



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

3 2 7 4 0 3 3 1 7 2 3

THIS IS THE END OF TCR # 1839/42

Date Filmed 10/25/82 Camera No. 1-1

Cameraman J. A. D.

FEDERAL ELECTION COMMISSION

information - denied in
connection with conciliatory

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):

- (1) Classified Information
- (2) Internal rules and practices
- (3) Exempted by other statute
- (4) Trade secrets and commercial or financial information
- (5) Internal Documents
- (6) Personal privacy
- (7) Investigatory files
- (8) Banking Information
- (9) Well Information (geographic or geophysical)

Signed *Lyman M. Mallon*
date 10/5/82

FEC 9-21-77

32040354024

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Utah State AFL-CIO)

MUR 1439/1442

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 5, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 1439/1442:

1. Approve the conciliation agreement signed by Margaret E. McCormick, Counsel for the Utah State AFL-CIO, as submitted with the Memorandum to the Commission dated October 1, 1982.
2. Send the notification letters as attached to the October 1, 1982 Memorandum to the Commission.
3. Close the file.

Commissioners Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter; Commissioner Aikens abstained.

Attest:

10-5-82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

10-1-82, 10:56
10-1-82, 2:00

12740354025



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 1982

Margaret E. McCormick, Esquire
AFL-CIO Legal Department
Room 804
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

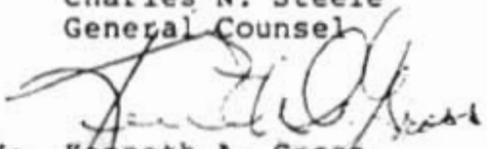
1 2 7 4 0 3 5 1 0 2 5

On October 5, 1982, the Commission accepted the conciliation agreement signed by you in settlement of violations of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. Please note that the civil penalty must be paid within thirty days of the date of this agreement. The check should be made payable to the United States Treasurer.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. Should you have any questions, contact Suzanne Callahan at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Utah State AFL-CIO)

MUR 1439/1442

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed separately by William A. Wilson and Charles W. Akerlow. An investigation has been conducted, and reason to believe has been found that the Utah State AFL-CIO ("Respondent") violated 2 U.S.C. § 431(9)(B)(111) and 11 C.F.R. § 100.8(b)(4) by failing to disclose communication expenditures exceeding \$2000.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(1).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Utah State AFL-CIO, is a state federation of the American Federation of Labor and Congress of Industrial Organizations.

9 2 0 4 0 3 5 4 0 2 7

2. On January 7 and March 10, 1992, the Respondent mailed copies of a letter, which in part, expressly advocated the defeat of Senator Orrin Hatch to a number of labor organizations affiliated with the AFL-CIO.

3. Respondent failed to disclose its \$4,347.73 in expenditures in connection with dissemination of the subject communication. At the direction of the Commission, Respondent has now filed a report of the expenditures in question with the Commission.

2740351729
V. Respondent contends that it failed to report the costs of the subject communication because it believed that its letter constituted a "communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate" and hence that the costs of the communication were not required to be reported under 2 U.S.C. 431(o)(B)(iii).

VI. Respondent's failure to timely disclose communication expenditures exceeding \$2000 on FEC Form 7 is a violation of 2 U.S.C. § 431(o)(B)(iii) and 11 C.F.R. § 101.9(b)(4).

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred and fifty dollars (\$150) *MMU* pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondent shall have no more than thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

C
O
N
F
I
D
E
N
T
I
A
L

Oct 5, 1993
Date

Date

Charles H. Steele
General Counsel

BY: [Signature]
Kenneth A. Griss
Associate General Counsel

11/1/93
Respondent's Date

BY: Margaret E. McCormick
Margaret E. McCormick, Esquire

ITS: Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 1982

Charles W. Akerlow, Chairman
Utah Republican Party
150 South Sixth East
Suite 213
Salt Lake City, Utah 84102

RE: MUR 1439/1442

Dear Mr. Akerlow:

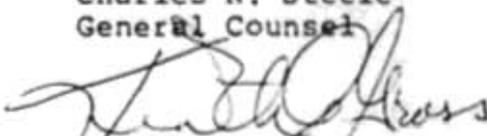
This is in reference to the complaint you filed with the Commission on May 13, 1982, concerning the Utah State AFL-CIO.

After conducting an investigation in this matter, the Commission determined that there was reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. On October 5, 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information. As to the other alleged violations arising out of the complaint, the Commission found no reason to believe that the Act had been violated.

The file number in this matter is MUR 1439/1442. If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

32010354030

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Utah State AFL-CIO) MUR 1439/1442

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed separately by William A. Wilson and Charles W. Akerlow. An investigation has been conducted, and reason to believe has been found that the Utah State AFL-CIO ("Respondent") violated 2 U.S.C. § 431(9)(B)(111) and 11 C.F.R. § 100.8(b)(4) by failing to disclose communication expenditures exceeding \$2000.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(1).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Utah State AFL-CIO, is a state federation of the American Federation of Labor and Congress of Industrial Organizations.

120403354031

2. On January 7 and March 10, 1982, the Respondent mailed copies of a letter, which in part, expressly advocated the defeat of Senator Orrin Hatch to a number of labor organizations affiliated with the AFL-CIO.

3. Respondent failed to disclose its \$4,347.73 in expenditures in connection with dissemination of the subject communication. At the direction of the Commission, Respondent has now filed a report of the expenditures in question with the Commission.

7. Respondent contends that it failed to report the costs of the subject communication because it believed that its letter constituted a "communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate" and hence that the costs of the communication were not required to be reported under 2 U.S.C. 431(9)(B)(iii).

VI. Respondent's failure to timely disclose communication expenditures exceeding \$2000 on FEC Form 7 is a violation of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4).

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred and fifty dollars (\$150) *MMW* pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

00010354032



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 1982

William A. Wilson
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

RE: MUR 1439/1442

Dear Mr. Wilson:

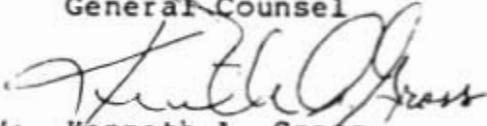
This is in reference to the complaint you filed with the Commission on April 30, 1982, concerning the Utah State AFL-CIO.

After conducting an investigation in this matter, the Commission determined that there was reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. On October 5, 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information. As to the other alleged violations arising out of the complaint, the Commission found no reason to believe that the Act had been violated.

The file number in this matter is MUR 1439/1442. If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Utah State AFL-CIO)

MUR 1439/1442

CONCILIATION AGREEMENT

10331033

This matter was initiated by signed, sworn, and notarized complaints filed separately by William A. Wilson and Charles W. Akerlow. An investigation has been conducted, and reason to believe has been found that the Utah State AFL-CIO ("Respondent") violated 2 U.S.C. § 431(a)(B)(11) and 11 C.F.R. § 100.9(b)(4) by failing to disclose communication expenditures exceeding \$2000.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Utah State AFL-CIO, is a state federation of the American Federation of Labor and Congress of Industrial Organizations.

2. On January 7 and March 10, 1982, the Respondent mailed copies of a letter, which in part, expressly advocated the defeat of Senator Orrin Hatch to a number of labor organizations affiliated with the AFL-CIO.

3. Respondent failed to disclose its \$4,347.73 in expenditures in connection with dissemination of the subject communication. At the direction of the Commission, Respondent has now filed a report of the expenditures in question with the Commission.

V. Respondent contends that it failed to report the costs of the subject communication because it believed that its letter constituted a "communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate" and hence that the costs of the communication were not required to be reported under 2 U.S.C. 431(c)(2)(111).

VI. Respondent's failure to timely disclose communication expenditures exceeding \$2000 on FEC Form 7 is a violation of 2 U.S.C. § 431(9)(B)(111) and 11 C.F.R. § 100.8(b)(4).

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred and fifty dollars (\$150) ^{HHW} pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

004051035

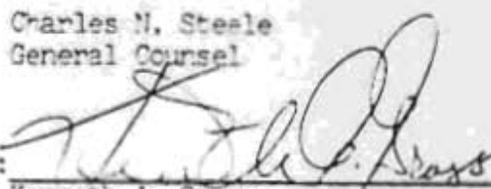
IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondent shall have no more than thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

Oct 5, 1982
Date

Date

UTAH STATE A-6-010
Respondent's Name

Margaret E. McCormick
BY: Margaret E. McCormick, Esquire

ITS: Counsel

32040354037



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO Legal Department
Room 804
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

On October , 1982, the Commission accepted the conciliation agreement signed by you in settlement of violations of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. Please note that the civil penalty must be paid within thirty days of the date of this agreement. The check should be made payable to the United States Treasurer.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. Should you have any questions, contact Suzanne Callahan at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

82040351730

Suzanne
10/5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William A. Wilson
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

RE: MUR 1439/1442

Dear Mr. Wilson:

This is in reference to the complaint you filed with the Commission on April 30, 1982, concerning the Utah State AFL-CIO.

After conducting an investigation in this matter, the Commission determined that there was reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. On October , 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information. As to the other alleged violations arising out of the complaint, the Commission found no reason to believe that the Act had been violated.

The file number in this matter is MUR 1439/1442. If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

02040554030

*CSM
10/5*



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Charles W. Akerlow, Chairman
Utah Republican Party
150 South Sixth East
Suite 213
Salt Lake City, Utah 84102

RE: MUR 1439/1442

Dear Mr. Akerlow:

This is in reference to the complaint you filed with the Commission on May 13, 1982, concerning the Utah State AFL-CIO.

After conducting an investigation in this matter, the Commission determined that there was reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. On October , 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information. As to the other alleged violations arising out of the complaint, the Commission found no reason to believe that the Act had been violated.

The file number in this matter is MUR 1439/1442. If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Utah State AFL-CIO) MUR 1439/1442

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed separately by William A. Wilson and Charles W. Akerlow. An investigation has been conducted, and reason to believe has been found that the Utah State AFL-CIO ("Respondent") violated 2 U.S.C. § 431(a)(B)(iii) and 11 C.F.R. § 100.9(b)(4) by failing to disclose communication expenditures exceeding \$2000.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Utah State AFL-CIO, is a state Federation of the American Federation of Labor and Congress of Industrial Organizations.

32040354041

2. On January 7 and March 10, 1982, the Respondent mailed copies of a letter, which in part, expressly advocated the defeat of Senator Orrin Hatch to a number of labor organizations affiliated with the AFL-CIO.

3. Respondent failed to disclose its \$4,347.73 in expenditures in connection with dissemination of the subject communication. At the direction of the Commission, Respondent has now filed a report of the expenditures in question with the Commission.

V. Respondent contends that it failed to report the costs of the subject communication because it believed that its letter constituted a "communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate" and hence that the costs of the communication were not required to be reported under 2 U.S.C. 431(9)(B)(iii).

VI. Respondent's failure to timely disclose communication expenditures exceeding \$2000 on FEC Form 7 is a violation of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4).

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred and fifty dollars (\$150) *HHU* pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

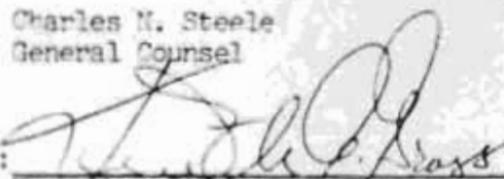
2040354042

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondent shall have no more than thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

Charles M. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Oct 5, 1982
Date

Date

Utah State AFL-CIO
Respondent's Name
Margaret E. McCormick
BY: Margaret E. McCormick, Esquire

ITS: Counsel

0 2 7 4 0 3 5 4 3 4 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Utah State AFL-CIO) MUR 1439/1442

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 5, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 1439/1442:

1. Approve the conciliation agreement signed by Margaret E. McCormick, Counsel for the Utah State AFL-CIO, as submitted with the Memorandum to the Commission dated October 1, 1982.
2. Send the notification letters as attached to the October 1, 1982 Memorandum to the Commission.
3. Close the file.

Commissioners Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter; Commissioner Aikens abstained.

Attest:

10-5-82

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

10-1-82, 10:56
10-1-82, 2:00

2040351044

October 1, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1439/1442

Please have the attached Memo to the Commission distributed to the Commission on a 48 hour tally basis.

Thank you.

Attachment

cc: Callahan

82040351043

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 OCT 1 AIO: 56

October 1, 1982

MEMORANDUM

TO : The Commission
FROM : Charles N. Steele
General Counsel
BY: Kenneth A. Gross
Associate General Counsel *KAG*
SUBJECT: Conciliation - MUR 1439/1442

This matter was generated as a result of the filing of two separate complaints alleging violations of the Federal Election Campaign Act by the Utah State AFL-CIO. ^{1/} On July 13, 1982, the Commission found reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4) for failure to report its communication expenditures expressly advocating the defeat of Senator Orrin Hatch which exceeded \$2,000.

On September 16, 1982, the Commission approved the respondent's request to enter into pre-probable cause conciliation negotiations.

^{1/} On September 28, 1982, the complainant in MUR 1439, William A. Wilson, filed an action against the Commission in the District Court in the District of Columbia pursuant to 2 U.S.C. § 437g(a)(8). An expedited hearing concerning that action is scheduled for October 1, 1982.

12740351045

The Office of General Counsel views the use of language
in the proposed agreement as appropriate representation of the facts and a reasonable
settlement of the matter. The original figure of \$150, this figure was achieved after
negotiations for the language and an original counter
offer of \$150 was rejected by our Office. We believe the attached
agreement which contains an admission of a violation and a
penalty of \$150 is acceptable in that the matter involves a
reporting violation which has been corrected and the Utah State
AFL-CIO understands its reporting obligations under 2 U.S.C.
§ 431(9)(B)(iii) for the future.

Recommendations

1. Approve attached agreement.
2. Send attached notification letters.
3. Close the file.

Attachments

Proposed Agreement (3 pages)
Proposed Notification Letters (3 pages)
(6 total pages attached)

2000031047

2. On January 7 and March 10, 1982, the Respondent mailed copies of a letter, which in part, expressly advocated the defeat of Senator Orrin Hatch to a number of labor organizations affiliated with the AFL-CIO.

3. Respondent failed to disclose its \$4,347.73 in expenditures in connection with dissemination of the subject communication. At the direction of the Commission, Respondent has now filed a report of the expenditures in question with the Commission.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondent shall have no more than thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

Charles N. Steele
General Counsel

Date

BY: _____

Kenneth A. Gross
Associate General Counsel

Date

Utah State AFL-CIO

Respondent's Name

Margaret E. McCormick
BY: Margaret E. McCormick, Esquire

ITS: Counsel

32040354050

3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO Legal Department
Room 804
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

On October , 1982, the Commission accepted the conciliation agreement signed by you in settlement of violations of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. Please note that the civil penalty must be paid within thirty days of the date of this agreement. The check should be made payable to the United States Treasurer.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. Should you have any questions, contact Suzanne Callahan at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William A. Wilson
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

RE: MUR 1439/1442

Dear Mr. Wilson:

This is in reference to the complaint you filed with the Commission on April 30, 1982, concerning the Utah State AFL-CIO.

After conducting an investigation in this matter, the Commission determined that there was reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. On October , 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information. As to the other alleged violations arising out of the complaint, the Commission found no reason to believe that the Act had been violated.

The file number in this matter is MUR 1439/1442. If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

50



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Charles W. Akerlow, Chairman
Utah Republican Party
150 South Sixth East
Suite 213
Salt Lake City, Utah 84102

RE: MUR 1439/1442

Dear Mr. Akerlow:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

This is in reference to the complaint you filed with the Commission on May 13, 1982, concerning the Utah State AFL-CIO.

After conducting an investigation in this matter, the Commission determined that there was reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended. On October , 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information. As to the other alleged violations arising out of the complaint, the Commission found no reason to believe that the Act had been violated.

The file number in this matter is MUR 1439/1442. If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

6

202858

RECEIVED AT THE FEC

Acc# 8534

82 SEP 27 P 2: 02

LAW OFFICES
ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN

1750 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 920-8070

STEPHEN I. SCHLOSSBERG
ABRAHAM L. ZWERDLING
MICHAEL T. LEIBIG
WENDY L. KAHN

MARGARET E. MCCORMICK
SPECIAL COUNSEL

MARYLAND OFFICE:
5807 BALTIMORE AVE.
BETHESDA, MD 20816

VIRGINIA OFFICE:
308 WENLEY COURT
ANNANDALE, VA. 22003

September 22, 1982

Ms. Suzanne Callahan
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1439/1442

Dear Suzanne:

This is to confirm what I told you on the phone last week, viz., that effective September 20, 1982, I will be joining the Legal Department of the AFL-CIO. My new office address there will be: AFL-CIO Legal Department, Room 804, 815 16th Street, N.W., Washington, D.C. 20006. My new telephone number will be 202-637-5397. Please send any future correspondence regarding the above-referenced matter to my new address.

With best regards, I am.

Sincerely,

Margaret E. McCormick

MEM:chw

62040354051

2 SEP 27 P 3: 14

LAW OFFICES

ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN

1750 K STREET, N. W.

WASHINGTON, D. C. 20006

RECEIVED AT THE FEC

82 SEP 27 P 2: 22

Ms. Suzanne Callahan
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

3204035405



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1982

Mr. William A. Wilson
8001 Braddock Road
Suite 500
Springfield, Virginia 22160

Dear Mr. Wilson:

This is in response to your letter of September 16, 1982, in which you request information pertaining to the complaint filed by you with the Commission.

The Federal Election Campaign Act prohibits any person from making public the fact of any notification or investigation by the Commission unless the party being investigated has agreed in writing that the matter be made public. (See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A)). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

As you were informed by letter of May 5, 1982, we will notify you as soon as the Commission determines what action should be taken.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

00740351155

202706
801

RECEIVED AT THE FEC
Acc # 8501

82 SEP 20 P 4: 85

William A. Wilson
8001 Braddock Road
Suite 500
Springfield, Virginia 22160
September 16, 1982

SEP 20 A 10: 47

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Dear Mr. Steele:

On April 29, 1982, I filed a complaint with the Federal Election Commission concerning the improper use of union treasury funds for partisan political purposes by the Utah AFL-CIO.

As of August 27, 1982, the statutory period for the Commission to take action expired.

Please let me know the current status of my complaint as soon as possible.

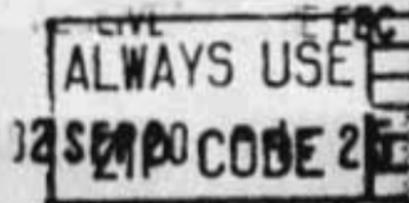
Sincerely,

William A. Wilson
William A. Wilson

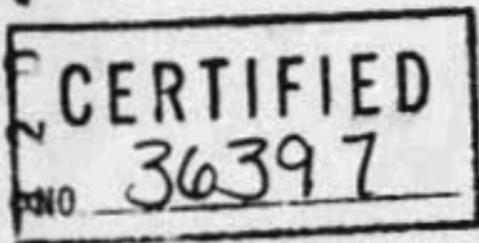
WAW/rah

2040351057

William A. Wilson
8001 Braddock Road
Suite 500
Springfield, VA 22160



Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463



5
5
4
3
2
1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1982

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

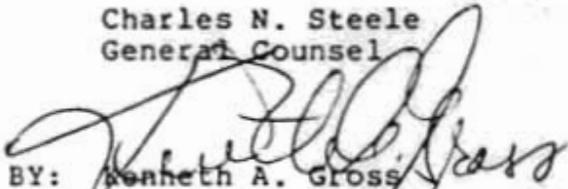
On September 16, 1982, the Commission approved your request to enter into conciliation negotiations prior to a finding of probable cause to believe that violations of 2 U.S.C. § 431(9)(B)9iii) and 11 C.F.R. § 100.8(b)(4) have been committed.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

92747354057



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

On _____, 1982, the Commission approved your request to enter into conciliation negotiations prior to a finding of probable cause to believe that violations of 2 U.S.C. § 431(9)(B)9iii) and 11 C.F.R. § 100.8(b)(4) have been committed.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Smc
7/17

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Utah State AFL-CIO)

MUR 1439/1442

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on September 16, 1982, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1435/1442:

1. Approve conciliation prior to a finding of probable cause to believe.
2. Approve the conciliation agreement attached to the General Counsel's August 31, 1982 report, subject to correction of the third line on the first page of the agreement to show that reason to believe was found, rather than probable cause.

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

Attest:

9-16-82

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary

1
9
1
5
3
0
4
7
2
1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL
FROM: MARJORIE W. ~~EDWARDS~~ JODY RANSOM *JR*
DATE: SEPTEMBER 2, 1982
SUBJECT: OBJECTION - MUR 1439/1442, Memorandum
to the Commission dated August 31, 1982

3
2
7
3
0
3
5
1
0
6
2

The above-named document was circulated to the Commission on August 31, 1982 at 4:00.

Commissioner Aikens submitted an objection at 4:10 on September 1, 1982.

This matter will be placed on the agenda for the Executive Session of September 14, 1982.

August 31, 1982

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1439/1442

Please have the attached Memo to the Commission distributed to the Commission on a 48 hour tally basis.
Thank you.

Attachment

cc: Callahan

12040354163

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

82 AUG 31 P 1: 31

August 31, 1982

MEMORANDUM

TO : The Commission

FROM : Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel *KAG*

SUBJECT: Conciliation - MUR 1439/1442

3274751764

This matter was generated as a result of the filing of two separate complaints alleging violations of the Federal Election Campaign Act by the Utah State AFL-CIO.

On July 13, 1982, the Commission found reason to believe that the respondent violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4) for failure to report communication expenditures exceeding \$2,000. Counsel for the respondent has stated that her client failed to file the report because they felt the communication did not expressly advocate the defeat of a candidate.

This Office disagreed and on August 20, 1982, the respondent was sent the General Counsel's Brief recommending probable cause to believe that the referenced sections of the Act had been violated.

On August 25, 1982, counsel requested conciliation negotiations prior to a finding of probable cause to believe.

Recommendations

1. Approve conciliation prior to a finding of probable cause to believe.
2. Approve the attached agreement.

Attachments

Letter from counsel
Proposed Agreement
Proposed notification letter
(5 pages attached)

82040351063

600-4814

LAW OFFICES
ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN

1730 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 223-6373

AUG 27 11:01

STEPHEN I. SCHLOSSBERG
ABRAHAM L. ZWERDLING
MICHAEL T. LEIBIG
WENDY L. KAHN
MARGARET E. MCCORMICK
SPECIAL COUNSEL

MARYLAND OFFICE
500 BALTIMORE AVE
BETHESDA, MD 20814
VIRGINIA OFFICE
3400 WALTER STREET
ANNANDALE, VA 22003

August 25, 1982

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: FEC MUR 1439/1442
Utah State AFL-CIO,
Respondent

Dear Mr. Steele:

This is to advise you that the Utah State AFL-CIO wishes to explore the possibility of settling the above-referenced matter through informal conciliation at this stage of the Commission's proceedings, prior to any Commission decision on whether or not there is probable cause to believe that a violation has occurred. I would therefore like to meet with you and Suzanne Callahan to discuss this matter as soon as possible. Please let me know when such a meeting can be arranged.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Attorney for Respondent
Utah State AFL-CIO

PEM/bj

82040354065

1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

On _____, 1982, the Commission approved your request to enter into conciliation negotiations prior to a finding of probable cause to believe that violations of 2 U.S.C. § 431(9)(B)9iii) and 11 C.F.R. § 100.8(b)(4) have been committed.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

25

GC# 846

RECEIVED
CENTRAL
AUG 27 11:01

LAW OFFICES
ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN

1780 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 220-6070

STEPHEN I. SCHLOSSBERG
ABRAHAM L. ZWERDLING
MICHAEL T. LEIBIG
WENDY L. KAHN

MARGARET E. MCCORMICK
SPECIAL COUNSEL

MARYLAND OFFICE:
2807 BALTIMORE AVE.
BETHESDA, MD. 20816

VIRGINIA OFFICE:
306 WELBY COURT
ANNANDALE, VA. 22003

August 25, 1982

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: FEC MUR 1439/1442
Utah State AFL-CIO,
Respondent

Dear Mr. Steele:

This is to advise you that the Utah State AFL-CIO wishes to explore the possibility of settling the above-referenced matter through informal conciliation at this stage of the Commission's proceedings, prior to any Commission decision on whether or not there is probable cause to believe that a violation has occurred. I would therefore like to meet with you and Suzanne Callahan to discuss this matter as soon as possible. Please let me know when such a meeting can be arranged.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Attorney for Respondent
Utah State AFL-CIO

PEM/bj

82040371359

August 20, 1982

MEMORANDUM TO: Marjorie Emmons
FROM: Steven Barndollar
SUBJECT: MUR 1439/1342

Please have the attached Memo and Brief distributed to the Commission on an informational basis. Thank you.

Attachment

62340631067



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 20, 1982

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

Based on complaints filed with the Commission on April 30 and May 13, 1982, and information supplied by you, the Commission determined on July 13, 1982, that there was reason to believe that your client had violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible). The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

02740351070

Letter to Margaret E. McCormick, Esquire
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Suzanne Callahan at (202) 523-4529.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

32040354071



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 AUG 20 P12: 27

August 20, 1982

MEMORANDUM

TO : The Commission

FROM : Charles N. Steele
General Counsel *CNS*

SUBJECT: MUR 1439/1442

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the Respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on August 20, 1982. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

22040354172

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Utah State AFL-CIO) MUR 1439/1442

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

This matter was generated as a result of the filing of two separate complaints alleging violations of the Federal Election Campaign Act (FECA) by the Utah State AFL-CIO. The allegations were based on a newspaper article which appeared in the Kenosha Labor in Wisconsin.

II. Legal Analysis

On July 13, 1982, the Commission voted to find no reason to believe on all allegations contained in the complaints. However, on that same date, the Commission found reason to believe that the Utah State AFL-CIO had violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4).

The finding is based on the Commission's position that the article at issue here is a partisan communication which expressly advocates the defeat of Senator Orrin Hatch. (Copy attached).

Commission regulations at § 100.17 define "clearly identified" as meaning

that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

There is no question here that Senator Hatch is a clearly identified candidate in the subject letter in which his name is referred to twenty times.

Express Advocacy is defined in 11 C.F.R. § 109.1(b)(2) as

any communication containing a message advocating election or defeat, including but not limited to the name of the candidate, or expressions such as "vote for", "elect", "support", "cast your ballot for", and "Smith for Congress", or "vote against", "defeat", or "reject".

1 2 3 4 5 6 7 8
We believe the letter here advocates the defeat of Senator Hatch citing his negative actions with respect to the union movement throughout and urging his defeat by stating: "Please help us to help you and the rest of the labor movement by defeating Orrin Hatch."

As set forth in 2 U.S.C. § 431(9)(B)(iii) (11 C.F.R. § 100.8(b)(4)), labor unions are required to report the cost of communications which expressly advocate the election or defeat of a clearly identified candidate if the costs exceed \$2,000 per election.

Counsel's response to our reason to believe notification states that the Utah State AFL-CIO did not file the required report even though its costs for the letter exceeded \$2,000 because it did not consider the letter to be a partisan communication expressly advocating defeat of a clearly identified candidate.

Counsel further states that her client has now filed the FEC Form 7 required under 2 U.S.C. § 431(9)(B)(iii) in order to bring

2

this matter to a close and does not thereby admit a statutory obligation to do so.

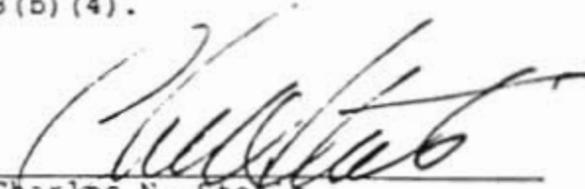
The Office of General Counsel believes that the subject communication meets the criteria set forth in the Act and regulations requiring disclosure under 2 U.S.C. § 431(9)(B)(iii). While the respondent has achieved voluntary compliance by filing the subject report (attached), respondent's failure to file such a report in a timely fashion places it in violation of the referenced provision and warrants further action by the Commission.

III. Recommendations

It is recommended that the Commission:

1. Find probable cause to believe the Utah State AFL-CIO violated 2 U.S.C. § 431(9)(B)(iii).
2. Find probable cause to believe the Utah State AFL-CIO violated 11 C.F.R. § 100.8(b)(4).

20 August 1982
Date


Charles N. Steele
General Counsel

Attachment
AFL-CIO Letter
FEC Form 7

3



C. E. BERGER, President Emeritus

EDDIE P. MAYNE, President
Secretary-Treasurer

CLIFFORD GREEN, President
A. W. SANDACK, U. Counsel

EXECUTIVE COUNCIL

DISTRICT No. 1
 THOMAS L. LEWIS LEE B. LINFORD
 ERBEY BATTERFIELD STEVE BOOTH
 DONNIE MESKE

DISTRICT No. 2
 WAYNE LABBITER KENNETH ROBINSON
 PAT BRINKERHOFF F. WARREN NUESMEYER
 MAXINE HUGHES

DISTRICT No. 3
 TED COMER JOSEPH R. LAMOREAUX
 DONALD R. STRATE MIKE ROGERS
 STEVE HAMMOND

BEVERLY SAATHOFF, VIP Director
 Ex Officio Member

UTAH STATE AFL-CIO



2261 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1731 • TELEPHONE 972-2771

Senator Orrin Hatch has declared war on the entire labor movement, but only the Utah State AFL-CIO is sent to fight the battles.

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board—succeeding once—because they were “pro-labor.” Now, he’s supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation’s labor agenda:

- Repeal of Davis-Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren’t very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

Hatch’s campaign manager and closest political ally, State Rep. Mac Haddow, is using the Utah Legislature as a laboratory to test Hatch’s new schemes to harm the labor movement. They are trying to take over the Republican Party and to drive the Democrats into oblivion. Our “little Davis-Bacon” law was repealed as Republican legislators cowed to the bully boy tactics of Hatch and Haddow and overrode the Governor’s veto.

Then, they got greedy. Haddow introduced a bill drafted by an attorney for the Daniels Corp., a huge open shop contractor from South Carolina, that would have effectively barred any union contractor from working on power projects. They rammed the bill through the House, and on the next day Haddow—as Hatch’s chief fund-raiser—called South Carolina to arrange for \$14,000 in contributions to Hatch’s campaign from Daniels’ executives or related companies.

We were able to get most of the teeth out of Haddow’s bill in the Senate, so they shifted tactics in an effort to get Daniels the contract for the multi-billion dollar Intermountain Power Project. Haddow got a Daniels’ lawyer to funnel \$4,000 to pay for a hospitality suite for key Republican legislators, plus arranging a golfing vacation for his pals on Daniels’ jet. You won’t be surprised to learn that the legislators subsequently signed a letter pressuring Utah Power and Light to select Daniels

Haddow also launched an advertising campaign that slandered union construction workers as inefficient, less productive and over paid. It later came out that Daniels put up \$25,000 for this campaign.

Hatch and Haddow have a dream and a plan. Their dream is Orrin Hatch as President and their plan is for Mac Haddow to get rich promoting Hatch’s candidacy through his direct mail company. For the labor movement, that dream is a nightmare.

02040351075

4

We can prevent that dream, but we'll need your help.

The polls show Orrin Hatch is vulnerable. His arrogant, abrasive, cold style and far right politics have left him with a large negative rating. Hatch figures he can overcome these handicaps by campaign spending, and he's *already* raised more than \$1 million. (In fact, he raised half of it at a Washington reception where he told non-union contractors that he needed the money because George Meany had targetted \$4 million to beat him. Which shows you that Orrin Hatch is also a contemptible liar!)

It is obvious that Senator Hatch is going to run against the labor movement in the hopes of diverting public attention from his weaknesses. Therefore, the Utah State AFL-CIO must undertake an "image" campaign to improve public understanding of who we are and what we do.

If Hatch is able to make labor the only issue in the campaign, he'll win. If we take that issue away from him and force him to run on his record, he'll lose.

Right now we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions. We will use the results to begin planning our media campaign and to upgrade our COPE program by using the direct mail tactics of the New Right to defeat their darling, Orrin Hatch.

That is why I am writing you.

The Utah labor movement has never liked fund-raising appeals and so we've never asked you for help. But the task that faces us in 1982 is so great and so important to the entire labor movement that we are asking your local to help fund this effort. Since no funds will be given to candidates, we can accept treasury money.

Please help us to help you and the rest of the labor movement by defeating Orrin Hatch. No amount is too small—nor too large. Please send your check to:

Utah State AFL-CIO Education Fund
2261 S. Redwood Rd.
Salt Lake City, Utah 84119

Thank you for your support.

Sincerely and fraternally,



Eddie P. Mayne
President-Secretary-Treasurer

P.S. If this letter could be favorably circulated to other local unions in your area, we would be most appreciative. As our way of saying thanks for your contribution, I will send you a complete report on what we did and how we did it so that others can learn from our experience.

82040354077

5

**REPORT OF COMMUNICATION COSTS
BY CORPORATIONS AND MEMBERSHIP ORGANIZATIONS**

(See reverse side for instructions.)

1. (a) NAME OF ORGANIZATION <p align="center">Utah State AFL-CIO</p>	2. IDENTIFICATION NUMBER (Assigned by FEC) <p align="center">_____</p>
(b) ADDRESS (Number and Street) <p align="center">2261 South Redwood Road</p>	3. TYPE OF ORGANIZATION (Check Appropriate Box) <input type="checkbox"/> Corporation <input type="checkbox"/> Trade Association <input checked="" type="checkbox"/> Labor Organization <input type="checkbox"/> Cooperative <input type="checkbox"/> Membership Organization <input type="checkbox"/> Corporation without capital stock
(c) CITY, STATE AND ZIP CODE <p align="center">Salt Lake City, Utah 84119-1381</p>	

4. TYPE OF REPORT (Check One):

(a) April 15 Quarterly Report July 15 Quarterly Report October 15 Quarterly Report

12 Day Pre-General Election Report held on _____ in the State of _____ (date)

January 31 Year End Report

(b) Is this Report an Amendment? YES NO

5. THIS REPORT COVERS THE PERIOD 1/1/82 THROUGH 7/26/82

SUMMARY OF COMMUNICATION COSTS

Type of Communication	Class or Category Communicated With	Date(s) of Communication	Check One		Identify Candidate, Office Sought, District and State, and Whether for Primary or General Election	Cost of Communication (Per Candidate)
			Support	Oppose		
<input checked="" type="checkbox"/> Direct Mail	<input type="checkbox"/> Executive/Administrative Personnel	1/7/82		<input checked="" type="checkbox"/>	Senator Orrin G. Hatch, U.S. Senate, Utah, general election	\$4,347.73
<input type="checkbox"/> Telephone	<input type="checkbox"/> Stockholders	&				
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Members	3/10/82				
<input type="checkbox"/> _____ (Specify)						
<input type="checkbox"/> Direct Mail	<input type="checkbox"/> Executive/Administrative Personnel					
<input type="checkbox"/> Telephone	<input type="checkbox"/> Stockholders					
<input type="checkbox"/> Other:	<input type="checkbox"/> Members					
<input type="checkbox"/> _____ (Specify)						

(NOTE: For additional communications, attach separate sheets containing the same information as above.)

TOTAL COMMUNICATION COSTS FOR THIS PERIOD \$ 4,347.73

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

Eddie P. Mayne
Type or Print Name

Eddie P. Mayne
Signature and Title of Person Designated to Sign This Report

7/26/82
Date

(NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to penalties of 2 U.S.C. 437g)

WHERE TO FILE:
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FOR FURTHER INFORMATION CONTACT:
Federal Election Commission
Toll Free: 800-424-9530
Local: 202-527-4068



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1982

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

Based on complaints filed with the Commission on April 30 and May 13, 1982, and information supplied by you, the Commission determined on July 13, 1982, that there was reason to believe that your client had violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible). The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

7

Letter to Margaret E. McCormick, Esquire
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Suzanne Callahan at (202) 523-4529.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

82040354080

8



FEDERAL ELECTION COMMISSION
 WASHINGTON D.C. 20463



OGC
 Docket
 #1

SENSITIVE

MEMORANDUM TO: THE COMMISSION
 FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
 DATE: AUGUST 23, 1982
 SUBJECT: MUR 1439/1442 Memorandum to the Commission
 and General Counsel's Brief dated August 20,
 1982

The attached documents are circulated for your
 information.

32040351091

ATTACHMENTS:
 1) Memo; 2) Brief; 3) Letter

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Utah State AFL-CIO) MUR 1439/1442

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

This matter was generated as a result of the filing of two separate complaints alleging violations of the Federal Election Campaign Act (FECA) by the Utah State AFL-CIO. The allegations were based on a newspaper article which appeared in the Kenosha Labor in Wisconsin.

II. Legal Analysis

On July 13, 1982, the Commission voted to find no reason to believe on all allegations contained in the complaints. However, on that same date, the Commission found reason to believe that the Utah State AFL-CIO had violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4).

The finding is based on the Commission's position that the article at issue here is a partisan communication which expressly advocates the defeat of Senator Orrin Hatch. (Copy attached).

Commission regulations at § 100.17 define "clearly identified" as meaning

that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

There is no question here that Senator Hatch is a clearly identified candidate in the subject letter in which his name is referred to twenty times.

Express Advocacy is defined in 11 C.F.R. § 109.1(b) (2) as

any communication containing a message advocating election or defeat, including but not limited to the name of the candidate, or expressions such as "vote for", "elect", "support", "cast your ballot for", and "Smith for Congress", or "vote against", "defeat", or "reject".

We believe the letter here advocates the defeat of Senator Hatch citing his negative actions with respect to the union movement throughout and urging his defeat by stating: "Please help us to help you and the rest of the labor movement by defeating Orrin Hatch."

As set forth in 2 U.S.C. § 431(9) (B) (iii) (11 C.F.R. § 100.8(b) (4)), labor unions are required to report the cost of communications which expressly advocate the election or defeat of a clearly identified candidate if the costs exceed \$2,000 per election.

Counsel's response to our reason to believe notification states that the Utah State AFL-CIO did not file the required report even though its costs for the letter exceeded \$2,000 because it did not consider the letter to be a partisan communication expressly advocating defeat of a clearly identified candidate.

Counsel further states that her client has now filed the FEC Form 7 required under 2 U.S.C. § 431(9) (B) (iii) in order to bring

2

92040351083



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 AUG 20 #12: 27

August 20, 1982

MEMORANDUM

TO : The Commission

FROM : Charles N. Steele
General Counsel

SUBJECT: MUR 1439/1442

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the Respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on August 20, 1982. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

8204035418

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY



this matter to a close and does not thereby admit a statutory obligation to do so.

The Office of General Counsel believes that the subject communication meets the criteria set forth in the Act and regulations requiring disclosure under 2 U.S.C. § 431(9)(B)(iii). While the respondent has achieved voluntary compliance by filing the subject report (attached), respondent's failure to file such a report in a timely fashion places it in violation of the referenced provision and warrants further action by the Commission.

III. Recommendations

It is recommended that the Commission:

1. Find probable cause to believe the Utah State AFL-CIO violated 2 U.S.C. § 431(9)(B)(iii).
2. Find probable cause to believe the Utah State AFL-CIO violated 11 C.F.R. § 100.8(b)(4).

20 August 1982
Date

Charles N. Steele
General Counsel

Attachment
AFL-CIO Letter
FEC Form 7

32040351083



C. E. BERGER, President Emeritus

EDDIE P. MAYNE, President
Secretary-Treasurer

CLIFFORD GREEN, Vice President
A. W. SANDACK, Legal

EXECUTIVE COUNCIL

DISTRICT No. 1
 THOMAS L. LEWIS LEE S. LINFORD
 ERBY BATTERFIELD STEVE BOOTH
 DONNIE MERKE

DISTRICT No. 2
 WAYNE LABBITER KENNETH ROBINSON
 PAT BRINKERHOFF F. WARREN HUESMEYER
 MAXINE HUGHES

DISTRICT No. 3
 TED COMER JOSEPH R. LAMOREAUX
 DONALD R. STRATE MIKE ROGERS
 STEVE HAMMOND

BEVERLY SAATHOFF, VP Director
 Ex Officio Member

UTAH STATE AFL-CIO

2281 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1181 • TELEPHONE 872-2771

Senator Orrin Hatch has declared war on the entire labor movement, but only the Utah State AFL-CIO is sent to fight the battles.

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board—succeeding once—because they were "pro-labor." Now, he's supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation's labor agenda:

- Repeal of Davis-Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren't very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

Hatch's campaign manager and closest political ally, State Rep. Mac Haddow, is using the Utah Legislature as a laboratory to test Hatch's new schemes to harm the labor movement. They are trying to take over the Republican Party and to drive the Democrats into oblivion. Our "little Davis-Bacon" law was repealed as Republican legislators cowed to the bully boy tactics of Hatch and Haddow and overrode the Governor's veto.

Then, they got greedy. Haddow introduced a bill drafted by an attorney for the Daniels Corp., a huge open shop contractor from South Carolina, that would have effectively barred any union contractor from working on power projects. They rammed the bill through the House, and on the next day Haddow—as Hatch's chief fund-raiser—called South Carolina to arrange for \$14,000 in contributions to Hatch's campaign from Daniels' executives or related companies.

We were able to get most of the teeth out of Haddow's bill in the Senate, so they shifted tactics in an effort to get Daniels the contract for the multi-billion dollar Intermountain Power Project. Haddow got a Daniels' lawyer to funnel \$4,000 to pay for a hospitality suite for key Republican legislators, plus arranging a golfing vacation for his pals on Daniels' jet. You won't be surprised to learn that the legislators subsequently signed a letter pressuring Utah Power and Light to select Daniels.

Haddow also launched an advertising campaign that slandered union construction workers as inefficient, less productive and over paid. It later came out that Daniels put up \$25,000 for this campaign.

Hatch and Haddow have a dream and a plan. Their dream is Orrin Hatch as President and their plan is for Mac Haddow to get rich promoting Hatch's candidacy through his direct mail company. For the labor movement, that dream is a nightmare.

4

We can prevent that dream, but we'll need your help.

The polls show Orrin Hatch is vulnerable. His arrogant, abrasive, cold style and far right politics have left him with a large negative rating. Hatch figures he can overcome these handicaps by campaign spending, and he's *already* raised more than \$1 million. (In fact, he raised half of it at a Washington reception where he told non-union contractors that he needed the money because George Meany had targetted \$4 million to beat him. Which shows you that Orrin Hatch is also a contemptible liar!)

It is obvious that Senator Hatch is going to run against the labor movement in the hopes of diverting public attention from his weaknesses. Therefore, the Utah State AFL-CIO must undertake an "Image" campaign to improve public understanding of who we are and what we do.

If Hatch is able to make labor the only issue in the campaign, he'll win. If we take that issue away from him and force him to run on his record, he'll lose.

Right now we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions. We will use the results to begin planning our media campaign and to upgrade our COPE program by using the direct mail tactics of the New Right to defeat their darling, Orrin Hatch.

That is why I am writing you.

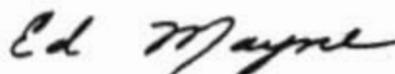
The Utah labor movement has never liked fund-raising appeals and so we've never asked you for help. But the task that faces us in 1982 is so great and so important to the entire labor movement that we are asking your local to help fund this effort. Since no funds will be given to candidates, we can accept treasury money.

Please help us to help you and the rest of the labor movement by defeating Orrin Hatch. No amount is too small—nor too large. Please send your check to:

Utah State AFL-CIO Education Fund
2251 S. Redwood Rd.
Salt Lake City, Utah 84119

Thank you for your support.

Sincerely and fraternally,



Eddie P. Mayne
President-Secretary-Treasurer

P.S. If this letter could be favorably circulated to other local unions in your area, we would be most appreciative. As our way of saying thanks for your contribution, I will send you a complete report on what we did and how we did it so that others can learn from our experience.

57

**REPORT OF COMMUNICATION COSTS
BY CORPORATIONS AND MEMBERSHIP ORGANIZATIONS**

(See reverse side for instructions.)

1. (a) NAME OF ORGANIZATION Utah State AFL-CIO	2. IDENTIFICATION NUMBER (Assigned by FEC)
(b) ADDRESS (Number and Street) 2261 South Redwood Road	3. TYPE OF ORGANIZATION (Check Appropriate Box) <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Labor Organization <input type="checkbox"/> Membership Organization <input type="checkbox"/> Trade Association <input type="checkbox"/> Cooperative <input type="checkbox"/> Corporation without capital stock
(c) CITY, STATE AND ZIP CODE Salt Lake City, Utah 84119-1381	

4. TYPE OF REPORT (Check One):

(a) April 15 Quarterly Report July 15 Quarterly Report October 15 Quarterly Report

12 Day Pre-General Election Report held on _____ in the State of _____ (date)

January 31 Year End Report

(b) Is this Report an Amendment? YES NO

5. THIS REPORT COVERS THE PERIOD 1/1/82 THROUGH 7/26/82

SUMMARY OF COMMUNICATION COSTS

Type of Communication	Class or Category Communicated With	Date(s) of Communication	Check One		Identify Candidates, Office Sought, District and State, and Whether for Primary or General Election	Cost of Communication (Per Candidate)
			Support	Oppose		
<input checked="" type="checkbox"/> Direct Mail	<input type="checkbox"/> Executive/Administrative Personnel	1/7/82		<input checked="" type="checkbox"/>	Senator Orrin G. Hatch, U.S. Senate, Utah, general election	\$4,347.73
<input type="checkbox"/> Telephone	<input type="checkbox"/> Stockholders	6				
<input type="checkbox"/> Telegram	<input checked="" type="checkbox"/> Members	3/10/82				
<input type="checkbox"/> Other:						
(Specify)						
<input type="checkbox"/> Direct Mail	<input type="checkbox"/> Executive/Administrative Personnel					
<input type="checkbox"/> Telephone	<input type="checkbox"/> Stockholders					
<input type="checkbox"/> Telegram	<input type="checkbox"/> Members					
<input type="checkbox"/> Other:						
(Specify)						

JUL 26 4:48 PM '82

(NOTE: For additional communications, attach separate sheets containing the same information as above.)

TOTAL COMMUNICATION COSTS FOR THIS PERIOD \$ 4,347.73

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

Eddie P. Mayne Eddie P. Mayne 7/26/82
 Type or Print Name Signature and Title of Person Designated to Sign This Report Date

(NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to penalties of 2 U.S.C. 437g.)

WHERE TO FILE: Federal Election Commission 1225 K Street, N.W. Washington, D.C. 20463	FOR FURTHER INFORMATION CONTACT: Federal Election Commission Toll Free: 800-424-9530 Local: 202-523-4068
---	--

6



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 20, 1982

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1439/1442

Dear Ms. McCormick:

Based on complaints filed with the Commission on April 30 and May 13, 1982, and information supplied by you, the Commission determined on July 13, 1982, that there was reason to believe that your client had violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible). The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

7

Letter to Margaret E. McCormick, Esquire
Page 2



A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Suzanne Callahan at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

3 2 0 4 0 3 5 1 0 9 0

8

LAW OFFICES

ZWERDLINO, SCHLOSSBERG, LEIBIG & KAHN

1700 K STREET, N. W.

WASHINGTON, D. C. 20006

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

3 2 0 4 0 3 5 4 9 1

600#8172

LAW OFFICES
ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN
1730 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 293-6070

STEPHEN I. SCHLOSSBERG
ABRAHAM L. ZWERDLING
MICHAEL T. LEIBIG
WENDY L. KAHN
MARGARET E. MCCORMICK
SPECIAL COUNSEL

MARYLAND OFFICE:
5807 BALTIMORE AVE.
BETHESDA, MD. 20816
VIRGINIA OFFICE:
305 WELBY COURT
ANNANDALE, VA. 22003

July 26, 1982

The Honorable Frank P. Reiche
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 29643

RE: FEC MUR 1439/1442
Utah State AFL-CIO, Respondent

JUL 26 P 4 35

Dear Chairman Reiche:

This letter constitutes the response of the Utah State AFL-CIO to the Commission's Notice, dated July 15, 1982. The Commission therein determined that there is reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §431(9)(B)(iii) by failing to report, in accordance with 2 U.S.C. §434(a)(4)(A)(i), the costs of its January 7/March 10, 1982 letter to numerous labor organizations affiliated with the AFL-CIO.

For the reasons stated below, the Utah State AFL-CIO respectfully requests that the Commission take no further action in connection with the matter described above and that the above-referenced MURs be closed:

- 1) Prior to its receipt of the Commission's July 15, 1982 letter, the Utah State AFL-CIO believed that its January 7/March 10 letter to other labor organizations affiliated with the AFL-CIO constituted a "communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate" and hence, that the direct costs of that communication (which exceeded two thousand dollars) were not required to be reported under 2 U.S.C. §431(9)(B)(iii).
- 2) In the interest of bringing the above-mentioned matter to a close without further delay, and without conceding that it is under any statutory obligation to do so, the Utah State AFL-CIO has determined to file the attached Report of Communication Costs relating to its January 7/March 10, 1982 letter with the Commission.

Page Two
July 26, 1982

I trust that the Utah State AFL-CIO's compliance with the requirements of 2 U.S.C. §431(9)(B)(iii) will provide a suitable basis for closing the above-referenced matters under review (MURs).

Respectfully submitted,

Margaret E. McCormick

Margaret E. McCormick
Attorney for Respondent
Utah State AFL-CIO

MEM/bj

Attachment

2740-54193

REPORT OF COMMUNICATION COSTS BY CORPORATIONS AND MEMBERSHIP ORGANIZATIONS

(See reverse side for instructions.)

1. (a) NAME OF ORGANIZATION Utah State AFL-CIO	2. IDENTIFICATION NUMBER (Assigned by FEC) _____
(b) ADDRESS (Number and Street) 2261 South Redwood Road	3. TYPE OF ORGANIZATION (Check Appropriate Box) <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Labor Organization <input type="checkbox"/> Membership Organization <input type="checkbox"/> Trade Association <input type="checkbox"/> Cooperative <input type="checkbox"/> Corporation without capital stock
(c) CITY, STATE AND ZIP CODE Salt Lake City, Utah 84119-1381	
4. TYPE OF REPORT (Check One): (a) <input checked="" type="checkbox"/> April 15 Quarterly Report <input checked="" type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report <input type="checkbox"/> 12 Day Pre-General Election Report held on _____ in the State of _____ (date) <input type="checkbox"/> January 31 Year End Report (b) Is this Report an Amendment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

5. THIS REPORT COVERS THE PERIOD 1/1/82 **THROUGH** 7/26/82

SUMMARY OF COMMUNICATION COSTS

Type of Communication	Class or Category Communicated With	Date(s) of Communication	Check One		Identify Candidate, Office Sought, District and State, and Whether for Primary or General Election	Cost of Communication (Per Candidate)
			Support	Oppose		
<input checked="" type="checkbox"/> Direct Mail <input type="checkbox"/> Telephone <input type="checkbox"/> Telegram <input type="checkbox"/> Other: (Specify)	<input type="checkbox"/> Executive/Administrative Personnel <input type="checkbox"/> Stockholders <input checked="" type="checkbox"/> Members	1/7/82 & 3/10/82		X	Senator Orrin G. Hatch, U.S. Senate, Utah, general election	\$4,347.73
<input type="checkbox"/> Direct Mail <input type="checkbox"/> Telephone <input type="checkbox"/> Telegram <input type="checkbox"/> Other: (Specify)	<input type="checkbox"/> Executive/Administrative Personnel <input type="checkbox"/> Stockholders <input type="checkbox"/> Members					

(NOTE: For additional communications, attach separate sheets containing the same information as above.)

TOTAL COMMUNICATION COSTS FOR THIS PERIOD \$ 4,347.73

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

Eddie P. Mayne
Type or Print Name

Eddie P. Mayne
Signature and Title of Person Designated to Sign This Report

7/26/82
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to penalties of 2 U.S.C. 437g.

WHERE TO FILE:
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FOR FURTHER INFORMATION CONTACT:
Federal Election Commission
Toll Free: 800-424-9530
Local: 202-523-4068

1604540100

84:48

LAW OFFICES

204035409
SWERDLING, SCHLOSSBERG, LEIBIG & KAHN

1700 K STREET, N. W.

WASHINGTON, D. C. 20006
▼

The Honorable Frank P. Reiche
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20643

ATTN: SUZANNE CALLAHAN



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1982

Margaret E. McCormick, Esquire
Zwerdling, Schlossberg, Leibig
and Kahn
1730 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1442

Dear Ms. McCormick:

1 2 7 1 0 5 5 1 0 9 5
The Federal Election Commission notified you on May 5 and May 17, 1982, of complaints alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 13, 1982, determined that there is reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. § 431(9)(B)(iii) (11 C.F.R. § 100.8(b)(4)), a provision of the Act. Specifically, it appears that the cost of printing and mailing the letter which is the subject of this MUR may have exceeded \$2,000. Because the communication is partisan in nature, it is reportable if the costs exceed \$2,000.

On that same date, the Commission found no reason to believe that:

1. the Utah State AFL-CIO has violated 2 U.S.C. § 433.
2. the Utah State AFL-CIO has violated 2 U.S.C. § 434.
3. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(a).
4. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b)(2)(c).
5. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b)(3)(A).

6. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b)(4)(A)(ii).
7. the Utah State AFL-CIO has violated 2 U.S.C. § 441d(a).

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

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 have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4057.

Sincerely,

Frank P. Reiche

Frank P. Reiche
Chairman for the
Federal Election Commission

82040354097

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Eddie P. Mayne, President-)
Secretary-Treasurer Utah) MUR 1439/1442
State AFL-CIO)
Utah State AFL-CIO)
Utah State AFL-CIO Education)
Fund)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on July 13, 1982, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1439/1442:

1. Find reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §431(9)(B)(iii) and 11 C.F.R. §100.8(b)(4).
2. Find no reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §433.
3. Find no reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §434.
4. Find no reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §441b(a).
5. Find no reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §441b(b)(2)(c).
6. Find no reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §441b(b)(3)(A).
7. Find no reason to believe that the Utah State AFL-CIO has violated 2 U.S.C. §441b(b)(4)(A)(ii).

(Continued)

12740354793

8. Find no reason to believe the Utah State AFL-CIO has violated 2 U.S.C. §441d(a).

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

Attest:

7-14-82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

32747351197



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, ^{me}GENERAL COUNSEL
FROM: MARJORIE W. EMMONS, JODY RANSOM *JR*
DATE: JULY 8, 1982
SUBJECT: OBJECTION - MUR 1439/1442 First General
Counsel's Report dated 7-7-82

3 2 7 4 9 3 5 4 1 0 7

The above-named document was circulated to the Commission on July 7, 1982 at 4:00.

Commissioner Elliott submitted an objection at 12:02, July 8, 1982.

This matter will be placed on the agenda for the Executive Session of Tuesday, July 13, 1982.



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 JUL 8 12:02

Date & Time Transmitted: WEDNESDAY, 7-7-82, 4:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY FRIDAY, JULY 9, 1982, 4:00

SUBJECT: MUR 1439/1442 First General Counsel's Report dated July 7, 1982

1015101

() I approve the recommendation in the attached report.

(X) I object to the recommendation.

COMMENTS: _____

Date: 7-8-82 Signature: Lee Ann Elliott

ALL BALLOTS MUST BE SIGNED AND DATED. PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY. PLEASE RETURN THE BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

July 7, 1982

MEMORANDUM TO: Marjorie Emmons
FROM: Steven Barndollar
SUBJECT: MUR 1439/41

Please have the attached First General Counsel's Report distributed to the Commission on a 48 hour ~~daily~~ basis.

Attachment

3274053100

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

82 JUL 7 A 9: 59

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 7-7-82

MUR NO. 1439/1442
DATE COMPLAINT RECEIVED BY
OGC 5/14/82
DATE OF NOTIFICATION TO
RESPONDENT 5/17/82
STAFF MEMBER Callahan

COMPLAINANT'S NAME:

Charles W. Akerlow, Chariman
Republican Party of Utah
William A. Wilson

RESPONDENT'S NAME:

Eddie P. Mayne, President-Secretary-
Treasurer
Utah State AFL-CIO
Utah State AFL-CIO Education Fund

RELEVANT STATUTES:

2 U.S.C. §§ 433, 434, 441b, 441d

INTERNAL REPORTS CHECKED:

Communication Filing of Form 7

FEDERAL AGENCIES CHECKED:

None

SUMMARY OF ALLEGATIONS

This matter was generated as a result of the filing of two separate complaints alleging violations of the Federal Election Campaign Act (FECA) by the Utah State AFL-CIO. The allegations are based on a newspaper article which appeared in the Kenosha Labor in Wisconsin.

The two complainants allege many of the same violations; therefore, they have been combined in this MUR and are jointly addressed by Respondent's counsel.

Specifically, Charles W. Akerlow, Chairman of the Republican Party of Utah, alleges that the Utah State AFL-CIO Education Fund has:

10354105

- (1) used and solicited treasury funds to defeat Senator Hatch in violation of 2 U.S.C. § 441b;
- (2) solicited funds outside the Education Fund's membership in violation of 2 U.S.C. § 441b(a), (b) (2), (3), and (4) (A) (ii);
- (3) failed to register and report as a political committee in violation of 2 U.S.C. §§ 433 and 434; and
- (4) failed to place a disclaimer on its communication in violation of 2 U.S.C. § 441d.

William A. Wilson alleges that the Utah State AFL-CIO, its President and its Education Fund have:

- (1) solicited political contributions from persons who are not members in violation of § 441b(b) (4) (A) (ii);
- (2) encouraged recipient union councils to contribute treasury funds to this political drive in violation of § 441b(a) and § 441b(b) (3) (A);
- (3) possibly used treasury funds for (a) preparing and disseminating the subject letter; or (b) for conducting a major opinion survey in violation of § 441b(a) and § 441b(a) (3) (A);
- (4) failed to identify who paid for the letter in violation of § 441d(a);
- (5) knowingly accepted unlawful political contributions in violation of § 441b(a); and
- (6) may be depositing contributions in a fund other than a separate segregated fund in violation of § 441b(b) (2) (c).

FACTUAL AND LEGAL ANALYSIS

Margaret McCormick, counsel for the respondent, filed a response on June 4, 1982. Counsel submitted an affidavit of Eddie Mayne, President of the Utah State AFL-CIO as well as the entire text of the subject letter along with her legal position on this matter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

According to the evidence submitted, the Utah State AFL-CIO conducted a mailing to its members; the letter is both a partisan communication and a solicitation paid for by treasury funds. The letter urges the defeat of Senator Orrin Hatch and solicits funds for use in the Union's voter education program. Evidently, the article which appeared in the Kenosha Labor, and which is the basis for the allegations in this MUR, reprinted a partial text of the letter mailed by the respondent.

As set forth in 2 U.S.C. § 431(9)(B)(i):

the term expenditure does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate.

The Kenosha Labor is a weekly publication with approximately 21,000 subscribers consisting of individuals belonging to various unions throughout Wisconsin as well as some out of state subscribers.

It is the view of this Office that the Kenosha Labor should not be made a respondent in this MUR as the newspaper is entitled to publish such an article under the above stated exemption under § 431(9)(B)(i).

All the allegations contained in the two complaints rest on whether this partisan communication and solicitation of funds was distributed to persons other than members of the Utah State AFL-CIO.

The affidavit submitted by Eddie Mayne, President of the Union, states that the subject letter was mailed solely to labor organizations affiliated with the AFL-CIO.

The Commission's regulations at § 114.1(e) defines "members" as

all persons who are currently satisfying the requirements for membership in a membership organization, trade association, cooperative, or corporation without capital stock and in the case of a labor organization, persons who are currently satisfying the requirements for membership in a local, national, or international labor organization. Members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national or international union is affiliated. ... (emphasis added)

There is no evidence to indicate that this communication was distributed outside its class. If the Commission proceeds on the premise that the subject communication is exempt from the definition of contribution and expenditure under § 441b(b)(2)(A), then it follows that:

- (a) respondent did not violate § 441b(a) or § 441b(b)(2)(A) which exempts from the prohibitions the cost of communications from a labor organization to its members on any subject;
- (b) respondent did not violate § 441d because internal communications such as this, which is not distributed to the general public, are exempt from such requirements (AO 1980-71);
- (c) respondent did not violate § 441b by accepting and depositing treasury monies in its education fund;

0 1 5 4 1 0 3

- (d) respondent did not violate § 441b by making an expenditure for an opinion survey because such a survey was never conducted;
- (e) respondent did not violate §§ 433 or 434 by failing to register and report because they do not meet the criteria which establishes political committee status.

However, with the information at hand, it appears that a violation of 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4) may have been committed in that expenditures for partisan communications which expressly advocate the election or defeat of a clearly identified candidate must be reported to the Commission (on FEC Form 7) if such costs exceed \$2,000 per election. We therefore recommend that the Commission find reason to believe such a violation has been committed and give the respondent an opportunity to demonstrate whether such a violation has occurred.

RECOMMENDATIONS

It is recommended that the Commission find reason to believe that:

1. the Utah State AFL-CIO has violated 2 U.S.C. § 431(9)(B)(iii) and 11 C.F.R. § 100.8(b)(4).

It is recommended that the Commission find no reason to believe that:

2. the Utah State AFL-CIO has violated 2 U.S.C. § 433.
3. the Utah State AFL-CIO has violated 2 U.S.C. § 434.
4. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(a).
5. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b)(2)(c).

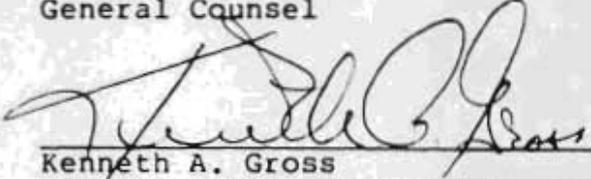
7
0
1
5
1
0
1
0
0

6. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b) (3) (A).
7. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b) (4) (A) (ii).
8. the Utah State AFL-CIO has violated 2 U.S.C. § 441d(a).

Charles N. Steele
General Counsel

July 6, 1982
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

Response from Counsel (14 pgs)
Notification Letter (2 pgs)

(16 total pages attached)

82040351103

BEFORE THE FEDERAL ELECTION COMMISSION

William A. Wilson)

Charles W. Akerlow)

v.

Eddie P. Mayne, President)
Secretary-Treasurer)
Utah State AFL-CIO)

FEC MUR 1439
FEC MUR 1442

Utah State AFL-CIO)

and

Utah State AFL-CIO Voter)
Registration, Education &)
Get-Out-The-Vote Fund)

2 JUN 7 11:06

AFFIDAVIT IN SUPPORT OF RESPONDENTS' STATEMENT
OF REASONS WHY THE COMMISSION SHOULD TAKE
NO FURTHER ACTION IN MURs 1439 AND 1442

STATE OF UTAH SS:

EDDIE P. MAYNE, being duly sworn, deposes and says:

1. This Affidavit is submitted in support of Respondents' statement of reasons why the Federal Election Commission should take no further action in the above-numbered matters under review.
2. I am the President-Secretary-Treasurer of the Utah State AFL-CIO.
3. The Utah State AFL-CIO is a state federation of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).
4. The Utah State AFL-CIO Voter Registration, Education, and Get-Out-The-Vote Fund is a treasury money account of the Utah State AFL-CIO.
5. On January 7 and March 10, 1982 the Utah State AFL-CIO mailed copies of the attached letter to a number of labor organizations affiliated with the AFL-CIO. No other distribution of this letter was made by the Utah State AFL-CIO.
6. While the letter states, "...we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine

000403541009

public attitude toward unions", in fact the Utah State AFL-CIO was only contemplating commissioning such a poll and in fact never made such a commission.

7. The treasury money donations requested in the Utah State AFL-CIO's letter were requested for the purpose of sponsoring the Utah State AFL-CIO's campaign to improve labor's image in the state and to support communications and voter registration and get-out-the-vote drives aimed at Utah State AFL-CIO members.

8. All communications in connection with the Utah State AFL-CIO's campaign to improve labor's image in Utah will concern public issues. None of the planned communications will urge the election or defeat of federal candidates or even mention federal elections in any way.

9. Phase one of the "Image" campaign is already underway; it consists of the establishment of a "Utah Buy American Committee" which will promote the purchase of American-made goods.

10. All treasury money donations received from recipients of the attached letter have been deposited into the Utah State AFL-CIO Voter Registration, Education and Get-Out-The-Vote Fund.

11. From the complaints, it appears that a partial text of the Utah State AFL-CIO's letter to labor organizations affiliated with the AFL-CIO was published in the Kanosha Labor. I have no knowledge of the circumstances surrounding the letter's publication by the Kanosha Labor. Neither I nor the Utah State AFL-CIO participated in or authorized such publication.

Eddie P. Mayne
EDDIE P. MAYNE

Subscribed and sworn to before me this 3rd day of June, 1982.

[Signature]
Notary Public

My commission expires: January 28, 1985

J

2040354110



C. E. BERGER, President Emeritus

EDDIE P. MAYNE, President
Secretary-Treasurer

CLIFFORD GREEN, Vice President
A. W. SANDACK, Legal Counsel

EXECUTIVE COUNCIL

DISTRICT No. 1
THOMAS L. LEWIS LEE B. LINFORD
ERSEY BATTERFIELD STEVE BOOTH
CONNIE MEBKE

DISTRICT No. 2
WAYNE LASSITER KENNETH ROBINSON
PAT BRINKERHOFF F. WARREN HUESMEYER
MAXINE HUGHES

DISTRICT No. 3
TED COMER JOSEPH R. LAMOREAUX
DONALD R. STRATE MIKE ROGERS
STEVE HAMMOND

BEVERLY SAATHOFF, VIP Director
Ex Officio Member

UTAH STATE AFL-CIO



2261 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1181 • TELEPHONE 972-2771

Senator Orrin Hatch has declared war on the entire labor movement, but only the Utah State AFL-CIO is sent to fight the battles.

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board—succeeding once—because they were “pro-labor.” Now, he’s supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation’s labor agenda:

- Repeal of Davis-Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren’t very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

Hatch’s campaign manager and closest political ally, State Rep. Mac Haddow, is using the Utah Legislature as a laboratory to test Hatch’s new schemes to harm the labor movement. They are trying to take over the Republican Party and to drive the Democrats into oblivion. Our “little Davis-Bacon” law was repealed as Republican legislators cowed to the bully boy tactics of Hatch and Haddow and overrode the Governor’s veto.

Then, they got greedy. Haddow introduced a bill drafted by an attorney for the Daniels Corp., a huge open shop contractor from South Carolina, that would have effectively barred any union contractor from working on power projects. They rammed the bill through the House, and on the next day Haddow—as Hatch’s chief fund-raiser—called South Carolina to arrange for \$14,000 in contributions to Hatch’s campaign from Daniels’ executives or related companies.

We were able to get most of the teeth out of Haddow’s bill in the Senate, so they shifted tactics in an effort to get Daniels the contract for the multi-billion dollar Intermountain Power Project. Haddow got a Daniels’ lawyer to funnel \$4,000 to pay for a hospitality suite for key Republican legislators, plus arranging a golfing vacation for his pals on Daniels’ jet. You won’t be surprised to learn that the legislators subsequently signed a letter pressuring Utah Power and Light to select Daniels.

Haddow also launched an advertising campaign that slandered union construction workers as inefficient, less productive and over paid. It later came out that Daniels put up \$25,000 for this campaign.

Hatch and Haddow have a dream and a plan. Their dream is Orrin Hatch as President and their plan is for Mac Haddow to get rich promoting Hatch’s candidacy through his direct mail company. For the labor movement, that dream is a nightmare.

82040354111

3

We can prevent that dream, but we'll need your help.

The polls show Orrin Hatch is vulnerable. His arrogant, abrasive, cold style and far right politics have left him with a large negative rating. Hatch figures he can overcome these handicaps by campaign spending, and he's *already* raised more than \$1 million. (In fact, he raised half of it at a Washington reception where he told non-union contractors that he needed the money because George Meany had targetted \$4 million to beat him. Which shows you that Orrin Hatch is also a contemptible liar!)

It is obvious that Senator Hatch is going to run against the labor movement in the hopes of diverting public attention from his weaknesses. Therefore, the Utah State AFL-CIO must undertake an "Image" campaign to improve public understanding of who we are and what we do.

If Hatch is able to make labor the only issue in the campaign, he'll win. If we take that issue away from him and force him to run on his record, he'll lose.

Right now we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions. We will use the results to begin planning our media campaign and to upgrade our COPE program by using the direct mail tactics of the New Right to defeat their darling, Orrin Hatch.

That is why I am writing you.

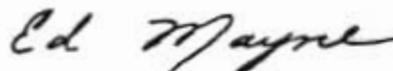
The Utah labor movement has never liked fund-raising appeals and so we've never asked you for help. But the task that faces us in 1982 is so great and so important to the entire labor movement that we are asking your local to help fund this effort. Since no funds will be given to candidates, we can accept treasury money.

Please help us to help you and the rest of the labor movement by defeating Orrin Hatch. No amount is too small—nor too large. Please send your check to:

Utah State AFL-CIO Education Fund
2261 S. Redwood Rd.
Salt Lake City, Utah 84119

Thank you for your support.

Sincerely and fraternally,



Eddie P. Mayne
President-Secretary-Treasurer

P.S. If this letter could be favorably circulated to other local unions in your area, we would be most appreciative. As our way of saying thanks for your contribution, I will send you a complete report on what we did and how we did it so that others can learn from our experience.

LAW OFFICES
ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN

1730 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 423-6373

92 JUN 7 AID: 56

STEPHEN I. SCHLOSSBERG
ABRAHAM L. ZWERDLING
MICHAEL T. LEIBIG
WENDY L. KAHN

MARGARET E. MCCORMICK
SPECIAL COUNSEL

MARYLAND OFFICE:
8807 BALTIMORE AVE.
BETHESDA, MD. 20816

VIRGINIA OFFICE:
300 WELBY COURT
ANNANDALE, VA. 22003

June 4, 1982

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Steele:

Pursuant to 2 USC 437(g)(a) and 11 CFR §111.6, Respondents Eddie P. Mayne, President-Secretary-Treasurer Utah State AFL-CIO, the Utah State AFL-CIO, and the Utah State AFL-CIO Voter Registration, Education and Get-Out-The Vote Fund respectfully request, for the reasons stated below, that the Federal Election Commission take no further action against them with respect to the matters alleged in the complaints filed by Mr. William A. Wilson and Mr. Charles W. Akerlow, FEC MURs 1439 and 1442, respectively.

Summary of Allegations

Complainants William A. Wilson and Charles W. Akerlow both allege that Respondents have or are about to violate the Federal Election Campaign Act ("Act"), as amended, 2 U.S.C. §431 et. seq. by:

- (1) soliciting contributions from persons who are not members of the Utah State AFL-CIO in violation of 2 U.S.C. §441b(b)(4)(A)(ii);
- (2) encouraging recipient Union councils to contribute general treasury funds to the Utah State AFL-CIO's Education Fund in violation of 2 U.S.C. §441b(a);

JUN 7 P 1:06

RECEIVED
GENERAL COUNSEL

13

5

(3) making expenditures in connection with a federal election by using union treasury funds to pay for the costs of preparing and disseminating the attached letter; and sending the letter to persons other than members of the Utah State AFL-CIO, in violation of 2 U.S.C. §441b and §441b(b)(2)(A);

(4) failing to indicate the identification of the person who paid for the attached letter, in violation of 2 U.S.C. §441d;

In addition to the allegations above, Complainant William A. Wilson has also alleged that Respondents have or are about to violate the Act by:

(5) making expenditures for conducting an opinion survey in violation of 2 U.S.C. §441b(a);

(6) receiving political contributions knowing them to be unlawful, in violation of 2 U.S.C. §441b(a); and

(7) depositing such contributions into a fund other than a separate segregated fund, in violation of 2 U.S.C. §441b(b)(2)(C).

In addition to the allegations numbered 1-4, Complainant Charles W. Akerlow has also alleged that Respondents have violated the Act by:

(8) failing to register and report as a political committee in violation of 2 U.S.C. §§433 and 434.

Relevant Facts

Respondent, Utah State AFL-CIO is a state federation of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); Respondent Eddie Mayne is the President-Secretary-Treasurer of this organization. Respondent Utah State AFL-CIO Voter Registration, Education and Get-Out-The-Vote Fund ("Education Fund") is a treasury money account of the Utah State AFL-CIO.

On January 7th and March 10, 1982, Respondents mailed copies of the attached letter (see Attachment A) to numerous labor organizations that are affiliated with the AFL-CIO. Respondents made no other distribution of this letter. From the complaint it appears that excerpts of the letter were subsequently reprinted in the Kenosha Labor. Respondents did not

6

participate in or authorize the publication of this letter nor prior to receipt of the complaints did Respondents even have any information indicating that such a republication had occurred. While Respondents' letter states that "...we are awaiting the completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions", in fact Respondents were at the time only contemplating commissioning such a poll and in fact never made such a commission.

Respondents' letter requests the recipient to make a donation out of its treasury funds to the education account of the Utah State AFL-CIO. Donations were sought: to sponsor an "image" campaign in the State of Utah aimed at improving public understanding of the labor movement; and, to support communications and voter registration and get-out-the-vote drives aimed at the Utah State AFL-CIO's members. The letter expressly states that funds donated in response to the letter will not be contributed to candidates.

As the letter itself indicates, all communications in the public education campaign will concern public issues not election campaigns. None of the planned communications will urge the election or defeat of any candidate(s) for federal office; indeed the communications will not mention the subject of federal elections in any way. Phase one of the proposed "image" campaign is already underway and consists of the establishment of a "Utah Buy American Committee" which will sponsor public messages designed to promote the purchase of American-made goods. (Affidavit of Resp. Eddie Mayne).

Discussion

Respondents' actions do not constitute violations of the FECA. Accordingly, the Commission should take no further action on any of the allegations made in either of the complaints pending against Respondents.

The discussion in Part I below constitutes Respondents' consolidated answer to the identical allegations which are contained both in the complaint filed by William A. Wilson (MUR 1439) and the complaint filed by Charles W. Akerlow (MUR 1442).

Each of these complaints also contains allegations which do not appear in the other. These allegations are dealt with separately in Parts II and III below.

I. RESPONDENTS' CONSOLIDATED ANSWER TO ALLEGATIONS
MADE IN BOTH COMPLAINTS

A. Respondents' Letter is Not A Solicitation
Within the Meaning of 2 U.S.C. §441b(b)(4)
(A)(ii).

Both complaints allege that Respondents' letter, as reprinted in the Kenosha Labor, constitutes a solicitation of contributions from persons other than members of the Utah State AFL-CIO, in violation of 2 U.S.C. §441b(b)(4)(A)(ii). Neither the letter nor the Kenosha Labor reprint violate this provision because they are not solicitations within the meaning of the Act.

Section 441b(b)(4)(A)(ii) prohibits a labor organization from soliciting contributions to its separate, segregated fund from persons other than its members and their families. The term "separate segregated fund" as used in §441b(b)(4)(A)(ii) clearly refers to a union's separate segregated voluntary money federal account, established pursuant to 2 U.S.C. §441b(b)(2)(C), not to a treasury money account established for purposes other than making federal "contributions" or "expenditures" within the meaning of the Act. See 2 U.S.C. §431(4)(B); 11 CFR 114.5, 100.5(b).

Neither Respondents' original letter nor the text of the partial and unauthorized reprint which appeared in the Kenosha Labor solicits contributions to a federal separate segregated fund. In fact, the Utah State AFL-CIO has not established a voluntary money separate segregated fund pursuant to 2 U.S.C. §441b(b)(2)(C). Furthermore, Respondents' letter clearly states that it seeks donations of treasury money to a non-federal account, the Utah State AFL-CIO Education Fund, and specifically requests that donations be made in the form of checks payable to the Utah State AFL-CIO Education Fund. Accordingly, Respondents have not solicited contributions to a separate segregated federal fund and therefore have not violated 2 U.S.C. §441b(b)(4)(A)(ii).

Moreover, Respondents' letter does not request that recipient union councils make "contributions" to Respondents' Education Fund; instead the letter clearly asks for donations of treasury money to be used to finance a campaign to improve labor's image in the State of Utah and to defray the costs of some of the Utah State AFL-CIO's internal membership activities, i.e., communications to members and non-partisan voter registration and get-out-the vote campaigns directed at members.

As already noted, the sole purpose of the public relations campaign is to bolster labor's image in Utah. None of the communications in that campaign will refer to any federal candidate or federal election.

8

Transfers of treasury monies between the non-federal accounts of labor organizations are not "contributions" within the meaning of the Act, particularly when such transfers are intended to fund communications on public issues or activity which is exempted from the provisions of 2 U.S.C. §441b. Federal courts have repeatedly held that non-advocacy communications on issues of public concern may not be regulated by the FECA regardless of their possible effect on the fortunes of political candidates. See e.g., U.S. v. National Committee for Impeachment, 469 F.2d 1135 (2d Cir. 1972); FEC v. CLITRIM, 616 F.2d 45 (2d Cir. 1980); FEC v. AFSCME, 471 F. Supp. 315 (D.D.C. 1979). The Commission has similarly held that comparable corporate disbursements of treasury funds for issue communications not intended to influence federal elections are not "contributions" within the meaning of 2 U.S.C. 441b. See FEC A.O. 1980-128, 1980-22. The Commission has also held that treasury money disbursements for purposes which are specifically exempted from the definition of "contribution" and "expenditure" in 2 U.S.C. §441b do not violate the Act. See FEC A.O. 1980-59. Application of these principles compels the conclusion that neither Respondents' letter nor its unauthorized reprint were solicitations of "contributions" within the meaning of 2 U.S.C. §441b(b)(4)(A)(ii).

B. Respondents Have Not Received "Contributions" in Violation of 2 U.S.C. §441b

Complainants Wilson and Akerlow both allege that to the extent that union councils have donated treasury money to the Utah State AFL-CIO Education Fund, such councils to have violated 2 U.S.C. §441b. This allegation is directed at the wrong party, it may only be raised in proceedings against the donors.

Complainants also allege that the Utah State AFL-CIO has violated the Act by encouraging the recipients of its letter to donate treasury money to its Education Fund. Insofar as this allegation questions the legality of the Utah State AFL-CIO's receipt of treasury funds from other labor organizations affiliated with the AFL-CIO it must fail. Respondents receipt of treasury donations does not violate 2 U.S.C. §441b(a) since, as demonstrated above, such donations are not "contributions" within the meaning of the Act.

C. Respondents' Did Not Violate Either 2 U.S.C. §441b(a) or §441b(b)(2)(A) By Expending Treasury Funds For The Preparation And Mailing Of Its Letter To Union Councils

Both complaints allege that if the Utah State AFL-CIO used treasury funds to pay for the preparation and dissemination of the attached letter, then Respondents have made an illegal "expenditure" in connection with the federal election of a United States Senator in violation of 2 U.S.C. §441b.

Respondents' treasury money disbursements in connection with its letter are not, however, "expenditures" within the meaning of 2 U.S.C. §441b. 2 U.S.C. §441b(b)(2) specifically provides that the term "contribution or expenditure" does not include the cost of a labor organization's communications on any subject to its members and their families. 2 U.S.C. §441b(b)(2)(A). To the best of Respondents' knowledge, all of the recipients of the attached letter are labor organizations affiliated with the AFL-CIO.¹

The Commission has ruled that a wholly-owned subsidiary of a corporation may solicit contributions to its PAC from the executive and administrative personnel of another wholly-owned subsidiary of the same parent company. FEC A.O. 1979-44. Similarly, the Commission has ruled that an incorporated membership organization may solicit contributions to its PAC from the members of an affiliated membership organization and that a labor organization may solicit contributions to its PAC from the members of an affiliated labor organization. See FEC A.O. 1981-55, 1980-62. It follows from these rulings that if Respondent Utah State AFL-CIO had a federal PAC it could lawfully solicit voluntary contributions for that PAC from members of other AFL-CIO organizations and that Respondent certainly can, as it did, ask members of other AFL-CIO organizations to donate treasury money to its Education Fund². For the relationship between the Utah State AFL-CIO and such other AFL-CIO organizations is identical to that between two wholly-owned subsidiaries of a single corporation and to that between a membership corporation and an affiliated membership organization.

Since any solicitation necessarily involves a communication and since the class of persons to whom a labor organization can make communications on any subject is identical to the class which it may lawfully solicit under 2 U.S.C. §441b(b)(4)(A)(ii), Respondents submit that the Utah AFL-CIO may communicate with the members of other AFL-CIO organizations in

¹ Respondents use the term "affiliated" herein in its generic sense to signify that the labor organizations so described belong to the AFL-CIO. The separate segregated funds of national and international unions that belong to the AFL-CIO are clearly not "affiliated" with the AFL-CIO COPE PCC for purposes of the contribution limits in 2 U.S.C. §441a. See 11 CFR 110.3(ii)(B), (C); see also FEC MURS 354, 783; H. Rep. 94-1057, 94th Cong. 2d Sess. 58.

² The Commission's regulations provide that members of a local union are both members of any national or international union of which the local is a part and members of any federation with which the local, national, or international union is affiliated. 11 CFR 114.1(e) (emphasis added).

the cause of soliciting donations of union treasury money for the purpose of financing issues advertising and voter registration and get-out-the-vote activities aimed at its members; and that payments for the costs of such communications are exempt from the definition of "expenditure" under 2 U.S.C. §441b(b)(2)(A).

D. Respondents' Failure To Identify The Person Paying For Its Letter Did Not Violate 2 U.S.C. §441d(a).

Respondents' letter was an internal communication within the meaning of 2 U.S.C. §441b(b)(2)(A). See §C, supra. Such communications are not required to contain an authorization statement. See 11 CFR 110.11(a), FEC A.O. 1980-71.

II. RESPONDENTS' ANSWER TO ADDITIONAL ALLEGATIONS MADE BY COMPLAINANT WILLIAM A. WILSON.

A. Respondents Did Not Violate §441b By Making Expenditures For An Opinion Survey

Although Respondents' letter states that "...we are awaiting the results of an opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes towards unions", Respondents were at the time only contemplating commissioning such a poll and in fact never made such a commission. Accordingly, Respondents have not violated 2 U.S.C. §441b(a).³

B. Respondents Have Not Knowingly Received Illegal Contributions In Violation Of 2 U.S.C. §441b(a).

Complainant Wilson has alleged that Respondents have violated 2 U.S.C. §441b(a) by knowingly accepting contributions prohibited by 2 U.S.C. §441b. Respondents deny that they have knowingly received any contribution prohibited by 2 U.S.C. §441b. Respondents' acceptance of donations of treasury money from other AFL-CIO-affiliated organizations does not constitute the receipt of prohibited "contributions" since such donations are not "contributions" within the meaning of 2 U.S.C. 441b. See §I.A., supra.

3

The Wilson complaint also alleges that Respondents violated 2 U.S.C. §441b(b)(3)(A) by making expenditures out of union treasury money. 2 U.S.C. §441b(b)(3)(A) prohibits contributions or expenditures of involuntary monies by the separate segregated fund of a labor organization, corporation, membership organization, cooperative, or corporation without capital stock. The Utah State AFL-CIO has not established a voluntary money separate segregated fund pursuant to 2 U.S.C. §441b(b)(2)(C). Accordingly, Respondents have not violated 2 U.S.C. §441b(b)(3)(A).

C. Respondents Have Not Violated 2 U.S.C. §441b(b)(2)(C) By Depositing "Contributions" Into An Account Other Than Its Separate Segregated Fund.

Respondents properly deposited the donations of treasury money received in response to the attached letter into its treasury money Education Fund account. The Utah State AFL-CIO has no federal voluntary money separate segregated account. Even if Respondents had such an account, treasury money donations could not be deposited into that account as the complaint suggests they should have been, without violating the Act's prohibition on commingling voluntary and treasury monies.

III. RESPONDENTS' ANSWER TO ADDITIONAL ALLEGATIONS MADE BY COMPLAINANT CHARLES W. AKERLOW.

A. Respondents Have Not Violated 2 U.S.C. §433 or §434 By Failing To Register And Report As A Political Committee.

In addition to the allegations discussed in Section I.A., *supra*, Complainant Akerlow has also alleged that Respondents violated the Act by failing to register and file reports with the Federal Election Commission pursuant to 2 U.S.C. §433 and §434. Section 433 requires that committees file a statement of organization with the Commission within 10 days after becoming a "political committee" within the meaning of 2 U.S.C. §431(4). Separate segregated funds are similarly required to register with the Commission within 10 days of their establishment.

The Utah State AFL-CIO is not a political committee as defined by 2 U.S.C. §431(4) since it has neither received "contributions" nor made "expenditures" within the meaning of 2 U.S.C. §431(8), (9) or 2 U.S.C. §441b(b)(2). See Sections I-B and I-C, *supra*. The Utah State AFL-CIO is therefore not required to either register with or report to the Commission pursuant to 2 U.S.C. §§433 and 434. The Utah State AFL-CIO has not established a separate segregated fund pursuant to 2 U.S.C. §441b(b)(2)(C). Accordingly, it has not failed to register such a fund with the Commission.

IV. RESPONDENTS CAN NOT BE HELD RESPONSIBLE FOR THE UNAUTHORIZED PUBLICATION OF A PARTIAL TEXT OF THE UTAH STATE AFL-CIO'S LETTER

Most of the allegations against Respondents are premised on an unauthorized reprint of excerpts of a letter sent by the Utah State AFL-CIO to labor organizations affiliated with the AFL-CIO. At no time did Respondents have any knowledge of this reprint nor did they consent to the publication of such reprint. It is a well-settled principle of law that no person

12040354120

12

Charles N. Steel
June 4, 1982
Page 9

will be held responsible for the acts of another unless those acts were either authorized or subsequently ratified. Accordingly, these allegations in the complaints must fail.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Attorney for Respondents
Utah State AFL-CIO
Eddie Mayne, President-Secretary-
Treasurer of Utah State AFL-CIO
Utah State AFL-CIO Voter
Registration Education, and Get-Out-
The-Vote Fund

MEM:ifc

12040354121

13



C. E. BERGER, President Emeritus

EDDIE P. MAYNE, President
Secretary-Treasurer

CLIFFORD GREEN, Vice President
A. W. SANDACK, Labor Counsel

EXECUTIVE COUNCIL

DISTRICT No. 1
THOMAS L. LEWIS LEE B. LINFORD
ERBEY BATTERFIELD STEVE BOOTH
CONNIE MEBKE

DISTRICT No. 2
WAYNE LASSITER KENNETH ROBINSON
PAT BRINKERHOFF F. WARREN NUESMEYER
MAXINE HUGHES

DISTRICT No. 3
TED COMER JOSEPH R. LAMOREAUX
DONALD R. STRATE MIKE ROGERS
STEVE HAMMOND

BEVERLY SAATHOFF, V.P. Director
Ex Officio Member

UTAH STATE AFL-CIO



2261 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1281 • TELEPHONE 972-2771

Senator Orrin Hatch has declared war on the entire labor movement, but only the Utah State AFL-CIO is sent to fight the battles.

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board—succeeding once—because they were "pro-labor." Now, he's supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation's labor agenda:

- Repeal of Davis-Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren't very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

Hatch's campaign manager and closest political ally, State Rep. Mac Haddow, is using the Utah Legislature as a laboratory to test Hatch's new schemes to harm the labor movement. They are trying to take over the Republican Party and to drive the Democrats into oblivion. Our "little Davis-Bacon" law was repealed as Republican legislators cowed to the bully boy tactics of Hatch and Haddow and overrode the Governor's veto.

Then, they got greedy. Haddow introduced a bill drafted by an attorney for the Daniels Corp., a huge open shop contractor from South Carolina, that would have effectively barred any union contractor from working on power projects. They rammed the bill through the House, and on the next day Haddow—as Hatch's chief fund-raiser—called South Carolina to arrange for \$14,000 in contributions to Hatch's campaign from Daniels' executives or related companies.

We were able to get most of the teeth out of Haddow's bill in the Senate, so they shifted tactics in an effort to get Daniels the contract for the multi-billion dollar Intermountain Power Project. Haddow got a Daniels' lawyer to funnel \$4,000 to pay for a hospitality suite for key Republican legislators, plus arranging a golfing vacation for his pals on Daniels' jet. You won't be surprised to learn that the legislators subsequently signed a letter pressuring Utah Power and Light to select Daniels.

Haddow also launched an advertising campaign that slandered union construction workers as inefficient, less productive and over paid. It later came out that Daniels put up \$25,000 for this campaign.

Hatch and Haddow have a dream and a plan. Their dream is Orrin Hatch as President and their plan is for Mac Haddow to get rich promoting Hatch's candidacy through his direct mail company. For the labor movement, that dream is a nightmare.

Letter to Margaret E. McCormick
Page 2

6. the Utah State AFL-CIO has violated 2 U.S.C. § 441b(b) (4) (A) (ii).
7. the Utah State AFL-CIO has violated 2 U.S.C. § 441d(a).

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

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 have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at (202) 523-4057.

Sincerely,

Enclosure
Procedures

16

RECEIVED

82 JUN 7 10:56

LAW OFFICES
ZWERDLING, SCHLOSSBERG, LEIBIG & KAHN
 1750 K STREET, N. W.
 WASHINGTON, D. C. 20006
 (202) 493-6370

STEPHEN I. SCHLOSSBERG
 ABRAHAM L. ZWERDLING
 MICHAEL T. LEIBIG
 WENDY L. KAHN
 MARGARET E. MCCORMICK
 SPECIAL COUNSEL

MARYLAND OFFICE:
 5807 BALTIMORE AVE.
 BETHESDA, MD. 20816
 VIRGINIA OFFICE:
 300 WHELEY COURT
 ANNANDALE, VA. 22000

June 4, 1982

JUN 7 11:06

Charles N. Steele
 General Counsel
 Federal Election Commission
 Washington, D.C. 20463

Dear Mr. Steele:

Pursuant to 2 USC 437(g)(a) and 11 CFR §111.6, Respondents Eddie P. Mayne, President-Secretary-Treasurer Utah State AFL-CIO, the Utah State AFL-CIO, and the Utah State AFL-CIO Voter Registration, Education and Get-Out-The Vote Fund respectfully request, for the reasons stated below, that the Federal Election Commission take no further action against them with respect to the matters alleged in the complaints filed by Mr. William A. Wilson and Mr. Charles W. Akerlow, FEC MURs 1439 and 1442, respectively.

Summary of Allegations

Complainants William A. Wilson and Charles W. Akerlow both allege that Respondents have or are about to violate the Federal Election Campaign Act ("Act"), as amended, 2 U.S.C. §431 et. seq. by:

- (1) soliciting contributions from persons who are not members of the Utah State AFL-CIO in violation of 2 U.S.C. §441b(b)(4)(A)(ii);
- (2) encouraging recipient Union councils to contribute general treasury funds to the Utah State AFL-CIO's Education Fund in violation of 2 U.S.C. §441b(a);

(3) making expenditures in connection with a federal election by using union treasury funds to pay for the costs of preparing and disseminating the attached letter; and sending the letter to persons other than members of the Utah State AFL-CIO, in violation of 2 U.S.C. §441b and §441b(b)(2)(A);

(4) failing to indicate the identification of the person who paid for the attached letter, in violation of 2 U.S.C. §441d;

In addition to the allegations above, Complainant William A. Wilson has also alleged that Respondents have or are about to violate the Act by:

(5) making expenditures for conducting an opinion survey in violation of 2 U.S.C. §441b(a);

(6) receiving political contributions knowing them to be unlawful, in violation of 2 U.S.C. §441b(a); and

(7) depositing such contributions into a fund other than a separate segregated fund, in violation of 2 U.S.C. §441b(b)(2)(C).

In addition to the allegations numbered 1-4, Complainant Charles W. Akerlow has also alleged that Respondents have violated the Act by:

(8) failing to register and report as a political committee in violation of 2 U.S.C. §§433 and 434.

Relevant Facts

Respondent, Utah State AFL-CIO is a state federation of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); Respondent Eddie Mayne is the President-Secretary-Treasurer of this organization. Respondent Utah State AFL-CIO Voter Registration, Education and Get-Out-The-Vote Fund ("Education Fund") is a treasury money account of the Utah State AFL-CIO.

On January 7th and March 10, 1982, Respondents mailed copies of the attached letter (see Attachment A) to numerous labor organizations that are affiliated with the AFL-CIO. Respondents made no other distribution of this letter. From the complaint it appears that excerpts of the letter were subsequently reprinted in the Kenosha Labor. Respondents did not

2040354126

participate in or authorize the publication of this letter nor prior to receipt of the complaints did Respondents even have any information indicating that such a republication had occurred. While Respondents' letter states that "...we are awaiting the completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions", in fact Respondents were at the time only contemplating commissioning such a poll and in fact never made such a commission.

Respondents' letter requests the recipient to make a donation out of its treasury funds to the education account of the Utah State AFL-CIO. Donations were sought: to sponsor an "image" campaign in the State of Utah aimed at improving public understanding of the labor movement; and, to support communications and voter registration and get-out-the-vote drives aimed at the Utah State AFL-CIO's members. The letter expressly states that funds donated in response to the letter will not be contributed to candidates.

As the letter itself indicates, all communications in the public education campaign will concern public issues not election campaigns. None of the planned communications will urge the election or defeat of any candidate(s) for federal office; indeed the communications will not mention the subject of federal elections in any way. Phase one of the proposed "image" campaign is already underway and consists of the establishment of a "Utah Buy American Committee" which will sponsor public messages designed to promote the purchase of American-made goods. (Affidavit of Resp. Eddie Mayne).

Discussion

Respondents' actions do not constitute violations of the FECA. Accordingly, the Commission should take no further action on any of the allegations made in either of the complaints pending against Respondents.

The discussion in Part I below constitutes Respondents' consolidated answer to the identical allegations which are contained both in the complaint filed by William A. Wilson (MUR 1439) and the complaint filed by Charles W. Akerlow (MUR 1442).

Each of these complaints also contains allegations which do not appear in the other. These allegations are dealt with separately in Parts II and III below.

2040354127

I. RESPONDENTS' CONSOLIDATED ANSWER TO ALLEGATIONS
MADE IN BOTH COMPLAINTS

A. Respondents' Letter is Not A Solicitation
Within the Meaning of 2 U.S.C. §441b(b)(4)
(A)(ii).

Both complaints allege that Respondents' letter, as reprinted in the Kenosha Labor, constitutes a solicitation of contributions from persons other than members of the Utah State AFL-CIO, in violation of 2 U.S.C. §441b(b)(4)(A)(ii). Neither the letter nor the Kenosha Labor reprint violate this provision because they are not solicitations within the meaning of the Act.

Section 441b(b)(4)(A)(ii) prohibits a labor organization from soliciting contributions to its separate, segregated fund from persons other than its members and their families. The term "separate segregated fund" as used in §441b(b)(4)(A)(ii) clearly refers to a union's separate segregated voluntary money federal account, established pursuant to 2 U.S.C. §441b(b)(2)(C), not to a treasury money account established for purposes other than making federal "contributions" or "expenditures" within the meaning of the Act. See 2 U.S.C. §431(4)(B); 11 CFR 114.5, 100.5(b).

Neither Respondents' original letter nor the text of the partial and unauthorized reprint which appeared in the Kenosha Labor solicits contributions to a federal separate segregated fund. In fact, the Utah State AFL-CIO has not established a voluntary money separate segregated fund pursuant to 2 U.S.C. §441b(b)(2)(C). Furthermore, Respondents' letter clearly states that it seeks donations of treasury money to a non-federal account, the Utah State AFL-CIO Education Fund, and specifically requests that donations be made in the form of checks payable to the Utah State AFL-CIO Education Fund. Accordingly, Respondents have not solicited contributions to a separate segregated federal fund and therefore have not violated 2 U.S.C. §441b(b)(4)(A)(ii).

Moreover, Respondents' letter does not request that recipient union councils make "contributions" to Respondents' Education Fund; instead the letter clearly asks for donations of treasury money to be used to finance a campaign to improve labor's image in the State of Utah and to defray the costs of some of the Utah State AFL-CIO's internal membership activities, i.e., communications to members and non-partisan voter registration and get-out-the vote campaigns directed at members.

As already noted, the sole purpose of the public relations campaign is to bolster labor's image in Utah. None of the communications in that campaign will refer to any federal candidate or federal election.

Transfers of treasury monies between the non-federal accounts of labor organizations are not "contributions" within the meaning of the Act, particularly when such transfers are intended to fund communications on public issues or activity which is exempted from the provisions of 2 U.S.C. §441b. Federal courts have repeatedly held that non-advocacy communications on issues of public concern may not be regulated by the FECA regardless of their possible effect on the fortunes of political candidates. See e.g., U.S. v. National Committee for Impeachment, 469 F.2d 1135 (2d Cir. 1972); FEC v. CLITRIM, 616 F.2d 45 (2d Cir. 1980); FEC v. AFSCME, 471 F. Supp. 315 (D.D.C. 1979). The Commission has similarly held that comparable corporate disbursements of treasury funds for issue communications not intended to influence federal elections are not "contributions" within the meaning of 2 U.S.C. 441b. See FEC A.O. 1980-128, 1980-22. The Commission has also held that treasury money disbursements for purposes which are specifically exempted from the definition of "contribution" and "expenditure" in 2 U.S.C. §441b do not violate the Act. See FEC A.O. 1980-59. Application of these principles compels the conclusion that neither Respondents' letter nor its unauthorized reprint were solicitations of "contributions" within the meaning of 2 U.S.C. §441b(b)(4)(A)(ii).

B. Respondents Have Not Received "Contributions" in Violation of 2 U.S.C. §441b

Complainants Wilson and Akerlow both allege that to the extent that union councils have donated treasury money to the Utah State AFL-CIO Education Fund, such councils to have violated 2 U.S.C. §441b. This allegation is directed at the wrong party, it may only be raised in proceedings against the donors.

Complainants also allege that the Utah State AFL-CIO has violated the Act by encouraging the recipients of its letter to donate treasury money to its Education Fund. Insofar as this allegation questions the legality of the Utah State AFL-CIO's receipt of treasury funds from other labor organizations affiliated with the AFL-CIO it must fail. Respondents receipt of treasury donations does not violate 2 U.S.C. §441b(a) since, as demonstrated above, such donations are not "contributions" within the meaning of the Act.

C. Respondents' Did Not Violate Either 2 U.S.C. §441b(a) or §441b(b)(2)(A) By Expending Treasury Funds For The Preparation And Mailing Of Its Letter To Union Councils

Both complaints allege that if the Utah State AFL-CIO used treasury funds to pay for the preparation and dissemination of the attached letter, then Respondents have made an illegal "expenditure" in connection with the federal election of a United States Senator in violation of 2 U.S.C. §441b.

12040354129

Respondents' treasury money disbursements in connection with its letter are not, however, "expenditures" within the meaning of 2 U.S.C. §441b. 2 U.S.C. §441b(b)(2) specifically provides that the term "contribution or expenditure" does not include the cost of a labor organization's communications on any subject to its members and their families. 2 U.S.C. §441b(b)(2)(A). To the best of Respondents' knowledge, all of the recipients of the attached letter are labor organizations affiliated with the AFL-CIO.

2040354130
The Commission has ruled that a wholly-owned subsidiary of a corporation may solicit contributions to its PAC from the executive and administrative personnel of another wholly-owned subsidiary of the same parent company. FEC A.O. 1979-44. Similarly, the Commission has ruled that an incorporated membership organization may solicit contributions to its PAC from the members of an affiliated membership organization and that a labor organization may solicit contributions to its PAC from the members of an affiliated labor organization. See FEC A.O. 1981-55, 1980-62. It follows from these rulings that if Respondent Utah State AFL-CIO had a federal PAC it could lawfully solicit voluntary contributions for that PAC from members of other AFL-CIO organizations and that Respondent certainly can, as it did, ask members of other AFL-CIO organizations to donate treasury money to its Education Fund¹. For the relationship between the Utah State AFL-CIO and such other AFL-CIO organizations is identical to that between two wholly-owned subsidiaries of a single corporation and to that between a membership corporation and an affiliated membership organization.

Since any solicitation necessarily involves a communication and since the class of persons to whom a labor organization can make communications on any subject is identical to the class which it may lawfully solicit under 2 U.S.C. §441b(b)(4)(A)(ii), Respondents submit that the Utah AFL-CIO may communicate with the members of other AFL-CIO organizations in

¹ Respondents use the term "affiliated" herein in its generic sense to signify that the labor organizations so described belong to the AFL-CIO. The separate segregated funds of national and international unions that belong to the AFL-CIO are clearly not "affiliated" with the AFL-CIO COPE PCC for purposes of the contribution limits in 2 U.S.C. §441a. See 11 CFR 110.3(ii)(B), (C); see also FEC MURS 354, 783; H. Rep. 94-1057, 94th Cong. 2d Sess. 58.

² The Commission's regulations provide that members of a local union are both members of any national or international union of which the local is a part and members of any federation with which the local, national, or international union is affiliated. 11 CFR 114.1(e) (emphasis added).

the cause of soliciting donations of union treasury money for the purpose of financing issues advertising and voter registration and get-out-the-vote activities aimed at its members; and that payments for the costs of such communications are exempt from the definition of "expenditure" under 2 U.S.C. §441b(b)(2)(A).

D. Respondents' Failure To Identify The Person
Paying For Its Letter Did Not Violate
2 U.S.C. §441d(a).

Respondents' letter was an internal communication within the meaning of 2 U.S.C. §441b(b)(2)(A). See §C, supra. Such communications are not required to contain an authorization statement. See 11 CFR 110.11(a), FEC A.O. 1980-71.

II. RESPONDENTS' ANSWER TO ADDITIONAL ALLEGATIONS
MADE BY COMPLAINANT WILLIAM A. WILSON.

A. Respondents Did Not Violate §441b By
Making Expenditures For An Opinion Survey

Although Respondents' letter states that "...we are awaiting the results of an opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes towards unions", Respondents were at the time only contemplating commissioning such a poll and in fact never made such a commission. Accordingly, Respondents have not violated 2 U.S.C. §441b(a).³

B. Respondents Have Not Knowingly Received Illegal
Contributions In Violation Of 2 U.S.C. §441b(a).

Complainant Wilson has alleged that Respondents have violated 2 U.S.C. §441b(a) by knowingly accepting contributions prohibited by 2 U.S.C. §441b. Respondents deny that they have knowingly received any contribution prohibited by 2 U.S.C. §441b. Respondents' acceptance of donations of treasury money from other AFL-CIO-affiliated organizations does not constitute the receipt of prohibited "contributions" since such donations are not "contributions" within the meaning of 2 U.S.C. 441b. See §I.A., supra.

³

The Wilson complaint also alleges that Respondents violated 2 U.S.C. §441b(b)(3)(A) by making expenditures out of union treasury money. 2 U.S.C. §441b(b)(3)(A) prohibits contributions or expenditures of involuntary monies by the separate segregated fund of a labor organization, corporation, membership organization, cooperative, or corporation without capital stock. The Utah State AFL-CIO has not established a voluntary money separate segregated fund pursuant to 2 U.S.C. §441b(b)(2)(C). Accordingly, Respondents have not violated 2 U.S.C. §441b(b)(3)(A).

C. Respondents Have Not Violated 2 U.S.C. §441b(b)(2)(C) By Depositing "Contributions" Into An Account Other Than Its Separate Segregated Fund.

Respondents properly deposited the donations of treasury money received in response to the attached letter into its treasury money Education Fund account. The Utah State AFL-CIO has no federal voluntary money separate segregated account. Even if Respondents had such an account, treasury money donations could not be deposited into that account as the complaint suggests they should have been, without violating the Act's prohibition on commingling voluntary and treasury monies.

III. RESPONDENTS' ANSWER TO ADDITIONAL ALLEGATIONS MADE BY COMPLAINANT CHARLES W. AKERLOW.

A. Respondents Have Not Violated 2 U.S.C. §433 or §434 By Failing To Register And Report As A Political Committee.

In addition to the allegations discussed in Section I.A., supra, Complainant Akerlow has also alleged that Respondents violated the Act by failing to register and file reports with the Federal Election Commission pursuant to 2 U.S.C. §433 and §434. Section 433 requires that committees file a statement of organization with the Commission within 10 days after becoming a "political committee" within the meaning of 2 U.S.C. §431(4). Separate segregated funds are similarly required to register with the Commission within 10 days of their establishment.

The Utah State AFL-CIO is not a political committee as defined by 2 U.S.C. §431(4) since it has neither received "contributions" nor made "expenditures" within the meaning of 2 U.S.C. §431(8), (9) or 2 U.S.C. §441b(b)(2). See Sections I-B and I-C, supra. The Utah State AFL-CIO is therefore not required to either register with or report to the Commission pursuant to 2 U.S.C. §§433 and 434. The Utah State AFL-CIO has not established a separate segregated fund pursuant to 2 U.S.C. §441b(b)(2)(C). Accordingly, it has not failed to register such a fund with the Commission.

IV. RESPONDENTS CAN NOT BE HELD RESPONSIBLE FOR THE UNAUTHORIZED PUBLICATION OF A PARTIAL TEXT OF THE UTAH STATE AFL-CIO'S LETTER

Most of the allegations against Respondents are premised on an unauthorized reprint of excerpts of a letter sent by the Utah State AFL-CIO to labor organizations affiliated with the AFL-CIO. At no time did Respondents have any knowledge of this reprint nor did they consent to the publication of such reprint. It is a well-settled principle of law that no person

Charles N. Steele
June 4, 1982
Page 9

will be held responsible for the acts of another unless those acts were either authorized or subsequently ratified. Accordingly, these allegations in the complaints must fail.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Attorney for Respondents
Utah State AFL-CIO
Eddie Mayne, President-Secretary-
Treasurer of Utah State AFL-CIO
Utah State AFL-CIO Voter
Registration Education, and Get-Out-
The-Vote Fund

MEM:ifc

3 2 0 4 0 3 5 4 1 3 3



C. E. BERGER, President

EDDIE P. MAYNE, President
Secretary-TreasurerCLIFFORD GREEN, President
A. W. SANDACK, Leg. Counsel

EXECUTIVE COUNCIL

 DISTRICT No. 1
 THOMAS L. LEWIS LEE B. LINFORD
 ERSEY BATTERFIELD STEVE BOOTH
 CONNIE MESKE

 DISTRICT No. 2
 WAYNE LABBITER KENNETH ROBINSON
 PAT BRINKERHOFF F. WARREN HUESMEYER
 MAXINE HUGHES

 DISTRICT No. 3
 TED COMER JOSEPH R. LAMOREAUX
 DONALD R. STRATE MIKE ROGERS
 STEVE HAMMOND

 BEVERLY SAATHOFF, V.P. Director
 Ex. Office Member

UTAH STATE AFL-CIO

2281 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1381 • TELEPHONE 972-2771

Senator Orrin Hatch has declared war on the entire labor movement, but only the Utah State AFL-CIO is sent to fight the battles.

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board—succeeding once—because they were “pro-labor.” Now, he’s supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation’s labor agenda:

- Repeal of Davis-Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren’t very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

Hatch’s campaign manager and closest political ally, State Rep. Mac Haddow, is using the Utah Legislature as a laboratory to test Hatch’s new schemes to harm the labor movement. They are trying to take over the Republican Party and to drive the Democrats into oblivion. Our “little Davis-Bacon” law was repealed as Republican legislators cowed to the bully boy tactics of Hatch and Haddow and overrode the Governor’s veto.

Then, they got greedy. Haddow introduced a bill drafted by an attorney for the Daniels Corp., a huge open shop contractor from South Carolina, that would have effectively barred any union contractor from working on power projects. They rammed the bill through the House, and on the next day Haddow—as Hatch’s chief fund-raiser—called South Carolina to arrange for \$14,000 in contributions to Hatch’s campaign from Daniels’ executives or related companies.

We were able to get most of the teeth out of Haddow’s bill in the Senate, so they shifted tactics in an effort to get Daniels the contract for the multi-billion dollar Intermountain Power Project. Haddow got a Daniels’ lawyer to funnel \$4,000 to pay for a hospitality suite for key Republican legislators, plus arranging a golfing vacation for his pals on Daniels’ jet. You won’t be surprised to learn that the legislators subsequently signed a letter pressuring Utah Power and Light to select Daniels.

Haddow also launched an advertising campaign that slandered union construction workers as inefficient, less productive and over paid. It later came out that Daniels put up \$25,000 for this campaign.

Hatch and Haddow have a dream and a plan. Their dream is Orrin Hatch as President and their plan is for Mac Haddow to get rich promoting Hatch’s candidacy through his direct mail company. For the labor movement, that dream is a nightmare.



C. E. BERGER, President

EDDIE P. MAYNE, President
Secretary-Treasurer

CLIFFORD GREEN, President
A. W. SANDACK, Legal Counsel

EXECUTIVE COUNCIL

DISTRICT No. 1
THOMAS L. LEWIS LEE B. LINFORD
ERBEY BATTERFIELD STEVE BOOTH
CONNIE MEBKE

DISTRICT No. 2
WAYNE LABBITER KENNETH ROBINSON
PAT BRINKERHOFF F. WARREN HUESMEYER
MAXINE HUGHES

DISTRICT No. 3
TED COMER JOSEPH R. LAMOREAUX
DONALD R. STRATE MIKE ROGERS
STEVE HAMMOND

BEVERLY SAATHOFF, VIP Director
Ex Office Member

UTAH STATE AFL-CIO

2281 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1381 • TELEPHONE 872-2771

Senator Orrin Hatch has declared war on the entire labor movement, but only the Utah State AFL-CIO is sent to fight the battles.

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board—succeeding once—because they were “pro-labor.” Now, he’s supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation’s labor agenda:

- Repeal of Davis-Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren’t very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

Hatch’s campaign manager and closest political ally, State Rep. Mac Haddow, is using the Utah Legislature as a laboratory to test Hatch’s new schemes to harm the labor movement. They are trying to take over the Republican Party and to drive the Democrats into oblivion. Our “little Davis-Bacon” law was repealed as Republican legislators cowed to the bully boy tactics of Hatch and Haddow and overrode the Governor’s veto.

Then, they got greedy. Haddow introduced a bill drafted by an attorney for the Daniels Corp., a huge open shop contractor from South Carolina, that would have effectively barred any union contractor from working on power projects. They rammed the bill through the House, and on the next day Haddow—as Hatch’s chief fund-raiser—called South Carolina to arrange for \$14,000 in contributions to Hatch’s campaign from Daniels’ executives or related companies.

We were able to get most of the teeth out of Haddow’s bill in the Senate, so they shifted tactics in an effort to get Daniels the contract for the multi-billion dollar Intermountain Power Project. Haddow got a Daniels’ lawyer to funnel \$4,000 to pay for a hospitality suite for key Republican legislators, plus arranging a golfing vacation for his pals on Daniels’ jet. You won’t be surprised to learn that the legislators subsequently signed a letter pressuring Utah Power and Light to select Daniels.

Haddow also launched an advertising campaign that slandered union construction workers as inefficient, less productive and over paid. It later came out that Daniels put up \$25,000 for this campaign.

Hatch and Haddow have a dream and a plan. Their dream is Orrin Hatch as President and their plan is for Mac Haddow to get rich promoting Hatch’s candidacy through his direct mail company. For the labor movement, that dream is a nightmare.

BEFORE THE FEDERAL ELECTION COMMISSION

William A. Wilson)

Charles W. Akerlow)

v.

Eddie P. Mayne, President)
Secretary-Treasurer)
Utah State AFL-CIO)

FEC MUR 1439
FEC MUR 1442

Utah State AFL-CIO)

and

Utah State AFL-CIO Voter)
Registration, Education &)
Get-Out-The-Vote Fund)

2 JUN 7 P 1:06

AFFIDAVIT IN SUPPORT OF RESPONDENTS' STATEMENT OF REASONS WHY THE COMMISSION SHOULD TAKE NO FURTHER ACTION IN MURs 1439 AND 1442

STATE OF UTAH SS:

EDDIE P. MAYNE, being duly sworn, deposes and says:

1. This Affidavit is submitted in support of Respondents' statement of reasons why the Federal Election Commission should take no further action in the above-numbered matters under review.
2. I am the President-Secretary-Treasurer of the Utah State AFL-CIO.
3. The Utah State AFL-CIO is a state federation of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).
4. The Utah State AFL-CIO Voter Registration, Education, and Get-Out-The-Vote Fund is a treasury money account of the Utah State AFL-CIO.
5. On January 7 and March 10, 1982 the Utah State AFL-CIO mailed copies of the attached letter to a number of labor organizations affiliated with the AFL-CIO. No other distribution of this letter was made by the Utah State AFL-CIO.
6. While the letter states, "...we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine

public attitude toward unions", in fact the Utah State AFL-CIO was only contemplating commissioning such a poll and in fact never made such a commission.

7. The treasury money donations requested in the Utah State AFL-CIO's letter were requested for the purpose of sponsoring the Utah State AFL-CIO's campaign to improve labor's image in the state and to support communications and voter registration and get-out-the-vote drives aimed at Utah State AFL-CIO members.

8. All communications in connection with the Utah State AFL-CIO's campaign to improve labor's image in Utah will concern public issues. None of the planned communications will urge the election or defeat of federal candidates or even mention federal elections in any way.

9. Phase one of the "Image" campaign is already underway; it consists of the establishment of a "Utah Buy American Committee" which will promote the purchase of American-made goods.

10. All treasury money donations received from recipients of the attached letter have been deposited into the Utah State AFL-CIO Voter Registration, Education and Get-Out-The-Vote Fund.

11. From the complaints, it appears that a partial text of the Utah State AFL-CIO's letter to labor organizations affiliated with the AFL-CIO was published in the Kenosha Labor. I have no knowledge of the circumstances surrounding the letter's publication by the Kenosha Labor. Neither I nor the Utah State AFL-CIO participated in or authorized such publication.

Eddie P. Mayne
EDDIE P. MAYNE

Subscribed and sworn to before me this 3rd day of June, 1982.

Virginia Francis
Notary Public

My commission expires: January 28, 1986

8 2 0 4 0 3 3 4 1 3 9

JUN 4 P 2: 52

LAW OFFICES

ZWEHDLING, SCHLOSSBERG, LEIBIG & KAHN

1700 K STREET, N. W.

WASHINGTON, D. C. 20001



Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ATTN: Ms. Suzanne Callahan



C. E. BERGER, President

EDDIE P. MAYNE, President
Secretary-Treasurer

CLIFFORD GREEN, Vice President
A. W. SANDACK, Legal Counsel

6cc # 7802

EXECUTIVE COUNCIL

- DISTRICT No. 1
 - THOMAS L. LEWIS LEE B. LINFORD
 - ERBEY BATTERFIELD STEVE BOOTH
 - CONNIE MEBKE
- DISTRICT No. 2
 - WAYNE LASSITER KENNETH ROBINSON
 - PAT BRINKERHOFF WARREN HUESMEYER
 - MAXINE HUGHES
- DISTRICT No. 3
 - TED COMER JOSEPH R. LAMOREAUX
 - DONALD R. STRATE MIKE ROGERS
 - STEVE HAMMOND
- BEVERLY SAATHOFF, VIP Director
Ex Office Member

UTAH STATE AFL-CIO

2281 SOUTH REDWOOD ROAD • SALT LAKE CITY, UTAH 84119-1281 • TELEPHONE 972-2771

May 21, 1982

Ms. Suzanne Callahan
Office of the General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Dear Ms. Callahan:

This is to notify you that Margaret E. McCormick of Zwardling, Schlassberg, Leibig and Kahn, 1730 K Street, N. W. - Suite 1713, Washington, D. C. 20006 - Telephone: (202) 223-6373, has been designated by the Utah State AFL-CIO, the Utah State AFL-CIO Education Fund and Eddie P. Mayne, President, Secretary-Treasurer, Utah State AFL-CIO, to act as their counsel in connection with FEC - MUR 1439.

Ms. McCormick is authorized to receive any notifications and other communications from the Commission and to act in our behalf before the Commission.

Respectfully,

Eddie P. Mayne, President
Secretary-Treasurer

EPM/v
opeiu-31
afl-cio

MAY 24 11:47

3004034130

UTAH STATE AFL-CIO

REDWOOD ROAD, SALT LAKE CITY, UTAH 84119

0204035414



Ms. Suzanne Callahan
Office of the General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

02 MAY 24 10:53



Telegram

WFA026(1246)(1-013306A140)PD 05/20/82 1246

GCA 7793

ICS IPMWGWD WSH

1982 MAY 20 PM 2:02

00331 05-20 0144P EST

ICS IPMWF08

4-024992S140 05/20/82

ICS IPMRNCZ CSP

8019722771 TDRN SALT LAKE CITY UT 85 05-20 1242P EST

PMS MISS SUZANNE CALLAHAN

OFFICE OF THE GENERAL COUNSEL RPT DLY MGM, DLR

FEDERAL ELECTION COMMISSION

1325 K ST NORTHWEST

WASHINGTON DC 20463

RECEIVED
MAY 20 PM 4:29

THIS IS TO NOTIFY YOU THAT MARGARET E MCCORMICK OF ZWERDLING,
SCHLASSBERG, LEIBIG AND KAHN, 1730 K STREET NORTHWEST SUITE 1713
WASHINGTON DC 20006 TELEPHONE (202)223-6373, HAS BEEN DESIGNATED BY

WU 1201-SF (RS-88)



Telegram

THE UTAH STATE AFL-CIO, THE UTAH STATE AFL-CIO EDUCATION FUND AND BY
EDDIE P MAYNE, PRESIDENT, SECRETARY-TRESURER, UTAH STATE AFL-CIO, TO
ACT AS THEIR COUNSEL IN CONNECTION WITH FEC-MUR 1439. MISS MCCORMICK
IS AUTHORIZED TO RECEIVE ANY NOTIFICATION AND OTHER COMMUNICATIONS
FR OM THE COMMISSION AND TO ACT IN OUR BEHALF BEFORE THE COMMISSION.
LETTER FOLLOWS.

EDDIE P MAYNE, PRESIDENT SECRETARY-TRESURER UTAH STATE AFL-CIO
2261 SOUTH REDWOOD RD
SALT LAKE CITY UT 84119

1244 EST

NNNN

RECEIVED
MAY 20 PM 4:06

WU 1201-SF (RS-88)

3 2 0 4 0 3 5 4  2

02 MAY 20 P 4: 06

Telegram

 western union

5/20



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Eddie P. Mayne, President-Secretary-Treasurer
Utah State AFL-CIO Education Fund
2261 South Redwood Road
Salt Lake City, Utah 84119

Re: MUR 1442

Dear Mr. Mayne

This letter is to notify you that on May 13, 1982 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") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1442. 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.

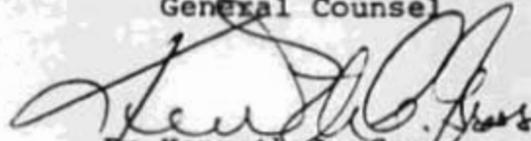
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

3 2 0 4 0 3 5 4 1 4 3

If you have any questions, please contact Judith Theford, 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

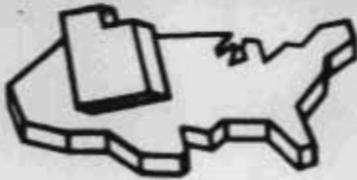


By Kenneth A. Gross
Associate General Counsel

000035914

Enclosures

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



UTAH REPUBLICAN PARTY

150 South Sixth East - Suite 205 - Salt Lake City, Utah 84102
(801) 533-8777

CCC # 7791
Charles W. Albertson
Chairman
Jan Mackay
Vice Chairman
Larry Lurt
Secretary
G. Preston Parker
Treasurer
Albert "Bobby" Gibbons
National Commissioner
William L. McDougal
National Commissioner

82 MAY 13 P 4: 04

May 6, 1982

82 MAY 13 AIO: 21
RECEIVED
SECRETARY

Mr. Frank P. Reiche, Chairman
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: COMPLAINT AGAINST UTAH AFL-CIO

Dear Mr. Chairman:

Pursuant to 2 U.S.C. Sec. 437a and 11 C.F.R. Part 111, I hereby file this complaint against the respondents Utah AFL-CIO, the Utah State AFL-CIO Education Fund, Eddie P. Mayne, President-Secretary-Treasurer of Utah AFL-CIO, and any other persons or organizations acting in concert with Utah AFL-CIO for violating and attempting to violate 2 U.S.C. Sec. 441b and other provisions of the Federal Election Campaign Act for using and soliciting union treasury funds to defeat U.S. Senator Orrin Hatch.

The basis of this complaint is a communication signed by Eddie P. Mayne which appeared in the March 12, 1982 edition of the Kenosha Labor, a publication originating in Kenosha, Wisconsin, and on information and belief, copies of which are circulated throughout Wisconsin and other States, and are received by both union members and persons who are not members. A copy is attached hereto.

In the first place, the letter clearly advocates the defeat of Senator Hatch and solicits union treasury funds from other unions for partisan political purposes in violation of 2 U.S.C. Sec 441b and 11 C.F.R. Part 114. The letter illegally states that, "Since no funds will be given to candidates, we can accept treasury money." Under 2 U.S.C. Sec. 441b, labor unions may not use treasury funds in connection with a federal election. They may, however, set up a separate segregated fund and solicit their members for voluntary contributions. A check of FEC records does not reveal that Utah AFL-CIO has such a fund. But even if they did have a segregated fund, it could not solicit or accept union treasury funds as this solicitation letter clearly attempts to do.

U
T
A
H
A
F
L
-
C
I
O

Mr. Frank P. Reiche
May 6, 1982
Page Two

Furthermore, this partisan communication is obviously not aimed at the members of Utah AFL-CIO. By appearing in a Kenosha, Wisconsin publication, and on information and belief, in other states, Eddie P. Mayne and the Utah AFL-CIO are soliciting people other than the members of the Utah AFL-CIO as well as advocating the defeat of Senator Hatch. By communicating to persons other than its own members, the respondents are violating 2 U.S.C. Sec. 441b(b)(2)(a). Indeed, the communication is not even addressed to other rank-and-file members of other unions whose compulsory dues are being used by these union leaders for partisan political purposes. The letter is apparently addressed to other union leaders themselves, soliciting treasury funds from each "council" to the Utah State AFL-CIO Education Fund. This is a violation of 2 U.S.C. Secs. 441b(a), (b)(2), (3), and (4)(A)(ii). To the extent that other unions have contributed treasury monies to the Utah AFL-CIO, they too have violated a U.S.C. Sec. 441b.

By making this communication which expressly advocates the defeat of Senator Hatch and solicits treasury funds, the respondents have also violated other FEC laws, such as failure to register and report as a political committee under 2 U.S.C. Secs. 433, 434. Furthermore, respondents have violated 2 U.S.C. Sec. 441d which requires all solicitations for political contributions to clearly disclose who paid for and authorized the communication. On information and belief, Eddie P. Mayne used union personnel, postage and stationary to pay for and disseminate this communication which itself is another violation of Sec. 441b. However, it is not known what person or persons in addition to Eddie P. Mayne may have authorized this expenditure. In any event, the disclaimer provisions of 2 U.S.C. Sec. 441d have been clearly violated.

Under 2 U.S.C. Sec. 437a(a) the FEC must formally notify the respondents of this complaint within five days after it is received by the FEC. We demand that the FEC conduct a full investigation into this matter, to order the respondents and any other persons acting in concert with respondents to cease violating federal election laws, to return all monies received from this solicitation, and to impose severe penalties upon the respondents for knowing and willful violations of the election laws. If, during the course of the investigation, other violations of the FEC are uncovered, we expect the FEC to prosecute those violators as well.

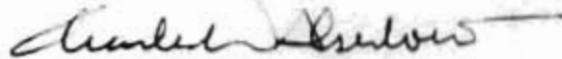
Mr. Frank P. Reiche
May 6, 1982
Page Three

Here are some of the areas the FEC should investigate. We believe that during the course of the Commission's investigation, the following information should be obtained from respondents:

1. Who paid for the communication?
2. Who authorized the communication?
3. How much money was spent as a result of the communication?
4. What other communications were prepared?
5. How much treasury money was received as as result of the communication?
6. How many different states were contributions received from? Name them.
7. Identify the banks in which these contributions have been deposited.

We also demand that the FEC keep us informed of the progress of this investigation so that we may decide whether or not a civil action against the Commission under 2 U.S.C. Sec. 437g (a) (8) may be necessary to enforce the election laws against the respondents. We also reserve the right to supplement this complaint with additional information as we obtain it.

Very truly yours,



Charles W. Akerlow, Chairman
For himself and on behalf
of the Republican Party of Utah

cc: W. Robert Wright
General Counsel

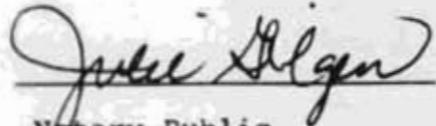
Enclosures

92040334146

Mr. Frank P. Reiche
May 6, 1982
Page Four

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 10th day of May, 1982, personally
appeared before me Charles W. Akerlow, the signer
of the foregoing instrument who subscribed and sworn to me
that he executed the same.



Notary Public
Residing in Salt Lake County
State of Utah

My Commission Expires:

12-16-85

2040354145

MAR 12 1982 *B. K. L.*

Our readers say

Dump Hatch in 1982

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board — succeeding once — because they were "pro-labor." Now, he's supporting a notorious union-busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation's labor agenda:

- Repeal of Davis - Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren't very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

The polls show Orrin Hatch is vulnerable. His arrogant, abrasive, cold style and far right politics have left him with a large

negative rating. Hatch figures he can overcome these handicaps by campaign spending, and he's already raised more than \$1 million. (In fact, he raised half of it at a Washington reception where he told non-union contractors that he needed the money because George Meany had targeted \$4 million to beat him. Which shows you that Orrin Hatch is also a contemptible liar!)

It is obvious that Senator Hatch is going to run against the labor movement in the hopes of diverting public attention from his weaknesses. If Hatch is able to make labor the only issue in the campaign, he'll win. If we take that issue away from him and force him to run on his record, he'll lose.

Right now we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions. The preliminary results definitely indicate Hatch is vulnerable. We want to begin planning our media campaign and to upgrade our COPE program by using the direct mail tactics of the New Right to defeat their darling, Orrin Hatch.

That is why I am writing you. The Utah labor movement has

never liked fund-raising appeals and so we've never asked you for help. But the task that faces us in 1982 is so great and so important to the entire labor movement that we are asking your council to help fund this effort. Since no funds will be given to candidates, we can accept treasury money.

Please help us to help you and the rest of the labor movement by defeating Orrin Hatch. No amount is too small — nor too large. Please send your check to:

Utah State
AFL-CIO Education Fund
2261 S. Redwood Rd.
Salt Lake City, Utah 84119

Thank you for your support.

Sincerely and fraternally,

Eddie P. Mayne

President-Secretary-Treasurer
Utah AFL-CIO

327405415

Utah Republican Party

150 South 600 East, 2-B, Salt Lake City, Utah 84102



Mr. Frank P. Reiche, Chairman
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

62 MAY 13 9:51



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William A. Wilson
8001 Braddock Road, Suite 500
Springfield, Virginia 22160

Dear Mr. Wilson:

This letter is to acknowledge receipt of your complaint of April 28, 1982, against Mr. Eddie P. Mayne, Utah State AFL-CIO, and Utah State AFL-CIO Education 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 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification.

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. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A. Kayson

A. Kayson
Chief

1034

1. This following section is requested (check one):
 Show to whom and date delivered.
 Show to whom, date and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLES AND/OR PACKAGES
 William Wilson
 Springfield, VA
 8001 BRADDOCK ROAD, SUITE 500
 REC-54

3. ALWAYS OBTAIN SIGNATURE OF ADDRESSEE OR AGENT.
 I have received the article described above.
 Signature: D. ALEXANDER
 Date of Delivery: 5-7-82
 Address Complete only if necessary

4. UNABLE TO DELIVER REASON:

5. RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

REC'D MAY 11 1982
 FEDERAL ELECTION COMMISSION
 WASHINGTON, D.C.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William A. Wilson
8001 Braddock Road, Suite 500
Springfield, Virginia 22160

Dear Mr. Wilson:

This letter is to acknowledge receipt of your complaint of April 28, 1982, against Mr. Eddie P. Mayne, Utah State AFL-CIO, and Utah State AFL-CIO Education 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 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification.

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. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Phyllis A. Kayson
Docket Chief

Enclosure

15 11 35 40 43 45



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Eddie P. Mayne
President-Secretary-Treasurer
Utah State AFL-CIO
2261 S. Redwood Road
Salt Lake City, Utah 84119

Re: MUR 1439

Dear Mr. Mayne:

This letter is to notify you that on April 30, 1982 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1439. 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 you 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, statement 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.

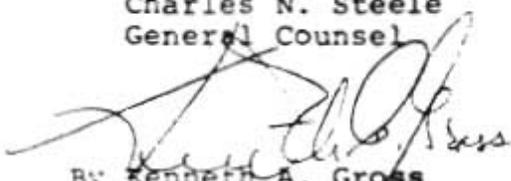
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

0004035415

If you have any questions, please contact Suzanne Callahan, 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

3 2 7 4 0 3 5 4 1 5 3

Enclosures

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

1139 5/5

1. The following service is requested (check one):

Show to whom and date delivered.....

Show to whom, date and address of delivery.....

RESTRICTED DELIVERY
Show to whom and date delivered.....

RESTRICTED DELIVERY
Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Eddie R. Mayo
Salt Lake City, Utah

3. ARTICLE DESCRIPTION:
REGISTERED NO. 108510 CERTIFIED NO. RETURNED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: [Signature] ADDRESS: [Address] Classified agent

4. DATE OF DELIVERY: 5-10-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER REASON:

POSTMARK: SALT LAKE CITY, UTAH MAY 10 1982 USPS

USPS FORM 3849 (Rev. 1-78)

1 30, 1982
complaint which
ed certain
t of 1971, as
Title 26, U.S.
We have
to this number

o demonstrate,
gainst your
our response
of this letter.
he Commission
le information.

als which you
lysis of this
d be submitted

ccordance with
) unless you
sh the matter to

l in this
ing a letter of
telephone
orizing such
er communications



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Utah State AFL-CIO Education Fund
2261 S. Redwood Road
Salt Lake City, Utah 84119

Re: MUR 1439

Dear Sir:

This letter is to notify you that on April 30, 1982 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") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1439. 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 sending a letter of representation 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.

158135115

If you have any questions, please contact Suzanne Callahan, 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

[Handwritten Signature]
By Kenneth A. Gross
Associate General Counsel

02040354157

Enclosures

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

NRA 515

SENDER: Complete items 1, 2, and 3. Add your address to the "RETURN TO" space on back.

1. The following service is requested (check one):

- Show to whom and date delivered.....0
- Show to whom, date and address of delivery.....0
- RESTRICTED DELIVERY
Show to whom and date delivered.....0
- RESTRICTED DELIVERY
Show to whom, date, and address of delivery.....0

(CONTACT POSTMASTER FOR FEES)

2. ARTICLE ACQUIRED BY: Utah AFL-CIO Education Fund
Salt Lake City, Utah

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
CE3510

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE: *[Signature]* ADDRESS: Classified agent

4. DATE OF DELIVERY: 5-10-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

MAY 10 1982

S

20323 RECORDED
Call 7641

02 APR 29 P 2: 45

AT THE
FEDERAL ELECTION COMMISSION

WILLIAM A. WILSON,
Address:
8001 Braddock Road, Suite 500
Springfield, Virginia 22160,

Complainant,

v.

EDDIE P. MAYNE, President-
Secretary-Treasurer, Utah State
AFL-CIO,

UTAH STATE AFL-CIO,

and

UTAH STATE AFL-CIO
EDUCATION FUND,

Address:

2261 S. Redwood Rd.
Salt Lake City, Utah 84119,

Respondents.

MUR No. _____

02 APR 30 P 2: 18

COMPLAINT

Complainant, William A. Wilson, pursuant to 2 U.S.C. § 437g, hereby charges Respondents, Eddie P. Mayne, Utah State AFL-CIO, and Utah State AFL-CIO Education Fund with violations, or with acts that may lead imminently to violations, of the Federal Election Campaign Act of 1971, as amended, as is fully described below.

Complainant is a citizen of the United States, over the age of eighteen years, and a registered voter of the Commonwealth of Virginia. He is filing this Complaint on behalf of all working

20323

Americans who are compelled to support the pet political goals of the AFL-CIO hierarchy.

Respondents' identities and addresses are set forth, above.

On or before March 12, 1982, Respondents disseminated the attached letter, which expressly calls upon "council[s]" to contribute "treasury money" to fund an effort "to upgrade [their] COPE program" and "to defeat" "Senator Orrin G. Hatch of Utah" in his next bid for reelection. The letter also states that a "major opinion survey commissioned by the Utah State AFL-CIO" indicates that "Hatch is vulnerable." The attached version, which was published in Wisconsin, does not bear a statement disclosing who paid for the dissemination of the letter.

Complainant alleges that the following violations have occurred, may have occurred, or are about to occur:

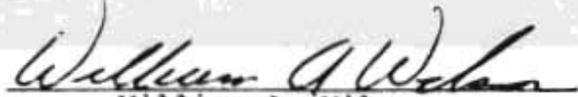
- (1) Respondents have solicited persons who are not members of Utah State AFL-CIO for political contributions, in violation of 2 U.S.C. § 441b(b)(4)(A)(ii);
- (2) Respondents have encouraged recipient union councils to contribute treasury funds to this political drive, in violation of 2 U.S.C. § 441b(a) and 441b(b)(3)(A);
- (3) If Respondents have themselves used treasury funds to pay (1) for preparing and disseminating the attached letter, or (2) for conducting the major opinion survey, then Respondents have made an expenditure in connection with the election of a Senator, in violation of 2 U.S.C. § 441b(a) and 441b(b)(3)(A);
- (4) If the original version of the attached letter does not identify the person who paid for the communication, Respondents have violated 2 U.S.C. § 441d(a), which requires such disclosure on communications that expressly advocate the election or defeat of a clearly identified candidate;

(5) Respondents may be receiving, or may be about to receive, political contributions, knowing them to be unlawful, which is a separate violation of 2 U.S.C. § 441b(a); and

(6) Respondents may be depositing contributions in a fund other than a separate segregated fund, in violation of 2 U.S.C. § 441b(b)(2)(C).

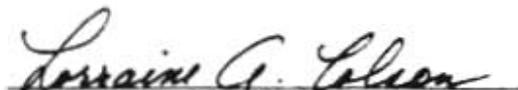
WHEREFORE, Complainant demands a full investigation of these allegations and a correction of all violations.

This Complaint is not being filed at the request of any candidate for federal office.


William A. Wilson

COMMONWEALTH OF VIRGINIA)
COUNTY OF Stafford) SS:

Personally appeared before me, a notary public, on this 28th day of April, 1982, William A. Wilson, who, first being duly sworn, and under penalties of perjury, stated that the foregoing Complaint is true and complete to the best of his knowledge, information and belief.


Notary Public

My Commission expires: December 5, 1983

KENOSHA LABOR
KENOSHA, WIS.
W. 22,000

MAR 12 '82

Our readers say

Dump Hatch in 1982

Dear Unionists:

Few United States Senators have conducted a vendetta against the labor movement like Senator Orrin G. Hatch of Utah.

Hatch personally killed the labor law reform bill with a filibuster. Hatch tried to block appointments of two informed neutrals to the National Labor Relations Board — succeeding once — because they were "pro-labor." Now, he's supporting a notorious union - busting management consultant for appointment as chairman of the Board.

Hatch is the architect of the youth subminimum wage bill and is using the chairmanship of what used to be called the Senate Labor Committee to promote the right-wing Heritage Foundation's labor agenda:

- Repeal of Davis - Bacon and other prevailing wage laws.
- Watering down the principle of the 8-hour day.
- Gutting OSHA.

Obviously, we in the Utah State AFL-CIO aren't very proud that a Senator with that sort of anti-labor record comes from our state (even though he moved here from Pennsylvania). But if you think Orrin Hatch has been bad for labor nationally, he and his henchmen are making things even worse for labor in Utah.

The polls show Orrin Hatch is vulnerable. His arrogant, abrasive, cold style and far right politics have left him with a large

negative rating. Hatch figures he can overcome these handicaps by campaign spending, and he's already raised more than \$1 million. (In fact, he raised half of it at a Washington reception where he told non-union contractors that he needed the money because George Meany had targeted \$4 million to beat him. Which shows you that Orrin Hatch is also a contemptible liar!).

It is obvious that Senator Hatch is going to run against the labor movement in the hopes of diverting public attention from his weaknesses. If Hatch is able to make labor the only issue in the campaign, he'll win. If we take that issue away from him and force him to run on his record, he'll lose.

Right now we are awaiting completion of a major opinion survey commissioned by the Utah State AFL-CIO to determine public attitudes toward unions. The preliminary results definitely indicate Hatch is vulnerable. We want to begin planning our media campaign and to upgrade our COPE program by using the direct mail tactics of the New Right to defeat their darling, Orrin Hatch.

That is why I am writing you. The Utah labor movement has

never liked fund-raising appeals and so we've never asked you for help. But the task that faces us in 1982 is so great and so important to the entire labor movement that we are asking your council to help fund this effort. Since no funds will be given to candidates, we can accept treasury money.

Please help us to help you and the rest of the labor movement by defeating Orrin Hatch. No amount is too small — nor too large. Please send your check to:

Utah State
AFL-CIO Education Fund
2261 S. Redwood Rd.
Salt Lake City, Utah 84119

Thank you for your support.

Sincerely and fraternally,
Eddie P. Mayne
President-Secretary-Treasurer
Utah AFL-CIO

2040354161



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR

FILE 1439/42

274035416





FEDERAL ELECTION COMMISSION

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

9
3
3
0
4
0
3
6
3
3
4
2

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1439/42.



600# 8797

20C198 P4:47

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington D.C. 20463

RE: FEC MUR 1439/1442

October 29, 1982

Dear Mr. Steele:

The enclosed check in the amount of One Hundred and Fifty dollars (\$150) represents the civil penalty which my client, the Utah State AFL-CIO, agreed to pay as part of the conciliation agreement in the above-referenced matter. It is my understanding that the Commission, having accepted the conciliation agreement in this matter on October 5, 1982, has now closed its file in this matter and has placed the information therein on the public record.

Should you have any questions regarding the enclosed civil penalty payment, please contact me at (202) 637-5397.

Sincerely yours,

Margaret E. McCormick

Margaret E. McCormick
Attorney for Utah State AFL-CIO, Respondent

33040363143

3 3 0 4 0 3 6 3 3 4 1



UTAH STATE AFL-CIO

31-2
1240

ORGANIZED IN THE ECONOMIC INTERESTS OF THE WAGE EARNINGS OF UTAH

No 14113

Printed in Utah by Union Printers on Union-Made Paper

SALT LAKE CITY, UTAH OCTOBER 8, 1982

PAY TO THE ORDER OF UNITED STATES TREASURY \$ *150.00*
----- ONE HUNDRED FIFTY & NO/100 ----- DOLLARS

Main Office
WALKER BANK & TRUST COMPANY
Salt Lake City, Utah

UTAH STATE AFL-CIO

Edwin P. Mayne

PRESIDENT - SECRETARY TREASURER

⑆1240⑉0002⑆ 02 17929 9⑈

3
A
5
3
3
0
3
3
8
American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006



Charles N. Steele, Esq.
General Counsel, Federal Election Commission
1325 K Street, N.W.
Washington D.C. 20463

ATTENTION: SUZANNE CALLAHAN



FEDERAL ELECTION COMMISSION

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

END OF ADDITIONAL MATERIAL FOR CLOSED MJR

1439/42

33040353346

