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Blackwell

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

file
ALCC

November 23, 1981

Mrs. Kathy Teague
American Legislative Exchange Council
418 C. St. NE, #200
Washington, DC 20002

Re: Voting rights of military personnel, their spouses
and dependents, and overseas civilians

Dear Kathy:

Thank you for taking the time to talk to me on the telephone this afternoon. As requested, I am enclosing some material about my project to protect the voting rights of military personnel, their spouses and dependents, and overseas civilians.

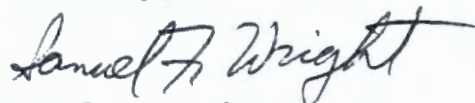
While I was on active duty in the Navy Judge Advocate General's Corps (1977-1980), I served as the Voting Assistance Officer for the Judge Advocate General. In that capacity, I became aware of the many frustrating technical impediments (especially mail delays) that often disenfranchise military personnel. I am enclosing a copy of an article and an editorial from a recent issue of Navy Times. Both concern a survey conducted by the Department of Defense Voting Assistance Office. According to the survey, approximately 180,000 military personnel who tried to vote in the 1980 presidential election were unable to do so, because their absentee ballots were received too late or not at all. Actually, this figure substantially understates the problem, because it does not include those personnel who are not aware that their ballots were not counted, because they were received after the election. In about 45 states, an absentee ballot must be actually received (not just postmarked) by election day, or it won't be counted. If a sailor on a ship in the Indian Ocean received his ballot say 10 days before the election and immediately marked it and placed it in the return mail, he would have no way of knowing that the local election official received the ballot on Wednesday after the election and did not count it. In Houston (my hometown) the County Clerk receives hundreds of absentee ballots after the election. The 180,000 figure also does not include dependents of military personnel and overseas civilians. If these were included, the number of "lost" ballots would be several hundred thousand.

There are approximately 2 million military personnel on active duty, and another 1 million adult dependents. There are about 3 million American civilians living overseas. Helping these people vote is justified for patriotic reasons, as

well as for practical political reasons. Helping these people vote will help elect conservative Republican candidates, because when these people do vote they vote heavily for such candidates. In this regard, you might be interested in some figures from a controversial election for State Representative in Texas last year. District 57-C consisted of several suburbs of San Antonio, including Randolph Air Force Base. Overall, the Republican challenger received barely 51% of the vote, but among the absentee-by-mail ballots he won 1711-911. In the precincts making up that district there were 3,021 absentee-by-mail ballots, of which 2,804 were cast by military personnel. Overseas civilians probably vote Republican by even higher percentages. Most overseas civilians are employed by major multi-national corporations. When a corporation has operations overseas, it generally takes with it some executive and professional employees. Blue-collar employees are generally recruited in the host country.

I am enclosing a list of the lobbyists that I have recruited so far, in 26 states. I am also including a list of the states where I have not yet found a lobbyist. I would greatly appreciate it if you would send me a list of your "state contacts." In the states where I have lobbyists, I will advise each lobbyist of the name of your contact. In the states I don't yet have covered, I will write to your contact to try to recruit someone. Any assistance that you can provide would be greatly appreciated.

Sincerely,



Samuel F. Wright

Enclosures

Copy to: Mr. Morton Blackwell
Ms. Lois Shepard (Republicans Abroad)

Blackwell

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

November 24, 1981

General J. Milnor Roberts
Reserve Officers Association
One Constitution Ave. NE
Washington, DC 20002

Re: Voting rights of military personnel, their spouses
and dependents, and overseas civilians

Dear General Roberts:

While I was on active duty in the Navy Judge Advocate General's Corps (1977-1980) I served as the Voting Assistance Officer for the Judge Advocate General. In that capacity, I became aware of the many frustrating technical impediments (especially mail delays) that often disenfranchise military personnel. According to a survey conducted by the Department of Defense Voting Assistance Office (see enclosures) approximately 180,000 military personnel who tried to vote in the 1980 presidential election were unable to do so, because their absentee ballots arrived too late or not at all. Actually, this figure substantially understates the problem, because it does not include those personnel who are not aware that their ballots were not counted, because they were received after the election. In about 45 states, an absentee ballot must be actually received (not just postmarked) by election day. If a sailor on a ship in the Indian Ocean received his ballot, say, 10 days before the election and immediately marked it and placed it in the return mail, he would have no way of knowing that his local election official received the ballot on Wednesday after the election and did not count it. In Houston (my hometown) the County Clerk receives hundreds of absentee ballots after the election, mostly from APO, FPO, and foreign addresses. The 180,000 figure also does not include dependents of military personnel or overseas civilians. If these were included, the number of "lost" votes would be several hundred thousand.

This past spring I spent a great deal of time lobbying the Texas Legislature to enact Senate Bill 42, which my own Senator introduced at my request. The bill was enacted and signed by the Governor, but if I had not testified for it in committee, written to each Senator and Representative, and met with many of them in their offices, the bill never would have gotten out of committee. The bill makes two important reforms. In the first place, it allows the County Clerks to begin mailing absentee ballots to overseas and APO/FPO addresses 45 days before the election, instead of 30 days before the election. In the second place, it changes the deadline for

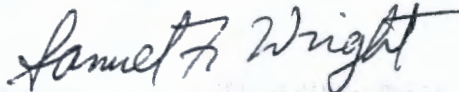
the receipt of a mailed-in absentee ballot from 1 PM on election day to 7 PM. These two changes will enable many more military and overseas voters to get their ballots in on time.

Now that I have moved back to the Washington area, I have "gone national" with my efforts to secure reforms in state election laws for the benefit of military personnel, their spouses and dependents, and overseas civilians. I am trying to recruit a lobbyist for each state, to make the kind of effort I made in Texas this past spring. So far I have 26 states covered. (Upon request, I can supply you with a list of the lobbyists I have recruited so far. Most are Navy JAG reserve officers.) My good friend Morton Blackwell suggested that I write to you. Perhaps you can assist me in recruiting lobbyists. I am enclosing a list of the states that I do not yet have covered. I would greatly appreciate it if you would provide me with a list of your state chairmen or other representatives in these states. I will write to each and mention your name. Also, perhaps you could list or mention something about my project in your membership magazine.

Please send me information about your organization. As a drilling Navy reservist, I suppose that I am eligible for membership.

Thank you for your kind attention.

Very respectfully,



LT Samuel F. Wright, JAGC, USNR-R

P.S.: My naval title is shown for purposes of identification only. The views expressed in this letter should not be attributed to the Department of the Navy or the Judge Advocate General. This is not an official JAG project.

Copy to: Mr. Morton Blackwell
Rear Admiral Penrose L. Albright, JAGC, USNR-R
Brigadier General E. D. Woellner, USAFR

Blackwell

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

States where I still need lobbyists

Alaska (Juneau)
Arizona (Phoenix)
Arkansas (Little Rock)
Colorado (Denver)
Delaware (Dover)
District of Columbia
Hawaii (Honolulu)
Idaho (Boise)
Iowa (Des Moines)
Kentucky (Frankfort)
Minnesota (St. Paul)
Mississippi (Jackson)
Montana (Helena)
Nebraska (Lincoln)
Nevada (Carson City)
New Hampshire (Concord)
New Mexico (Santa Fe)
North Dakota (Bismarck)
South Carolina (Columbia)
South Dakota (Pierre)
Texas (Austin)
Utah (Salt Lake City)
Vermont (Montpelier)
Washington (Olympia)
Wyoming (Cheyenne)

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

November 23, 1981

Ms. Lois Shepard
Republicans Abroad
Republican National Committee
310 First St. SE
Washington, DC 20003

Dear Ms. Shepard:

Since I last wrote to you on November 10, I have recruited 2 additional lobbyists:

PENNSYLVANIA

Colonel F. Marshall Rock, USA (ret.)
Director, House Military and Veterans Affairs Committee
Main Capitol Building, Room 184
Harrisburg, PA 17120

RHODE ISLAND


Commander Richard Bruce Feinstein, JAGC, USNR-R
56 Pine St.
Providence, RI 02903

These two states were already covered, and these people will serve in addition to those I have already listed for these states. I'm still stuck on 26 states, or 25 if we don't count Missouri. I am enclosing some additional letters that I hope will lead to some movement.

Colonel Rock refers to the Majority Leader of the Pennsylvania House as his "boss" (I have already given you a copy of his letter.). I believe that the Majority Leader of the Pennsylvania House is a Republican. If so, you might want to write a letter to Colonel Rock, and to mention the political implications, and to ask him to include overseas civilians as well as military personnel in his efforts.

I shall keep you informed of my progress.

Sincerely,



Samuel F. Wright

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

November 10, 1981

Ms. Lois Shepherd
Republicans Abroad
Republican National Committee
310 First St. SE
Washington, DC 20003

Dear Ms. Shepherd:

In my letter of October 31, I promised to keep you informed about my progress in recruiting lobbyists. Since that letter I have recruited three additional lobbyists in two new states.

CALIFORNIA

Colonel Carl L. Miller, USAF (ret.)
4631 Las Lindas Way
Carmichael, CA 95608

Colonel Miller is the Vice-President for Legislative Affairs of the Sacramento-area chapter of the Retired Officers Assn. He will be serving in addition to Captain Wilhoit, listed in my last letter.

OKLAHOMA

Lieutenant Commander Mark J. Morrow, JAGC, USNR-R
Morrow & Patton
8903 North Western Avenue
Oklahoma City, OK 73114

PENNSYLVANIA

~~Colonel~~ Arthur T. McDermott, USMC (ret.)
127 S. College St.
Carlisle, PA 17013

I now have 25 or 26 states covered, depending upon whether we count Missouri. I have 9 of the 10 largest states covered. I'll keep you informed of my progress. Any assistance that you can provide would be greatly appreciated.

Sincerely,

Samuel F. Wright
Samuel F. Wright

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

October 31, 1981

Ms. Lois Shepherd
Republicans Abroad
Republican National Committee
310 First St. SE
Washington, DC 20003

Dear Lois:

I have now recruited lobbyists in 23 or 24 states (depending upon whether we count Missouri), including 8 of the 10 largest states. You asked me to provide you with a list. I will update this list for you about once every 2 weeks, or whenever I get several new states to add.

ALABAMA

Lieutenant Jan B. McMinn, JAGC, USNR-R
12 Wisteria Ave.
Mobile, AL 36607
(Mr. McMinn is a member of a "state elections commission",
an advisory commission appointed by the Secretary of State.)

CALIFORNIA

Captain C. V. (Daisy) Wilhoit, USNR (ret.)
San Diego Council (First Vice-President)
Navy League of the United States
4141 Camino del Rio South
San Diego, CA 92108

CONNECTICUT

Commander Joseph A. Broder, JAGC, USNR-R
House of Representatives
State Capitol
Hartford, CT 06115
(Commander Broder is a Republican state representative.)

FLORIDA

Captain A. Jay Cristol, JAGC, USNR-R
Cristol, Mishan & Sloto
Executive Suite
Dupont Plaza Center
300 Biscayne Blvd. Way
Miami, FL 33131
(For several years Mr. Cristol served as a Special Assistant
Attorney General of Florida, in charge of drafting legislation.)

GEORGIA

Rear Admiral William O. Miller, JAGC, USN (ret.)
Scheer & Elsner
512 Gas Light Tower
235 Peachtree St., NE
Atlanta, GA 30303
(From 1976 to 1978, Admiral Miller was the Judge Advocate
General of the Navy.)

ILLINOIS

John Miller, Esquire
Chief Counsel
Office of the Speaker of the House
300 State Capitol Bldg.
Springfield, IL 62706

INDIANA

Colonel Hubert E. Strange, USA (ret.)
1809 Forsythia Dr.
Indianapolis, IN 46219
(Colonel Strange is the Vice-President in charge of legis-
lation of the Retired Officers Assn. of Indiana.)

KANSAS

Captain Paul Burke, USNR-R
Senate Chamber
State Capitol
Topeka, KS 66612
(Captain Burke is a Republican State Senator.)

LOUISIANA

Commander Fred C. Strong, JAGC, USNR-R
4915 Bayonne St.
New Orleans, LA 70115
(Commander Strong was a law school classmate and is a good
friend of the Secretary of State.)

MAINE

Commander John Moncure, JAGC, USNR-R
RFD #2
Oak Ledge Rd.
Brunswick, ME 04011

MARYLAND

J. Robert Johnson, Esquire
McIntire & Johnson
11 North Court St.

(Mr. Johnson is the Chairman
of the Military Affairs Comm.
of the State Bar.)

MASSACHUSETTS

Captain Paul W. Garber, USNR-R
79 Milk St., Suite 600
Boston, MA 02109
(Captain Garber is the First Naval District President of
the Naval Reserve Association.)

MICHIGAN

Michael V. Marston, Esquire
Marston & Marston
863 City National Bank Bldg.
Detroit, MI 48226
(Mr. Marston is the Chairman of the Military Affairs
Committee of the State Bar.)

MISSOURI

Mr. Bob Farrar
1723 Greenridge
Jefferson City, MO 65101
(See note below about Mr. Farrar.)

NEW JERSEY

Commander William C. McAuliffe, Jr., JAGC, USNR-R
1003 Bendermere Ave.
Wanamassa, NJ 07712
(Mr. McAuliffe is an official of the Democrat Party of
New Jersey. He is also a good friend of Congressman
James J. Florio, the Democrat candidate for Governor.
Congressman Florio is also a Navy JAG officer, reserve.)

NEW YORK

Commander James Cardinal, JAGC, USNR-R
17 Fox Meadow Rd.
Scarsdale, NY 10583
(Commander McAuliffe and several other Navy JAG reserve
officers are assisting Commander Cardinal in New York.)

NORTH CAROLINA

Captain Edwin S. Preston, Jr., JAGC, USNR-R
4929 Hermitage Dr.
Raleigh, NC 27612
(Captain Preston is a Superior Court Judge, and probably
a Democrat.)

OHIO

Commander C. Thomas Dupuis, JAGC, USNR-R
Dupuis & Diedrichs
105 West 4th St., Suite 805
Cincinnati, OH 45202

OREGON

Commander Keith A. Mobley, JAGC, USNR-R
1815 Liberty Way
The Dalles, OR 97508

RHODE ISLAND

Commander James B. Callahan, JAGC, USNR-R
661 Indian Ave.
Middletown, RI 02840

TENNESSEE

Commander Otto B. Gerlach, III, JAGC, USNR-R
200 Scotland Place
Nashville, TN 37205

VIRGINIA

Walter W. Regirer, Esquire
President and General Counsel
Health of Virginia, Inc.
2420 Pemberton Rd.
Richmond, VA 23229

WEST VIRGINIA

Lieutenant Colonel H. Laban White, USAR (ret.)
Segrist, Spelsberg & White
Empire Bank Bldg.
Clarksburg, WV 26301
(Mr. White served for 12 years in the West Virginia House,
including several years as its Speaker. He is now a highly
paid professional lobbyist, but he is donating his time to
my project.)

WISCONSIN

Captain Kenneth J. Phillips, JAGC, USNR-R
7623 N. Lake Dr.
Fox Point, WI 53217

Page 5

Farrar was "nominated" by Mr. John Powell, Chairman of the Missouri Republican Party. Enclosure (1) is a copy of Mr. Powell's letter to me, dated September 2, 1981. Enclosure (2) is a copy of my letter to Mr. Farrar, dated September 10, 1981. I haven't heard anything from Mr. Farrar, so I am not sure whether Missouri is covered. Before contacting Mr. Farrar or Mr. Powell, you might want to call Duane Benton, Administrative Assistant to Congressman Bailey, Republican of Missouri. (Duane is also a Navy JAG reserve officer.) Duane knows Mr. Farrar and Mr. Powell. Any assistance that you can render is Missouri or any other state would be greatly appreciated.

Please do not list the lobbyists in your magazine without checking with me first. Several are Democrats, and I'm not sure how they would react to any association with the Republican Party. Perhaps I should also advise Democrats Abroad of my efforts. Then, if any lobbyist questions why this project was mentioned in the Republicans Abroad magazine but not the Democrats Abroad magazine, I can tell him that I advised both organizations of the project. I am interested in your advice on this sensitive matter.

Thank you for your kind attention.

Sincerely,

Samuel F. Wright

Enclosures

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

August 31, 1981

Mr. Curtis Mack
Director, Citizens United for a Revitalized Economy
1253 7th St., Suite 101
Santa Monica, CA 90401

Dear Mr. Mack:

Thank you for your letter of August 20, 1981, responding to my letter of August 4, 1981. I am enclosing copies of both of those letters.

Your letter does not specifically address the suggestion I make for a voter registration effort directed at contributors to conservative organizations who move. I hope that you will read my August 4 letter and seriously consider adopting my system.

I seek neither compensation nor attribution from any conservative organization implementing my system. If you do so and thereby contribute toward the election of conservative candidates in 1982 and beyond, that is ample compensation for me.

Thank you for your kind attention.

Sincerely,



Samuel F. Wright

Enclosures

Copy to: Morton Blackwell ✓

CURE

CITIZENS UNITED FOR A
REVITALIZED ECONOMY

1253 7th St., Suite 101
Santa Monica, CA 90401

August 20, 1981

Mr. Samuel F. Wright
Attorney at Law
1201 S. Scott St., # 422
Arlington, VA 22204

Dear Mr. Wright:

Our Chairman, Robert F. Hatch, asked that I respond to your recent letter and to thank you for taking the time to write.

Be assured, that as "C.U.R.E." programs develop we will keep you informed. Needless to say, the smashing budget victories that President Reagan won are not the end of our efforts but just the beginning.

Again, many thanks for writing and sharing your views with us. If we can assist you in the future, please do not hesitate to write.

Sincerely,



CURTIS MACK
Director



NATIONAL ASSOCIATION FOR UNIFORMED SERVICES

5535 HEMPSTEAD WAY
P. O. BOX 1406
SPRINGFIELD, VIRGINIA 22151
TEL. (703) 750-1342

"The Serviceman's Voice in Government"

"Established 1968"

August 28, 1981

Mr. Morton Blackwell
Office of Public Liaison
The White House
Washington, D.C. 20500

Dear Mr. Blackwell:

Reference Mr. Sam Wright's letter of July 18, 1981 to you concerning voting problems encountered by our active duty military personnel.

The National Association for Uniformed Services (NAUS) shares Mr. Wright's concern on this subject matter. His suggestion for a conference to discuss military voting definitely has merit. NAUS is prepared to send a representative to such a conference.

Your attention to the matter on military voting is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Max J. Beilke".

MAX J. BEILKE
Legislative Counsel

MJB/ees

National Association For Uniformed Services
5535 Hempstead Way
PO Box 1406
Springfield, Va. 22151

(703) 750-1342



MAX J. BEILKE
Legislative Counsel

Federal Voting Assistance Program -
voting overseas for
THE WHITE HOUSE military
WASHINGTON

Call

Sam +

then

Louis + Mr. Valentino

8/27/81

I spoke w/ Sam + told
her it was not a
WH conf. that we
would put together -

I told Louis that I had
spoken to Sam + she

Sam Wright

he has sent out letters
to all RNC state
Chairman + to her
saying there will be
WH Conference - in Sept.

reforms of state
election laws -
how to promote election
reform - overseas Amer. -
to vote earlier -

Sam mentioned to her
on phone that you
were involved -

Valentino - Defense
is in charge of overseas
vote there - he has
called you -

THE WHITE HOUSE
WASHINGTON

H84-6652

Lois
Shepherd -
Republicans
Abroad

25-27
↓

Cong.
leaders
are held.
pol. techn.
inst.

lobbying
elections
conference
coming up on
voting rights -
Sept 20

overseas
Americans

he has been told
that he is
sponsoring

has already done a
lot of work to
promote what Sam is
asking for -
she will call us
in a few weeks to
request a meeting
about this -

She will notify
Mr. Valentine

MEMORANDUM
OF CALL

TO:

Morton

☐ YOU WERE CALLED BY—

☐ YOU WERE VISITED BY—

OF (Organization)

Mr. Valentino

695-9330

☐ PLEASE CALL →

PHONE NO.
CODE/EXT.

697-6125 ☐ FTS

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

*Federal Voting Assistance
Program -*

*Sam Wright's letter
concerning voting assist.*

RECEIVED BY

K-

DATE

7/27

TIME

10:30 AM

63-109

☆ U.S. G.P.O. 1981-341-529/26

STANDARD FORM 63 (Rev. 8-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

Lois Shepherd
Republicans
Abroad - RNC

484-6652

Samuel F. Wright

Attorney at Law

1201 South Scott Street # 422
Arlington, Virginia 22204
(703) 979-4211

August 19, 1981

Mr. Morton Blackwell
Office of Public Liaison
The White House
Washington, DC 20500

Dear Morton:

This is a follow-up to my letter of July 18, 1981, concerning my proposal for an effort to secure reforms in state election laws designed to facilitate absentee voting by military personnel, their spouses and dependents, and overseas civilians. Enclosure (1) is a copy of an article which appeared in Daily Labor Report concerning a "50 states project" to get 11,000 sexually-discriminatory state laws repealed or amended. This is identified as a White House plan. My proposed project is quite similar, but probably much less ambitious. We only need to change a few hundred state laws, and hopefully our proposals will be less controversial.

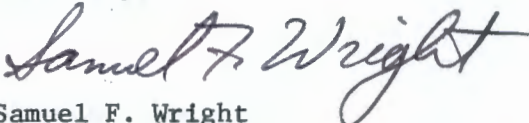
Enclosure (2) is a copy of an article and an editorial which appeared in last week's issue of Navy Times. Both concern a survey conducted by the Department of Defense Voting Assistance Office. According to the survey, approximately 180,000 military personnel who tried to vote were not successful, because they received their ballots ^{late} or not at all. Actually, this seriously understates the problem. There are many more military voters who received ballots and put them in the return mail, and who are not even aware that their ballots were not counted because they were not received by the county clerk, etc., until after the election. (In all but two states, an absentee ballot must be actually received, not just postmarked, by election day.) The 180,000 figure also does not include spouses and dependents of military personnel or other overseas civilians.

Enclosure (3) is a list of additional proposed invitees to the conference. That makes a total of 23. I don't think that is too many, because some of the invitees won't come.

Please set the date and time for the conference as soon as possible. I suggest sometime in mid to late September. Any day during that period is fine except September 15, 21, or 22.

Thank you for your assistance.

Sincerely,


Samuel F. Wright

It was nevertheless unreasonable, and therefore a violation of the bank's Fourth Amendment rights, for OFCCP to select First Alabama for a compliance review without apparent regard for "the degree and extent of prior investigations into the bank's activities," the court found. Those investigations, the records of which were available from other sources, showed that the bank had a "clean history" of compliance for six of the preceding eight years.

The court rejected the government's argument that First Alabama waived its protection from search of its records by OFCCP when it accepted the responsibilities of a federal contractor.

"The bank was entitled to assume as it accepted these responsibilities that what it was obligated to do was act in a constitutional manner toward others, and that its own affairs would not be subject to unconstitutional action," the court concluded."

- 0 -

NLRB MAILS SETTLEMENT CHECKS TO SOME 400 WORKERS WHO LOST THEIR JOBS IN 1956 CLOSING OF DARLINGTON MILL

Almost a quarter of a century after the illegal closing of the Darlington, S.C. textile mill, NLRB General Counsel William Lubbers announces the mailing of back pay checks to nearly 400 survivors of the plant shutdown. An additional group of checks will be mailed in the next few days to heirs of most of the 144 deceased claimants, according to NLRB. An additional distribution to another group of heirs will be made in the near future, when remaining probate problems are resolved. The backpay gained in the settlement will total \$5 million, with individual checks ranging from a few dollars to gross amounts of more than \$30,000.

The first group of checks to the 380 living former textile workers were mailed by NLRB's regional office in Winston-Salem, N.C. "We are gratified that, at last, some 380 checks are on their way," said General Counsel Lubbers.

The Board had announced the settlement of the quarter-century-old labor dispute last December. The former employees approved the settlement by a vote of 472 to 8 (1980 DLR 242: A-13).

The dispute arose in 1956 when employees at the Darlington textile mill, owned by Deering Milliken, Inc., voted by a narrow margin to be represented by the Textile Workers union. Deering Milliken discharged the 525 Darlington employees and closed the plant.

NLRB held in 1962 that the loss of employment violated the Taft-Hartley Act. The courts agreed, in protracted litigation, that the shutdown was designed to chill unionization at the company's other textile mills. The employer had previously closed plants in Alabama and Maine where efforts to organize workers had begun. The Darlington case was twice appealed to the U.S. Supreme Court. Following the December 1980 announcement of the settlement with Milliken, Inc., the payments were delayed by difficulties in locating missing claimants and the heirs of the approximately one-third of the workers who have died since the shutdown. Additional delays were caused by Internal Revenue Service and Social Security computations. Probate procedures forced still further delay in the final mailings, NLRB explains.

- 0 -

REAGAN LAUNCHES "50 STATES PROJECT" TO COMBAT SEX DISCRIMINATION IN STATE LAWS

In a move designed to counter pro-ERA efforts, the Reagan Administration launches a nationwide project to combat sex discrimination in state laws.

The Reagan plan called the "50 States Project," began this summer when White House officials called on state governors to assist in establishing procedures for the identification and amendment of state laws and regulations that discriminate on the basis of sex.

In response to a May 29 letter from President Reagan to all 50 state governors, 36 governors have appointed staff members to work with Reagan's liaison, assistant to the president for intergovernmental affairs, Judy Peachee.

Kathy Wilson, chairwoman of the National Women's Political Caucus, said that the 50 States Project will "absolutely not" bring about the same result as a constitutional amendment -- favored by pro-ERA supporters -- that would ban discrimination based on sex.

Wilson argued that "the ERA is necessary in order to establish a national policy and set a standard for the elimination of discrimination based on sex." "One law at a time is the slow road to equality," she added.

Judy Lichtman, director of the Women's Legal Defense Fund, cited a U.S. Civil Rights Commission study that found that there were 11,000 state statutes that discriminate against women. Lichtman said that it would take "a long, hard, arduous effort" to change that many laws. "I hope Peachee gets all 11,000 laws changed during the Reagan Administration," she said.

Both Lichtman and Wilson praised Mr. Reagan's selection of Peachee as his liaison, however.

The President's efforts to end sex discrimination by changing discriminatory laws, rather than through support of the ERA constitutional amendment, are in keeping with his campaign promises.

A Justice Department Task Force on Sex Discrimination is reviewing sex discrimination provisions in federal legislation. The Task Force's final report was scheduled for early this fall, but may be delayed or not issued at all. President Reagan is deciding whether to issue an executive order that would continue the Task Force beyond its September 30, 1981 expiration date.

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SOUTHERN CALIFORNIA FOOD SETTLEMENT AVERTS STRIKE THREATENED BY 65,000 CLERKS

Contract agreement between representatives of 65,000 food clerks and 21 supermarket chains in southern California averts a strike threatened for Wednesday July 29. Agreement between the Food Employers Council and nine local unions of the United Food and Commercial Workers was reached at 8 p.m. on July 28.

The new three-year contract, subject to membership ratification, would raise the pay of journeymen clerks, which was \$9.10 under the old agreement, by 80 cents per hour immediately and 55 cents per hour in the second and third years. Also payable would be guaranteed cost-of-living adjustments of 25 cents in the first year, 20 cents in the second year, and 25 cents in the third year.

On health-welfare issues, the trust fund would be given 14 1/2 cents per hour toward new improvements. And the maintenance of benefits provision would cost the employers an added 65.6 cents over current contributions by the end of the contract, by present estimates. In addition, 1 cent would be added to improve long-term disability coverage.

ADDITIONAL INVITEES FOR CONFERENCE

1. Ms Lois Shepherd
Republicans Abroad
Republican National Committee
310 First St. SE
Washington, DC 20003

2. Mr. Andrew P. Sundberg
Democrats Abroad
157 Rte. du Grand Lancy
Geneva, Switzerland

(Note: I called the Democrat National Committee, and this was the only name they could provide for Democrats Abroad. They said that they did not know of any member here in the Washington area, or even in the United States.)

3. Lieutenant Colonel Gary Solis, USMC
Headquarters, United States Marine Corps (JAA)
Washington, DC 20380

(Note: Lieutenant Colonel Solis is a member of the American Bar Association's Committee on Legal Assistance for Military Personnel.)

4. John C. Deacon, Esquire
National Conference on Commissioners of Uniform State Laws
645 North Michigan Avenue, Suite 510
Chicago, IL 60611

Morton:

This is a copy
of a rough draft of
a "statement of principles"
about the kinds of changes
in state election laws
that are needed. I
propose that this
statement will be endorsed
at the meeting.

Sam

MILITARY VOTE PROJECT
STATEMENT OF PRINCIPLES

I. The need for special accommodations

Members of the Armed Forces, their spouses and dependents, and American citizens living overseas have special technical problems in voting, not generally shared by other voters. Of course, virtually all of these persons must vote by absentee ballot, but their technical problems are greater even than those of absentee voters in general. If a state begins mailing absentee ballots 20 days before the election, that is probably ample time for college students within the continental United States, but it is almost certainly not enough time for a Navy sailor on a ship in the Indian Ocean, or an American civilian working at an oilfield in the middle of the Saudi Arabian desert.

According to a survey on the 1980 presidential election conducted by the Department of Defense Voting Assistance Office, ^{180,000} ~~8.9% of the~~ military people who tried to vote were unable to do so, because their absentee ballots arrived too late or not at all. Actually, this figure understates the ~~percentage and~~ number of military voters disenfranchised by technical impediments. Many voters who received absentee ballots and mailed them in are not aware that their ballots were not counted because they were not received by the deadline. (Under the laws of all but two states, an absentee ballot must be actually received, not just postmarked, by election day.) When a county-level election official receives

an absentee ballot after the election, he generally does not notify the voter that his ballot was not counted. Furthermore, some potential military and overseas voters did not even apply for absentee ballots because they knew, from experience in past elections, that there was little likelihood of getting a ballot in time to vote it.

Because of the unique special circumstances applicable to military and overseas voters, special accommodations should be made to facilitate their enfranchisement. These accommodations may cause some inconvenience for state and local election officials, but, in our opinion, these are small accommodations to make to facilitate the enfranchisement of the brave young men and women who are away from home and prepared to lay down their lives in defense of our country. After all, were it not for the sacrifices of military personnel, now and in the past, none of us would have the opportunity to vote in free elections.

In the spirit of federalism, we wish to work with state legislators and state and local election officials to bring about the legislative and administrative reforms necessary to facilitate the enfranchisement of military personnel, their spouses and dependents, and overseas civilians. If the voluntary approach does not succeed, we may at some point ask Congress to support mandatory federal standards for state election laws, but we wish to give the voluntary approach a fair trial. We are confident that when state legislators and state and local election officials are made aware of the problems, that will support the necessary solutions.

II. The problem of mail delay

Mail delay is the most serious problem facing military voters. and overseas voters. Among military personnel, the most serious problem is suffered by Navy personnel on nuclear submarines, because such submarines remain submerged for weeks at a time. Navy, Marine Corps, and Coast Guard personnel on surface ships have problems almost as severe, because mail is not, and cannot be, delivered to or taken from such vessels every day. Generally speaking, a Navy ship at sea receives and dispatches mail when it has a rendezvous with a tender or supply ship, about once every 10-15 days. If a voter on such a ship receives his ballot, marks it, and places it in a mailbox on the ship, it probably won't leave the ship until the next rendezvous with a tender or supply ship, in another 10-15 days. The Fleet Post Office does give special priority to voting materials, but the oceans are very large and mail service is unavoidably slow. Mail service for overseas civilians, who do not have the advantage of the APO/FPO mail system, is probably even slower.

A. Mail ballots earlier

The most important reform for military and overseas voters is for state and local election officials to begin mailing out absentee ballots much earlier. Under the laws of most states, county-level election officials are not permitted to begin mailing out absentee ballots until about 30 days before the election, or even later. According to a survey of local election officials conducted by the Department of Defense Voting Assistance Office, 57% of local election officials mailed out ballots during the first

two weeks of October, while 25% mailed them during the third week, barely two weeks before the November 4 election. For the reasons explained above, even early October is too late for many military and overseas voters. In our opinion, local election officials should be required to begin mailing out absentee ballots 60 days before the election to voters who are overseas or on ships and who apply that far in advance, as military and overseas voters are always urged to do. This reform will require other changes, such as earlier primaries, earlier petition drives for independent candidates, earlier ballot certifications, etc. It may also cause some inconvenience for state and local election officials, but in our opinion these reforms are essential.

B. Accept applications for absentee ballots earlier

Some states (e.g., Illinois) establish a date before which an absentee voter is not permitted to apply for an absentee ballot. An application received before the "magic date" is returned to the applicant or, worse, discarded. Some military voters, especially those on submarines or the like, do not have the opportunity to apply during the permitted "window period." In our opinion, an application for an absentee ballot by a member of the Armed Forces, a spouse or dependent thereof, or an overseas civilian should be accepted if it is received at any time during the calendar year of the election for which it is intended to apply. Furthermore, such a voter should be permitted to use one Federal Post-Card Application form to apply for an absentee ballot for each election held during that calendar year.

C. Accept absentee ballots later

Under the laws of all but two states an absentee ballot must be actually received (not just postmarked) by the close of the polls (or even earlier) or it won't be counted. On the other hand, a federal income tax return is considered timely if it is postmarked by the deadline. In our opinion, it is unfair to disenfranchise an absentee voter because of mail delay beyond his control. An absentee ballot which is postmarked or witnessed (The federal government provides "franked" envelopes to local election officials to provide to military and overseas voters, and such envelopes generally do not receive postmarks.) on or before election day should be counted, even if it is received after the election. Of course, the states cannot wait for months to determine the winner of an election while a few more absentee ballots trickle in. The deadline for the receipt of an absentee ballot should be established as the time of the official county "canvass" of the votes, which is generally held about 7-10 days after the election.

We realize that the public wants to see the winners on television before midnight, but a few days of suspense is, in our opinion, a small price to pay to enfranchise military and overseas voters. Furthermore, if a Congressman or Congressional candidate goes to bed at 4 AM Wednesday morning thinking he has narrowly lost and then is put "over the top" by late-arriving military ballots, he is likely to become a friend of the serviceman for life!

D. Special ballots for special voters

Even if the ballots are mailed 60 days before the election, there are some military voters (especially submariners) who won't have the opportunity to vote. A state may not know until quite late the names of all the candidates on the general election ballot, especially if the state holds a late primary, but the state does know years in advance what offices will appear on the ballot in a given year, and they probably have a good idea what parties will qualify for the ballot. If, because of circumstances involving military service, a voter will be unable to cast an absentee ballot in the normal manner, he should be permitted to cast a "special" absentee ballot. On such ballot would appear the names of the offices and the parties, but not the candidates. There are three possible ways for a voter to cast such a ballot. Firstly, he could cast a "straight party ticket" ballot, voting for all the candidates of the party of his choice. Secondly, he could vote for the party nominee for a particular office by writing in the appropriate space "Democrat nominee" or "Republican nominee", etc. Thirdly, he could write in the name of the candidate of his choice in the appropriate place. An absentee ballot cast in this manner should not be discounted because of an error in spelling, if the voter's choice is reasonably determinable. If a voter's choice is not reasonably determinable for a particular office, or if he votes for an ineligible candidate, his ballot should be invalidated only as to that office.

E. Ballot access litigation should not delay the printing of absentee ballots

In several recent elections ballot access litigation has delayed the printing and mailing of absentee ballots. Such litigation generally involves "fringe" candidates for the far right or far left, such as John Anderson, Eugene McCarthy, or Lester Maddox. (Not all such litigation involves presidential candidates.) If such a candidate is ruled not to qualify for the ballot by a Secretary of State, State Board of Elections, etc., a lawsuit generally results. Ballots cannot be sent to the printers until the case is resolved, or if the court overrules the decision of the election official the ballots may have to be reprinted. In New York in 1976 ballot access litigation concerning Eugene McCarthy delayed the mailing of absentee ballots until less than a week before the election.

As a result of the 1976 fiasco, New York has adopted a provision which other states should emulate. If, on the date that the absentee ballots are to be sent to the printer, there is any pending litigation concerning ballot access, the ballots should be printed with the name of each candidate claiming that his name should be listed on the ballot. If an absentee voter votes for a candidate later ruled ineligible, his ballot would be invalidated as to that office only. Since the litigation generally involves fringe candidates that military and overseas voters are not likely to vote for, very few voters would be disenfranchised under this provision, and many more would be enfranchised by getting their ballots earlier.

III. Absentee ballots should be counted centrally in each county.

In some states (e.g., Michigan and Illinois) absentee ballots are counted in each precinct, instead of centrally at the county courthouse. Each absentee ballot is delivered to the polling place where the absentee voter would have voted if he had voted in person, to be counted by the election judges there. In our opinion, this method of counting absentee ballots should be outlawed, and each county should be required to establish a central absentee ballot counting board to count absentee ballots.

When absentee ballots are delivered to the polling places to be counted, it is almost inevitable that some will be lost or misdelivered, and that absentee voters will be disenfranchised as a result. In this regard the case of Stamos v. Genesee County Board of Canvassers, 46 Mich. App. 636, 208 N.W. 2d 551 (1973), is particularly instructive. That case involved a very close race for a county office. Twenty-two absentee ballots cast by voters in one precinct were entrusted by the Clerk to an old man, to deliver to the polling place. The old man got lost in a storm and did not arrive at the polling place until after the election judges had gone home. Months later, the intermediate appellate court of Michigan ordered that these ballots be counted, and the result of the election at issue was changed thereby. When absentee ballots are counted at the various polling places, snafus of this kind are almost inevitable. When absentee ballots are counted centrally, much less handling and transportation is required, and snafus of this kind are much less likely.

Furthermore, counting absentee ballots at the various polling places militates against the secrecy of the ballot. There might be only one absentee voter in a particular precinct, so the election judges will necessarily know how he voted. When absentee ballots are counted centrally, it is much less likely that a voter's privacy will be inadvertently or deliberately abused.

IV. Military and overseas voters should be exempted from voter registration requirements

Having to register to vote and then apply for an absentee ballot immensely complicates the process from the point of view of the military or overseas voter. With this in mind, Congress has recommended that each state establish one of the following accommodations with respect to voter registration by military and overseas voters:

- a. Exempt such voters from such requirements; or
- b. Allow such a voter to use a Federal Post-Card Application form as a simultaneous application for voter registration and request for an absentee ballot.
- c. Send such a voter a voter registration application form with his absentee ballot, and allow him to return the form with his ballot (and exempt him from the voter registration deadline).

Each state should adopt one of these suggestions.

V. Residence requirements should be fairly administered

Most members of the Armed Forces vote by absentee ballot, but if such a member desires to register and vote at the place where he is stationed, and if he understands and is willing to

accept that by registering there he becomes a domiciliary of that state for all legal purposes (including taxation), he should certainly be permitted to do so. State laws that restrict this right are probably unconstitutional and certainly unfair.

If a member of the Armed Forces is absent from the place which he considers to be his domicile, he should be able to continue voting there whether or not he has a specific address there to which he plans to return at the conclusion of his military career. In January, 1981, the Texas House of Representatives, in "adjudicating" an election contest involving one of its members, decided, or at least seemed to decide, that a member of the Armed Forces voting by absentee ballot must have a present intention to return to the exact address which he listed as his "permanent residence address" on the Federal Post-Card Application form. Of course, this is not the law, and if it were the law few military personnel would be able to vote. The "residence" of a member of the Armed Forces, generally speaking, is the place where he lived before military duties required his presence elsewhere. That address might be an apartment which he no longer rents, or it might be the home of his parents. (In the meantime, his parents may have died or moved away, but that address is still his residence.) In applying a general legal definition of "residence" the peculiar circumstances of military personnel should be carefully considered.

VI. Voting materials should not require notarization.

In some states voter registration applications, absentee ballot requests, and/or absentee ballots must be notarized, or the "oath" thereon must be "administered by an official authorized to administer oaths" in accordance with the law of the place where the voter is at the time he executes the document. For many overseas civilians, this requirement can be a very serious impediment. In many non-Western countries, the legal system does not even contain the concept of the "oath" or the "official authorized to administer oaths." An American consular official might be able to administer the oath, but some Americans overseas are working hundreds of miles from the nearest embassy or consulate. Can you imagine trying to find a "notary public" on an offshore oil platform in the North Sea? The Department of Defense Voting Assistance Office has cases on record of persons traveling hundreds of miles and paying some foreign official hundreds of dollars to get a voting document notarized.

Contrary to popular opinion, a notarization requirement adds nothing to the security of the process. A person intent on vote fraud can easily forge a notarization.

ATTORNEY AT LAW

SUNSHINE

This Spring, I spent a great deal of time lobbying our Texas Legislature to enact Senate Bill 42. The bill was passed and signed by the Governor. It makes two important reforms. In the first place, it allows the county clerks to begin mailing

absentee ballots to overseas and APO/FPO addresses 45 days before the election, instead of 30 days before the election. In the second place, it changes the deadline for the receipt of a mailed-in absentee ballot from 1 PM on election day to 7 PM on election day. If I had not testified for the bill in committee, written to each legislator, and visited with many of them in their offices, this bill never would have even gotten out of committee. If we can recruit someone to make an effort like that in each state, we can get the necessary legislation enacted before the 1984 election, perhaps even before the 1982 election.

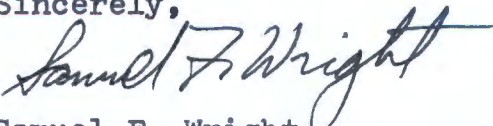
As we have discussed, I believe that we need to have a conference on this subject. Enclosure (1) is a list of suggested invitees. Enclosure (2) is a draft of an invitation letter.

I hope and believe that three concrete results will come from the conference. Firstly, we will endorse specific election law reforms, perhaps even a "model" election code provision for military voters. Secondly, we will form an ad hoc organization to push for these reforms on a state-by-state basis. Thirdly, we will recruit a volunteer "lobbyist" for each state, to make the kind of effort I made in Texas earlier this year. In my opinion, the third result is the most important. If ten organizations each recruit five such representatives, we will have all fifty states covered.

Thank you for sharing my interest in this subject. If you need any additional information or assistance from me, please call me at 321-9180 (day). I suggest that the meeting be held in mid to late September. All of the suggested invitees are from this metropolitan area, with the exception of Mary Ellen Hanley of the American Bar Association Committee on Legal Assistance for Military Personnel. I have written to her, to determine whether she would be interested in attending, or whether her committee has an active member from this area who should be invited. I suggest that in scheduling the meeting we try to be flexible to accomodate her schedule if she wants to attend, in that she must travel from Seattle. Other than that, any time in mid to late September should be fine.

Thank you for your kind attention.

Sincerely,



Samuel F. Wright

Enclosures

INVITEES TO CONFERENCE ON REFORM OF STATE ELECTION LAWS

From the Federal Government:

1. Morton Blackwell, from the Office of Public Liaison, the White House.
- 9 2. Representative from the Office of Intergovernmental Relations, the White House.
3. Representative from the Political Office of the White House.
4. Hank Valentino, Director of the Federal Voting Assistance Office, Office of the Secretary of Defense, Pentagon 1B457 Washington, DC 20301.

From outside the Federal Government:

1. Russell E. Dougherty
Air Force Association
1750 Pennsylvania Ave. NW
Washington, DC 20006
(202) 637-3300
2. Donald L. Harlow
Air Force Sergeants Association
P.O. Box 31050
Washington, DC 20748
(301) 899-3500
3. Major General Robert F. Cocklin, USA (ret.)
Association of the U.S. Army
2425 Wilson Blvd.
Arlington, VA 22201
(703) 841-4300
4. Robert W. Nolan
Fleet Reserve Association
1303 New Hampshire Ave. NW
Washington, DC 20036
(202) 785-2768
5. Captain Vincent Thomas, Jr., USN, (ret.)
Navy League of the United States
818 18th St. NW
Washington, DC 20006
(202) 298-9282
6. Normand Gonsauls
Noncommissioned Officers Association
110 Maryland Ave. NE, #304
Washington, DC 20002
(202) 546-7891

7. General J. Milnor Roberts
Reserve Officers Association
One Constitution Ave. NE
Washington, DC 20002
(202) 479-2200
8. Lieutenant General Leroy J. Manor, USAF (ret.)
The Retired Officers Association
201 N. Washington St.
Alexandria, VA 22314
(703) 549-2311
9. CW4 Donald E. Hess, USA (ret.)
U.S. Army Warrant Officers Association
P.O. Box 2040
Reston, VA 22090
(703) 620-3986
10. Cy Kammeier
Marine Corps League
933 N. Kenmore St.
Arlington, VA 22201
(703) 524-1137
11. Robert B. Talbert
Marine Corps Reserve Officers Association
One Constitution Ave. NE
Washington, DC 20002
(202) 543-0100
12. Colonel John Sheffey
National Association for the Uniformed Services
P.O. Box 1406
Springfield, VA 22151
(703) 750-1342
13. Michael Buckley
Naval Enlisted Reserve Association
6703 Farragut Ave.
Falls Church, VA 22042
(703) 534-1329
14. Rear Admiral James E. Forrest, SC, USN (ret.)
Naval Reserve Association
110 N. Royal St., # 307
Alexandria, VA 22314
15. Richard H. Love
Judge Advocates Association
6419 Baltimore Ave.
Riverdale, MD 20840

You are invited to come to a conference on reform of state election laws (for the benefit of military personnel). The meeting will be held at _____.

If you are unable to come, please send a representative. Please R.S.V.P. at _____.

What is needed is a state-by-state effort to reform the election laws. For this to be successful, it is necessary to have an unpaid representative in each state who will lobby for the necessary legislation. Before the meeting, please try to recruit active members of your organization who are willing and able to perform this necessary service. Each representative should be willing and able to spend a considerable amount of time meeting with state legislators in his state. Preferably, the person should live in or near the state capital. If you are able to recruit such persons, please bring their names and addresses to the meeting.

Thank you for your kind attention.