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December 7, 2006

Lawrence Norton, Esq.
Office of the General Counsel
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Re: MUR 5843
Association of Community Organizations for Reform Now

Dear Mr. Norton:

This letter responds to the complaint designated MUR 5843 on behalf of the Association of Community Organizations for Reform Now ("ACORN").

The basis for this complaint is a video blog interview with former ACORN employees. These employees, most notably a Ms. Josephine Perkins, state with varying degrees of clarity that as part of their work for ACORN they were instructed to solicit the public to vote for Senate candidate Claire McCaskill. The only other source cited is a Roll Call article reporting on the first of these interviews which provides no additional factual information. Fundamentally, this is a complaint based solely on unsworn hearsay allegations from individuals with admitted animus against ACORN. As discussed below, the verifiable facts contradict these allegations. Accordingly, we urge prompt dismissal of this matter.

The Organizations

ACORN is the nation's largest community organization of low- and moderate-income families, working together for social justice and stronger communities. It is a nonprofit membership corporation organized under the laws of the state of Arkansas.

The complaint characterizes Give Missourians a Raise as an "Acorn affiliate organization." This is incorrect. Give Missourians a Raise is the name of the state ballot measure committee organized to promote a measure to raise the minimum wage in Missouri. ACORN was one of a coalition of organizations that created and supported the ballot measure through this state-regulated committee. ACORN held a seat on its steering committee and supported it with contributions, but as one member of the

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coalition ACORN did not have the authority to control the committee's actions. Finally, ACORN served as a vendor to provide canvassing services to the committee.¹

Activities In Missouri

The people interviewed in the video refer to two different types of election-related activities that ACORN conducted in Missouri in 2006. From July through October 9, the close of the registration period for voters under state law, ACORN sent paid employees out into the community to register new voters. This campaign consisted of simple appeals to register to vote -- the written materials and employee training included only encouragement to get voters to complete a registration form, not any reference to any candidate, state or federal.

ACORN also supported the minimum wage ballot measure. Prior to the time period in question in this complaint, it worked with the ballot committee Give Missourians A Raise to gather signatures to qualify the measure for the ballot. In October, ACORN was hired to conduct a get-out-the-vote (GOTV) canvass in support of the minimum wage ballot measure. The training for field managers for this effort began in late September. Ms. Perkins had worked on the voter registration activities, but ACORN terminated her employment before the GOTV activities were launched. The allegations Ms. Perkins and others make in the videos all apparently pertain to this GOTV effort.

Response to the Allegations of the Complaint and Video

Other than Ms. Perkins, who clearly has her own agenda, the employees in the video are primarily concerned with expressing anger and frustration over not being paid for work performed. It is a true and highly regrettable fact that the St. Louis canvass operation experienced some significant administrative delays processing payroll, and at the time of this video a number of employees had not been properly paid. Although the organization subsequently straightened out these problems and all employees were paid for work performed, at the time they were understandably very upset at the situation and angry with ACORN.²

The date of the video is October 4, a Wednesday. Ms. Perkins states that "Monday and Tuesday people were sent out to door-knock for Claire McCaskill." She also states that she was fired the previous Friday (September 29) for theft. In fact, although the theft in question occurred on that Friday, her employment was not terminated until she came in to the office Monday when a staff training was being held. [See Declaration of Johanna Sharrard, paragraph 9]. Since Ms. Perkins did not participate in this training, it is unclear

¹ Technically, the committee hired another vendor which sub-contracted with ACORN to provide some of the canvassing services involved.

² Please note that we do not seek to excuse this failure to pay employees. Whatever the cause, this is not conduct ACORN supports or would ask the Commission to condone. However, it does not constitute a violation of FECA.

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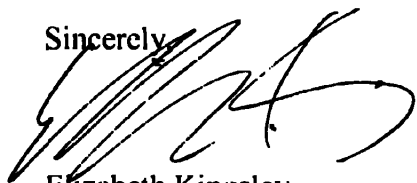
that she could have any basis for knowing how ACORN instructed its workers. She plainly has no direct evidence of what ACORN's employees said at the door while canvassing in the days after she was fired.

Attached hereto are declarations from several employees of ACORN in St. Louis. These include the staff responsible for the GOTV effort in St. Louis and two field managers. All refute the statements of the former employees in the video and confirm that this operation was focused solely on support for ballot issues and not federal candidates.

Also attached is a copy of the script distributed to ACORN's canvassers, and talking points for responding to objections from people they spoke to. The substance of both is the minimum wage initiative. There is no evidence of any reference to any candidates, much less explicit encouragement to vote for someone.

This complaint is based on the hearsay statements of individuals who, with whatever justification, plainly had ill will for the organization against which they made their claims. Their unsubstantiated claims are countered by declarations from four different employees provided under penalties of perjury and the actual training materials employed by the canvass. We respectfully submit that in light of this evidence, to call the basis of this complaint flimsy would be an overstatement. We urge the Commission to find no reason to believe a violation has occurred and dismiss this complaint with regard to ACORN.

Sincerely,



Elizabeth Kingsley

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Declaration of Johanna Sharrard

I, Johanna Sharrard, being of legal age and sound mind, do hereby depose and state as follows:

1. I was in charge of the Association of Community Organizations for Reform Now (ACORN) Get Out the Vote (GOTV) campaign in St. Louis Missouri from September 13, 2006 through October 4, 2006. At some time after that, I began to split the duties with Amy Busefink.
2. The GOTV campaign consisted of sending teams of approximately 10 workers out in vans with lists of registered voters in a neighborhood and having them go door to door talking with the voters and recording the results of the contact.
3. The ACORN GOTV campaign focused on Proposition B, which was a ballot initiative that raised the minimum wage in Missouri.
4. On September 18-22 and September 24-25, 2006 I conducted field manager training in preparation for the GOTV campaign. There were no other field manager trainings before October 4, 2006.
5. At no time did I discuss or train any field managers to do any work for or say anything about Claire McCaskill while on the doors doing GOTV. I am not aware of any ACORN staff doing so and if they had, they were not authorized to do so.
6. The only issue mentioned during the training was Proposition B.
7. Josephine Perkins was not asked to be a field manager by ACORN and did not attend either of the field manager training sessions.
8. I led the training of workers on Monday, October 2, 2006.
9. Prior to the October 2nd training, Selisia Washington, Head ACORN Organizer for St. Louis, advised me that Ms. Perkins had stolen Ms. Washington's purse on Friday September 29th and asked me to terminate Ms. Perkins. Ms. Perkins had been invited to the training. She arrived at the training after the formal instructions had been given and the workers were breaking up into groups to practice their presentations at the door (role plays). I asked to speak with Ms. Perkins privately and told her she was terminated. She became loud and disruptive, claiming she was being terminated unfairly. Ms. Washington then asked Ms. Perkins to speak with her privately. When Ms. Washington finished speaking with Ms. Perkins, Ms. Perkins again attempted to disrupt the role plays. She was directed outside. The police were called but told me that they could not stop Ms. Perkins from shouting from the sidewalk. About a half hour later Ms. Perkins left. Claire McCaskill's name never came up.
10. Ms. Perkins never had a "team" for GOTV because she was not a field manager.

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11. At no time, either during the October 2 training or any time before or subsequent to that, did I discuss or train the workers to do any work for or say anything about Claire McCaskill while on the doors. I am not aware of any ACORN staff doing so and to have done so would have been unauthorized.
 12. The only issue I mentioned during the October 2 training was Proposition B, raising the minimum wage.
 13. I was a field director overseeing the deployment of approximately 10 teams of 10 canvassers each night from when the GOTV campaign began on October 3, 2006 to when it ended on November 7, 2006.
 14. I have never mentioned working for Claire McCaskill or seeking votes for Claire McCaskill at any time while working on the GOTV campaign. I am unaware of any ACORN staff doing so and to do so would not have been authorized.
 15. I have never conducted any training seeking to get workers to encourage registered to voters to support Claire McCaskill
 16. I have never told workers to go to a door and say:
Are you familiar with Claire McCaskill?
Are you in support of Claire McCaskill?
Can we count on you to vote for Claire McCaskill?

or to otherwise mention Claire McCaskill in any manner. I am not aware of any ACORN staff having done so and to do so would not have been authorized.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.



Johanna Sharrard/Signature

12/4/06

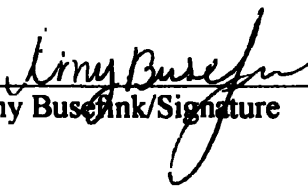
Date

Declaration of Amy Busefink

I, Amy Busefink , being of legal age and sound mind, do hereby depose and state as follows:

- 1. I have been in charge of deploying workers for the Association of Community Organizations for Reform Now (ACORN) Get Out the Vote (GOTV) campaign in St. Louis Missouri since October 9.
- 2. I have been working on the GOTV campaign in St. Louis since October 13 2006.
- 3. I train new workers and deploy approximately 50 workers each night to door knock registered voters.
- 4. ACORN staff and I have never mentioned working for Claire McCaskill or seeking votes for Claire McCaskill at any time while working on the GOTV campaign.
- 5. I have never conducted any training seeking to get workers to get registered voters to support Claire McCaskill
- 6. ACORN staff and I have never told workers to go to a door and say:
 Are you familiar with Claire McCaskill?
 Are you in support of Claire McCaskill?
 Can we count on you to vote for Claire McCaskill/

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.



 Amy Busefink/Signature

10/24/06

 Date

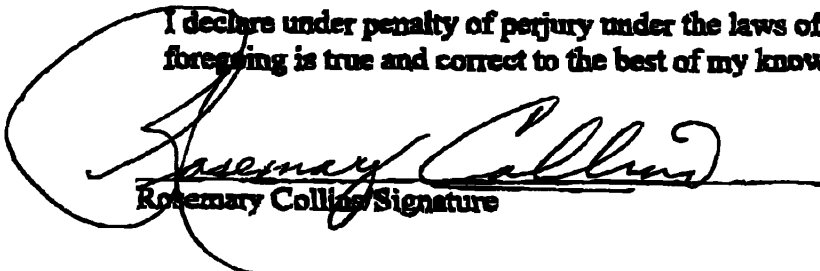
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Declaration of Rosemary Collins

I, Rosemary Collins, being of legal age and sound mind, do hereby depose and state as follows:

1. I attended the field manager training the Association of Community Organizations for Reform Now (ACORN) conducted the week of September 24, 2006 in preparation for the Get Out the Vote (GOTV) campaign.
2. At no time during the training was there any discussion about doing any work for or saying anything about Claire McCaskill while on the doors.
3. The only issue mentioned during the training was Proposition B, raising the minimum wage.
4. I attended the training for workers on October 2, 2006.
5. At no time during the training was there any discussion about doing any work for or saying anything about Claire McCaskill while on the doors.
6. The only issue mentioned during the training was Proposition B, raising the minimum wage.
7. I have been a field manager for ACORN responsible for taking out approximately ten workers an afternoon to knock on the doors of registered voters since GOTV campaign began on October 4, 2006.
8. I have never heard anyone mention working for Claire McCaskill or seeking votes for Claire McCaskill at any time while working on the GOTV campaign.
9. I have never heard any training seeking to get workers to get registered to voters to support Claire McCaskill
10. I have never heard anyone tell workers to go to a door and say:
Are you familiar with Claire McCaskill?
Are you in support of Claire McCaskill?
Can we count on you to vote for Claire McCaskill?
11. I never heard Johanna Sharrard tell anyone that they would be fired if they did not seek support for Claire McCaskill while door knocking.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.



Rosemary Collins Signature

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Date

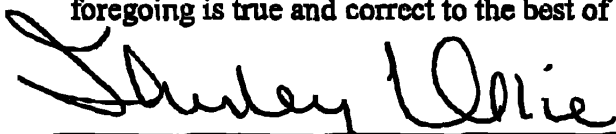
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Declaration of Shirley Ollie

I, Shirley Ollie, being of legal age and sound mind, do hereby depose and state as follows:

1. I attended the field manager training the Association of Community Organizations for Reform Now (ACORN) conducted the week of September 24, 2006 in preparation for the Get Out the Vote (GOTV) campaign.
2. At no time during the training was there any discussion about doing any work for or saying anything about Clare McCaskill while on the doors.
3. The only issue mentioned during the training was Proposition B, raising the minimum wage.
4. I attended the training for workers on October 2, 2006.
5. At no time during the training was there any discussion about doing any work for or saying anything about Clare McCaskill while on the doors.
6. The only issue mentioned during the training was Proposition B, raising the minimum wage.
7. I have been a field manager for ACORN responsible for taking out approximately ten workers an afternoon to knock on the doors of registered voters since GOTV campaign began on October 4, 2006.
8. I have never heard anyone mention working for Claire McCaskill or seeking votes for Claire McCaskill at any time while working on the GOTV campaign.
9. I have never heard any training seeking to get workers to get registered to voters to support Claire McCaskill .
10. I have never heard anyone tell workers to go to a door and say:
 Are you familiar with Claire McCaskill?
 Are you in support of Claire McCaskill?
 Can we count on you to vote for Claire McCaskill?
11. I never heard Johanna Sharrard tell anyone that they would be fired if they did not seek support for Claire McCaskill while door knocking.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.



Shirley Ollie /Signature



Date

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INTRODUCTION:

Hi, is _____ home?

Hi, my name is _____ with ACORN and SEIU.

PROBLEM:

We're out in your neighborhood today because there's a question on the ballot to raise the minimum wage from \$5.15 to \$6.50 / hour.

AGITATION:

Right now, working families making minimum wage are only bringing home \$206 / week Do you think this is fair?

OR

Did you know the minimum wage hasn't been raised in 9 years, and meanwhile congress has given themselves a \$30,000 raise. Do you think that's fair?

SOLUTION:

We need people to get out and vote YES on Proposition B to raise the minimum wage.

ASKS: *(as they appear and need to be marked on the walk list)*

Question 1 - Can we count on you to get out and vote yes to raise the minimum wage?

Question 2 – (Blank for now)

Question 3 - In addition to raising the minimum wage state wide, ACORN is doing work in your community – is this an organization you'd like to be a part of? Great – let's get you signed up by just filling in your name, address, phone number, and email address.

Question 4 - Would you like to get a yard sign to show your support in raising the minimum wage?

Additional Questions: (Not a part of walk list)

Job Interest Form – Is there anyone you know looking for a job? We're hiring Outreach Workers to do what I'm doing, starting at \$8 / hour. Just give me the name and phone number and we'll call them about an upcoming interview.

Register to Vote - Is there anyone else home who needs to get registered to vote?

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Getting over the First Objection

One of the hardest things for new doorknockers to overcome is the first objection someone gives them on the doors. Most of the time, the first objection is just someone's attempt to get rid of the canvasser – it is NOT because they aren't interested in Raising the Minimum Wage! The difference between a canvasser hitting the standards and not hitting them depends on their ability to get over these objections. That is why it's so important that you, as a Field Manager, give them the tools to be able to do this!

Common First Objections & Rebuttals:

- 1. I'm busy / I'm not interested / I don't have time. (There are MANY variations of this)*
"This will just take a moment – we're out here working to Raise the Minimum Wage!"
"I understand, but this is about getting the minimum wage raised in MO!"
- 2. I don't want to sign anything.*
"This is just our commitment form so we know we have the votes we need to get this minimum wage raised come Election Day!"
"Don't worry, we're not asking you for any information we don't already have – this is just a pledge form to show we can count on your vote to raise the minimum wage."
- 3. The minimum wage doesn't concern me / Why should I care if the minimum wage gets raised?*
"Anyone making minimum wage brings home \$206 / week – do you think that's enough for anyone to live on? Do you think that's fair?"
"By raising the minimum wage, we'd be giving a raise to _____ number of families across the state – isn't that important?"
- 4. My vote doesn't count / I don't believe in voting.*
"I understand, but the only way we'll get the minimum wage raised is by getting 1 million people to the polls to vote 'yes' this November, and that won't happen if you don't vote."
"Do you believe in getting the minimum wage raised? The only way it'll happen is by voting – we know the government won't do it on their own!"
- 5. I think raising the minimum wage will make the cost of living go up for everybody.*
"Don't worry – in other states where we've worked to raise the minimum wage this hasn't been a problem."
"Studies have actually shown that raising the minimum wage brings money back into the community, since there's more money in people's pockets to spend!"

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