kennedy 1506 S.W. 17th Ave. Boynton Beach, FL.		20
	Jim Kurtzer 130 N.E. 26th Ave. Boynton Beach, FL.		40

Attachment II - (19)

33040394412

attachment 5
173
108 Winged Foot Lane
Boca Raton, Florida 33431
January 27, 1981

Mr. Noel Crick
Department of State
P. O. Box 6508
Tallahassee, Florida 32301

Dear Mr. Crick:

I am enclosing copies of several items that indicate that the Eleventh Congressional District Campaign Fund filed a "Statement of Organization" with the Federal Election Commission in October, 1980. As I told you in our telephone conversation, I did not have access to the appropriate form when I filed initially by letter on October 24. The forms arrived several days later and I filed the appropriate form as an amendment to the first statement.

Unfortunately, I do not have a copy of the original letter, but I do have the certified mail receipts that indicate an item was mailed to the FEC October 24 and received October 29. The actual "Statement of Organization" was mailed October 29 and the mail receipts indicate it arrived November 3. Copies of all the mail receipts and the "Statement of Organization" are enclosed.

I am also enclosing a copy of a letter Boone Darden wrote to Charles Whitehead about the expenditure irregularity that occurred. Boone obtained a notarized statement from Ron Wood, the Carter/Mondale coordinator, describing how Ron obtained the check for the illegal sample ballots. I have not enclosed copies of the news stories since you indicated that you already had access to those.

The regular Federal campaign finance report to the FEC has been mailed and I have sent a copy to the Florida Capitol.

I hope that this information is sufficient. Please do not hesitate to contact me if you need something else. I very much appreciate your patience.

Sincerely,

Voncile M. Smith, Treasurer
Eleventh Congressional District
Campaign Fund

Enclosures

Attachment 11-(20)

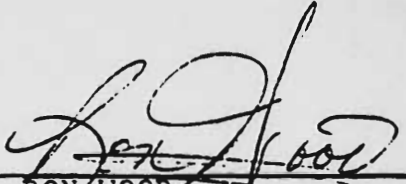
I, Ron Wood, Coordinator for the Carter-Mondale Campaign of Palm Beach County, Florida, do hereby make the following statement to W. Boone Darden, 11th Congressional Democratic Chairman of Palm Beach and parts of Broward County, Florida. I make this statement without coercion or any reward. Nor have I been made an offer of any reward for making this statement. No threats, force, or promises have been made to induce me to make this statement.

I personally met with Dr. Marshall Jenkins and Mr. Robert Miller of the Concerned Citizens for Equality in Education to pay \$1,010. for the printing costs. This agreement was made by me. My only requirement was to have these persons endorse Carter and Mondale. At this time I was not aware of any violations.

This act by me had not been discussed with State Committeeman W. Boone Darden or State Committeewoman Voncile Smith. I requested a check, indicating to W. Boone Darden that the money was for payment of "sample ballots."

On Sunday, November 2, 1980, approximately 4 p.m. at the Carter-Mondale Headquarters in the presence of Jackie Winchester, Jim Winchester, Voncile Smith, Gary Israel, Rose Darden, Willa Fearrington and W. Boone Darden, I admitted the above statement. It was at that time that the persons named knew the whole story.

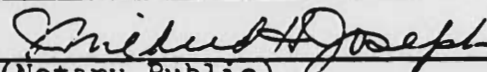
My main purpose and job, as I understood it, was to help the Carter-Mondale campaign.


RON WOOD

Sworn to and subscribed before me

this 11th day of Nov

 , 1980.


(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES APR. 9 1982
BONDED BY GENERAL INS. UNDERWRITERS

3304039441



THE TIP SHEET

susan sachs

Mystery Group Alienates Other Black Politicos

One evening last week, a half-dozen people sat in the living room of Marshall Jenkins' West Palm Beach home and talked about the setbacks dealt to Palm Beach County blacks in 1980.

They also talked with fervor about building black voting strength and black political clout — two goals they believe their group, the Concerned Citizens for Equality in Education, is capable of achieving.

None except Jenkins, whose firing from his job as area superintendent with the Palm Beach County school system gave birth to the group, were willing to be identified.

Neither would they name the chairman of their nine-month-old organization. One woman said she feared Ku Klux Klan attacks on meetings, retribution against members by their white employers, infiltration by whites seeking to disrupt "the network" of black captains and workers.

Jenkins also refused to discuss the relationship between his group and Property Appraiser David Reid, who paid \$2,500 to group members to distribute its slate of candidates and Reid's own campaign material before the Nov. 4 general election.

The members of the group said they are not a secret organization. They say they intend — and already have proved — to be an activist group seeking improvement in the lives of blacks.

"You can't overlook us," one woman said. "We can't be consistently ignored. You cannot any longer come into the black community and dictate what we need. We know what we need and want."

Concerned Citizens for Equality in Education certainly is not about to be overlooked. Already, it has become embroiled in legal problems and has alienated leading members of other black groups. If members make their presence felt on political issues in the future, as Jenkins said they will, they are likely to become one of the more controversial organizations in the county.

Palm Beach County Supervisor of Elections Jackie Winchester already has registered a complaint with the state elections division about the group. She said it never registered as a political committee, yet acted as one during the election.

Several blacks active in politics call the Concerned Citizens a "splinter group," a "group that is out for vengeance" because of Jenkins' firing.

"They did more harm than good because of some of their endorsements," one political worker said. "I feel black candidates were not endorsed simply because of their endorsements."

By endorsing in every local and state race, he said, the Jenkins-associated group — unknowingly perhaps — gave aid to some candidates who were opposing the only two black candidates. Both School Board candidate LaVoice Taylor



Marshall Jenkins
... ousted school official

The men and women who met at Jenkins' home last week are well-aware they are the center of a controversy that grew from their slate of endorsed candidates. They said they want to clear the air about it.

"We don't want to destroy our credibility before we even start," said one group member.

The Concerned Citizens, working with three other black civic groups, interviewed many of the statehouse and county candidates in the last election. They came up with a recommended slate of candidates, including both Republicans and Democrats.

Jenkins said Ron Wood, the former Palm Beach County coordinator for the Carter-Mondale reelection effort, offered to help the groups print their slate on 70,000 palm cards. The money — \$1,010 — had been raised by Democrats for Democratic candidates.

Wood was aware all along, said Concerned Citizens members, the slate included candidates of both parties.

When county Democratic officials learned party funds had been used to print a palm card that endorsed Republicans, they demanded Wood's ouster. One of the angriest was elections supervisor Winchester, who was not endorsed on the card.

Winchester said she has yet to find any evidence one of the groups listed as a sponsor of the palm cards — the Concerned Citizens for Progress in Belle Glade-Pahokee — even exists.

Jenkins said none of the candidates who were interviewed or endorsed were asked for money to pay for distribution costs, although public defender candidate Barry Cohen said he was asked to contrib-

'You Can't Overlook Us' Group:

associates, which is paid \$25 an hour to publicize the commission's dock- ings. In fiscal year 1979, the firm received nearly \$18,000 in taxpayers' money for their contract. "I don't think that stuff should have been in there," Fetterly admitted.

Gregory is up for election again in 1982, although from the tenor of the news release, the campaign seems to have begun early. Gregory's election as chairman of the County Commissioner Norman of the Treasure Coast Regional Planning Commission sounds more like an adoring campaign tribute.

OH GUSH, NORM. The county-funded news release announcing Gregory's election as chairman of the County Commissioner Norman of the Treasure Coast Regional Planning Commission sounds more like an adoring campaign tribute.

attachment 5
(Exhibit 5)
45
Attachment II-(22)

THE MIAMI HERALD Monday, Nov. 24, 1981
a.m.: Deerfield Beach, 12:45 p.m.: Boca Raton, 2:15 p.m.; and the Palm Beach County courthouse in West Palm Beach at 3:45 p.m.
On Tuesday, Mica will be in city halls on the hour, starting at Delray Beach at 10 a.m. and continuing to Boynton Beach, Lake Worth and Riviera Beach, finishing at 2 p.m. in North Palm Beach.

TIP-BITS Rep. Dan Mica will tour city halls in his Palm Beach-Broward County district today and Tuesday to thank anyone he happens to see for his reelection. He will spend a half-hour in each. Today Mica will be at city halls in Coral Springs at 10 a.m.; Margate, 10:45 a.m.; Pompano Beach, 11:45

same number were registered but their percentage of the total dropped to 8.11 per cent.
This year, 22,884 blacks were registered, but they made up only 7.361 per cent of the total registration.
The county-funded news release announcing Gregory's election as chairman of the County Commissioner Norman of the Treasure Coast Regional Planning Commission sounds more like an adoring campaign tribute.

Several other blacks active in county politics are skeptical that the Concerned Citizens group will have staying power on the political scene. If, they ask, the group is the "most viable black organization," as Jenkins maintained, why did black candidates lose in the general election?
"What good is that clout if you can't deliver the vote?" asked one.

This particular group has a better cross-section of the black community than most groups, Jenkins said. "There can never be too many organizations, though. We're not necessarily looking for one voice, but for five votes. We can make a difference in a close election."

The ability of blacks to make a difference with their votes, however, appears to be declining despite the success of voter-registration drives.
In 1976, 21,475 blacks were registered to vote, and they made up 8.74 per cent of the total Palm Beach County registration. In 1978, after a purge of the rolls, about them

neither those who made the request were associated with the group. The money was used to pay gasoline and other costs associated with the distribution, group members said. Jenkins refused to say whether Reid was asked or volunteered to give the money. Reid was endorsed by the group, although neither he nor his opponent was interviewed. No other black civic group, like the Black Citizens' Coalition and the Gold Coast Voters League, endorse candidates. Both have tax-exempt status and cannot take political positions, but do sponsor political forums and provide transportation to the polls.

Attachment (Exhibit C)
46
3040394

County Democrats Squabbling Over Funding, Support

Shortly before the general election Tuesday, Palm Beach County Democrats discovered Democratic Party money had paid for the printing of 70,000 palm cards that endorsed eight Republicans.

This fiasco is only a symptom, though, of a deeper malady within the county Democratic organization.

County party officials are angry they had no control over the money sent from the state party headquarters in Tallahassee.

Democratic candidates are bitter because the county party did not give them more money, support and advice.

And several top party officials complain Democratic candidates — some of whom registered as Democrats at the time of filing — seem to expect the party to help them during elections but want nothing to do with the nuts and bolts of party organizing afterward.

They also said county Democratic candidates refused to associate themselves with President Carter during the election. Their rebelliousness fractured the Democratic effort. County Republicans, who were far more cohesive, used their presidential ticket as a unifying force.

To help the Democrats vent their frustration about the way campaign money was allocated this year, the executive committee members last week sent a strongly worded resolution of protest to state headquarters.

"The money was handled totally different this year than it was in the past," said Vonelle Smith, a Palm Beach County and state committee-woman from Boca Raton.



THE TIP SHEET
susan sachs

She said she has been trying for some time to change state party rules to give county committees more control.

State law requires a portion of the filing fees paid by candidates be returned to the local party and a portion sent to the state party. Of the state party's portion, some must be allocated to promote the election of local and state candidates.

This year, the Palm Beach County Democratic Party received about \$7,000 as its share of the filing fees. The money was spent for an office worker in the party's temporary headquarters in downtown West Palm Beach and for series of radio ads, narrated by Democratic candidates, that urged voters to go to the polls.

And \$15,000 was sent to the 11th Congressional District Campaign Fund. How that money was spent was determined by the local Carter-Mondale campaign office, Smith said.

State party chairman Charles Whitehead said the \$15,000 was controlled by the national campaign staff because it was raised by Carter-Mondale forces.

"In the past, that kind of money was sent directly to me and Boone Darden," said Smith.

Darden is a state committeeman and county party official.

"Boone and I had very little control over what happened to that money," Smith said.

It was from the 11th Congressional District fund that \$1,010 was taken to pay for the palm cards that urged support for eight Republican candidates. Both Carter-Mondale campaign workers and county Democrats blame Ron Wood, Palm Beach County coordinator for the presidential campaign effort, for the fiasco.

Smith said she was told the 11th Congressional District money was to be spent on a get-out-the-vote effort in behalf of all Democratic candidates, including the President. But Wood and the Carter-Mondale forces had no interest in promoting anyone but Carter, she said.

All this post-election hand wringing by top party officials does not soothe the bitterness of many Democrats.

Turn to Page 2B Col. 3
FROM PAGE 1B

ocratic candidates who lost in last week's GOP sweep.

Several candidates who lost to Republican incumbents, for example, blame their defeat in great part on lack of campaign money.

For example, the Democrats running for the offices of sheriff, property appraiser, public defender and state attorney were severely underfunded compared with their Republican opponents.

This meant they did not advertise as widely as the Republicans and they could not buy television time until the week before the election.

With all the fractiousness in the county party, rebuilding for the 1982 elections is likely to be either very difficult or very easy.

Some Palm Beach County Democratic committeemen said their failures have inspired them to work harder within their own precincts. Others are grumbling that it is time for a drastic change at the top of the county party.

Whether that interest in non-election year party work can be sustained will determine whether

Democrats can recover any of their losses.

A LITTLE HELP FROM HIS FRIENDS... The earnest young man on the street who endorsed Tom Lewis for the state Senate in Lewis' television ads isn't just a stranger off the street. David Goodlett, now an aide to County Commissioner Bill Bailey, worked for Lewis as a legislative intern while Lewis was a state representative. In the ad, Goodlett said Lewis would be great for young people. He should know.

FROM THE JAWS OF DEFEAT... For those who thought the campaign season was over comes this unsettling news from two candidates defeated in the general election.

Gary Israel, who lost in his attempt to unseat Republican state Rep. Jim Watt, already has written to his supporters that he will try again in 1982. And Mack Freeman, another failed Democratic legislative candidate, says bumper stickers

proclaiming "Freeman '82" should be on the streets within the next few weeks.

TIP-BITS... Palm Beach Town Council President Thomas Mettler has announced he will not seek reelection to another term in 1981. He was first elected in 1975.

When the Palm Beach County legislative delegation meets this week, state Rep. Jim Watt is expected to be elected the new chairman. Last year's chairman was Ed Healey, who was defeated in his reelection bid for the state House. Republicans now control six of the 10 Palm Beach County legislative seats.

No one is happier with the outcome of the County Commission elections than insurance executive and bank chairman Bill Clark. Clark and his partners have been working

on plans for a new county administrative complex to be built in downtown West Palm Beach. The opponents of county commission Peggy Evatt and Dennis Koehler not favor a downtown site for new building and could have helped reverse the split decision to situate it there. Evatt and Koehler won election.

But Clark still is not home. The commissioners have been tiring lately of delaying construction of new administrative offices. They have not officially hired Clark's development group. Clark said he and his partners have invested about \$800,000 in legal and architect fees.

MIAMI HERALD 11-10-80

Attachment II - (23)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

47

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Voncile M. Smith, Treasurer
Eleventh Congressional District
Campaign Fund
108 Winged Foot Lane
Boca Raton, Florida 33431

Re: MUR 1519

Dear Dr. Smith:

On January 21, 1983, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March , 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

83040324417

Attachment II - (24)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

48

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip M. Banner
7509 Valley Place
Lake Worth, Florida 33463

Re: MUR 1519

Dear Mr. Banner:

The Federal Election Commission has reviewed the allegations of your complaint dated December 20, 1982 and determined that on the basis of the information provided in your complaint and information provided by the Respondent there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Attachment II-(25)

83040324418

203992

RECEIVED AT THE FEC

Acc# 9507

83 FEB 10 P 1: 51

108 Winged Foot Lane
Boca Raton, Florida 33431
February 7, 1983

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Through: Mr. Kenneth A. Gross, Associate General Counsel
FEDERAL ELECTIONS COMMISSION
1325 K Street
Washington, D. C. 20463

RE: MUR 1518

Dear Mr. Steele:

This is in response to Mr. Philip M. Banner's allegation that Boone Darden and I violated the Federal Election Law in 1980 through the Eleventh Congressional District Campaign Fund.

If you read through the attached materials you will note that Mr. Banner has waged a long battle to try to discredit Mr. Darden and Me. Mr. Banner has apparently long disliked me for reasons perhaps best known to himself. He has attempted through every channel imaginable (at meetings of the Palm Beach County Democratic Executive Committee, through the local newspapers, through the Florida Democratic Party, through the Florida Elections Commission, and now through you) to discredit us for an incident we had felt was resolved satisfactorily in November, 1980. Part of Mr. Banner's unrest is apparently due to his insistence on running and maintaining an organization which attempts to compete with the Palm Beach County Democratic Executive Committee of which I am chairman. According to Florida Statutes and the Florida Democratic Party Rules, any group using the Democratic label in a partisan manner must obtain the authorization to do so through the county Democratic Executive Committee and the Florida Democratic Party. Mr. Banner and the "President's Council Democratic Clubs of Palm Beach County" has refused to do this. Because Mr. Banner and that group have given support to Republican candidates and wrongly give the appearance of representing the Democratic Party, as Palm Beach County Democratic Executive Committee Chairman I filed an injunction against them in late August, 1982 to prevent their continuing to use the name "Democratic." Because of crowded court dockets the hearing on this injunction is still pending (see Attachments 1 and 2).

I do not intend, however, to base my answer to your inquiry about Mr. Banner's allegations on personality problems Mr. Banner may feel. I have previously spent considerable time answering these same allegations (as well as others) when Mr. Banner has directed them to other agencies, so I hope you will accept references to my earlier answers as part of my response. Please note the following:

1. Letter from Mr. Banner to Mr. Whitehead dated September 1, 1982, in which Mr. Banner cites numerous "allegations" against me. (Attachment 3.)
2. Mr. Whitehead's letter acknowledging receipt of Mr. Banner's letter of September 1, 1982. (Attachment 4.)
3. My letter of September 13, 1982, to Mr. Whitehead. (Attachment 5.)

Please note item #2 (bottom of page 1) relative to Mr. Banner's Exhibit (D).

9304039419

3 FEB 10 P 5: 11

Mr. Charles N. Steele, FEC
from Voncile M. Smith, MUR 1518, February 7, 1983
page 2

This report never was accepted by the Palm Beach County Democratic Executive Committee (see Attachments 6 and 7 below), but was tabled. Mr. Banner is basing his charges in large part on a report that has no official standing.

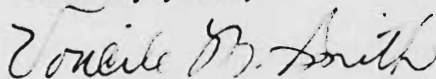
The explanation of what happened relative to the use of funds for the palm cards or "sample ballots" follows on page 2 of that letter. Mr. Darden and I were lied to by Ron Wood, the Carter-Mondale Coordinator, who had ordered the cards. Wood later acknowledged his responsibility for the incident.

Please note the attached copy of Ron Wood's notarized statement relative to palm cards or "sample ballots". I have included the "Exhibits 1-8 referred to in my letter of September 13, 1982. They immediately follow the letter and are all part of Attachment 5. Mr. Wood's statment is "Exhibit 4" in this Attachment.

4. Letter from Henry B. Handler to Charles Whitehead dated September 22, 1982. (Attachment 6.) This letter indicates that the Report of Election Practices and Campaign Committee was not acted upon.
5. Letter from Edward M. Kelly to Charles Whitehead dated October 1, 1982. (Attachment 7.) Please note especially paragraph #4 of this letter which confirms the report Mr. Banner has sent you was not acted upon.
6. Letter from Charles A. Whitehead to me dated October 4, 1982. (Attachment 8, including attachment of letter he wrote Mr. Banner relative to Mr. Banner's letter of September 1, 1982 - Attachment 3.)

You will note the information Mr. Banner has supplied you relative to report DE080-76 from the Division of Elections/Florida Elections Commission (Banner's Exhibit G) and the memorandum from Mr. John J. Rimes (Banner's Exhibit C) indicate that Boone Darden and I supplied them the same information relative to our innocence that I now send you in the various attachments. This is all the information I have. I hope it is sufficient to answer Mr. Banner's allegations.

Sincerely yours,



Voncile M. Smith

Enclosures

83040394420

attachment
(Exhibit 7)

The Post, Thursday, September 2, 1982

Local News

Democratic Groups Trading Charges

By Gary Blankenship

Staff Writer

It's either a battle to protect a group of loyal, effective and hard-working Democrats or an attempt to squelch a group of would-be power brokers — depending on who's doing the talking.

It's the conflict between the Palm Beach Democratic Executive Committee and the Council of the Democratic Club Presidents of Palm Beach County that burst into the open Aug. 27. That's when the executive committee went to court to try to prohibit the presidents' council from using the word "Democratic" in its name.

Council President Phil Banner said the executive committee's request for an injunction was an attempt to cover up committee misdeeds. He and John Bianco, another club member, vowed to fight the suit; no hearing has been set.

However, county party Chairman Voncile Smith, who ordered the suit filed, dismissed the charges and said Banner's group has been misleading the public.

"They are people who want attention for themselves, who are trying to give the appearance of being power brokers when they really have no power to broke," she said. "In the process

Club President Phil Banner said the executive committee's request for an injunction was an attempt to cover up committee misdeeds. However, county party Chairman Voncile Smith, who ordered the suit filed, dismissed the charges and said Banner's group has been misleading the public.

of doing this, they have made uncomfortable quite a few candidates."

The presidents' council doesn't have a charter from the local or state party, Dr. Smith said.

"Any group using the name Democrat and speaking as though they represent the party is supposed to have permission by party bylaw and state law to use the name," she said.

Banner, also an executive committee member, has a short reply.

"It's ridiculous," he said. "All she's done is cause discontent and polarize the feelings of the presidents."

He charged the suit was filed because he attempted to have the executive committee reconsider a report that included criticism of Dr. Smith and county State Committeeman Boone Darden. The report, tabled early this year, dealt with palm cards for the 1980 election that were paid for by Democratic funds but endorsed some

Republicans.

Mrs. Smith denied that move had any bearing on the suit, saying she had discussed taking that action long before Banner's request.

Much of the controversy about the president's council stems from a speech given at a meeting last year by County Commissioner Norman Gregory, a Republican. At a stormy Aug. 27 meeting with the club presidents, Dr. Smith explained party rules prohibit any party organization from giving a Republican a forum. Gregory's visit to the president's council gave the impression of Democratic endorsement because of the group's name, she said.

Some party members also felt the group appeared to be endorsing primary candidates, violating party rules. A related issue was a \$40 contribution from Banner to Gregory earlier this year.

Banner defended the actions, both in

words and in an Aug. 29 letter to state party Chairman Charles Whitehead criticizing several party actions.

"He (Gregory) came as vice chairman of the County Commission to tell us about the legality of the proposed administrative complex and it was not in his election year, nor was he there for political reasons," he said.

As for the Gregory contribution, Banner said he wrote a \$40 check to the Boynton Beach Golf Association for an appreciation dinner for Gregory and didn't know the money was going to Gregory's campaign.

Attachment 5
(Exhibit 8)

The Post, Saturday, September 11, 1982—A17

Letters to the Editor

Controversy Among Democrats

In response to an article "Democratic Groups Exchange Charges In Suit Over Name" by political writer Gary Blankenship on Sept. 2, I find *The Post* reporting deliberately limited to the facts that the reporter wants the public to know. I am an elected official (Democratic committee member) of Palm Beach County and it is my duty to bring out the true facts.

I gave your reporter an interview thinking that he would print my comments and the 12 serious charges that have been sent to the chairmen of both state and national headquarters of the Democratic party requesting an immediate investigation. The reporter submitted my remarks to our opposition and printed her remarks, without giving me the opportunity to reply. Unfair journalism.

The article stated that Chairman Voncile Smith "dismissed the charges" and that our group "has been misleading the public." She has no authority to dismiss the charges against her that we sent to higher authorities. Everyone should know that it is the Council of Presidents of Democratic Clubs that has been active in the public interest on all local issues. The Democratic Executive Committee of which I am a member seems to only work on foreign matters when there is so much to be accomplished here in our own back yard. Our organization is about eight years old and is listed on the official state list as an unchartered organization.

The reporter stated I have a short reply as an "executive committee member." This is both misleading and untrue. As a committee member I object with many others for starting an untimely lawsuit in an election year creating disunity. I object that the suit without the vote constitutes a breach of the bylaws. I object to the expenditure of

\$77 for the suit without authorization according to the bylaws. I object to the chairman having involved 88 members in a lawsuit that could bring countersuit and legal responsibilities. If we really were an illegal group, why did the state and national committeemen attend our meeting recently and praise our organization? Why did the last chairman attend our meeting? Why were we allowed to make a Council of President's report at all meetings in the past? No one past or present has officially taken the position that we should cease and desist from using the name, why now? I agree with former chairlady Jackie Malone who spoke up against the suit and raised the correct questions at the last meeting of the executive committee. Her views are shared by many members who are afraid to speak out. The word Democratic is a basic American word that should not be limited to one's own use.

The reporter casually mentions a 1980 report. It is a complaint against Chairman Voncile Smith and State and National Committeemen Boone Darden filed by the last Chairman Ed Kelly. The reporter fails to mention that it is an eight-page complaint that alleges illegal payment for 75,000 palm cards, paid for by Democrats, that had the names of eight Republicans on it. That provided unfair competition to our own candidates. It should bother every Democrat in the county.

Your reporter continues to write about the invitation to Norman Gregory to a meeting of the Council of Presidents. The article states he gave a speech — absolutely untrue. He rendered a report on the forthcoming County Administrative Complex. He came as the vice-chairman of the County Commission, not as a Republican. Voncile Smith attended a nonpartisan union affair and was seen greeting Republicans. She also served on the union screening committee recently that endorsed Republicans. This certainly should be against party rules to wear two hats. And then she says we can't invite elected officials to our nonchartered organization.

The reporter's mentioning of a contribution to Gregory is misleading. The reporter knows darn well that the dinner I attended was for the Greater Boynton Beach Golf Association. They have PAC records at the elections office. The records show that a great many Democrats contributed to the Golf Association and also went to the dinner. John Lomelo Jr., recently appointed regional Democratic chairman, stated at the last meeting "Individuals have a constitutional right."

He was right. As an individual I am under the constitution of the United States and have every right to act individually. No one could have known what the Golf Association was going to do with its money.

Phillip M. Banner
Lake Worth

83040394422

attachment 6

SACHS & WEISS, P.A.

ATTORNEYS AT LAW

SUITE 402 INTERSTATE PLAZA

1499 WEST PALMETTO PARK ROAD

BOCA RATON, FLORIDA 33432

TELEPHONE (305) 368-8644

BROWARD 428-6585

PALM BEACH 734-6181

PETER S. SACHS •
HOWARD I. WEISS •
HENRY B. HANDLER
BETH E. LINZNER
SPENCER M. SAX

*FLA., N.Y. BARS

NEW YORK OFFICE
801 SEVENTH AVENUE
NINTH FLOOR
NEW YORK, N.Y. 10018
TELEPHONE (212) 944-0156

REPLY TO: BOCA RATON

September 22, 1982

Charles A. Whitehead, Chairman
Democratic Executive Committee
of Florida
Post Office Box 1758
Tallahassee, Florida 32302

RE: Complaints of Philip M. Banner

Dear Chairman Whitehead:

In response to your September 3, 1982 correspondence, it is my impression that the complaints against Voncile Smith and Boone Darden have been raised in an appropriate manner before the Palm Beach County Democratic Executive Committee and that body, after due consideration, decided by overwhelming vote to table discussions and actions with respect thereto. Accordingly, it is my opinion that our Committee needlessly runs the risk of disharmony and disunity by resurrecting the matters raised by Mr. Banner.

Very truly yours,

HBH:mmm

cc: Dr. Voncile Smith

HENRY B. HANDLER

8304039442

attachment 1

Edward M. Kelly
210 Manana Lane,
Palm Beach, FL 33480

Oct. 1, 1982

Charles A. Whitehead, Chairman
Democratic Executive Committee of Florida
Box 1758, Tallahassee, FL 32302

Dear Charles:

I am sorry to be so late responding to your letter of Sept..
3rd with enclosures.

The second enclosure entitled "Report of Election Practices
and Campaign Committee" was the third of a series of three
reports by this committee usually known as the "Ethics
Committee". The Committee was headed by Henry Handler.

The first report dealt with loyalty of Clubs and Club Presidents
to the Democratic Party. It was passed by an overwhelming
vote, included with the minutes of the meeting and sent to
Tallahassee. The second report dealt with conduct of Executive
Committee members. It, too, was passed, included with the
minutes and sent to Tallahassee.

This third report was presented to the Executive Committee
at a regular meeting but it was not voted on. The report was
tabled. The minutes simply reflected that a report was
made and tabled. I did not send a copy of the report to
Tallahassee since it had been tabled.

The first enclosure - a long complicated letter from Phil
Banner - looks to me like it could be handled here in the
county by our County Chair, State Committee man and woman,
and Regional Chairman.

Everyone here is enthusiastic about the campaigns of our
Democratic candidates. Brad Culverhouse has a good chance to
win the new 12th Congressional District and Dan Mica is
expected to win easily in the 14th.

Sincerely,



Edward M. Kelly

cc Kathy Kossman

83040394424

attachment 8

Democratic Executive Committee of Florida

Post Office Box 1758 · Tallahassee, Florida 32302 · Phone (904) 222-3411

Charles Whitehead
Chairman
Hazel Evans
Vice Chairman
Monnie Yungkas
Treasurer
Kathleen Kossman
Executive Director

National Committee
Members:
Wayne Bailey
Phyllis Miller
Boone Darden
Mayre Lutha Tillman
Michael Shea
Ann Cramer

Congressional District
Chairmen & Vice Chairmen:

- 1st - A.J. Boland
- 2nd - Nathalie Gray
- 3rd - Judy Fendrich
- 4th - R.C. Janney
- 5th - Bill Landis
- 6th - Ann Henkel
- 7th - T. Wayne Bailey
- 8th - Grace Carlisle
- 9th - Pete Vogt
- 10th - Carol Cycmanick
- 11th - Bob DeWitt
- 12th - Phyllis Bleiweis
- 13th - Michael Shea
- 14th - Mayre Lutha Tillman
- 15th - John Sabin
- 16th - Hazel Evans
- 17th - Dan Chambers
- 18th - Alice Hall
- 19th - Harold Grizzard
- 20th - Lucy DuCharme
- 21st - Dave Barrett
- 22nd - Bobbie Gant
- 23rd - Wesley Ward
- 24th - Judy Franklin
- 25th - Vasco Peeples
- 26th - Sheila Sanders
- 27th - William "Boone" Darden
- 28th - Honey Duncan
- 29th - Russ Barakat
- 30th - Ann Cramer
- 31st - Ann Cramer
- 32nd - Russ Barakat
- 33rd - Nancy A. Parrish
- 34th - Simon Ferro
- 35th - Simon Ferro
- 36th - Nancy A. Parrish
- 37th - Sophia (Connie) Gibbs
- 38th - Simon Ferro

October 4, 1982

Honorable Voncile Smith
108 Winged Foot Lane
Boca Raton, Florida 33431

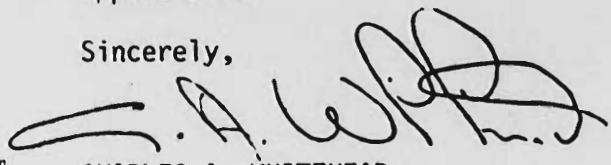
Dear Voncile:

Thank you for your letter of September 13 regarding the allegations of Philip M. Banner.

Enclosed is a copy of a letter I have written to Mr. Banner advising him that I see no reason for any action to be taken by the State Democratic Party in regard to his complaints.

Your continuing efforts on behalf of the Democratic Party are appreciated.

Sincerely,



CHARLES A. WHITEHEAD
Chairman

CAW/rg

Enclosure

cc: Boone Darden
Honey Duncan
Ed Kelly
Henry Handler
John Bianco



Democratic Executive Committee of Florida

Post Office Box 1758 • Tallahassee, Florida 32302 • Phone (904) 222 3411

Charles Whitehead
Chairman
Hazel Evans
Vice Chairman
Monnie Yungkins
Treasurer
Kathleen Kosman
Executive Director

National Committee
Members
Wayne Bailey
Phyllis Miller
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Congressional District
Chairmen & Vice Chairmen:

1st -
✓ **Bob Roland**
Nathalie Gray
2nd -
✓ **Judy Feendrich**
R.C. Janney
3rd -
✓ **Bill Landis**
Ann Henkel
4th -
✓ **T. Wayne Bailey**
Grace Carlisle
5th -
✓ **Pete Vogt**
Carol Cymanick
6th -
✓ **Bob DeWitt**
Phyllis Bleiweis
7th -
✓ **Michael Shea**
Mayre Lutha Tillman
8th -
✓ **John Sabin**
Hazel Evans
9th -
✓ **Dan Chambers**
Alice Hall
10th -
✓ **Harold Gizzard**
Lucy DuCharme
11th -
Dave Barrett
Bobbie Gant
12th -
Wesley Ward
Judy Franklin
13th -
Vasco Peoples
Sheila Sanders
14th -
William "Boone" Darden
Honey Duncan
15th -
Russ Barakat
Ann Cramer
16th -
Ann Cramer
Russ Barakat
17th -
Nancy A. Parrish
Simon Ferro
18th -
Simon Ferro
Nancy A. Parrish
19th -
Sophia (Connie) Gibbs
Simon Ferro

October 4, 1982

Mr. Philip M. Banner
7509 Volley Place
Lake Worth, Florida 33463

Dear Mr. Banner:

Voncile Smith wrote to me regarding the complaints and charges you made, and from her response to your complaints and charges, there apparently is no reason for any action to be taken by the State Democratic Party. If I should receive any information from the State Committeeman and State Committeewoman from Palm Beach County relative to this matter which would warrant an investigation, I will contact you. Otherwise, as far as I am concerned, the matter is closed.

During this crucial election period I feel that the Democratic Party should expend its energies and efforts in constructive ways related to the election of Democrats and not become involved in petty matters.

Sincerely,

CHARLES A. WHITEHEAD
Chairman

CAW/rg

cc: ✓ **Voncile Smith**
Boone Darden
Honey Duncan
Ed Kelly
Henry Handler
John Bianco

83 FEB 10 11:51

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA.

CIVIL DIVISION.

CASE NO.

THE PALM BEACH COUNTY DEMOCRATIC
EXECUTIVE COMMITTEE, an authorized
Committee of the State Democratic
Party,

Plaintiff,

vs.

PHILIP BANNER, individually and on
behalf of THE COUNCIL OF THE
DEMOCRATIC CLUB PRESIDENTS OF PALM
BEACH COUNTY,

Defendants.

COMPLAINT

The Plaintiff, PALM BEACH COUNTY DEMOCRATIC EXECUTIVE
COMMITTEE, sues Defendant, PHILIP BANNER, individually and on
behalf of the COUNCIL OF DEMOCRATIC CLUB PRESIDENTS, and alleges:

1. Jurisdiction is vested in this Court pursuant to
Article V, Florida Constitution, through the equitable and chan-
cery powers vested with this Court.
2. Plaintiff is an authorized Committee established in
accordance with the rules of the State Democratic Executive Committee
pursuant to Florida Statute 103.091.
3. Defendant, PHILIP BANNER, individually and through
the Council of Democratic Club Presidents of Palm Beach County,
is a resident of Palm Beach County, Florida.
4. Defendant is engaged in the practice of using the
word "Democrat" or "Democratic" in the description of the Council
of Club Presidents, an organization of individuals located in Palm
Beach County, Florida.
5. Said use of the words "Democrat" or "Democratic", is
unauthorized by Plaintiff, and is misrepresentative to the public
in its use.
6. The use of the word "Democrat" or "Democratic" by
Defendant is injurious to Plaintiff and to the public at large and

contrary to Florida Statutes, the Rules of the State Democratic Party, and the Rules of the Palm Beach County Democratic Executive Committee.

7. Numerous attempts have been made to stop Defendants from continuing the use of the word "Democrat" or "Democratic", but Defendants have continued in this practice.

WHEREFORE, Plaintiff would respectfully request this Honorable Court to enter an Order of Judgment temporarily and permanently enjoining the Defendants from the use of the word "Democrat" or "Democratic" as a description of their organization, now and in the future.

Respectfully submitted,

GARY S. ISRAEL, ESQ.
Attorney for Plaintiff
105 So. Narcissus Avenue
Citizens Bldg. - Suite 501
West Palm Beach, Florida 33401
(305) 655-3825

Attachment 2

830403944

Demo Chairman Draws Support in Feud Over Name

Palm Beach County Democratic Chairman Voncile Smith got an overwhelming vote of support from the county Executive Committee last Thursday for ordering an injunction filed against the Council of Democratic Club Presidents of Palm Beach County.

She got that support after telling the group in an impassioned speech, "If you do not want me to do that (file the injunction), then I don't want the (chairman's) job ... If you don't want me to do what is right, then I don't want the job."

The injunction seeks to stop the club from using the word Democratic in its name and activities, because it is not chartered by the local party and has provided a platform for a Republican officeholder, a violation of party rules.

Dr. Smith said she decided to file for the injunction after "much soul searching," adding, "If we say we cannot abide by these rules and by the laws of the state, then we have a serious problem."

Although she got the overwhelming support of the committee, her action was challenged by some club members at the meeting and also by former county chairman Jackie Malone. Mrs. Malone said although the suit identified the Executive Committee as the plaintiffs, she disagreed with the action.

She asked Mrs. Smith on what authority she filed the suit, and the chairman replied she has authority to act for the committee between meetings.

Mrs. Malone then noted the injunction request was filed only six days before the committee's meeting and asked why she couldn't wait.

"If you want an honest answer, I think this action comes about six years too late," Mrs. Smith replied.

After the vote, about a half-dozen of the presidents' club members walked out of the meeting as club member Sid Kretsch charged the action besmirches members who work "for Democrats 100 percent."

Gary Blankenship



Charles Whitehead
Democratic State Chairman
P.O. Box 1758
Tallahassee, Florida 32302

Attachment 3
83040
SEP - 1 1982
There is a principle which is a bar against all information, which is a proof against all argument, and which cannot fail to keep a man in everlasting ignorance. That principle is condemnation before investigation.

Dear Mr. Whitehead;

I have your letter of May 6, 1982 regarding election practices in the 1980 campaign. You stated that you would get back in touch when you hear from the parties shown as having received copies of our letter and enclosures. The enclosures refer to the original complaint submitted by former chairman of P.B. County Ed. Kelly. We haven't heard from you.

As a committeeman here in Palm Beach County I am herewith submitting further serious complaints against our Democratic Executive Committee. I ask that you review the merits of the complaints and take immediate remedial action, including the removal of the persons that are guilty of placing democrats on a collision course here in this county.

Complaints:

- 1; At the July meeting of the D.E.C. in P.B. County a resolution was read by the legislative committee regarding the new county administrative complex being built. I quoted Roberts Rules of Order, Rule #47 page 201 that states "Votes that are null and void even if unanimous. No motion is in order that conflict with the laws of the nation, or state, or with the assembly's constitution or bylaws, and if such a motion is adopted, even by unanimous vote, it is null and void".

When I asked to show the Roberts Rule book to the chairman I was called out of order. The chairman refused to discuss or accept Roberts Rules of Order.

I complained that the language of the resolution presented legal problems in that it stated "set up as a front" referring to the county commissioners as having done something wrong or illegal, knowingly.

Considering that the Supreme Court of Florida has rendered a decision regarding issuance of bonds in a case involving the building of a jail in Volusia County that was not retroactive on any previous deals concerning bonds the matter was moot. The legal question has been answered by the highest court in the state and therefore Roberts Rules No. 47 applies. The arguments should have been considered and reviewed instead of being ignored. It is interesting to note that this same resolution was presented in July and August and will be offered again at the September meeting. We previously researched the entire complex building deal by taking the matter to the highest legal sources of state. After reviewing it with Frank Stockton of the state attorney's office we were told that the matter was a judgement decision and perfectly legal. It is ironic that the D.E.C. here hardly ever acts on local issues should persist on calling for an investigation on a dead issue. We are mandated to operate under Roberts Rules. I also expect an apology.

2; August meeting of the DEC;

According to your letter of May 6, 1982 it shows that copies of my letter and the complaint of the 1980 campaign practices by Ed. Kelly was sent to Ed. Kelly; Henry Handler; Voncile Smith and Boone Darden.

- A) When the chairman asked if there was any further business I took the floor and presented the 1980 campaign complaint (9 pages) written by the former administration. The chairman was asked to step aside because the complaint concerned her and Boone Darden that alleges the payment of 75000 palm cards with democratic monies that had the names of 8 republican's on it. Chairman ruled not to step aside. She stated that she never received a copy of the complaint. Your letter officially states differently.
- B) I was ruled out of order. I realize it's an unpopular matter but there was no reason for complete disorder of the meeting without any attempt from the chair or the officers to restore order while I was speaking. I stated that over 40% of our democratic voters received these palm cards that were in opposition to our candidates. We talk of unity and cooperation to defeat republicans but we act differently as in this case that spelled disaster for all of us.
- C) Committeeman Gary Israel stated that the Ethics Committee must first receive and review the complaint before it can be brought to the membership. I replied that it had already been reviewed by the ethics committee by a large group of a special committee (I have their names) and it was presented on the floor in 1981 and tabled. Therefore, under Roberts Rules of order it can be presented again and again hopefully without a riot.
- D) State Committeeman Boone Darden had to be restrained from cursing me with four letters after the meeting. This kind of conduct from our state and national representative is reprehensible. My action on the matter was not personal, it was meant to be objective. He should have stepped in and called for order instead of letting me become the victim of harsh treatment. One would think that I signed the check for the palm cards instead of Boone Darden and Voncile Smith. Up till now this was kept as an internal matter, it destroys our credibility.

3; Officers and members of the DEC belong to the A.D.A.

The ADA is a non partisan organization and many of our officers and members are members. They use the name "Democratic". Here we have republicans working with democrats out in the open. The Palm Beach chairman is a member of the DEC.

Heretofore we met in public places such as the library or the county commission facilities. Meeting in a Union Hall is not considered a public place and I feel that it presents an act of intimidation. I would feel the same way meeting in a management location, we belong in a public place that is available to us.

5: Minutes at the DEC meetings;

The minutes are incomplete and misleading. The August meeting did not report the discussion on Roberts Rules of Order I presented at the July meeting.

6: disregard of the chairmans order to meet with me;

At the July meeting the elgislative committee was ordered to invite P.anner to meet with them on the matter of the resolution on the new county administrative complex. There was no such invitation to attend and present the facts I have to offer in opposition. I reported this to the chairman at the August meeting.

7: Atlantic Democratic Club endorsements;

Their newspaper in August endorsed a candidate against party rules. In 1980 the Century Club placed a republican advertisement in their newspaper that was in opposition to our democratic candidates. The matter was brought to the DEC by myself and others and no action was ever taken. It appears that these two clubs can do as they please.

8: Labor sponsored PICNIC in August 1982;

Our chairman attended this non-partisan affair and was seen greeting people coming in. How can the chairman of the D.E.C. attend an affair such as this that included republicans, democrats and others?

9: Koehler vs Culverhouse race for a congressional seat;

It appears that our democratic executive committee favors Culverhouse. This may be due to the fact that our democratic executive committee officers are mostly union people and that the unions have openly endorsed Culverhouse. No one is allowed to endorse candidates with opposition in the primary. The DEC should remain totally impartial and fair to all candidates.

10: Unfair to a candidate;

Mayor Mike Martino of Palm Beach Gardens came to the August meeting of the Council of Presidents. He complained to our members that he was discouraged by the DEC from going to club's. This is a contradiction of our purposes and policies. Many members heard him.

11: DEMOS SUE OVER USE OF NAME;

We had a meeting with Mayor John Lomelo, Jr. to resolve important issues that face democrats here in Palm Beach County. We met on July 22, 1982 at his office with myself, Leon Smiles and John Bianco. His letter of August 5, 1982 states "I would like to take this opportunity to tell you what a pleasure it was meeting you, and I look forward to working with you for the betterment of the Democratic Party in the future. I honestly believe that had Mayor Lomelo attended the scheduled meeting of the Council of President's on August 16th as scheduled, we would not have the problems that will result from such an untimely legal action and counter-actions. The suit according to the attached newspaper was initiated by Voncile Smith, a long term opponent of the council. The Council is 8 years old and is credited with many actions on local issues.

She was quoted stating that the local party's credibility is at stake because the council has no authority to represent the Democratic Party. We have never made any such representation and therefore the charge is made of clothe. On the contrary, we state that we have no charter, want no charter under existing conditions of the P.B. DEC.

There is a quote that a republican Norman Gregory at a council meeting is totally out of context with the truth. He came as the Vice-Chairman of the County Commission to tell us about the legality of the proposed auminstrative complex and it was not in his election year, nor was he there for political reasons, it was announced. I have been attack by the DEC many times in the past and responded fully to the issue in a letter to the edit of the Post that was printed for all to read.

There is a quote about a \$40. contribution. I paid \$40. by check to The Boynton Beach Golf Association. I did not attend in any political capacity and it is my expressed constitutional right to remain free and unrestricted as an individual citizen.

12: Conclusion;

Here is a chairman complaining and nitpicking while she attends a non-partisan affair, signed checks for material telling democrats to vote for republicans. Affairs here in Palm Beach County have reached a stage that requires the state organization to immediat ely start an investigation into the charges and complaints of those who oppose poor administration of the Palm Beach Committee. Expecting your reply in detail,

d.c. All Members of the President's Council

enclosures; Sun Sentinel August 28, 82 notice of suit

J.Lomelo's letter of August 5, 1982

8-16 Council Bulletin and the DEC resolution on the Admin. Complex

Lake Worth Herald 8-12-82 re: picnic affair

Sincerely,

Philip M. Banner
Committeeman.

Chairman of the PBCDEC. Three reporters called me and told me that he had said he had proof that Boone and I supported Republicans. When they wanted details I told them to read the news stories their papers carried in November, 1980 since that was the only incident I could recall where such an allegation could possibly be made. They were shocked to learn that that was what Banner had referred to, and consequently, no new stories appeared. (The story of course was "old" news and I think they immediately saw through Banner's scheme.)

In case you do not recall the details of that incident, Charlie, let me refresh your memory:

In 1980 at the urging of Ron Wood, the Palm Beach County Carter-Mondale campaign coordinator, and Jay Hakes, Boone, Ed Kelly, and I met with Ron and Jay to discuss how money for the 1980 election was to come from Tallahassee to Palm Beach County. Ed, who had been a Kennedy supporter, indicated that many candidates and some members of the PBCDEC (meaning himself among them) did not want the local candidates tied in with the Carter-Mondale effort. His support for the Carter-Mondale candidacies was lukewarm at best. Ron, Jay, Boone, and I felt that this attitude was harmful to the total election effort. Ed Kelly agreed at the meeting I have described to support our efforts to set up a separate account (the Eleventh Congressional District Campaign Fund) to funnel money into the county from Tallahassee with the intent of a GOTV campaign to help all Democratic candidates.

Boone was to chair that fund and I was to act as treasurer. Unfortunately, Boone and I trusted Ron Wood, and that trust was betrayed. In the rush of the final days of the campaign (less than a week before the election), Ron asked us for a check to pick up some "sample ballots" he had ordered. I asked him, "For our whole Democratic slate?" He responded, "Yes, for our slate." I asked to see the copy, but he said he had taken the only form to the printer, but he needed the cards immediately so he could distribute them. Trusting him, we co-signed a check to the printer.

I am attaching (Exhibits 3, 4, 5, and 6) a) a letter I wrote to the Elections Division in response to a complaint filed by Supervisor of Elections Jackie Winchester, b) a letter from Ron Wood in which he accepts responsibility, and c) newspaper clipping of the time.

Our side of the story evidently satisfied the Elections Commission as well as the Democratic candidates slighted by that illegal form. Admittedly, under the circumstances, we were perhaps remiss in not accompanying Ron Wood to the printer, but we had no reason to expect misconduct from him. Since 1980 I have had a good relationship with most of those former Democratic candidates. One, Gary Israel, who is now a member of the PBCDEC, actively endorsed my campaign for PBCDEC Chairman and has worked closely with me in the current campaign. I feel I have a good relationship with Jackie Winchester, and she recognizes that Boone and I have been victimized. (Ron Wood's letter does say he did not know he was acting illegally. This part is not true since I had told him on two prior occasions that all literature must support only the Democratic candidates.)

My question is - If the Democratic candidates involved and the PBCDEC are satisfied with Boone's and my performance and the evidence supporting our story, why does Mr. Banner persist? I think his record for Democratic "loyalty" speaks for itself.

3. Mr. Banner's question about the PBCDEC members and the ADA is too ridiculous to waste time on.
4. Ditto for his question on the union meeting hall.
5. On his question relative to the minutes - Why does he think time for additions or corrections to minutes before their approval at each meeting is provided? This is where he should deal with what he may think are omissions, not in the press (but, I have noted before that he appears to be abysmally ignorant regarding parliamentary law and practice).

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6. At the July meeting of the PBCDEC, Harry Bilawsky, Chairman of the Legislative Committee, announced in Mr. Banner's presence the date and site for the Legislative Committee meeting and indicated that Mr. Banner and all other PBCDEC members were welcome to attend.
7. The Club endorsement problem is being handled. Relative to the 1980 ad for a Republican, action was taken in 1981 during club charter renewals to try to prevent any support of opposition party candidates. Those of us responsible for club charter renewals in 1983 have already discussed steps to take relative to primary endorsements that have occurred this year.
8. The Labor Picnic question does not merit an answer.
9. Mr. Banner's statement relative to Koehler vs. Culverhouse is subjective and unfounded.
10. Mr. Martino did not complain to me, and I know of no incident to substantiate Mr. Banner's allegation.
11. I think Mr. Banner's statements relative to the injunction I filed speak for themselves: 1) Mr. Banner did give a forum to a Republican office holder at a function advertised as a "Democratic Party" meeting, 2) that "Council" had operated for years without any legal recognition from the PBCDEC or the FDP. John Lomelo cancelled his scheduled meeting with them when learned of their status and attended the September 2 meeting of the PBCDEC where he affirmed that such groups cannot operate without permission from the Party. The "Council of Democratic Club Presidents" has consistently defied the PBCDEC, its members and officers are often not club presidents (including Mr. Banner himself), and people have often felt it was competing with the PBCDEC relative to Party policy making, a condition by Florida Statute and Democratic State Party Rules we find intolerable. I think Mr. Banner's own statements (Exhibit 8) confirm this.
12. I hope this answers for you the calibre of Mr. Banner's complaints. By the enclosures he has sent you, Mr. Banner has condemned his own credibility. He is not a Club President, yet he sits as chairman of a group that has the audacity to call itself "The Presidents' Council, Democratic Clubs of Palm Beach County." He indicates his ignorance of Florida law, Florida Democratic Party Rules, and parliamentary procedure. He has given a forum to a Republican office holder and candidate at this so-called "Democratic" organization. He has made ridiculous evaluations relative to our relationship to Labor. (Does he also advocate that you kick Dan Miller off the Central Committee?) He has shown an obviously contrived attempt to discredit Boone and me. You might also note that it is Mr. Banner who keeps the controversy before the public by his preoccupation with publicity for himself (see Exhibits 7 and 8).

If you have any questions, please let me know. Banner has succeeded in using four hours of my time by forcing a response to his nonsense.

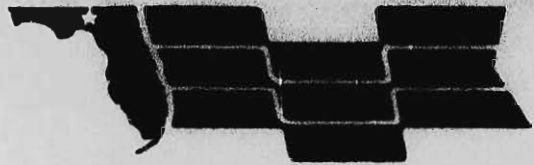
Sincerely,

Voncile M. Smith

Enclosures: Exhibits 1-8

c/c Boone Darden

attachment 4



Democratic Executive Committee of Florida

Post Office Box 1758 • Tallahassee, Florida 32302 • Phone (904) 222-3411

Charles Whitehead
Chairman
Hazel Evans
Vice Chairman
Monnie Yungkins
Treasurer
Kathleen Kossman
Executive Director

State Committee
Members
Wayne Bailey
Phyllis Miller
Boone Darden
Mayor Lutha Tillman
Michael Shea
Ann Cramer

County District
Chairmen & Vice Chairmen

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September 3, 1982

Mr. Philip M. Banner
7509 Volley Place
Lake Worth, Florida 33463

Dear Mr. Banner:

This will acknowledge receipt of your recent letter with additional complaints about the Palm Beach County Democratic Executive Committee. We have not received a response from Ed Kelly, Henry Handler, Voncile Smith, and Boone Darden to the letter we sent to them on May 6, 1982 with a copy of your letter and enclosures regarding the complaint of election practices in the 1980 campaign.

We are again sending copies of your correspondence with enclosures to Mr. Kelly, Mr. Handler, Ms. Smith, and Mr. Darden, and after we receive a response from them, we will get back in touch with you.

Sincerely,

CHARLES A. WHITEHEAD
Chairman

CAW/rg

cc: Ed Kelly
Henry Handler
Voncile Smith
Boone Darden
John Bianco

Attachment 5



**PALM BEACH COUNTY
DEMOCRATIC EXECUTIVE COMMITTEE**

Vencie M. Smith
Chair

September 13, 1982

Honorable Charles Whitehead
Post Office Box 1758
Tallahassee, Florida 32302

Dear Charlie:

This is in response to your letter of September 3, 1982 relative to the diatribe from Phillip M. Banner. I apologize for the delay in responding to your May letter. Boone had told me he had discussed the matter with you and I had assumed you had sufficient information about the 1980 issue and about Mr. Banner's legitimacy. I realize that as Chairman of the Florida Democratic Party you want response to any complaints so that you may be aware of all the questions involved.

Let me tell you first of all that Phillip Banner appears to be a malcontent who has repeatedly violated his oath of office by supporting Republicans. I sense that the PBCDEC would prefer to wait until after the November election to deal with charges I feel obligated to bring against him. I feel he is attempting to disrupt the Democratic Party, to embarrass some of our candidates, and to keep me preoccupied by having to respond to numerous, petty, unfounded charges.

I am enclosing some material which illustrates Mr. Banner's ongoing support for one Republican official including a \$40.00 contribution to that official's fundraiser held just this year. (See Exhibits 1 and 2.)

Mr. Banner opposed my election as chairman of the PBCDEC. He has consistently in my opinion attempted to subvert the will of the majority at our DEC meetings. I think he seeks attention for himself in addition to desiring to create a negative image for the Party.

Now, in answer to Mr. Banner's allegations:
(Complaint received by you September 1, 1982.)

1. I feel Mr. Banner clearly does not understand Robert's Rules of Order or read very well. The Resolution he mentions was referred back to the Legislative Committee for rewording. Mr. Banner was invited to the Legislative Committee meeting when the item was considered. Mr. Banner failed to attend the meeting. Instead, he continued his tirade on this issue at the next regular meeting of the PBCDEC. The Resolution was rewritten by an attorney member of the Legislative Committee and subsequently passed overwhelmingly at the PBCDEC meeting in September.

Mr. Banner appears to be oblivious to the parliamentary law requirement of rule by majority. He has ignored the fact that he has the right to appeal a decision by the chair nor does he seem to understand how parliamentary law requires such an appeal be disposed of.

2. A large majority of the membership of the PBCDEC has repeatedly indicated that they do not wish to discuss or consider the Ad Hoc Committee report on the 1980 palm card incident. Boone and I as well as other members of the committee feel the report is a) untimely, b) inaccurate and incomplete, c) misleading, d) divisive, e) and vindictive. Since I do not wish to attack the personalities involved in the establishment, makeup, and conduct of that Ad Hoc Committee, I will not elaborate unless you insist. I can assure you that the PBCDEC does not support Mr. Banner in his attempts to discredit us. Mr. Banner attempted to get broad press coverage on this issue in May of this year right after my election as

The Post, Wednesday, August 19, 1981—C3

Gregory Talk to Demos Ruffles Party Feathers

by Gary Blankenship

Post Staff Writer

When the Palm Beach County Council of Democratic Club Presidents met Monday night, they did something surprising for Democrats — they invited Republican County Commissioner Norman Gregory to speak.

That has some Democratic officials checking to see if the presidents might have violated party policy.

County Democratic Chairman Ed Kelly said the county Democratic Executive Committee has passed a resolution banning committee members and club presidents from providing a forum for Republican officeholders. However, he noted the presidents' group is not a chartered Democratic organization, although some members belong to chartered Democratic clubs.

Bill Banner, who is president of the presidents' club, president of the Lake Worth West Democratic Club, a member of the county Executive Committee and the man who invited Gregory to speak to the presidents, sees no problem.

"It's a question of how you interpret the rules," Banner said.

He noted his group is not chartered through the Executive Committee and therefore has its own operating procedures and bylaws.

"We didn't recognize him (Gregory) as a Republican running for office. And this been 1982 and had he been recognized as a man politicking for office, we wouldn't have invited him," he said.

Banner said he was unaware that Gregory has already filed a notice of intent that he will seek reelection next year and had begun raising funds. He said he is impressed with Gregory and that some club presidents might support, as individuals, his re-election.

Kelly said the incident will be referred to the Executive Committee's Ethics and Campaign Practices subcommittee and that Banner may have

acted improperly as a club president and Executive Committee member.

He said there was nothing wrong with the presidents' group inviting Gregory because, despite their name, they do not represent the Democratic Party.

"I'm issuing a disclaimer that that organization is not a Democratic organization. It's just an ad hoc committee of people," Kelly said. "They are wrong in using the word Democratic.... When they use the word Democratic in their releases, the public is

misled into the belief they're the voice of the Democratic Party."

In the past, political parties have successfully sued to prevent unauthorized groups from using their names, but no action has ever been taken against the presidents' club.

Banner said he invited Gregory after Democratic Commissioner Frank Foster didn't respond to an invitation to the group's previous meeting and after Democratic Commissioner Peggy Evatt turned down several invitations to appear.

CAMPAIGN FUND RAISER
(Section 108.025, Florida Statutes)

attachment 5
(Exhibit 2)

Campaign Fund Raiser held on 2/19/82 (Date)

for Norman R. Gregory (Name of Candidate)

CONTRIBUTIONS

Pages 52 through 73

83040394437

Date	Contributor Information	Description of In-Kind Contributions	Amount
2/19/82	Clem Pirajvoli 305 S.W. 6th Court Boynton Beach, Fl.		\$ 80.00
	Joe Juto 1320 S.W. 26th Ave. Boynton Beach, FL.		40.00
✓	Frank Cole 959 High Park Rd. Loxahatchee, Fl. 33470	(occ.)	180.00
	Fred DiSalle 1316 S.W. 18th St. Boynton Beach, FL.		40.00
✓	Maria Bruno 5126 Maine Street Lake Worth, Fl.	(.occ.)	400.00
✓	Irving Gross 228 Waterford J, Kings Point Delray Beach, Fl. 33445	(occ.)	200.00
	Percy Lee 602 Clear Lake Ave. W. Palm Beach, Fl.	(occ.)	200.00
	Phil Banner 7509 Valley Place Lake Worth, Fl.		40.00
	Bob Beane 502 E. Ocean Ave. Boynton Beach, FL.		40.00
	Carol Kennedy 1506 S.W. 17th Ave. Boynton Beach, FL.		20.00
	Jim Kurtzer 130 N.E. 26th Ave. Boynton Beach, FL.		40.00

attachment
Exhibit
108 Winged Foot Lane
Boca Raton, Florida 33431
January 27, 1981

Mr. Noel Crick
Department of State
P. O. Box 6508
Tallahassee, Florida 32301

Dear Mr. Crick:

I am enclosing copies of several items that indicate that the Eleventh Congressional District Campaign Fund filed a "Statement of Organization" with the Federal Election Commission in October, 1980. As I told you in our telephone conversation, I did not have access to the appropriate form when I filed initially by letter on October 24. The forms arrived several days later and I filed the appropriate form as an amendment to the first statement.

Unfortunately, I do not have a copy of the original letter, but I do have the certified mail receipts that indicate an item was mailed to the FEC October 24 and received October 29. The actual "Statement of Organization" was mailed October 29 and the mail receipts indicate it arrived November 3. Copies of all the mail receipts and the "Statement of Organization" are enclosed.

I am also enclosing a copy of a letter Boone Darden wrote to Charles Whitehead about the expenditure irregularity that occurred. Boone obtained a notarized statement from Ron Wood, the Carter/Mondale coordinator, describing how Ron obtained the check for the illegal sample ballots. I have not enclosed copies of the news stories since you indicated that you already had access to those.

The regular Federal campaign finance report to the FEC has been mailed and I have sent a copy to the Florida Capitol.

I hope that this information is sufficient. Please do not hesitate to contact me if you need something else. I very much appreciate your patience.

Sincerely,

Voncile M. Smith, Treasurer
Eleventh Congressional District
Campaign Fund

Enclosures

8304039438


I, Ron Wood, Coordinator for the Carter-Mondale Campaign of Palm Beach County, Florida, do hereby make the following statement to W. Boone Darden, 11th Congressional Democratic Chairman of Palm Beach and parts of Broward County, Florida. I make this statement without coercion or any reward. Nor have I been made an offer of any reward for making this statement. No threats, force, or promises have been made to induce me to make this statement.

I personally met with Dr. Marshall Jenkins and Mr. Robert Miller of the Concerned Citizens for Equality in Education to pay \$1,010. for the printing costs. This agreement was made by me. My only requirement was to have these persons endorse Carter and Mondale. At this time I was not aware of any violations.

This act by me had not been discussed with State Committeeman W. Boone Darden or State Committeewoman Voncile Smith. I requested a check, indicating to W. Boone Darden that the money was for payment of "sample ballots."

On Sunday, November 2, 1980, approximately 4 p.m. at the Carter-Mondale Headquarters in the presence of Jackie Winchester, Jim Winchester, Voncile Smith, Gary Israel, Rose Darden, Willa Fearrington and W. Boone Darden, I admitted the above statement. It was at that time that the persons named knew the whole story.

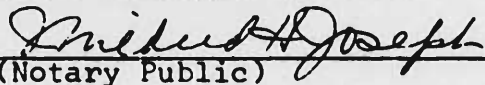
My main purpose and job, as I understood it, was to help the Carter-Mondale campaign.


RON WOOD

Sworn to and subscribed before me

this 11th day of Nov

 , 1980.


(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JUN. 9 1982
BONDED BY GENERAL INS. UNDERWRITERS

83040394439



THE TIP SHEET

Susan Sachs

Mystery Group Alienates Other Black Politicos

One evening last week, a half-dozen people sat in the living room of Marshall Jenkins' West Palm Beach home and talked about the setbacks dealt to Palm Beach County blacks in 1980.

They also talked with fervor about building black voting strength and black political clout — two goals they believe their group, the Concerned Citizens for Equality in Education, is capable of achieving.

None except Jenkins, whose firing from his job as area superintendent with the Palm Beach County school system gave birth to the group, were willing to be identified.

Neither would they name the chairman of their nine-month-old organization. One woman said she feared Ku Klux Klan attacks on meetings, retribution against members by their white employers, infiltration by whites seeking to disrupt "the network" of block captains and workers.

Jenkins also refused to discuss the relationship between his group and Property Appraiser David Reid, who paid \$2,500 to group members to distribute its slate of candidates and Reid's own campaign material before the Nov. 4 general election.

The members of the group said they are not a secret organization. They say they intend — and already have proved — to be an activist group seeking improvement in the lives of blacks.

"You can't overlook us," one woman said. "We can't be consistently ignored. You cannot any longer come into the black community and dictate what we need. We know what we need and want."

Concerned Citizens for Equality in Education certainly is not about to be overlooked. Already, it has become embroiled in legal problems and has alienated leading members of other black groups. If members make their presence felt on political issues in the future, as Jenkins said they will, they are likely to become one of the more controversial organizations in the county.

Palm Beach County Supervisor of Elections Jackie Winchester already has registered a complaint with the state elections division about the group. She said it never registered as a political committee, yet acted as one during the election.

Several blacks active in politics call the Concerned Citizens a "splinter group," a "group that is out for vengeance" because of Jenkins' firing.

"They did more harm than good because of some of their endorsements," one political worker said. "I feel our black candidates were not elected simply because of their endorsements."

By endorsing in every local and state race, he said, the Jenkins-associated group — unknowingly perhaps — gave aid to some candidates who were opposing the only two black candidates. Both School Board candidate LaVonne Taylor



Marshall Jenkins ... ousted school official

The men and women who met at Jenkins' home last week are well-aware they are the center of a controversy that grew from their slate of endorsed candidates. They said they want to clear the air about it.

"We don't want to destroy our credibility before we even start," said one group member.

The Concerned Citizens, working with three other black civic groups, interviewed many of the statehouse and county candidates in the last election. They came up with a recommended slate of candidates, including both Republicans and Democrats.

Jenkins said Ron Wood, the former Palm Beach County coordinator for the Carter-Mondale reelection effort, offered to help the groups print their slate on 70,000 palm cards. The money — \$1,010 — had been raised by Democrats for Democratic candidates.

Wood was aware all along, said Concerned Citizens members, the slate included candidates of both parties.

When county Democratic officials learned party funds had been used to print a palm card that endorsed Republicans, they demanded Wood's ouster. One of the angriest was elections supervisor Winchester, who was not endorsed on the card.

Winchester said she has yet to find any evidence one of the groups listed as a sponsor of the palm cards — the Concerned Citizens for Progress in Belle Glade-Pahokee — even exists.

Jenkins said none of the candidates who were interviewed or endorsed were asked for money to pay for distribution costs, although public defender candidate Barry Cohen said he was asked to contrib-

Group: 'You Can't Overlook Us'

a.m.: Deerfield Beach, 12:45 p.m.; Boca Raton, 2:15 p.m.; and the Palm Beach County courthouse in West Palm Beach at 3:45 p.m. On Tuesday, Mica will be in city halls on the hour, starting at Delray Beach at 10 a.m. and continuing to Boynton Beach, Lake Worth and Riviera Beach, finishing at 2 p.m. in North Palm Beach.

sociates, which is paid \$25 an hour to publicize the commission's doings. In fiscal year 1979, the firm received nearly \$18,000 in taxpayers' money for their contract. "I don't think that stuff should have been in there," Fetterly admitted.

same number were registered but their percentage of the total dropped to 8.11 per cent. This year, 22,884 blacks were registered, but they made up only 7.361 per cent of the total registration.

TIP-BITS ... Rep. Dan Mica will tour city halls in his Palm Beach-Broward County district today and Tuesday to thank anyone he happens to see for his reelection. He will spend a half-hour in each. Today Mica will be at city halls in Coral Springs at 10 a.m.; Margate, 10:45 a.m.; Pompano Beach, 11:45

OH GUSH, NORM ... The county-funded news release announcing County Commissioner Norman Gregory's election as chairman of the Treasure Coast Regional Planning Commission sounds more like an adoring campaign tribute. It begins by saying "Gregory, elected in 1978, has assumed duties as chairman of a second significant governmental board," and ends by giving Gregory's political history. The release was written by Bill Austin of Fred Fetterly and As-

Several other blacks active in county politics are skeptical that the Concerned Citizens group will have staying power on the political scene. If, they ask, the group is the "most viable black organization," as Jenkins maintained, why did black candidates lose in the general election? "What good is that clout if you can't deliver the vote?" asked one.

"This particular group has a better cross-section of the black community than most groups," Jenkins said. "There can never be too many organizations, though. We're not necessarily looking for one voice, but for one vote. We can make a difference in a close election."

The ability of blacks to make a difference with their votes, however, appears to be declining despite the success of voter-registration drives. In 1976, 21,475 blacks were registered to vote, and they made up 8.74 per cent of the total Palm Beach County registration. In 1978, after a purge of the rolls, about the

Whether those who made the request were associated with the group, however, is not clear. Please turn to GROUP / 2B GROUP / From 1B Concerned Citizens for Equality in Education. Republican Property Appraiser Reid's campaign disclosure reports show Reid did pay \$2,500 to Jenkins and several other members of the group.

The money was used to pay gasoline and other costs associated with distribution, group members said. Jenkins refused to say whether Reid was asked or volunteered to pay the money. Reid was endorsed by the group, although neither he nor his opponent was interviewed. No other black civic group, like the Black Citizens' Coalition and Gold Coast Voters League, endorse candidates. Both have tax-exempt status and cannot take political positions, but do sponsor political forums and provide transportation to the polls.

attachment 5 (Exhibit 5) THE MIAMI HERALD Monday, Nov. 12, 1980

attachment
(Exhibit 6)

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County Democrats Squabbling Over Funding, Support

Shortly before the general election Tuesday, Palm Beach County Democrats discovered Democratic Party money had paid for the printing of 70,000 palm cards that endorsed eight Republicans.

This fiasco is only a symptom, though, of a deeper malady within the county Democratic organization.

County party officials are angry they had no control over the money sent from the state party headquarters in Tallahassee.

Democratic candidates are bitter because the county party did not give them more money, support and advice.

And several top party officials complain Democratic candidates — some of whom registered as Democrats at the time of filing — seem to expect the party to help them during elections but want nothing to do with the nuts and bolts of party organizing afterward.

They also said county Democratic candidates refused to associate themselves with President Carter during the election. Their rebelliousness fractured the Democratic effort. County Republicans, who were far more cohesive, used their presidential ticket as a unifying force.

To help the Democrats vent their frustration about the way campaign money was allocated this year, the executive committee members last week sent a strongly worded resolution of protest to state headquarters.

"The money was handled totally different this year than it was in the past," said Vonelle Smith, a Palm Beach County and state committee-woman from Boca Raton.



THE TIP
SHEET
susan sachs

She said she has been trying for some time to change state party rules to give county committees more control.

State law requires a portion of the filing fees paid by candidates be returned to the local party and a portion sent to the state party. Of the state party's portion, some must be allocated to promote the election of local and state candidates.

This year, the Palm Beach County Democratic Party received about \$7,000 as its share of the filing fees. The money was spent for an office worker in the party's temporary headquarters in downtown West Palm Beach and for series of radio ads, narrated by Democratic candidates, that urged voters to go to the polls.

And \$15,000 was sent to the 11th Congressional District Campaign Fund. How that money was spent was determined by the local Carter-Mondale campaign office, Smith said.

State party chairman Charles Whitehead said the \$15,000 was controlled by the national campaign staff because it was raised by Carter-Mondale forces.

"In the past, that kind of money was sent directly to me and Boone Darden," said Smith.

Darden is a state committeeman and county party official.

"Boone and I had very little control over what happened to that money," Smith said.

It was from the 11th Congressional District fund that \$1,010 was taken to pay for the palm cards that urged support for eight Republican candidates. Both Carter-Mondale campaign workers and county Democrats blame Ron Wood, Palm Beach County coordinator for the presidential campaign effort, for the fiasco.

Smith said she was told the 11th Congressional District money was to be spent on a get-out-the-vote effort in behalf of all Democratic candidates, including the President. But Wood and the Carter-Mondale forces had no interest in promoting anyone but Carter, she said.

All this post-election hand wringing by top party officials does not soothe the bitterness of many Democrats.

Turn to Page 2B Col. 3

FROM PAGE 1B

ocratic candidates who lost in last week's GOP sweep.

Several candidates who lost to Republican incumbents, for example, blame their defeat in great part on lack of campaign money.

For example, the Democrats running for the offices of sheriff, property appraiser, public defender and state attorney were severely underfunded compared with their Republican opponents.

This meant they did not advertise as widely as the Republicans and they could not buy television time until the week before the election.

With all the fractiousness in the county party, rebuilding for the 1982 elections is likely to be either very difficult or very easy.

Some Palm Beach County Democratic committeemen said their failures have inspired them to work harder within their own precincts. Others are grumbling that it is time for a drastic change at the top of the county party.

Whether that interest in non-election year party work can be sustained will determine whether

Democrats can recover any of their losses.

A LITTLE HELP FROM HIS FRIENDS... The earnest young man on the street who endorsed Tom Lewis for the state Senate in Lewis' television ads isn't just a stranger off the street. David Goodlett, now an aide to County Commissioner Bill Bailey, worked for Lewis as a legislative intern while Lewis was a state representative. In the ad, Goodlett said Lewis would be great for young people. He should know.

FROM THE JAWS OF DEFEAT... For those who thought the campaign season was over comes this unsettling news from two candidates defeated in the general election.

Gary Israel, who lost in his attempt to unseat Republican state Rep. Jim Watt, already has written to his supporters that he will try again in 1982. And Mack Freeman, another failed Democratic legislative candidate, says bumper stickers

proclaiming Freeman in '82 should be on the streets within the next few weeks.

TIP-BITS... Palm Beach Town Council President Thomas Mettler has announced he will not seek reelection to another term in 1981. He was first elected in 1975.

When the Palm Beach County legislative delegation meets this week, state Rep. Jim Watt is expected to be elected the new chairman. Last year's chairman was Ed Healey, who was defeated in his reelection bid for the state House. Republicans now control six of the 10 Palm Beach County legislative seats.

No one is happier with the outcome of the County Commission elections than insurance executive and bank chairman Bill Clark. Clark and his partners have been working

on plans for a new county administrative complex to be built in downtown West Palm Beach. The opponents of county commissioner Peggy Evatt and Dennis Koehler not favor a downtown site for new building and could have helped reverse the split decision to situate it there. Evatt and Koehler won election.

But Clark still is not home. The commissioners have been tending lately of delaying construction of new administrative offices have not officially hired Clark's development group. Clark said his partners have invested about \$800,000 in legal and architect fees.

MIAMI HERALD 11-10-80

RETURN RECEIPT
REQUESTED

CERTIFIED
P 307 833 036
MAIL

83 FEB 10 P 11 51

From: Voncile Smith
108 Winged Foot Lane
Boca Raton, Florida 33431

To: Mr. Charles N. Steele, General Counsel
c/o Mr. Kenneth A. Gross
FEDERAL ELECTIONS COMMISSION
1325 K Street
Washington, D. C. 20463

204107

RECEIVED - JIC FEB

Ccc# 9592

1519 83 FEB 28 AM: 22

February 25, 1983

Mr. Kenneth A. Gross
Assoc. General Counsel
Federal Elections Commission
Washington, D.C. 20463

Re: Complaint vs
The 11th Cong. District Campaign
Fund;

3 MAR
P 1:16

Dear Mr. Gross;

Please take note of the fact that my complaint was originally sent to your office dated December 20, 1982. Your letter of January 21, 1983 states that you acknowledge receipt of the complaint on January 17, 1983.

I hope that you will correct the files to show the original date of complaint December 20, 1982.

Please verify the change of date, it is important. Also update the disposition of the current case against the respondents by the FEC.

Hoping to hear from you soon,

Sincerely,

Philip M. Banner

Philip M. Banner
7509 Volley Place
Lake Worth, Fla 33463

305-965-4268

PMB/pbs

83040394440

83040394
PHILIP M. BANNER
7000 Valley Place
Lake Worth, FL 33463



RECEIVED

FEB 20 1983

Mr. Kenneth A. Gross
Associate General Counsel
Federal Elections Commission
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Vancile M. Smith, Treasurer
Eleventh Congressional District
Campaign Fund
108 Winged Foot Lane
Boca Raton, FL 33431

Re: MUR 1519

Dear Mrs. Smith:

This letter is to notify you that on January 17, 1983, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1518. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

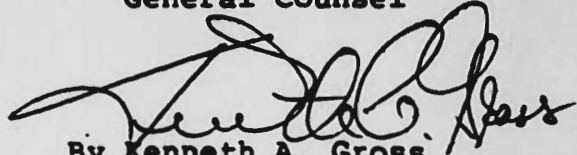
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Michael Dymersky, the staff member assigned to this matter at (202) 523-4057. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

33040394446



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 21, 1983

Mr. Philip M. Banner
7509 Volley Place
Lake Worth, FL 33463

Dear Mr. Banner:

This letter is to acknowledge receipt of your complaint which we received on January 17, 1983, against the Eleventh Congressional District Campaign Fund which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Steven Barndollar at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel

A handwritten signature in dark ink, appearing to read "Kenneth A. Gross", is written over the typed name.

By Kenneth A. Gross
Associate General Counsel

Enclosure

83040394417

January 10, 1983

Federal Elections Commission
C/O Mr. Kenneth A. Gross
Associate General Counsel
Washington, D.C. 20463

203797
RECEIVED AT THE FEC
Ccc# 9339
83 JAN 17 - P 2:01
Re: December 20, 1982 COMPLAINT
vs The 11th Congressional District
Campaign Fund... FEC 080-76

Dear Mr. Gross;

Upon receipt of your letter dated January 3, 1983 I immediately called Washington and spoke to Mr. Steve Barndollar. Your letter stated that the complaint was not in compliance with the rules due to no notarization. I would request that you examine the top right hand top-side of the complaint which was duly notarized and signed in the presence of a Notary.

You will note that there is a FEC 080-76 number on the memo from Mr. Grimes Florida State Assistant Attorney General, it was sent as evidence of the States Complaint.

Further evidence was provided in the form of official documentation of complaints by Jackie Winchester, Elections Supervisor Palm Beach County Florida wherein she named 5 ----- including The 11th Congressional District Campaign Fund. Other conclusive evidence includes an 8 page report on violations submitted by Ed. Kelly former Palm Beach County Executive Committee Chairman of the Democratic Party that includes the evidence of wrongdoing.

In 1982, The Democratic Council of Presidents voted unanimously to act on the complaint against the parties who were part of the act wherein 8 Republicans were assisted in their campaigns with Democratic Funds.

I swear under the laws of perjury that I believe the facts shown in the complaint dated December 20, 1982 are believed to be true to the best of my knowledge. The three complaints and evidence sent to you for remedial action are all from official sources and there is no reason to believe them to be untrue.

Sincerely,

Philip M. Banner

Philip M. Banner
Philip M. Banner

7509 Volley Place

Lake Worth, Florida 33463

Sworn before me 13 day of
January 1983

Dana Dargatzis

C.C. Amended Complaint ATTACHED

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES OCT 28 1986
BONDED THRU GENERAL INSURANCE UND

83040394418



THE PRESIDENT'S COUNCIL DEMOCRATIC CLUB'S OF PALM BEACH COUNTY



1982 Chairman:

Philip M. Banner
509 Volley Place
Lake Worth, FL 33463



First Vice Chairman:

Jack Babich
Bonnaire Blvd.
Delray Beach, FL 33446
tel: 499-0437



Second Vice Chairman:

Evelyn Ostrow
313 S.W. 21st Street
Boynton Beach, FL 33435
tel: 737-5491



Treasurer:

Gertrude Green
141 So. Ridge Rd.
Orlando, FL 33462
tel: 582-5775



Parliamentarian:

John Bianco
610 Barkley Dr. E.
Ft. Palm Beach, FL 33406
tel: 967-7958



Secretary:

Ed Krutick
139 Waterford
Delray Beach, FL
tel: 499-0906

December 20, 1982

General Counsel
Federal Elections Commission 1325 K St.
Washington, D.C. 20463

Dear Sir:

Under 111.4 complaints, violations of Federal Law are herein reported. The complaints are based upon information and belief and upon documentary evidence attached for your perusal.

- 1; On November 21, 1980 Jackie Winchester, Supervisor of Elections Palm Beach County entered an election law complaint to the state of Florida dated November 21, 1980. COPY ATTACHED MARKED EXHIBIT (A)
- 2; On December 4, 1980 the complaint was answered by Florida Deputy Secretary for Elections Dorothy W. Glisson naming 5 respondents. Respondant number 1 as shown is "The Eleventh Congressional District Campaign Fund. This is marked EXHIBIT (B) (FEC # 080-78)
- 3; On November 3, 1981 John J. Rimes III Assistant Atty. General Florida Dept. of State submitted a official Memorandum concerning 5 (five) respondents of which one is the Winchester vs 11th Congressional District. It clearly states that the 11th Cong. District Campaign Fund is outside the jurisdiction of the State of Florida and is a Federal Committee. He stated " This matter has been forwarded to that Commission for their perusal". I called Washington twice and spoke to information specialist Paul Reyes. There is no record of Mr. Rimes III request or any file of violations on the 11th Congressional District Campaign Fund!!!! What happened to the States Complaint? This memorandum is marked EXHIBIT (C).
- 4; After the 1980 campaign the Chairman of the Palm Beach County Democratic Executive Committee Mr. Edward Kelly formed a special committee of ten members of that committee (executive committee members) and their findings and recommendations of violations are hereby attached marked EXHIBIT (D). Mr. Kelly complains of many violations including auditing and reports. His complaint is against Boone Darden, and Vencie Smith respectively chairman and treasurer of the 11th Cong. District Campaign Fund. According to the evidence found in the letters and memos from State the State Chairman of the Democratic Executive Party is also a member.
- 5; The Sun Sentinel dated Thursday October 14, 1982 carried the verdict of the State on violations convictions against four respondents.

Philip M. Banner

Dec. 20, 1982

Handwritten signature

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES OCT. 3 1984
BONDED THRU GENERAL INS. UNDERWRITERS

Participation—Key To Active Lifestyle

who were named in the complaint by Jackie Winchester, by Dorothy Glisson and by Ass't. Atty. General John J. Rimes III shown in items exhibits (A) (B) and (C). The newspaper article is marked EXHIBIT (E).

- 6; On December 1, 1982 a letter was received from the Deputy Secretary of Elections State of Florida Dorothy W. Glisson marked EXHIBIT (F). This letter acknowledges the recommendation of Legal Counsel for the Florida Elections Commission in Case FEC 000-76.

Mrs. Glisson stated that the State of Florida could not file the complaint.

- 7; A memorandum dated October 20, 1981 is hereby submitted by Dorothy W. Glisson to the Florida Elections Commission concerning the investigation. This is a case file marked EXHIBIT (G). Page two of this memo shows the names and addresses of respondents.

Summary;

The preponderance of evidence is found in each and every exhibit showing many violations of both State and Federal Election Laws. We have a case here where four of the five original respondents were found guilty of state violations and were fined accordingly. The 11th Congressional District Campaign Fund was responsible for funding and payment of the alleged illegal palm cards (75000 cards) and they escaped prosecution!!! If they were tried first the State may have found that they were the ones guilty instead of the parties convicted. The question arises as to the origination of the funds and if they came from candidates fees whether or not it is a State violation along with a federal violation.

The complainants of record were those authorities and people who have made formal complaints in this matter, I am merely compiling their complaints of record. The complainants shown in this report are; 1; Ed. Kelly former Palm Beach County Dem. Exec. Committee Chairman who submitted an eight page report exhibit (D); 2; Supervisor of Elections Palm Beach County Jackie Winchester marked EXHIBIT (A); Dorothy Glisson, Deputy Secretary for Elections marked EXHIBIT (B); John J. Rimes III Assistant Attorney General State of Florida marked EXHIBIT (C);

I find it quite odd that this Federal Case was not entered as recommended by the Assistant State Attorney John J. Rimes III. Each person or entity are shown clearly. Statements are herein made by officials in exhibit reports which is the source of information. A clear and concise recitation of the facts describing many violations are in the official reports; Documentation has been provided meeting all the criteria under 111.4 2 U.S.C.
Submitted by; P.M. Banner 7509 Volley Pl. Lake Worth. Florida 33467. *Heavily*

8304039451

WEST LAKE
FLORIDA, FL 32081



RETURN RECEIPT REQUESTED

WEST LAKE, FLORIDA
JAN 18 1983
U.S. MAIL
FIRST CLASS

CERTIFIED
P 410 228 788



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1519

Date Filmed 6/16/83 Camera No. --- 2

Cameraman BPC