FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C., 20463

THIS IS THE END OF MUR # 1605

Date Filmed 7/26/84 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Routing Cards
Commissioner comment sheets
Memoranda from RAD

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

Signed Anne L. Weissenborn

date July 25, 1984

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 11, 1984

Lawrence Gold, Esquire
Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1605
AFL-CIO COPE-PCC
Thomas R. Donahue

Dear Mr. Gold and Ms. McCormick:

On December 9, 1983, the Commission notified your clients, AFL-CIO COPE-PCC and Thomas R. Donahue, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1984

Alan V. Reuther
Counsel, UAW V-CAP
1757 N Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
UAW V-CAP
Donald J. Moll

Dear Mr. Reuther:

On December 9, 1983, the Commission notified your clients, UAW V-CAP and Donald J. Moll, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1984

Lawrence J. Cohen, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
Suite 801
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1605
IBEW-COPE
Ralph A. Leigon

Dear Mr. Cohen:

On December 9, 1983, the Commission notified your clients, IBEW-COPE and Ralph A. Leigon, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
AFT COPE
Robert G. Porter

Dear Mr. Oldaker:

On December 9, 1983, the Commission notified your clients, AFT COPE and Robert G. Porter, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1984

Michael Ernest Avakian, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1605

Dear Mr. Avakian:

The Federal Election Commission has reviewed the allegations of your client's complaint which was received on December 2, 1983, and determined that on the basis of the information provided in the complaint and information provided by the respondents, there is no reason to believe that violations of the Federal Election Campaign Act of 1971, as amended ("the Act") have been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1605
AFL-CIO COPE-PCC, et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 10, 1984, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1605:

1. Find no reason to believe that the AFL-CIO COPE-PCC and Thomas R. Donahue, as treasurer and individually; UAW V-CAP and Donald J. Moll, as treasurer and individually; AFT COPE and Robert G. Porter, as treasurer and individually; and IBEW-COPE and Ralph L. Leigon, as treasurer and individually, have violated 2 U.S.C. § 433(b)(2) and 2 U.S.C. § 441a(a)(2).

2. Approve the letters attached to the General Counsel's report dated July 5, 1984.

3. Close the file in this matter.

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

Attest:

7-11-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel Cit

DATE: July 6, 1984

SUBJECT: MUR 1605 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of July 10, 1984

Open Session _____

Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON BLUE PAPER

FOR AGENDA OF 7/10/84

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 JUL 6 AM : 45

July 6, 1984

Submitted Late

SUBMITTED LATE

EXECUTIVE SESSION

JUL 10 1984

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1605

This matter is being circulated for placement on the July 10, 1984 executive session agenda. We request that this matter be considered on a late submission basis because the recommendations in this matter may impact on recently filed litigation which entails a request for expedited action by the court.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of)
) MUR 1605
AFL-CIO COPE-PCC, et al.) 84 JUL 6 A9:22

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On December 2, 1983, James Edward Antosh filed a complaint with the Commission alleging that the AFL-CIO COPE-PCC in individual conjunction with the United Auto Workers Voluntary Community Action Program (UAW V CAP), the American Federation of Teachers Committee on Political Education (AFT COPE), and the International Brotherhood of Electrical Workers Committee on Political Education (IBEW-COPE) respectively, have violated 2 U.S.C. § 433(b)(2) and 2 U.S.C. § 441a(a)(2) because, as affiliated committees by virtue of alleged control/coordination and maintenance of political activities, they have failed to disclose their affiliation on their Statements of Organization and have made excessive contributions to seventeen named candidates. The treasurers of each of the four respondent committees are named individually as respondents pursuant to 11 C.F.R. § 104.14(d). The complainant also asserts that a Commission determination not to find reason to believe that the violations cited in the complaint have occurred "would add further doubt to that already existing as to the constitutional validity of the onerous restraints placed on trade associations and federations of trade associations in relation to the generous treatment accorded labor unions and federations of labor unions. Both as applied, and on its face, the Act is contrary to the principles of the First Amendment and deprives trade associations,

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federations of trade associations and business oriented corporations generally of liberty without due process of law in violation of the Fifth Amendment of the Constitution of the United States." (Complaint, page 53).

All respondents were notified of the complaint on December 9, 1983. All requested thirty-day extensions of the standard fifteen-day time period within which to submit their responses to the complaint. These requests were granted and all responses received.

On April 9, 1984, the Commission received from the complainant a supplement to the original complaint which assertedly set out additional evidence of coordination and control by AFL-CIO COPE-PCC. All respondents were notified of this supplement and given opportunities to respond. Extensions of time were granted upon request to May 11, 1984, and all responses to the supplemental complaint have been received. (See Exhibits 1-a, 2-a, 3-a, and 4-a).

II. LEGAL ANALYSIS

A. Legislative History of 2 U.S.C. § 441a(a)(5)

The basis of the complainant's argument in this matter rests upon his interpretation of 2 U.S.C. § 441a(a)(5) which, he argues, permits a finding of what complainant terms "'discretionary' affiliation" between the AFL-CIO COPE-PCC and the separate segregated funds of the three international unions named in the complaint. This interpretation is not in accord with Commission determinations in previous matters under review, nor with the legislative history of this statutory provision.

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2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to any candidate and his authorized political committee. 2 U.S.C. § 441a(a)(5) states that for purposes of the limitations set forth at Section 441a(a)(2),

> all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that -
>
> (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fundraising efforts,. . .
>
> In any case in which a corporation and any of its subdivisions, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregrated fund for purposes of the limitations provided by. . . paragraph (2).

2 U.S.C. § 441a(a)(5) represents the codification of Section 320(a)(5) of Senate Bill 3065 as reported out of the Committee on Conference on April 28, 1976, and passed by the House of Representatives on May 3, 1976, and by the Senate on May 4, 1976. This provision amended the Federal Election Campaign Act of 1971 in accordance with language which originated in Section 320(a)(2) of H.R. 12406, a bill reported out of the Committee on House Administration on March 17, 1976, and passed by the House on April 1, 1976.

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The language which became Section 320(a)(2) of H.R. 12406 was introduced by Chairman Wayne Hays of the House Committee on Administration during that committee's March 8, 1976, markup session. At that time Mr. Hays stated that this section "would enact the following rules:

> First, all of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> . . .Second, all of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> . . .Third, all the political committees set up by the AFL-CIO and all its state and local central bodies would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> Fourth, all the political committees established by the Chamber of Commerce and its state and local Chambers would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> Fifth, the antiproliferation rule just stated would also apply in the case of multiple committees established by a group of persons.
>
> Sixth, there is an exception to the foregoing rule which permits the national political parties and each of their State political parties to set up a political committee and provides that the contributions of such political committees (a total of 51 for each such party) would be treated separately for the purposes of the limitations stated in Section 320.
>
> Finally, there is a provision which permits political committees which have engaged in a joint fund raising effort to

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divide the money so collected between the committees which participate in the effort. (Transcript of Hearings before the Committee on House Administration, Committee Business, March 8, 1976, pages 41-42; cited in AFL-CIO COPE-PCC response, page 9, attached as Exhibit 1).

As noted in the AFL-CIO COPE-PCC and AFT COPE responses in the present matter, Mr. Hays responded during the mark-up session to a question of Rep. Mathis regarding the meaning of this provision as follows:

> Chairman Hays. It applies across the board, Mr. Mathis, and any corporation which is a corporation with subsidiaries, that the subsidiaries may well have PACs, but for the purposes of this section, the total amount the parent corporation and all its subsidiaries can contribute is $5,000. Then it says, second, that an international union can set up a PAC and all of its local unions, state unions, etc., would be treated as a single political committee. In other words, the total they could contribute would be $5,000. Then the AFL-CIO which is a voluntary conglomerate and all its state and central bodies would be treated as a single political committee and they could give up to $5,000 in any fragments they wanted to.
>
> Let me take two examples. Let us take the example of - well, I have a list here which I think is interesting of the top 100 largest corporations. 30 of them have political action committees. The first one underlined is Texaco of New York. So I will just take it. It is the first of the top 100. Texaco of New York has apparently branches in many States. At least there are Texaco stations in Ohio. They could form a PAC, solicit voluntary contributions and could give either by State or national but all put together no more than $5,000 to my candidate.
>
> Take the second one, U.S. Steel Workers of America. They have the headquarters in Pittsburgh, District 6 is in my district and its headquarters are in Wheeling. There is

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another district up in Canton. I think it is 11. They do have a PAC. In the past, District 11 has given me $500 as has District 6. The international has given me as much as a thousand. But suppose they had a lot of money, all three of those put together couldn't give me more than $5,000. Then you have the AFL-CIO COPE, which is the National Association, they could give you $5,000 and that's it.

The local COPE in Ohio, couldn't give me anything if the National Association had given me $5,000.

In all fairness, if it is weighted in any direction, it seems to me it is weighted towards the corporations because of the top hundred corporations last year, 76 of them were involved in political giving. I guarantee that is more than the number of unions involved." (March 8, 1976, Transcript, page 43; emphasis added; cited in AFL-CIO COPE-PCC response, pages 9-10 and in AFT COPE response, pages 9-10).

Rep. Mathis later asked Rep. Hays:

Mr. Mathis. A corporation which has an active political action committee also belonging to a trade association could they give twice by joining a number of trade associations and thereby escape the $5,000 limitation.

. . .

Chairman Hays. I'll have to answer that this way, Mr. Mathis: As I view it if the National Association of Manufacturers had a PAC and any corporation contributed to it, then the NAM could contribute $5,000 and the corporation could, exactly the same as the steel workers could and COPE, UAW-CIO can. But those are the exceptions. (March 8, 1976, Transcript, pages 46- 47; emphasis added; cited in AFL-CIO COPE-PCC response, Exhibit 1, page 10, and in AFT COPE response, page 10, attached as Exhibit 2).

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These same responses then go on to note that on March 9, 1976, Rep. Hays introduced the statutory language which became Section 441a(a)(5), and further explained as follows:

> Chairman Hays. I think that [the draft statutory language] does what we said yesterday we wanted to do. I will only take a minute to explain it. It simply says all subsidiaries of unions and corporations will be limited in the aggregate in the contribution limit of $5,000.
>
> . . .
>
> The last part, starting with "... in any case," simply reiterates if they have more than one segregated fund, all such segregated funds shall be treated as one for the purpose of the contribution limitation.
>
> Any questions?
>
> Mr. Frenzel. Mr. Chairman.
>
> Chairman Hays. Mr. Frenzel.
>
> Mr. Frenzel. I raised the question yesterday and got this response from the Chairman. I don't think it is the best policy but I will say it is fair and I think our side will accept it.
>
> Chairman Hays. I am glad to hear you say that, Mr. Frenzel, the Chair did its utmost to make it fair to both sides. (Transcript of Hearings Before the Committee on House Administration, Committee Business, March 9, 1976, pages 9-10; cited in AFL-CIO COPE-PCC response, Exhibit 1, pages 11-12).

Later, just prior to the committee vote agreeing to Rep. Hays' proposed statutory language, the following discussion took place:

> Mr. Brademas. I am a little fuzzy on this part of the amendment in which in the last sentence of your amendment you indicate in any case in which a corporation or labor organization establishes or finances or

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maintains or controls more than one separate segregated fund, all such funds shall be treated as a single segregated fund -

Chairman Hays. The aggregate amount the Steel Workers can contribute by locals or state organizations is $5,000.

Mr. Brademas. Except that, to finish my question, suppose you have a case in which a corporation or labor organization doesn't establish or finance or maintain or control the fund of a subsidiary, either of the corporation or of the union. ...

I think what this amendment does, I just want to be sure we all understand what we are doing, is it can permit two contributions up to $5,000? That may or may not be a good thing.

Chairman Hays. No, it doesn't do that <u>except in the case of COPE which is specifically exempted</u>. The language says in any case in which a corporation, subsidiaries, divisions, departments or local units, or labor organizations or any of its subsidiaries, departments, etc.

Mr. Brademas. Suppose you have a corporation or a union and you have a subsidiary or a local union. The subsidiary or the local union is not controlled or established or financed or maintained, is it not then the case, Mr. Chairman, that two funds are permitted?

Chairman Hays. No. If you read the language of the amendment. (March 9, 1976, Transcript, page 13; emphasis added; cited in AFL-CIO COPE-PCC response, Exhibit 1, pages 12-13.)

The House Committee Report dated March 17, 1976, contained an explanation of Section 320(a)(2), H.R. 12406, which largely followed Rep. Hays' explanation during the committee markup session on March 8th:

To prevent corporations, labor organizations, or other persons or groups of

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persons from evading the contribution limits of H.R. 12406, the bill establishes the following rules:

All of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;

All of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;

All of the political committees set up by the AFL-CIO and all its State and local central bodies would be treated as a single political committee for the purpose of H.R. 12406's contribution limitations;

All the political committees established by the Chamber of Commerce and its State and local Chambers would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;

The anti-proliferation rules just stated would also apply in the case of multiple committees established by a group of persons.

. . .

Political committees which have engaged in a joint fundraising effort may divide the money so collected between the committees which participate in the effort. (H.R. Rep. No. 94-917, 94th Cong., 2d Sess., p. 6).

There was no discussion during the floor debate in the House about the relationship of a federation of unions and its affiliates as regards contribution limits. The language of H.R. 12406 was adopted by the Conference Committee as Section 320(a)(5) of S. 3065, and the explanation of this provision echos that set forth in the House Report. The Conference Report was adopted by Congress with no further discussion of Section

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320(a)(5). The Commission's regulations at 11 C.F.R. § 110.3(a)(1)(i) and (ii) in turn track the language of Section 441a(a)(5), of Rep. Hays' explanation, and of the House Committee and Conference Committee Reports.

Counsel for AFL-CIO COPE-PCC argue that Congress was well aware in 1976 that separate segregated funds had already been established by not only the AFL-CIO but also by international and national unions affiliated with the federation.1/ This awareness is to be found in the fact that the explanations of Section 320(a)(2), H.R.12406, contained in the House Committee Report and of Section 320(a)(5), S.3065, contained in the Conference Committee Report set out separate rules for political committees formed by a single union and for political committees set up by the AFL-CIO and its state and local central bodies. Counsel argue that if Congress had intended that the separate segregated funds of member unions were to be deemed affiliated with those of the AFL-CIO and its state and local central bodies for purposes of contribution limitations, or corporate separate, segregated funds with a trade association, "such a condemnation [of AFL-CIO or trade association activities] would have the inevitable consequence of requiring labor federations and trade associations to cease the type of activity Congress had deliberately decided

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1/ In support of this argument, counsel cite a study by Common Cause inserted into the Congressional Record by Senator Richard Clark which listed all separate segregated funds registered with the Commission since 1975 and which distinguished between those unions affiliated with the AFL-CIO and those which were independent. (AFL-CIO COPE-PCC response, Exhibit 1, page 5, citing Congressional Record-Senate, March 16, 1976, S 3535-S 3549).

to permit." It would also have rendered the rules limiting labor federation and trade association funds "superflous". Finally, counsel argue that the rule limiting funds established by a group of persons does not apply to a labor federation and a member union or to the Chamber of Commerce and its members, because, if it did, the specific rules related to the AFL-CIO and the Chamber of Commerce would be "overridden". (AFL-CIO COPE-PCC response, Exhibit 1, pages 15-17.)

B. Prior Commission Determinations

It has been the consistent position of the Commission since 1977 that Congress intended AFL-CIO COPE-PCC and the separate segregated funds of the AFL-CIO's constitutent member unions to be exempted from the anti-proliferation rules established by 2 U.S.C. § 441a(a)(5). See MUR 354 and MUR 783. This conclusion has been based upon the legislative history of Section 441a(a)(5) and upon the Commission's regulations at 11 C.F.R. § 100.5(g)(2) (formerly 11 C.F.R. § 100.14(c)(2)) and 11 C.F.R. § 110.3(a)(1)(i) and (ii). The legislative history and interpretation outlined above support the maintenance of this position by the Commission.

C. Per Se Non-Affiliation versus Discretionary Affiliation

1. Per Se Non-Affiliation

During the course of litigation initiated by Henry L. Walther in 1979 with regard to the Commission's determinations in MUR 783, et al., the court rejected what it saw as the Commission's finding that "never" and "under no circumstances"

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could the AFL-CIO COPE-PCC and an affiliated national union's political action committee be found to be affiliated. Walther v. F.E.C., 2 Fed. Elec. Camp. Fin. Guide (CCH) § 9076 (D.D.C. April 17, 1979) at page 50636.2/ The respondents in the present matter do not, however, rely upon an assertion that Congress intended AFL-CIO COPE-PCC and the separate segregated funds of its constituent unions "never" to be found to be affiliated. Rather, three of the respondents contend that Congress in 1976 had in mind a particular set of facts regarding the known relationship of the AFL-CIO to its affiliated national unions, and excepted the AFL-CIO COPE-PCC and the separate segregated funds of those national unions on the basis of these facts. These respondents argue that this relationship has not changed since 1976 and that therefore the exception still holds.

The response submitted on behalf of UAW V-CAP and Donald J. Moll states:

> The Commission is not called upon to consider whether, under any set of circumstances, the AFL-CIO could ever be considered affiliated with its member unions. The Commission need only decide that, in light of the information set forth in the NRWC's complaint and other information available to it, there is not a scintilla of evidence to suggest that there has been any substantive change in the nature of the relationship which existed between the AFL-CIO and its constituent unions at the time the anti-proliferation provision in the

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2/ The court did not, however, have before it at the time of this decision the transcript of the House markup cited above. The transcript was supplied to the court at a later date, but was never addressed because the court determined that the Commission had been justified on other grounds in declining to pursue investigations in the matters at issue.

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> 1976 amendments to the FECA was enacted, and the nature of the relationship which presently exists between the federation and its member unions. Accordingly, based on the clear legislative history surrounding section 441a(a)(5), the Commission has ample grounds for concluding that Congress did not intend for respondents to be subject to a single contribution limitation. . . . (Response of UAW V-CAP, page 11, attached as Exhibit 3).

This emphasis upon Congressional knowledge of the relationship of the AFL-CIO and its affiliates in 1976 is also found in the responses submitted on behalf of AFL-CIO COPE-PCC and AFT COPE. After a lengthy discussion of the legislative history of 2 U.S.C. § 441a(a)(5), including the five rules listed by Rep. Hays cited above, the AFL-CIO COPE-PCC response enters what is termed a "caveat" not deemed applicable in the present matter:

> We have stressed that Congress, in drafting and enacting § 441a(a)(5), based on its review of the situation in 1976, made a deliberate choice to maintain the status quo in one respect and not to subject the separate segregated funds of a labor federation, such as AFL-CIO, and of its affiliated national unions such as the AFT, IBEW and UAW, to a single contribution limit. That agreement suggests its own limit; if the status quo no longer obtains -- if, for example, the relationship between the AFL-CIO and its affiliated national unions is significantly changed -- the detailed antiproliferation rules geared to the situation in 1976 would not govern. (AFL-CIO COPE-PCC response, Exhibit 1, pages 17-18).

The response submitted on behalf of AFT COPE and its treasurer asserts that it was the intent of Congress that "the Chamber of Commerce and the AFL-CIO be regarded as separate entities from the association's member corporations and the

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federation's member unions" and that corporations and international unions with separate segregated funds were to be permitted to belong to trade associations and international unions which had separate segregated funds without being subject to a single contribution limit.

> Given this clear Congressional intent at the time of enactment of Section 441a(a)(5), it logically follows that there must be a significant change from 1976 in the organizational structure of or in the relationship between the AFL-CIO (and COPE PCC) and the various international unions (and their PACs) to justify a departure from legislative intent. There has been no significant change since 1976. . . . Nor has complainant alleged that any such change has taken place. (AFT COPE response, Exhibit 2, pages 11-12.)

This Office finds that these "caveats" cited by respondents in this matter are not required by the legislative history of Section 441a(a)(5). Congress clearly separated the combined contribution limitation of the separate segregated funds of the AFL-CIO and of its various state and local affiliates from the combined contribution limitation of the separate segregated funds of any national/international union affiliated with the AFL-CIO and that national union's own locals. There is nothing in the legislative history which indicates that this separation was predicated upon the particular relationship of the AFL-CIO and its national affiliates at a particular point in time. Therefore, this relationship was not only omitted from the explicit per se affiliated relationships outlined in the House

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and Conference reports, but is not subject to a finding of "discretionary affiliation."

2. Discretionary Affiliation

Even if it were to be determined that the so-called "discretionary affiliation" provisions of 2 U.S.C. § 441a(a)(5) were applicable to the respondents in 1976 and are still applicable at present, the factual allegations raised by the complainant in the present matter would not lead to a different result. For the sake of the record, these allegations and the respondents' answers thereto are discussed below.

The indicia of affiliation of contributing committees set forth at 2 U.S.C. § 441a(a)(5) are common establishment, financing, maintenance or control by a corporation, labor organization or any other person. 11 C.F.R. § 110.3(a)(1)(iii) cites as evidence applicable to labor organizations of these statutory indicia the following:

B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity;

D) Similar patterns of contributions;

E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

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In the present matter the complainant argues that the AFL-CIO and AFL-CIO COPE-PCC control and maintain the affiliated national and international unions and their separate segregated funds cited in the complaint. Complainant, citing Advisory Opinions 1978-39 and 1979-77, states that a finding of affiliation between the AFL-CIO and a national union pursuant to the criteria established by 2 U.S.C. § 441a(a)(5) and 11 C.F.R. § 110.3(a)(1)(iii) would also render AFL-CIO COPE-PCC and the separate segregated fund of that national union affiliated.

a) Alleged Control by the AFL-CIO

The evidence of alleged control by the AFL-CIO of its affiliated national/international unions cited by the complainant includes: (1) the selection of thirty-three AFL-CIO vice-presidents from among the presidents of the international unions affiliated with the federation and the service of these vice-presidents on the Executive Council of the AFL-CIO which is its governing body between bi-yearly conventions;3/ (2) provisions of the AFL-CIO constitution empowering the Federation's Executive Council to issue charters and certificates of affiliation; (3) the assessment of per capita taxes by the AFL-CIO against affiliated unions and automatic suspension for failure to pay; (4) the asserted ability of the AFL-CIO to dismiss officers of affiliated unions; (5) the ability of the AFL-CIO to sanction

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3/ In 1983 thirty of the AFL-CIO vice-presidents were in fact presidents of international unions while three others held other union positions. See Complaint, Exhibit 1-A.

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affiliates; (6) the establishment by the AFL-CIO of provisions for mergers and affiliations between and among affiliated unions; (7) the AFL-CIO's role as mediator and arbitrator of disputes among affiliated organizations; (8) the requirement that the AFL-CIO approve name changes of affiliates; (9) the provision in the AFT constitution providing for "permanent affiliation" with the AFL-CIO; (10) publications by affiliated unions about the AFL-CIO; and (11) the policies set by the Executive Council of the AFL-CIO in February, 1983, that unions affiliated with the federation should not declare their preference for a presidential nominee until August, 1983, and should not commit themselves irrevocably to such a candidate until the meeting of the AFL-CIO's General Board, composed of the heads of 99 federation affiliates, in late 1983.

AFL-CIO COPE-PCC has responded by asserting at the outset that the AFL-CIO Constitution guarantees the autonomy of affiliated national unions (Article II, Sec. 11; see AFL-CIO COPE-PCC response, Exhibit 1, Attachment 2), that the AFL-CIO does not intervene in the internal affairs of an affiliated national union, and that the AFL-CIO has no power to discipline such a union's officers or to impose a trusteeship or receivership over that union. (AFL-CIO COPE-PCC response, Exhibit 1, page 19). It also notes that an affiliated national union can disaffiliate at any time. (AFL-CIO COPE-PCC response, Exhibit 1, page 19).

AFL-CIO COPE-PCC argues that any affiliated national union can take any political position or support any candidate it

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chooses. (AFL-CIO COPE-PCC response, page 21). Control of such decisions by the AFL-CIO extends only to AFL-CIO state and local central bodies. This distinction has been stressed in a letter from former AFL-CIO President George Meany dated July 21, 1972 (see AFL-CIO COPE-PCC response, Exhibit 1, Attachment 4), and also in a report adopted by the AFL-CIO Convention in 1973 regarding a disciplinary action against the Colorado State Federation. This latter report cites Rule 4 of the Rules Governing AFL-CIO State Control Bodies as requiring state central bodies to conform their national activities to policies of the AFL-CIO, but also states:

> This, of course, is in direct contrast to the relationship between the Federation and the national and international unions which are affiliated with it, each of whom are guaranteed their internal autonomy by Article II, Section 11 of the AFL-CIO Constitution. (See AFL-CIO COPE-PCC response, Exhibit 1, Attachment 5, page 194).

Regarding the disciplining of union officials, the AFL-CIO COPE-PCC response states that such power on the part of the Executive Council extends only to executive officers of the Federation or members of the Executive Council, and to officers of AFL-CIO state and local bodies. It is noted that the specific instance of such discipline noted in the complaint involved an individual in his capacity as the president of a state AFL-CIO, not his position with the state affiliate of a particular national union. (AFL-CIO COPE-PCC response, Exhibit 1, page 22).

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The AFL-CIO COPE-PCC response also notes that the complainant cites only two provisions of the AFL-CIO Constitution which either prohibit affiliated national unions from taking a particular action or require prior AFL-CIO approval of an action. These provisions are Article XX, Section 15(4), which prohibits an affiliate from supporting or assisting action taken in violation of this Article (i.e., failure to respect the jurisdiction of another union) and provides for sanctions for violations, and Article VIII, Section 14, which is the name change approval requirement cited by the complainant. The AFL-CIO response states that these provisions both were designed to preserve the jurisdictional integrity of each affiliate and to prevent confusion. These grants of authority are assertedly narrow and provide no support for the proposition that the AFL-CIO controls the political activity of affiliated national unions. (AFL-CIO COPE-PCC response, Exhibit 1, pages 23-24).

Finally, regarding the complainant's citing of AFL-CIO involvement in mergers of national unions, the AFL-CIO response argues that such mergers are voluntary pursuant to Article III, Section 10 of the AFL-CIO Constitution.

The response filed on behalf of UAW V-CAP and its treasurer in this matter notes that the complaint "hardly mentions the UAW and UAW V-CAP at all." (UAW V-CAP response, Exhibit 3, page 28). This response cites many of the same provisions of the AFL-CIO Constitution contained in the AFL-CIO COPE-PCC response concerning the autonomy of affiliated international unions, and

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quotes Article 2, Section 6(a) of the UAW Constitution as follows:

> To work as an autonomous International Union affiliated with the Canadian Labor Congress (CLC), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) together with other International Unions, for solidification of the entire Labor Movement; provided, however, that the International Executive Board may at any time alter the Union's relationship to such bodies in any way it deems appropriate. (Emphasis supplied.) (UAW V-CAP response, Exhibit 3, Exhibit 1).

The response also outlines the governing bodies and individuals of the UAW, namely the UAW International Convention, the International Executive Board, and the International President. The Board and President are elected by UAW delegates to the Convention. "(I)t is evident that the AFL-CIO and its officials do not have any voice or vote within the governing bodies of the UAW, let alone the authority, power or ability to direct its actions. No AFL-CIO officials serve on the UAW's governing bodies. And the authority of the UAW's governing bodies is not limited or subordinated in any manner to the policies or actions of the AFL-CIO." (UAW V-CAP response, Exhibit 3, pages 18-19). This response also notes that the UAW withdrew from the AFL-CIO in 1968 and later rejoined in 1981. "The very fact that the UAW could, of its own volition, withdraw from and later rejoin the federation shows the UAW's independence." (UAW V-CAP response, Exhibit 3, page 20). Furthermore, during reaffiliation discussions, the autonomy of UAW was stressed as is seen, for example, in an exchange of letters between George Meany and

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Donald Fraser, presidents respectively of the AFL-CIO and the UAW. (See UAW V-CAP response, Exhibit 3, exhibits 5 and 6). This autonomy was also stressed in information provided union members prior to the 1981 vote on reaffiliation with the AFL-CIO. (See UAW V-CAP response, Exhibit 3, exhibits 7 and 8).

The response of AFT COPE also addresses the issue of alleged control by AFT by the AFL-CIO and, in particular, the provisions in the AFT Constitution regarding permanent affiliation and the required affiliation of its locals with state and local AFL-CIO councils. AFT COPE acknowledges these latter provisions, but argues that "affiliation" pursuant to the AFT Constitution does not involve a grant to the AFL-CIO of "the authority, power or ability to direct AFT" as would be required by 11 C.F.R. § 110.3(a)(1)(iii)(B), nor does the complainant allege such a delegation. (AFT COPE response, Exhibit 2, page 18).

The response of the IBEW-COPE denies that the AFL-CIO controls IBEW.

> The AFL-CIO has no authority under the IBEW Constitution to direct the affairs of the IBEW. The IBEW operates independently of the AFL-CIO and maintains the right to affiliate or disaffiliate with organizations such as the AFL-CIO. (IBEW-COPE response, affidavit of Ralph A. Leigon, treasurer, Exhibit 4, page 2).

Concerning specifically the endorsement of a Presidential candidate by the AFL-CIO in late 1983, respondent AFL-CIO COPE-PCC cites the statement by the president of the AFL-CIO, Lane Kirkland, at a press conference on February 22, 1983:

> I would point out, the state federations and city central bodies are subordinate bodies of

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> the AFL-CIO and are, therefore, bound by all of the strictures and inhibitions that the AFL-CIO might be bound by. The international unions are autonomous and are not subordinate to the Federation. Any one who has the slightest experience and knowledge of the structure of the American trade union movement, I think, has a pretty good grasp of that. (AFL-CIO COPE-PCC response, Exhibit 1, page 22, and attachment 6).

b) Alleged Control by AFL-CIO COPE-PCC

Evidence cited in the original complaint of control by the AFL-CIO COPE-PCC of the separate segregated funds of affiliated national unions includes (1) AFL-CIO COPE-PCC's role in coordinating the political and legislative activities of affiliated unions and certain resolutions passed by AFL-CIO conventions regarding such coordination; (2) the ability of the AFL-CIO to otherwise influence the political activities of member unions; (3) COPE-PCC activities as arbiter of conflicts between member unions and their locals; and (4) the issuance by COPE of "Rules Governing Committees on Political Education of State Central Bodies." In the supplement to the complaint submitted on April 9, 1984, additional allegations are made of coordination by AFL-CIO COPE-PCC of union activities related to the 1983-84 presidential primaries and caucuses, including involvement in delegate selection. In particular the supplement cites a meeting in Des Moines, Iowa, at which the director of COPE addressed members of affiliated unions, and a letter from the AFL-CIO president to local central bodies stating that the AFL-CIO endorsement of Walter Mondale in 1983 prohibited officers of such bodies from becoming or assisting a delegate other than a Mondale delegate. The supplement also cites activities by member

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unions urging participation by their own members in AFL-CIO activities; however, the specific unions cited are not named respondents in the present matter. In addition, the supplement cites the asserted provision by the AFL-CIO Labor Institute of Public Affairs of video news bulletins and advisories which are sent to affiliated unions, and the provision by AFL-CIO COPE of written materials including two particular publications on how to set up a local union COPE committee and on why members should contribute to COPE. As evidence of coordination the supplement includes copies of political messages from four union newspapers which contain identical language urging support of Mondale plus a fifth with similar content. Only one is related to a respondent in the present matter, the IBEW.

The initial response of the UAW V-CAP stated, "The mere fact that the AFL-CIO and COPE-PCC may help to coordinate the political activities of various international unions is not tantamount to exercising 'control' over those political acivities. Indeed, the very fact that any 'coordination' is necessary suggests just the opposite --that often the international unions follow divergent political goals." (UAW V-CAP response, Exhibit 3, pages 16-17). The responses of the AFL-CIO COPE-PCC, UAW V-CAP and IBEW-COPE argue that, in any event, the activities cited by the complainant in the original complaint and in the supplement as coordinated involve joint fund-raising, which is expressly exempt from the indicia of affiliation pursuant to 2 U.S.C. § 441a(a)(5)(A), or

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internal communications, registration and get-out-the-vote drives, all of which are specifically excluded from the definition of "expenditure" pursuant to 2 U.S.C. § 431(9)(B) and of "contribution or expenditure" pursuant to 2 U.S.C. § 441b(b)(2)(A)-(B), and which were recognized by Congress in 1976 as legitimate activites of both individual unions and the AFL-CIO. (AFL-CIO COPE-PCC responses, Exhibit 1, pages 6-7, 26, and Exhibit 1-a, page 2; UAW V-CAP response, Exhibit 3, page 17; and IBEW-COPE response, Exhibit 4, pages 7-8).4/ With respect to the particular activities cited in part 1-B of the supplement to the complaint, counsel for AFL-CIO COPE-PCC states that these

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4/ The AFL-CIO COPE-PCC response quotes remarks of Senator Packwood in 1976 with regard to his proposed amendment to the Senate bill requiring the reporting of corporate and union expenditures for certain communications with their officers and administrative personnel, or members. ". . . (U)nder the present law, and under this bill, corporations are free to use corporate money to appeal to their shareholders or to their corporate officers and administrative personnel, and unions are free to use union money to communicate with their members. . . ." (AFL-CIO COPE-PCC response, Exhibit 1, page 6, quoting remarks of Senator Packwood, Congressional Record-Senate, March 16, 1976, S 3554). The response also quotes remarks of Rep. Wiggins during the House floor debate on H.R. 12406 in support of his amendment to require reporting of internal communications. These latter remarks stressed the right under the Act of corporations and unions to use treasury funds to communicate with stockholders, executives and their families on the one hand, and with members and their families on the other, and to conduct nonpartisan registration and get-out-the-vote campaigns aimed at these same persons. (AFL-CIO COPE-PCC response, Exhibit 1, page 6).

The AFL-CIO COPE-PCC response then goes on to state that "Congress also understood that the AFL-CIO . . . has a statutory right to, and does, undertake cooperative programs with its member . . . unions of internal communications on political subjects and voter registration and get-out-the-vote activities aimed at AFL-CIO members and their families. (Response of AFL-CIO COPE-PCC, Exhibit 1, pages 6-7.) In support of this statement, the response quotes from remarks of Rep. Hays during the House floor debate on the 1974 amendments to the Act as follows:

(footnote continued)

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examples of alleged coordination are irrelevant because of the right of the AFL-CIO "to engage in coordinated internal political education and get-out-the-vote activities with its member unions." (AFL-CIO COPE-PCC response to supplement, Exhibit 1-a, page 3).

4/ (footnote continued)
The bill exempts communications by membership organizations to their members and by corporations to their stockholders from the definition of expenditure. That exemption, of course, includes communications by a federated organization to its members on behalf of its affiliates utilizing its own or its affiliate's resources or personnel. . . . (AFL-CIO COPE-PCC response, Exhibit 1, page 7, quoting remarks of Rep. Hays, Congressional Record-House, October 10, 1974, H 10330).

Also cited in the AFL-CIO COPE-PCC response are remarks by Rep. Moore and Senator Dole, during the 1976 floor debates, which spelled out joint activities of the AFL-CIO and unions in the 1968 and 1976 elections respectively, activities including the use of computers, telephone banks, distribution of literature, canvassing, and voter registration. (Response of AFL-CIO COPE-PCC, Exhibit 1, pages 6-7, citing remarks by Rep. Moore, Congressional Record-House, April 1, 1976, H 2658-2659, and remarks of Senator Dole, Congressional Record-Senate, May 4, 1976, S 6483-6484. See also UAW V-CAP response, Exhibit 3, page 25.). It was the reportability of these activities which was at issue in the debates, not their existence or the relationship of the AFL-CIO and its affiliated unions as the result of these activities.

In the same regard, the response to the complaint submitted by UAW V-CAP points out that "(s)ince all federations and trade associations by their very nature are created for the purpose of providing certain assistance and services to their members, if this was deemed sufficient to trigger a finding of affiliation under the FECA, then no member of any federation or trade association (whether it be a labor, business or professional organization) would ever be able to retain their independent status." (UAW V-CAP response, Exhibit 3, page 25).

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Regarding the allegation that the above-cited emphasis upon coordination of political activities constitutes the "ability to . . . otherwise influence" the actions of affiliates' PACs pursuant to 11 C.F.R. § 100.3(a)(1)(iii)(C), the AFT COPE response argues that the complaint "misconstrues the breadth of the term 'otherwise influence'. 'Otherwise influence' does not mean 'to have an effect upon' but connotes having the power, authority, or ability to effectuate decisions of equivalent magnitude to decisions to hire, appoint, discipline, discharge, demote or remove. . . . Under this narrower, and proper, construction of the regulations, the conduct of the Executive Council of the AFL-CIO certainly does not 'influence' the AFT's ability to control its selection of a presidential candidate." (AFT COPE response, Exhibit 1, pages 19-20. See also UAW V-CAP response, Exhibit 3, page 17).

The AFL-CIO COPE-PCC response also points out that the publication, "Rules Governing Committees on Political Education of State Central Bodies," pertains to the activities of the AFL-CIO's own state councils, not those of the national affiliates. (AFL-CIO COPE-PCC response, Exhibit 1, page 19, fn.1). As regards the reference in the supplement to the complaint to the letter from AFL-CIO President Lane Kirkland regarding the effect of the federation's endorsement of Walter Mondale upon delegate selection, the AFL-CIO COPE-PCC response states that this letter was addressed to officers of local central bodies of the AFL-CIO, not to those of national or international unions. (AFL-CIO COPE-

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PCC response to supplement, Exhibit 1-A, page 2).

The complainant cites as further examples of alleged control two resolutions passed by the 1979 AFL-CIO Convention. Resolution #176 reads:

> RESOLVED: That all affiliated national and international unions be urged to strongly encourage their local unions to affiliate with the appropriate state and local central bodies to insure the continued organizational health of the AFL-CIO and COPE program.

The complainant finds that this language "dictates" that member unions ensure coordination with the AFL-CIO, and deems this language a "mandate" that local unions are to "work with state and local affiliates of AFL-CIO in deciding upon candidate endorsements and that local unions are to subjugate their own political activities, and inherently the activities of their PACs, to the positions advanced and held by the AFL-CIO and the state and local affiliates of AFL-CIO." (Complaint, page 35). The complainant asserts that, given the provisions in the AFL-CIO Constitution empowering the Convention, as the supreme body, to "suspend wayward member unions . . ." [Article IV, Section 1, and Article III, Section 8], and in light of the promulgation of Resolution #176, the "AFL-CIO and its state and local affiliates have 'the authority, power or ability to direct' not only AFL-CIO COPE-PCC, but also the separate segregated funds of the union members of the AFL-CIO." (Complaint, page 35).

In response, counsel for UAW V-CAP points out that Resolution 176 is a situation in which "the AFL-CIO, or COPE-PCC, urged, encouraged or recommended that the member unions take

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certain actions, rather than actually ordering or mandating that such action be taken." (UAW V-CAP response, Exhibit 3, page 16). This interpretation is supported by the language of the resolution.

The second resolution cited in part by the complainant is Resolution #229 which reads:

> RESOLVED: That each affiliate of the AFL-CIO take steps . . .
>
> > 2 - To seek establishment in every local union of a full-time COPE committee, responsible for acquainting members of their union's political program, for urging and helping members to register and vote, for promotion of the voluntary political check-off by members, and for coordinating the local's political activities with the community-wide COPE program.

The complainant terms this resolution an "instruction to coordinate activities" and finds that it constitutes, in light of the structure of the AFL-CIO and actual practice, "the ability to . . . influence the decision of the officers or members of the PACs of the union affiliates." (Complaint, page 36). Regarding this particular allegation, the UAW V-CAP response argues that evidence of AFl-CIO and COPE-PCC coordination of international unions' political activities "is simply beside the point", because, again, coordination does not equal control. (UAW V-CAP response, Exhibit 3, pages 16-17.)

The responses of the three respondent national affiliated unions address explicitly the issues of whether AFL-CIO COPE-PCC controls the selection of candidates for endorsements and the

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making of contributions. The AFT COPE response denies such control and stresses that,

> (w)hile the national endorsement of a presidential candidate during the primary season is made by the Executive Council of AFT, local affiliates are not bound by such an endorsement and may, without penalty, remain neutral or endorse an opposing candidate. Selection of a presidential candidate during the general election period is made by AFT convention delegates. The task of endorsing State, Congressional, local and municipal candidates belongs to the appropriate state and local affiliates. . . . Thus, control of candidate endorsement remains at all times with AFT members. (AFT COPE response, Exhibit 2, pages 18-19).

As regards contributions, the AFT COPE response states:

> Neither the AFL-CIO nor the AFL-CIO COPE-PCC has the authority or ability to control the contributions made by the AFT COPE to political candidates. AFT COPE may only make contributions to candidates who have been endorsed by the appropriate AFT body. (AFT COPE response, Exhibit 2, page 20 and exhibit 2).

The response of the UAW V-CAP, after outlining relevant provisions of the UAW Constitution and UAW V-CAP bylaws, states:

> The AFL-CIO and COPE-PCC do not have any voice or vote within UAW V-CAP. None of their officials serve as officials of UAW V-CAP. And they do not have any authority or power over the decisions regarding which candidates will be supported by UAW V-CAP. (UAW V-CAP response, Exhibit 3, page 20).

And the response of the IBEW-COPE states:

> (T)he IBEW-COPE is the ultimate decision-maker with respect to candidates it will endorse for public office. While the AFL-CIO encourages its affiliates to support presidential candidates endorsed by the Federation, they are not required to do so. The AFL-CIO has no authority to impose sanctions on international union officials who choose to endorse a different candidate

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> or to remain neutral. The same holds true for endorsements of candidates seeking Congressional, state or local offices. At these levels, the IBEW-COPE generally will select candidates to endorse on the basis of communications received from IBEW local unions. Oftentimes these decisions will not comport with the endorsement decisions of the AFL-CIO COPE-PCC.
>
> Most importantly for purposes of this case, neither the AFL-CIO nor COPE-PCC have the authority to control the contributions made by the IBEW-COPE to political candidates. The IBEW-COPE makes its own decisions concerning both the selection of candidates to whom it will make contributions and the amount of such contributions. (IBEW-COPE response, Exhibit 4, pages 6-7).

The complainant's supplement refers to the response of the IBEW-COPE to the original complaint, and the argument is made that the respondent's asserted failures to respond to the "facts" stated in the complaint should be deemed to be admissions of those alleged facts.5/ The facts set forth are the coordination of member unions' activities by AFL-CIO COPE, the provision by IBEW of membership lists to AFL-CIO COPE, the promotion of the latter committee at IBEW conventions, AFL-CIO Resolution #176, and the potential involvement of the IBEW president in settlement of delegate endorsements or a member of the AFL-CIO Executive Council. (Complaint supplement, page 8). The IBEW-COPE response to the supplement argues that "these claims were not and are not admitted and can, in any event, hardly be characterized as

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5/ IBEW-COPE sent a copy of this response to the complainant.

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'facts'". The response in particular refers to the complainant's claim that Resolution #176, quoted above, ensures affiliation of international unions . . . with the AFL-CIO as claimed by the complainant. The response points out that Resolution #176, however, says nothing whatsoever about affiliation of international unions with the AFL-CIO. It then goes on to reiterate the argument that IBEW is autonomous. (IBEW-COPE response to supplement, Exhibit 4-a).

3) Alleged Maintenance by AFL-CIO and AFL-CIO COPE-PCC of Affiliated National Unions' Political Activities

Evidence presented by the complainant of alleged maintenance by the AFL-CIO and AFL-CIO COPE-PCC of the political activities of affiliated national unions include (1) the establishment and maintenance by the AFL-CIO for use by itself and its affiliates of a computer data base of members of affiliated unions for use in voter registration and get-out-the-vote drives; (2) the related processing of requests for data in the form of mailing labels, listings and cards; and (3) the provision of technical assistance, publications and meetings, conferences, seminars, and workshops on political strategy and technical subjects such as candidate selection, legal issues, delegate selections, etc. At least as regards courses on opinion polling held at the George Meany Center for Labor Studies, representatives of unions allegedly pay no tuition to attend. Specific publications of the AFL-CIO or AFL-CIO COPE cited by the complainant as having been made available to member unions include Facts on Pacs, a general,

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informational brochure on political action committees and "check-off" systems for collecting contributions; Give a Little or Pay a Lot and Step by Step to Check Off, which contain descriptions of a "check-off" system; Grass Roots Lobbying: A Manual for Local Building and Construction Trades Councils, which deals with legislative lobbying; and Labor, Money and Politics: A Reference Manual for Union Political Directors, which, according to the index furnished by the complainant, provides information on the legal requirements to be met by the separate segregated funds of affiliated unions. As noted above, the supplement to the complaint lists two additional AFL-CIO COPE publications, Do It! Organizing a Local Union COPE Committee, and Just What is COPE, Anyway?. The supplement also cites the provision of video news bulletins to member unions by AFL-CIO COPE.

In support of his argument that this provision of information and training constitutes "maintenance" of affiliated national unions and their separate segregated funds by the AFL-CIO and AFL-CIO COPE, the complainant points to the General Counsel's Report in MUR 253 in which it was recommended that the support made available to state medical political action committees by the American Medical Association Political Action Committee in the forms of educational conferences, seminars, and workshops on campaign techniques, voter registration and get-out-the-vote methods, and candidate support practices, and of legal advice and technical assistance by political education

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coordinators, be considered by the Commission to be "maintenance" within the meaning of 2 U.S.C. § 441a(a)(5). (General Counsel's Report, MURs 253, et al., August 1, 1979, pages 93-95).

As discussed above, counsel for AFL-CIO COPE-PCC and UAW V-CAP argue that coordinated voter registration and get-out-the-vote activities on the part of the federation and member unions were known to Congress at the time that 2 U.S.C. § 441a(a)(5)(A) was enacted and that their right to engage in these activities was affirmed. It is also asserted that the same holds true as to the right of AFL-CIO to communicate with members and their families about political matters. These rights counter the arguments of the complainant that activities such as the publication of identical materials in internal union newspapers constitutes evidence of affiliation for purposes of 2 U.S.C. § 441a(a)(5)(A). Regarding MUR 253, counsel for AFL-CIO COPE-PCC argue that the issue in that matter involved the relationship of the AMA as a national organization with state and local medical associations, not the relationship of a federation and a national organization, and that the tests of affiliation applied in the former situation are inapplicable in the latter. (AFL-CIO COPE-PCC response, Exhibit 1, pages 24-25, fn.3).

None of the respondents has specifically addressed the issue of computer services made available to national affiliated unions by the AFL-CIO; however, no evidence has been supplied by the complainant showing that these computer services involved communication with other than members and their families.

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2 U.S.C. § 441a(a)(5)(A) states, "(N)othing in this [provision] shall limit transfers between political committees of funds raised through joint fundraising efforts." In the present matter AFL-CIO COPE-PCC argues that the materials published by the AFL-CIO on solicitation techniques and FECA requirements, and its sponsorship of workshops are primarily for the self-interest of the AFL-CIO because many affiliates serve as "collecting agents for contributions to AFL-CIO COPE-PCC under the joint fundraising arrangement specifically permitted by § 441a(a)(5). Therefore the AFL-CIO has an obligation to use its best efforts to ensure that those organizations comply with the Act and the regulations. . . ." (AFL-CIO COPE-PCC response, Exhibit 1, pages 25-26). UAW V-CAP argues that "(s)ince the AFL-CIO and COPE-PCC engage in joint fundraising activities with the international unions and their SSFs, it is entirely appropriate that the federation provide services and materials to assist them in their joint undertaking." (UAW V-CAP response, Exhibit 3, page 25). The UAW V-CAP response also emphasizes in this regard the argument that Congress in 1976 knew of the relationship then in effect between the AFL-CIO and the affiliated international and national unions as regarded political activities and the solicitation of contributions to COPE-PCC and "did not consider the services and materials provided by the federation in 1976 to be sufficient to trigger application of the antiproliferation rules. . . ." (UAW V-CAP response, Exhibit 3, page 25).

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The complainant cites as support the General Counsel's Reports in MUR 769 and MUR 253 in which joint or shared solicitations of the American Dental Association and the American Medical Association and state dental and medical associations were included as evidence of affiliation. Again, these earier matters involved a different set of relationships than that at issue in MUR 1605.

D. Constitutionality of 2 U.S.C. § 441b(b) and 11 C.F.R. § 114

As noted on pages 1-2 of this report, the complainant argues that the Act and the way in which it has been applied are "contrary to the principles of the First Amendment" and are "in violation of the Fifth Amendment" as a result of the differing rules regarding solicitations applied to trade associations and federations of trade associations pursuant to 2 U.S.C. § 441b(b)(4)(D), 11 C.F.R. § 114.8(c) and 11 C.F.R. § 114.8(g), and to a federation of labor unions such as the AFL-CIO pursuant to 11 C.F.R. § 114.1(e). (Complaint, pages 53-56.) The complainant objects in particular to the portion of 11 C.F.R. § 114.1(e) which states that "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," thus permitting simultaneous and separate solicitation of such members by both the union and the federation without their being considered affiliated for purposes of contributions limitation, while at the same time 11 C.F.R. § 114.8(g) states that a

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federation of trade associations may solicit members of its affiliates provided that they are considered affiliated for contribution limitations purposes. Secondly, he objects to the lack of a requirement of prior permission regarding solitications by a federation of labor organizations of individuals who belong to member unions when trade associations are required to obtain such permission from member corporations. Complainant argues that "(t)hese distinctions . . . violate the First Amendment rights and due process rights of trade associations, federations of trade associations and business oriented corporations generally, unless the discriminatory distinctions can meet an elevated level of judicial scrutiny and are tailored to serve a substantial governmental interest. . . ." (Complaint, page 55).

2 U.S.C. § 441b(b)(4)(D) permits trade associations to solicit contributions from stockholders and administrative and executive personnel of member corporations and from the families of such individuals provided the member corporation has approved the specific solicitation being undertaken and has not approved a solicitation by more than one trade association during the same calendar year. 11 C.F.R. § 114.8(c) generally parallels Section 441b(b)(4)(D). 11 C.F.R. § 114.8(g) permits a federation of trade associations to solicit members of its regional, state, or local affiliates or members so long as all committees established by such affiliates or members are considered one committee for purposes of 11 C.F.R. §§ 110.1 and 110.2. This latter regulatory provision is consistent with the fact that Congress did not indicate any intent to exempt soliciations by federations of trade associations from the anti-proliferation provisions of 2 U.S.C. § 441a(a)(5). It must be noted that this provision

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"applies only to a federation of trade associations in the same line of industry or commerce." Explanation and Justification, Fed. Election Camp. Fin. Guide (CCH) §923.

The language of 11 C.F.R. § 114.1(e) regarding membership in a federation of labor unions was derived from the legislative history of the 1974 amendments to the Act, specifically from the explicit exemption of communications by a federated organization with its members from the definition of contribution which was cited by Rep. Hays during the floor debate on the Conference Report. Remarks of Rep. Hays, 120 Congressional Record, H10330 (daily ed., October 10, 1974), cited in Explanation and Justification, Fed. Election Camp. Fin. Guide (CCH) §991.

Federal agencies are generally deemed to be without the power or expertise to pass on the constitutionality of legislation. Spiegel, Inc. v. FTC, 540 F.2d 287, 294 (7th Cir. 1976). See also Johnson v. Robison, 415 U.S. 361, 368 (1974); Oestereich v. Selective Service System Local Board No. 11, 393 U.S. 233, 242 (1968) (Harlan, J., concurring); Engineer Public Services Company v. SEC, 138 F.2d 936, 952-53 (D.C. Cir. 1943), remanded per curiam with direction to dismiss as moot, 332 U.S. 788 (1947). Thus, it is the responsibility of the Commission to enforce the Act as written, as well as the regulations based thereon. This does not, however, preclude the Commission from examining the constitutional issues raised by the complainant.

Although not expressly stated, the complainant's First Amendment argument apparently goes to what he sees as prior restraints on solicitation activities resulting from the provisions of 2 U.S.C.

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§441b(b)(4)(D) and of 11 C.F.R. §114.8(c) and 11 C.F.R. § 114.8(g) when compared to the solicitation activities permitted labor organizations by 11 C.F.R. § 114.1(e). As noted in the response filed by counsel for UAW V-CAP in the present matter, "the courts have consistently upheld the constitutionality of the provisions of the FECA that restrict the solicitation rights of various organizations, rejecting arguments that these provisions unfairly burden a particular group and therefore violate the First and Fifth Amendment." (Response of UAW V-CAP, page 28).

In Bread Political Action Committee V. FEC, 635 F.2d 621, 627 (1980), reversed on other grounds, 455 U.S. 577 (1982), the court stated,

> It is, of course, well established that association and solicitation are forms of political expression protected by the First Amendment. . . . But these activities are not protected absolutely and may be subject to governmental regulation where there is an overriding state interest in such regulation.
>
> The transcendent legislative objective of the Federal Election Campaign Act is the elimination of corruption and the appearance of corruption in the federal election process. The restrictions imposed by Section 441b of the Act on labor organizations and corporations, including incorporated trade associations, are designed to serve both this objective and the additional objective of protecting individuals from economic coercion. (citations omitted).

The court then went on to delineate both the prohibitions against contributions and expenditures by corporations and labor unions in connection with federal elections set forth at 2 U.S.C. §441b(a) and the exceptions to these prohibitions provided by 2 U.S.C. § 441b(b)

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which were designed "to strike a balance between the objectives served by banning the use of corporate and union funds in federal elections and permitting wholly unrestricted association between the regulated groups and those individuals in direct relationship to them. . . . The 1976 exceptions set forth in paragraphs (A), (B), (C) and (D) of Section 441b(b)(4) simply define that balance." 635 F.2d at 627.

Next, the court in Bread PAC outlined the specific solicitation rights of corporations (including incorporated trade associations) and of unions and found in particular that Section 441b(b)(4)(D) was "intended to provide trade associations with a potential pool of solicitees otherwise forbidden them . . . ." 635 F.2d at 628. Finally, regarding the specific First Amendment challenges to this provision as inhibitative of free speech and assembly, the court found that

> (n)othing in Section 441b(b)(4)(D) limits the expression or dissemination of political ideas and information either to the individuals described in the Section or to any other individual. . . . Nor does Section 441b(b)(4)(D) prohibit . . . trade associations from joining the shareholders and executive or administrative employees of its member corporations to it in common cause. . . .
>
> What plaintiffs cannot do is freely solicit contributions from the shareholders and employees of their member corporations for the use of their own political committees. Because there is no limit on the number of trade associations to which a corporation may belong, the restrictions of Section 441b(b)(4)(D) serve to prevent a proliferation of trade associations and solicitations which would in turn undermine the very purpose of the Act's restrictions on the use of corporate treasuries in federal elections. 635 F.2d at 628. (Emphasis added).

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The statutory scheme, however, shows that Congress did not believe that the dangers of proliferation and multiple solitications cited by the court with regard to trade associations required the same prophylactic measure in the context of labor organizations. Congress' requirement that trade associations obtain permission to solicit is therefore related to a legitimate purpose as regards those particular entities, but is not needed with regard to solitication by a federation of labor unions of members of its member unions.

Regarding his Fifth Amendment challenges, the complainant argues that the combination of the Act and the Commission's regulations taken together discriminate against trade associations and federations of trade associations as regards solicitation rights. It must be noted initially that the Fifth Amendment has no equal protection clause; however, "[d]iscrimination may be so injustifiable as to be violative of due process." Bolling v. Sharpe, 347 U.S. 497, 499 (1954). "Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment . . . ." Buckley v. Valeo, 424 U.S.1, 93 (1976). Analysis of the complainant's Fifth Amendment equal protection claim must, therefore, rest upon standards developed in cases construing the Fourteenth Amendment.

The Supreme Court has long recognized that "[t]he act of classification does not itself deprive anyone of equal protection of the laws." Carrington v. Rash, 380 U.S. 89, 92 (1962), relying on

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Williamson v. Lee Optical of Oklahoma, 348 U.S. 483 (1955, reh.denied, 349 U.S. 925 (1955). Since all legislation involves some degree of classification, the Court has upheld federal statutes which establish reasonable classifications. Buckley, 424 U.S. at 93-108. Nor is unconstitutional discrimination established by showing a disproportionate effect on a particular group or class. Personnel Adm'r of Massachusetts v. Feeney, 442 U.S. 256, 272-272 (1979). "Only if there is purposeful discrimination can there be a violation of the Equal Protection Clause of the Fourteenth Amendment." Mobile v. Bolden, 446 U.S. 55, 66 (1980), citing Washington v. Davis, 426 U.S. 229 (1976); Village of Arlington Heights v. Metropolitan Housing Development Corporation, 429 U.S. 252 (1977).

In International Association of Machinists and Aerospace Workers, et al. v. FEC, 678 F 2d 1092 (D.C.Cir. 1982), a case in which a labor union challenged the constitutionality of 2 U.S.C. §441b(b), the court found "unquestionably proper" the purpose of Congress' 1976 amendments to "(apply) the federal election laws even-handily to labor unions and corporations". The court then determined that "differences in organization and structure allow Congress to shape the election laws to reflect those differences." 678 F.2d at 1107-1108. "Congress, in 1971 and 1976, attempted to treat corporations and labor unions in a relatively comparable manner. We hold that the 1976 amendments . . . are substantially related to this important objective, and therefore do not deprive plantiffs of equal protection." 678 F.2d at 1109.

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The court in IAM found that 2 U.S.C. § 441b(b) did not violate the Fifth Amendment and cited as support the decision in Bread PAC, 635 F.2d 621, with regard to equal protection. In Bread PAC the court also upheld the constitutionality of 2 U.S.C. § 441b(b)(4) on equal protection grounds, stating,

> The somewhat dissimilar treatment of corporations, labor organizations, membership organizations and trade associations under Section 441b(b)(4) follows from the rather obvious facts that each of the different groups has a different structure and a different kind of constituency and that each requires somewhat different regulations to curb abuses the Act was intended to halt. Regulatory distinctions and exceptions tailored to serve a substantial governmental interest, has here, do not violate the Fifth Amendment's equal protection provision. 635 F.2d at 630. See also, FEC v. National Right to Work Committee, 459 U.S. 197, 210-211 (1982); California Medical Assn. v. FEC, 453 U.S. 182, 201 (1981).

The court in Bread PAC did not address the issue raised by the complainant in the present matter, namely, whether the ability of a federation of labor unions to solicit without permission members of its member unions, and its exemption from the application of 2 U.S.C. § 441a(a)(5), discriminate against trade associations which must seek such permission from member corporations or against federations of trade assoications which are considered affiliated with their members for purposes of 2 U.S.C. § 441a(a)(5). Again, however, an application of the court's reasoning in Bread PAC places a federation of labor unions in a different category from that of trade associations and federations of trade associations with regard to possible proliferation and multiple solitications, and thus supports differing treatment of these separate categories of organizations.

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III. CONCLUSION

As stated above, this Office believes that the legislative history of 2 U.S.C. § 441a(a)(5) establishes separate contribution limitations for the AFL-CIO and their state and local bodies, and for each of its affiliated national/international unions and their state and local bodies. Therefore, consideration of "discretionary affiliation" is not applicable in the present matter. Even if it were applicable, the alleged evidence supplied by the complainant of "control" and "maintenance" by the AFL-CIO and AFL-CIO COPE-PCC of the respondent separate segregated funds and their connected organizations appears to be related solely to coordination of activities aimed at union members and their families which have not been prohibited or limited by Congress. Therefore, both the legislative history and the facts presented by the complaint lead to a recommendation that no further Commission action would be appropriate in this matter.

The complainant has provided no support for his allegations of unconstitutionality regarding 2 U.S.C. § 441b(b)(4)(D) and the Commission's regulations concerning trade associations beyond arguments of deprivation of equal protection already addressed and dismissed by the courts in the cases discussed above. Nor has he provided any basis for challenging the Commission's treatment of limited categories of federations of trade associations pursuant to the provisions of 2 U.S.C. § 441a(a)(5). Therefore, the complainant has failed to show that 2 U.S.C. § 441b(b)(4)(D) is unconstitutional or the Commission's regulations invalid.

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III. RECOMMENDATIONS

1. That the Commission find no reason to believe that the AFL-CIO COPE-PCC and Thomas R. Donahue, as treasurer and individually; UAW V-CAP and Donald J. Moll, as treasurer and individually; AFT COPE and Robert G. Porter, as treasurer and individually; and IBEW-COPE and Ralph L. Leigon, as treasurer and individually, have violated 2 U.S.C. § 433(b)(2) and 2 U.S.C. § 441a(a)(2).

2. That the file in this matter be closed and the attached letters approved.

July 5, 1984
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Assoicate General Counsel

Exhibits

1. Responses of AFL-CIO COPE-PCC
2. Responses of AFT COPE
3. Responses of UAW V-CAP
4. Responses of IBEW-COPE
5. Letters to respondents (4)
6. Letter to complainant

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American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

January 27, 1984

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

Re: FEC MUR 1605

Dear Mr. Steele:

Pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6, Respondents, American Federation of Labor and Congress of Industrial Organizations Committee On Political Education Political Contributions Committee ("AFL-CIO COPE-PCC") and Thomas R. Donahue, Treasurer of AFL-CIO COPE-PCC, respectfully request, for the reasons stated below, that the Federal Election Commission take no action against them with respect to the matters alleged in the complaint filed by James Edward Antosh, FEC MUR 1605.

In essence, the complaint in this matter alleges that "[t]he relationship between the AFL-CIO (and COPE-PCC) and the international unions UAW, AFT, and IBEW (and their PACs) is so close *** that it constitutes 'discretionary' affiliation." (Complaint at 29.) As we show in part II of this response, the complainant's argument fails on the facts.

Before turning to the factual infirmities of the complaint however, we demonstrate its even more fundamental legal infirmities. The complainant barely mentions Congress' detailed directions for the proper application of the Federal Election Campaign Act's antiproliferation rules to corporate and labor organization separate segregated funds, this Commission's regulations which properly

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Exhibit 1

incorporate Congress' directions verbatim (11 C.F.R. §§100.5(g), 110.3)) or this Commission's actions based on its regulations and the underlying statutory materials rejecting earlier complaints whose substance is identical to this complaint. This failure to address the law was unavoidable because Congress' determinations dictate the conclusion that the complaint is completely without substance and must be dismissed as we now show.

I. THE FECA'S ANTIPROLIFERATION RULES ARE NOT INTENDED TO SUBJECT THE AFL-CIO'S SEPARATE SEGREGATED FUND AND THE SEPARATE SEGREGATED FUNDS OF INTERNATIONAL UNIONS AFFILIATED WITH THE AFL-CIO TO A SINGLE CONTRIBUTION LIMIT.

Often Congress, like the Delphic oracle, is content to speak in terse generalities leaving questions concerning the proper application of its words to specific situations to the process of administrative and judicial elucidation. That is not true with regard to 2 U.S.C. §441a(a)(5), the antiproliferation provision added to the Act by the 1976 FECA amendments. Rather, the legislative history of those amendments demonstrates that Congress, in framing and enacting §441a(a)(5), gave close consideration to the nature and extent of business and labor political activity affecting federal elections. And, the legislative history shows too that, on the basis of that consideration, Congress spelled out in detail its considered decision to continue the status quo in a particular respect: under §441a(a)(5), as before its enactment, a corporation or national union having a separate segregated fund is entitled to affiliate with a trade association or labor federation, structured along the lines of the Chamber of Commerce or AFL-CIO, without subjecting the affiliated organizations to a single contribution limit.

1. The Conference Report on the 1976 FECA amendments, in introducing its explanation of §441a(a)(5), states:

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> The antiproliferation rules established by the conference substitute are intended to prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limits of the conference substitute. [Legislative History of Federal Election Campaign Act Amendments of 1976 (G.P.O. 1977) at 1052, (hereinafter Leg. Hist.).

Given the focus on corporations and labor organizations, we begin by describing both the reason for this focus and Congress' understanding of how corporations and labor organizations were then organized and of the nature of business and labor activities affecting elections.

(a) Congress focused on corporate and labor organization separate segregated funds in drafting §441a(a)(5) because such funds dominated the field and because of the strongly-held view that the Commission's SUNPAC decision (FEC Advisory Opinion 1975-23) had created an inequity that required legislative correction to restore a fair balance between business and labor. Rep. Thompson, Chairman of the House Administration Committee's Elections Subcommittee, spelled out both these points in his floor explanation of the bill reported out by that Committee:

> The Commission's misinterpretation of existing law [A.O. 1975-23] has many undesirable facets. But the two most glaring problems created by the erroneous decision are: First, the proliferation of political action committees — PACs; and second, the coercion inherent in the solicitation of employees by employers.
>
> First, with respect to proliferation, the Congressional Record of March 29, 1976, lists the most recent PACs, and shows the exponential growth in political action committees funded by both the business community and labor unions. ***
>
> The exponential growth of corporate PACs was occasioned by the SUNPAC advisory opinion, which purportedly legitimized extensive solicitation by the PACs of corporate employees. Unions reacted to the corporate PACs proliferation by encouraging locals to set up PACs, and we are now witnessing the seesaw effect of the wholly unnecessary and unjustifiable imbalance created by the Federal Election Commission.
>
> * * *

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> This bill corrects these two Commission-created problems. First, it reestablishes the congressional determined balance between the interests of the business community and its stockholders, and the interests of the labor community and its membership. And I must say here that it seems ludicrous for the Congress to have to reestablish existing law just because an unelected six-member panel decided to "repeal" the law. Second, it places some rational organizational framework on the proliferation of PACs by both business and labor, thus avoiding the anonymity of multi-PACs, and lessening the chances for Watergate-type laundering and other abuses. This reaffirmation of congressional policy provides not only a means of correcting the Commission's most glaring mistake, but produces several affirmative and salutary results. [Leg. Hist. at 942; see also remarks of Rep. Abzug, Leg. Hist. at 971.]

And Rep. Brademas, who was also a member of the House Administration Committee, summed up the point of §441a(a)(5) by returning to the themes stated by Rep. Thompson:

> What the conference committee has done is to restore the rules which governed Federal elections from 1971 until the Commission's Sun Oil decision last December.
>
> We have, moreover, done so in a manner that is fair and evenhanded.
>
> * * *
>
> If the word fairness implies a balancing of rights, this bill represents an equitable balance between the rights of corporations and labor unions. [Leg. Hist. at 1083.]

(b) In determining how to control "the exponential growth in political action committees funded by both the business community and labor organizations" and to do so in a way that "represents an equitable balance between the rights of corporations and labor unions", Congress had before it and took into account a wealth of information on the nature and extent of business and labor activity affecting federal elections.

(i) Congress understood first that most international and national unions are affiliated with the AFL-CIO and that many corporations are affiliated with a trade association such as the Chamber of Commerce or the National Association of Manufacturers. This understanding is illustrated by the explanation of the

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antiproliferation rules contained in the Senate bill given by Senator Cannon, the Chairman of the Senate Rules Committee and the bill's floor manager:

> The proposed rule to curtail the vertical proliferation of political committee contributions would not preclude a national union through its political committee, such as, for example, the boilermakers, from making a maximum contribution to a candidate through its national political committee in the event that COPE, the political committee of the AFL-CIO, with which the boilermakers are affiliated, has already made its maximum contribution to that candidate
>
> * * *
>
> To use another example, if the national political committee of the National Association of Manufacturers had made its maximum contribution to a candidate, the political committee of a national corporation which is affiliated with NAM would not be precluded from making a maximum contribution to that candidate. [Leg. Hist. at 350; emphasis added.]

And, as the foregoing demonstrates, Congress was well aware that the AFL-CIO as well as many of its member national unions had formed separate segregated funds ("PACs") which made contributions to federal candidates and that the same was true of many trade associations and their member corporations. Proponents of the antiproliferation provision in both the Senate and the House, for example, relied on a Common Cause study inserted into the Congressional Record by Senator Clark listing every corporate, trade association and labor organization separate segregated fund that had registered with the FEC since 1975, the name of its sponsoring organization, and the amount of money that each committee had collected for the 1976 election campaign. (See Leg. Hist. at 366.) That study listed the separate segregated funds of the AFL-CIO, AFT, IBEW and UAW and labeled each of the labor organizations that had formed a separate segregated fund as "AFL-CIO affiliated" or "independent". (Id.)

(ii) Congress understood too that the use of corporate and labor organization treasury money for internal communications and voter registration and get-out-the-vote activities aimed at shareholders and union members and their families

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respectively is excluded from the statutory definition of "contribution and expenditure," that corporations and labor organizations, trade associations and labor federations freely make such communications and engage in such activities in connection with federal elections, and that doing so is consistent with law. Precisely because of that understanding, in 1976 Senator Packwood sponsored an amendment eventually adopted as a proviso to §431(9)(B)(iii), that both recognized that freedom and placed one narrow limit on its exercise — a requirement to report the cost of certain communications "expressly advocating the election or defeat of a clearly identified candidate."

In support of his amendment, Senator Packwood stated that "under the present law and under this bill, corporations are free to use corporate money to appeal to their shareholders or to their corporate officers and administrative personnel, and unions are free to use union money to communicate with their members," and that "the reason I am asking for this amendment is that we are all aware that corporate money and union money is used to solicit shareholders, to solicit administrative personnel in corporations or union members in unions to vote for or against particular candidates." (Leg. Hist. at 386-387.) Likewise, Rep. Wiggins, the sponsor of a similar amendment in the House, introduced that amendment by explaining that the FECA permits:

> corporations and labor unions [to] use their treasury funds to communicate with their stockholders and executive officers and their families and with their members and their families on any subject. *** [and] to conduct nonpartisan registration and get-out-the-vote campaigns aimed at stockholders and executive officers and their families and union members and their families. [Leg. Hist. at 949.]

(iii) Congress also understood that the AFL-CIO, in particular, has a statutory right to, and does, undertake cooperative programs with its member national and international unions of internal communications on political subjects and voter registration and get-out-the-vote activities aimed at AFL-CIO members

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and their families. Rep. Wayne Hays, the Chairman of the House Administration Committee, stated during the 1974 debate on the exemptions in 2 U.S.C. §441b(b):

> Thus, the bill exempts communications by membership organizations to their members and by corporations to their stockholders from the definition of expenditure. That exemption, of course, includes communications by a federated organization to its members on behalf of its affiliates utilizing its own or its affiliates' resources and personnel *** [Legislative History of Federal Election Campaign Act Amendments of 1974 (G.P.O. 1977) at 1108.]

The 1976 House Report reaffirmed that right, stating:

> The present law permits the AFL-CIO to solicit all AFL-CIO union members to make voluntary contributions to COPE, its political committee. [Leg. Hist. at 808.]

As Senator Packwood stated during a colloquy with Senator Cannon concerning the Packwood amendment: "The AFL-CIO *** today, who spend[s] a million dollars of union dues [on internal communications] *** do[es] not have to report it." (Leg. Hist. at 396.) And, Rep. Moore gave the following example during the House debate on the Wiggins amendment:

> [I]f we look at the 1968 Presidential election according to Washington Post reporters ... 4.6 million voters were registered by COPE; 55 million pieces of literature were distributed by them; another 60 million were passed out at local union halls; 638 city phone banks were established with 8,055 telephones and 24,611 people manning them; canvassers numbered over 72,000 people and on election day some 94,000 people were working at the expense of COPE all for the benefit of a particular candidate. [Leg. Hist. at 952; see also remarks of Senator Dole, Leg. Hist at 1114.]

(iv) Finally, Congress understood that trade associations have a right, cognate to the right of a labor federation just described, to engage in internal activity directed at the stockholders and executive and administrative personnel of member corporations. Thus, Senator Cannon explained the provision of the "conference bill [which] adopted the House provisions giving trade associations rights to solicit stockholders and executive or administrative personnel of member corporations" by stating:

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The conference report, at page 63, states as follows:

> The conference substitute follows the House amendment with regard to the solicitation by a trade association of stockholders and executive or administrative personnel (and their families) of a member corporation of such trade association. The conference substitute contains the provision of the Senate bill permitting a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by such organizations, to solicit contributions to such a fund from members of such organization, cooperative, or corporation without capital stock. In light of the fact subsection (b)(4)(D) governs solicitations by a trade association of the stockholders and executive or administrative personnel of a member organization, then the term "membership organization" in subsection (b)(4)(C) is not intended to include a trade association which is made up of corporations.
>
> A question has come up as to the purpose of the phrase "the term 'membership organization' in subsection (b)(4)(C) is not intended to include a trade association which is made up of corporations."
>
> First of all, this language was included to preclude a trade association, which is also a membership organization, and which desires to solicit the stockholders and employees of a member corporation, from avoiding the limitations of 321(b)(4)(D), which limit such solicitation to stockholders and executive or administrative personnel of the membership corporation, and further provides that the member corporation must consent to such solicitation and only give its consent to one trade association in a calendar year.
>
> Second, it applies only to trade associations with corporate members and is intended to regulate the solicitation of the stockholders and executive or administrative personnel of such corporate members. A trade association which is a membership organization may, of course, solicit its other members, such as individuals, partnerships, et cetera under 321(b)(4)(C). [Leg. Hist. at 1091.]

(c) The proposal as to how to control the proliferation of political committees — particularly those established by corporations, labor organizations, trade associations and labor federations — that was to become §441a(a)(5) was introduced by House Administration Committee Chairman Wayne Hays during the Committee's March 8, 1976 markup session on the FECA amendments bill. Rep. Hays explained that his proposal would "enact the following rules":

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First, all of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of the limitations stated in Section 320. According to the Supreme Court there appear to be approximately 1,000,000 separate corporations. Buckley v. Valeo slip opinion page 23, note 31.

Second, all of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of the limitations stated in Section 320. There are at the maximum 120 international unions.

Third, all the political committee set up by the AFL-CIO and all its state and local central bodies would be treated as a single political committee for the purposes of the limitations stated in Section 320.

Fourth, all the political committees established by the Chamber of Commerce and its state and local Chambers would be treated as a single political committee for the purposes of the limitations stated in Section 320.

Fifth, the antiproliferation rule just stated would also apply in the case of multiple committees established by a group of persons.

Sixth, there is an exception to the foregoing rule which permits the national political parties and each of their State political parties to set up a political committee and provides that the contributions of such political committees (a total of 51 for each such party) would be treated separately for the purposes of the limitations stated in Section 320.

Finally, there is a provision which permits political committees which have engaged in a joint fund raising effort to divide the money so collected between the committees which participate in the effort. [Transcript of Hearings before the Committee on House Administration, Committee Business, March 8, 1976, Attachment A to the Federal Election Commission's Memorandum of Law In Support of Motion To Amend, April 17, 1979 Order Entered In Walther v. FEC, Civ. Act. Nos. 78-2097, 78-2193 (D.D.C. 1979), at 41 (hereinafter referred to as "March 8, 1976 Tr.")]

The immediate response to the Chairman's request for questions was Rep. Mathis' question "What does it mean?" Rep. Hays replied as follows:

Chairman Hays. It applies across the board, Mr. Mathis, and any corporation which is a corporation with subsidiaries, that the subsidiaries may well have PACs, but for the purposes of this section, the total amount the parent corporation and all its subsidiaries can contribute is $5,000. Then it says, second,

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that an international union can set up a PAC and all of its local unions, state unions, etc., would be treated as a single political committee. In other words, the total they could contribute would be $5,000. Then the AFL-CIO which is a voluntary conglomerate and all its state and central bodies would be treated as a single political committee and they could give up to $5,000 in any fragments they wanted to.

Let me take two examples. Let us take the example of — well, I have a list here which I think is interesting of the top 100 largest corporations. 30 of them have political action committees. The first one underlined is Texaco of New York. So I will just take it. It is the first of the top 100. Texaco of New York has apparently branches in many States. At least there are Texaco stations in Ohio. They could form a PAC, solicit voluntary contributions and could give either by State or national but all put together no more than $5,000 to my candidate.

Take the second one, U.S. Steel Workers of America. They have the headquarters in Pittsburgh, District 6 is in my district and its headquarters are in Wheeling. There is another district up in Canton. I think it is 11. They do have a PAC. In the past, District 11 has given me $500 as has District 6. The international has given me as much as a thousand. But suppose they had a lot of money, all three of those put together couldn't give me more than $5,000. Then you have the AFL-CIO COPE, which is the National Association, they could give you $5,000 and that's it.

The local COPE in Ohio, couldn't give me anything if the National Association had given me $5,000.

In all fairness, if it is weighted in any direction, it seems to me it is weighted towards the corporations because of the top hundred corporations last year, 76 of them were involved in political giving. I guarantee that is more than the number of unions involved. [March 8, 1976 Tr. at 43; emphasis added.]

After a brief discussion as to whether the foregoing rules apply only if the parent has "control," Rep. Mathis asked Rep. Hays:

Mr. Mathis. *** A corporation which has an active political action committee also belonging to a trade association could they give twice by joining a number of trade associations and therby escape the $5,000 limitation? ***

Chairman Hays. I'll have to answer that this way, Mr. Mathis: As I view it if the National Association of Manufacturers had a PAC and any corporation contributed to it, then the NAM could contribute $5,000 and the corporation could, exactly the same as the steel workers could and COPE, UAW-CIO can. But those are the exceptions.

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Now, if you try to legislate this down to the narrowest degree, I don't know where you will wind up. The American Medical Association has a PAC called American PAC. Under this legislation they can give $5,000 but I don't perceive this would prohibit the local physician in my hospital, if he were so inclined, which I don't think he is, he doesn't part with dough that easily, to give a thousand dollars on his own and meet the requirements. It could happen.

Mr. Brademas. It would prohibit your Ohio State Medical Action Committee or Steubenville Medical Association Action Committee from giving $5,000?

Chairman Hays. Yes. [March 8, 1976 Tr. at 47-48; emphasis added.]

Rep. Hays summed up the discussions that day concerning the proposal's effect on unions by stating:

Chairman Hays. I'll go down the road once again. Any international union or combination of locals thereof can give $5,000. So if you have the steel workers, plasterers union and auto workers, they can give you $5,000 each. [March 8, 1976 Tr. at 50.]

On March 9, 1976, Rep. Hays introduced the statutory language, that was eventually enacted without any change relevant here in $441a(a)(5), and then stated its import and engaged in a colloquy with Rep. Frenzel, who spoke for the minority:

Chairman Hays. I think that [the draft statutory language] does what we said yesterday we wanted to do. I will only take a minute to explain it. It simply says all subsidiaries of unions and corporations will be limited in the aggregate in the contribution limit of $5,000.

Section (B) is legal language for saying, if the national committee of a party makes a contribution it doesn't affect the State political committee of a party to make a contribution. For example, a single political committee established, financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single committee.

That is what we were trying to get at yesterday, to allow the 50 State committees from being exempted from being counted in from any contributions made by the national committee.

The last part, starting with "... in any case," simply reiterates if they have more than one segregated fund, all such segregated funds shall be treated as one for the purpose of the contribution limitation.

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Any questions?

Mr. Frenzel. Mr. Chairman.

Chairman Hays. Mr. Frenzel.

Mr. Frenzel. I raised the question yesterday and got this response from the Chairman. I don't think it is the best policy but I will say it is fair and I think our side will accept it.

Chairman Hays. I am glad to hear you say that, Mr. Frenzel, the Chair did its utmost to make it fair to both sides. *** [Transcript of Hearings Before the Committee on House Administration, Committee Business, March 9, 1976, Attachment A to the Federal Election Commission's Memorandum of Law In Support of Motion To Amend April 17, 1979 Order Entered in Walther v. FEC, Civ. Act. Nos. 78-2097, 78-2193 (D.D.C. 1979) at 9-10 (hereinafter referred to as "March 9, 1976 Tr.".]

Just prior to the committee vote agreeing to the statutory language proposed by Rep. Hays, the following discussion took place:

Mr. Brademas. I am a little fuzzy on this part of the amendment in which in the last sentence of your amendment you indicate in any case in which a corporation or labor organization establishes or finances or maintains or controls more than one separate segregated fund, all such funds shall be treated as a single segregated fund —

Chairman Hays. The aggregate amount the Steel Workers can contribute by locals or state organizations is $5,000.

Mr. Brademas. Except that, to finish my question, suppose you have a case in which a corporation or labor organization doesn't establish or finance or maintain or control the fund of a subsidiary, either of the corporation or of the union. ...

I think what this amendment does, I just want to be sure we all understand what we are doing, is it can permit two contributions up to $5,000? That may or may not be a good thing.

Chairman Hays. No, it doesn't do that except in the case of COPE which is specifically exempted. The language says in any case in which a corporation, subsidiaries, divisions, departments or local units, or labor organizations or any of its subsidiaries, departments, etc.

Mr. Brademas. Suppose you have a corporation or a union and you have a subsidiary or a local union. The subsidiary or the local union is not controlled or established or financed or maintained, is it not then the case, Mr. Chairman, that two funds are permitted?

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Chairman Hays. No. If you read the language of the amendment. [March 9, 1976 Tr. at 13.]

Thereafter, the House Committee Report explained the point of §441a(a)(5) by tracking Rep. Hays' original explanation of his antiproliferation proposal:

> To prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limits of H.R. 12406, the bill establishes the following rules:
>
> All of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All of the political committees set up by the AFL-CIO and all its State and local central bodies would be treated as a single political committee for the purpose of H.R. 12406's contribution limitations;
>
> All the political committees established by the Chamber of Commerce and its State and local Chambers would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> The anti-proliferation rules just stated would also apply in the case of multiple committees established by a group of persons.
>
> There is an exception to the foregoing rules by which a political committee set up by a national political party, and a political committee set up by each State political party, are to be treated separately for the purposes of H.R. 12406's contribution limitations. However, all political committees set up by a national political party would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations. Moreover, all political committees set up by a State political party or by country or city parties in that State would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations.
>
> Political committees which have engaged in a joint fundraising effort may divide the money so collected between the committees which participate in the effort. [Leg. Hist. at 806.]

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Precisely because the antiproliferation provision stated a position both the majority and minority regarded to be "fair," no floor amendments were offered and the only floor statement on §441a(a)(5) is that of Rep. Hays:

> Item 22: Locals of a union, subsidiaries of a corporation, and other similarly structured groups — and this is important; there has been a lot of flack about this, but it is pretty clear if you understand it — would be treated as part of the parent with respect to the $5,000 limitation on contributions to any one candidate or political committee.
>
> In other words, if an international union contributed $5,000 to a candidate, no local union could contribute anything. If the international contributed $1,000, its local unions could contribute up to an additional $4,000, but the maximum applies to the whole bag. Of course, this applies to corporation taxes [PACs] as well. If what we call the national PAC or the medi PAC contributes $2,000 to your campaign, your local State PAC can contribute another $3,000, but the $5,000 is the overall limit on them. [Leg. Hist. at 903.]

The House bill language (amended only to deal with transfers between candidate campaign committees) and the House Committee Report's explanation of that statutory language were adopted in the Conference Report. (Leg. Hist. at 1009, 1049, 1052.) The Conference Report, in turn, was adopted by Congress without further discussion of §441a(a)(5).

(d) The sum of the matter is this. Rep. Hays, the sponsor of §441a(a)(5), stated in the clearest possible terms — with the concurrence of both the majority and minority — that the provision, while sharply limiting the rights of business and labor in other ways, would continue the AFL-CIO's right to establish and maintain a separate segregated fund and the right of national unions with such funds to be affiliated with the AFL-CIO without subjecting the AFL-CIO fund and the affiliated national union funds to a single contribution limit. See p. 9, supra. Rep. Hays made it equally clear that the same permission was continued for trade associations and affiliated corporations.

Moreover, the legislative history makes the reasons for that result plain.

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First, Congress was well aware that the great majority of national unions are affiliated with the AFL-CIO and that both those unions and the AFL-CIO have separate segregated funds.

Congress was equally aware that the AFL-CIO carries on a wide-ranging program, in cooperation with its affiliated unions, of internal political communication, registration and get-out-the-vote activity aimed at AFL-CIO union members; indeed, as pointed out above, in 1976 Congress continued the statutory permission to engage in such activity subject only to a limited reporting obligation. Congress was also aware that there are 100 corporations for every national union and that antiproliferation rules limiting each parent corporation and its subsidiary to one separate segregated fund and each national union and its locals to one such fund place organized labor at some disadvantage. See p. 9, supra. And, Congress' overall purpose in enacting §441a(a)(5) was not simply to prevent proliferation as such but to prevent proliferation in a manner that "represents an equitable balance between the rights of corporations and labor unions." See p. 4, supra. Given the structure of the labor movement, only rules that recognized that national union affiliation with a labor federation (such as the AFL-CIO) do not subject the affiliated unions' separate segregated funds and the AFL-CIO's separate segregated fund to a single contribution limit could accomplish that purpose; an opposite rule would have skewed the balance wholly against labor.

Second, the legislative debates and the House and Conference Reports are uniform in two respects. The 1976 Congress regarded the core of the proliferation problem to be the practice whereby national organizations — whether business, professional or labor — and their state and local counterparts establish numerous separate segregated funds and the related practice whereby parent corporations and their subsidiaries establish numerous such funds. In contrast, there is not a word in the legislative history condemning as an evil the practice — well-known to

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Congress — whereby national unions and corporations which have established separate segregated funds, affiliate with a national labor federation or a trade association which has established such a fund. For, Congress recognized that such a condemnation would have the inevitable consequence of requiring labor federations and trade associations to cease the types of political activity Congress had deliberately decided to permit.

Congress' purpose in this regard is spelled out in the set of five interrelated rules stated first by Rep. Hays and then stated again in the House Committee Report and the Conference Report. (Those rules were in fact agreed on before §441a(a)(5) was drafted and the statutory language was an effort to capture the essence of that agreement. See p. 9, supra.)

Those rules show that Congress started from the premise that trade associations and labor federations are entities in their own right that are separate from the association's member corporations and the federation's member national and international unions and are to be treated as such in determining whether the association or federation is entitled to establish a separate segregated fund. Trade associations and labor federations, as Congress knew, are membership organizations composed of a group of corporations and a group of labor organizations. If Congress had intended to make that fact a basis for precluding a trade association or a labor federation from establishing a separate segregated fund, then rules 1 (limiting corporate separate segregated funds), 2 (limiting labor organization funds) and 5 (limiting funds created by a group of persons) would fully carry out Congress' intent and rules 3 (limiting labor federation funds) and 4 (limiting trade association funds) would be, at best, superfluous.

Rules 3 and 4 also show Congress intended to permit a corporation that has a separate segregated fund to be affiliated with a trade association that has such a fund and a national union that has a separate segregated fund to be affiliated with

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a labor federation that has such a fund without subjecting all the affiliated organization's funds to a single contribution limit. That much is demonstrated by Congress' phrasing of the third and fourth rules as follows:

> 3. All of the political committees set up by the AFL-CIO and all its state and local central bodies are treated as a single political committee.
>
> 4. All the political committees established by the Chamber of Commerce and its state and local Chambers are treated as a single political committee. [Leg. Hist. at 1052; emphasis added.]

If Congress had intended a broader antiproliferation rule subjecting a trade association or labor federation and all its affiliates to a single limit, the natural way to express that intent is not what Congress wrote, but:

> 3. All the political committees set up by the AFL-CIO and its affiliates are treated as a single political committee.
>
> 4. All of the political committees established by the Chamber of Commerce and its members are treated as a single political committee.

Finally, the fifth rule, by its terms, does not apply to a situation in which the tie between two separate entities, each of which has established its own separate segregated fund, is an affiliation like that between a labor federation and a national union (or a trade association and a corporation) and thereby overrides the third and fourth rules but only to a situation in which there is joint action establishing multiple separate segregated funds by several entities working together:

> 5. The anti-proliferation rules stated also apply in the case of multiple committees established by a group of persons.

(d) There is one caveat to our argument thus far that is important in theory but not in this case. We have stressed that Congress, in drafting and enacting §441a(a)(5), based on its review of the situation in 1976 made a deliberate choice to maintain the status quo in one respect and not to subject the separate segregated

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funds of a labor federation, such as AFL-CIO, and of its affiliated national unions such as the AFT, IBEW and UAW, to a single contribution limit. That agreement suggests its own limit; if the status quo no longer obtains — if, for example, the relationship between the AFL-CIO and its affiliated national unions is significantly changed — the detailed antiproliferation rules geared to the situation in 1976 would not govern.

But, the complainant here has made no showing of any significant change in the AFL-CIO's relationship with its affiliated national unions or in the nature of the AFL-CIO's activities affecting federal elections. On the contrary, the complainant places his reliance on the structural rules of the AFL-CIO which, as the attached 1975 and 1983 AFL-CIO Constitutions show, have not been changed in any relevant respect during the past eight years, and on the AFL-CIO's cooperative program of internal communications on political subjects, voter registration and get-out-the-vote drives aimed at AFL-CIO union members, which, as we have shown, was fully canvassed by the 1976 Congress and approved at the same time Congress determined not to subject the AFL-CIO and its affiliated national unions to a single contributions limit. That being so, the complaint is plainly invalid and must be dismissed.

II. THE COMPLAINANT'S ATTEMPT TO SHOW AFL-CIO CONTROL OF THE ACTIVITIES OF THE NATIONAL UNIONS AFFILIATED WITH THE AFL-CIO IS AN UTTER FAILURE.

While we believe that our showing thus far is dispositive, we conclude by demonstrating that here, as in In Re Federal Election Commission Act Litigation, (2 Fed. Elec. Camp. Fin. Guide (CCH) ¶9082 (D.D.C. June 15, 1979)) there is "not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO." (Id. at 50663.)

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(A) The AFL-CIO Has No Control Over Its Affiliated National and International Unions. Complainant argues that "[AFL-CIO] affiliated organizations have no real appreciable autonomy." (Complaint at 9.) But today, as in 1976, the AFL-CIO Constitution, as interpreted and applied, guarantees the autonomy of affiliated national unions by declaring that the AFL-CIO's principles and objects include "safeguard[ing] the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union."[1/] (Article II, §11 of the Constitution of the American Federation of Labor and Congress of Industrial Organizations, as amended by the Fifteenth Constitutional Convention of the AFL-CIO, October 3-6, 1983 (hereinafter "1983 Constitution") at 4, (Attachment 1); see also Constitution of the American Federation of Labor and Congress of Industrial Organizations, as amended by the Eleventh Constitutional Convention of the AFL-CIO, October 2-7, 1975 (hereinafter "1975 Constitution") at 4 (Attachment 2).

Thus, the AFL-CIO does not have the authority to intervene in an affiliated national union's internal affairs. If the AFL-CIO should seek to do so in violation of its own Constitution, there is, indeed, no means of carrying out such an effort for the AFL-CIO has no power to discipline an affiliated national union's officers or to impose a trusteeship or receivership over a national union.

The ties between the AFL-CIO and its affiliated national unions are, in fact, so gossamer that those unions may at any time and in any way they choose disaffiliate from the AFL-CIO. In a well-known example, the United Mine Workers

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1/ The same provision guarantees that local unions affiliated with AFL-CIO State and Local Central Bodies shall be autonomous. Complainant's argument (complaint at 15) that such locals are governed by the AFL-CIO Rules Governing Committees on Political Education of State and Local Central Bodies is erroneous. Those rules, as the title evidences, regulate the activities of Committees on Political Education sponsored by AFL-CIO State Federations and Local Central Bodies. They do not regulate the activities of local unions affiliated with those State and Local bodies.

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left the AFL by the force of a handwritten note stating "Green, We disaffiliate. Lewis."

Both in theory and in fact then each affiliated national union is entirely free to take any position that union chooses on political issues generally and on the support of candidates in particular without regard to the position of the AFL-CIO or of any other affiliated national union. The complaint shows nothing to belie that statement and the supporting illustrations are numerous. For example, the statement of the AFL-CIO Executive Council declaring that the AFL-CIO would remain neutral during the 1972 Presidential election provides, in pertinent part:

> Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.
>
> * * *
>
> Affiliates are, of course, free to endorse and support any candidate of their choice. [See Attachment 3.]

Following the Executive Council's adoption of the above resolution, on July 19, 1972 former AFL-CIO President George Meany sent a letter to all AFL-CIO state and local central bodies quoting the Executive Council's resolution and explaining that:

> the term "affiliates" in this policy statement refers only to national and international unions. Your attention is called to Rule 4 of Rules Governing Local Central Bodies which states that as a chartered organization of the AFL-CIO they shall conform their activities on national affairs to the policies of the AFL-CIO. Rule 4 of Rules Governing State Central Bodies provides that policies are not to be inconsistent with the objects or policies of the AFL-CIO. [See Attachment 4.]

President Meany's recognition that national unions are free to do as they please but AFL-CIO state and local central bodies are compelled to follow the AFL-CIO Executive Council's decision was subsequently affirmed by both the Executive Council and the AFL-CIO Convention in the context of a disciplinary proceeding brought against the officers of the Colorado State Federation of the AFL-CIO, the

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Colorado Labor Council, for disobeying the Executive Council's instruction to remain neutral and instead endorsing George McGovern. The Report adopted by the Convention underlined this distinction:

> *** Article XIII of the AFL-CIO Constitution provides for the establishment of "central bodies subordinate to the Federation *** upon a city, state or other regional basis." That article further provides that the AFL-CIO Executive Council "shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers." The Executive Council has fulfilled that mandate. The Rules Governing AFL-CIO State Central Bodies it has issued regulate their affairs in great detail. And Rule 4 of those Rules provides:
>
> > State central bodies, as chartered organizations of the AFL-CIO, shall conform their activities on national affairs to the policies of the AFL-CIO. ***
>
> This rule articulates the basic premise of Article XIII of the AFL-CIO Constitution — that state and city central bodies are an integral part of the Federation itself and as such are subject to direct and continuing control by the AFL-CIO Executive Council and President, between conventions, and, as a matter of final resort, by this Convention. This, of course, is in direct contrast to the relationship between the Federation and the national and international unions which are affiliated with it, each of whom are guaranteed their internal autonomy by Article II, Section 11 of the AFL-CIO Constitution. [Proceedings and Executive Council Reports of the AFL-CIO, 1973 at 193, 194; emphasis added. (See Attachment 5.)]

A number of AFL-CIO affiliated international unions in fact demonstrated their autonomy by endorsing a Presidential candidate in 1972. Senator McGovern was endorsed, for example, by 18 AFL-CIO affiliated international unions and at least 3 internationals endorsed incumbent President Richard Nixon.

The complete freedom of AFL-CIO affiliated national and international unions to do as they please on political matters without regard to the position of the AFL-CIO is also shown by the following statement by AFL-CIO President Lane Kirkland in connection with the AFL-CIO's 1984 endorsement of Presidential candidate Walter Mondale:

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> KIRKLAND: I would point out, the state federations and city central bodies are subordinate bodies of the AFL-CIO and are, therefore, bound by all of the strictures and inhibitions that the AFL-CIO itself might be bound by. The international unions are autonomous and are not subordinate to the Federation. Any one who has the slightest experience and knowledge of the structure of the American trade union movement, I think, has a pretty good grasp of that. [Transcript of President Lane Kirkland's Press Conference, Tuesday, February 22, 1983, Bal Harbour, Florida. [Attachment 6.]

It is, we submit, of great significance too that the complainant presents no evidence whatsoever that the AFL-CIO has any control over the contribution decisions made by affiliated national union separate segregated funds. The complainant has not done so because the AFL-CIO does not, in fact, have any voice or vote in the making of those decisions.

Complainant's efforts to prove AFL-CIO "structural control" rest in large part on his lack of "knowledge of the structure of the American trade union movement." Thus, contrary to the complaint, the AFL-CIO does not have the authority to discipline or remove an officer or official of its affiliated national unions because that individual is convicted of a crime or for any other reason. The AFL-CIO Constitution provides that the Executive Council may institute disciplinary actions against and remove "any Executive Officer of the Federation or other member of the Executive Council subject to ratification by the AFL-CIO Convention" (1983 Constitution at 26) and that the Council may discipline and if necessary remove officers of AFL-CIO State and Local Bodies (1983 Constitution at 36.) As already stated, there is no such grant of authority to discipline officers of affiliated national unions.2/

2/ President Kirkland's request that Walter Kupau take a leave of absence pending the resolution of criminal charges against him referred to his role as the President of the Hawaii AFL-CIO and had nothing to do with any position that he held in the Carpenters Union, as the news article on which complainant relies clearly evidences.

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The complainant in his 62-page document which is plainly the product of a review of every official document published by the AFL-CIO (see pp. 6-8, 11 -15), has been able to find only two provisions in the AFL-CIO Constitution that either require affiliated national unions to refrain from taking a certain action or to seek the approval of the AFL-CIO prior to taking an action. The first is a provision in Article XX, Section 15(4) which states that:

> No affiliate shall support or render assistance to [an] action determined to be in violation of [Article XX]. [1983 Constitution at 52.]

And the second is Article VIII, Section 14 which states that

> No affiliated national or international union *** shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the Convention. [1983 Constitution at 27.]

Both of these provisions are related to one of the fundamental purposes of the merger between the AFL and the CIO: to prevent jurisdictional disputes and "raiding by any affiliate of the established collective bargaining relationship of any other affiliate." (Agreement for the Merger of the American Federation of Labor and the Congress of Industrial Organizations, 1983 Constitution at 56.) This purpose is furthered by Article XX of the AFL-CIO Constitution which creates an internal mechanism for the resolution of such disputes and which includes the prohibition quoted above and which provides, as a last resort, certain limited sanctions (such as withholding AFL-CIO services from an affiliate or barring that affiliate from further use of Article XX proceedings). In addition, and also to preserve the jurisdictional integrity of each affiliate as well as to prevent confusion, the AFL-CIO Constitution requires that name changes by affiliated national unions and the jurisdiction claimed by newly-merged affiliated national unions must be approved by the Executive Council.

The significance of these provisions to the question presented here is the narrowness of the authority that is granted — which belies complainant's argument.

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— and the complete lack of support that authority provides for complainant's theory that the AFL-CIO controls the political activities of affiliated national unions.

The complainant's decision to raise the subject of mergers of national unions is self-defeating for two other reasons. Article III, Section 10 of the AFL-CIO Constitution underlines the Constitution's general guarantee of autonomy by specifically prohibiting any AFL-CIO action to require affiliated national unions to merge:

> Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdiction through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation. [1983 Constitution at 9.]

Moreover, since 1975 by reason of voluntary mergers the number of AFL-CIO affiliated unions had declined from 110 to 95. That, of course, works a corresponding reduction in the total number of separate segregated funds that AFL-CIO affiliated national unions may establish. This trend is incompatible with the complainant's theory that the AFL-CIO's purpose is to evade the Act's contribution limit by creating a myriad of separate segregated funds.

B. The AFL-CIO Does Not "Maintain" The Separate Segregated Funds Of Its Member Unions. The complaint alleges that the AFL-CIO has "maintained" the separate segregated funds of its member unions, including UAW-V-CAP, IBEW-COPE and AFT-COPE by: publishing pamphlets and other materials dealing with check-off and other methods used by labor organizations to solicit voluntary contributions to their separate segregated funds; and sponsoring a workshop on the FECA at which the AFL-CIO's legal counsel discussed the Act's requirements.3/

3/ Various aspects of complainant's argument rest on FEC MUR 253, a compliance action involving the American Medical Association and various state medical associations. This reliance is totally misplaced. The issue in that MUR was whether the state medical associations named therein were "local units" of the American Medical Association rather than as claimed

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The AFL-CIO prepares and publishes its materials dealing with solicitation techniques and the FECA requirements on soliciting voluntary contributions and sponsors workshops on the FECA primarily in its own interest. Many AFL-CIO affiliates serve as collecting agents for contributions to AFL-CIO COPE-PCC under the joint fundraising arrangement specifically permitted by §441a(a)(5).4/

3/ continued:
separate autonomous organizations. Congress' primary concern in drafting the antiproliferation rules was to end the practice whereby a single national organization could structure itself in such a way that both it and its state and local units each sponsored a political action committee with a separate contribution limit. To prevent this from happening, Congress designed §441a(a)(5) to bring all of the political committees of a national organization and its state and local units under the same contribution limit regardless of the exact nature of the relationship between the national and local entities. See p. 9-10, supra.

In contrast, Congress did not intend to prevent corporations and the trade associations with which those corporations are affiliated from each establishing a separate segregated fund entitled to a separate contribution limit or to prevent national and international unions and the AFL-CIO from each establishing such funds entitled to a separate contribution limit.

In light of the careful distinction reflected in the statutory language and the legislative history of the antiproliferation provision between, on the one hand, the relationship of a national organization and its component organizations and, on the other hand, the relationship of a national organization and a federation or association of other such organizations, it is clear that whatever the tests may be for affiliation under the former type of relationship they have no material bearing on the latter.

4/ The complaint argues that the AFL-CIO COPE-PCC's "affiliation" with UAW-V-CAP, IBEW-COPE and AFT-COPE is "documented" by the transfer of joint fundraising proceeds between those committees and COPE-PCC and by the fact that those committees serve as "collecting agents" for contributions to COPE-PCC. (Complaint at 46.) This argument is refuted both by the statute and the Commission's regulations.

The Act expressly states that the antiproliferation provisions of §441a(a)(5):

> ... shall [not] limit transfers between political committees of funds raised through joint fundraising efforts. [2 U.S.C. §441a(a)(5)(A)]

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Therefore, the AFL-CIO has an obligation to use its best efforts to ensure that those organizations comply with the Act and the regulations and fulfilling that obligation cannot possibly be a basis for imposing a single contribution limit.

C. AFL-CIO Coordination of Internal Political Education Activities Aimed At AFL-CIO Members and Their Families With Its Affiliated Unions Does Not Make AFL-CIO COPE-PCC "Affiliated" With These Unions Separate Segregated Funds. The complaint alleges that AFL-CIO COPE-PCC coordinates the political activities of AFL-CIO affiliated unions and that such coordination makes the AFL-CIO COPE-PCC "affiliated" with the separate segregated funds of UAW-V-CAP, AFT-COPE and IBEW-COPE. Without exception, the examples of coordinated political activities raised in the complaint deal with internal communications and voter registration/get-out-the-vote activities aimed at AFL-CIO members and their families.

As we have emphasized, pp. 6-7, supra, the AFL-CIO has a statutory right to make internal communications and to engage in voter registration/get-out-the-vote activities aimed at its members and their families. Moreover, the AFL-CIO may do so using its own resources or the resources and personnel of affiliated national and international unions. And the 1976 Congress was aware that the AFL-CIO both had the right to and did engage in coordinated internal political education and

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4/ continued:

And the Commission's regulations specifically exclude from consideration as evidence of affiliation:

> (E) ... the transfer of funds between the committees which jointly raised the funds so transferred. [11 C.F.R. 110.3(a)(1)(iii)(E).]

Likewise, the Commission's regulations expressly authorize the collection of voluntary contributions from members of the AFL-CIO to AFL-CIO COPE-PCC by local, national and international unions affiliated with the AFL-CIO. See 11 C.F.R. §102.6(b)(1)(iv).

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registration/get-out-the-vote activities. Furthermore, as we have also shown, Congress did not intend for the antiproliferation provision of the Act to prevent the AFL-CIO and its member unions or trade associations and their corporate members from having separate segregated funds with separate contribution limits. The complainant's reliance on this activity cannot be squared with Congress' intent in drafting and enacting the antiproliferation rules.

IV. CONCLUSION. For the above-stated reasons, we respectfully request that the Commission take no action with respect to the matters alleged in the complaint filed by James Edward Antosh, FEC MUR 1605, and that it dismiss that complaint.

Respectfully submitted,

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ATTACHMENT 1

AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

CONSTITUTION

of the

American Federation of Labor and Congress of Industrial Organizations

As amended by the Eleventh Constitutional Convention of the AFL-CIO, October 2-7, 1975

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American Federation of Labor and
Congress of Industrial Organizations

GEORGE MEANY, *President*

LANE KIRKLAND, *Secretary-Treasurer*

815 16th St., N.W.

WASHINGTON, D. C. 20006

AFL-CIO Publication No. 1

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strive always to win full respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I

NAME

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

ARTICLE II

OBJECTS AND PRINCIPLES

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.

2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.

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8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to

permit their rightful part in the political life of the local, state and national communities.

ARTICLE III
AFFILIATES

Section 1. The Federation shall be composed of (1) affiliated national and international unions and organizing committees, (2) directly affiliated local unions (such as Local Trade Unions, Federal Labor Unions, and Local Industrial Unions) and national councils thereof, (3) state and local central bodies (such as State and Territorial Federations, City Central Labor Unions and Industrial Union Councils), and (4) trade and industrial departments.

Sec. 2. Each national and international union and each federal labor union affiliated with the American Federation of Labor at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation and each national and international union, organizing committee and local industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation shall retain its charter or certificate, which shall become and be a charter or certificate of this Federation and, by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations, shall be an

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affiliate of this Federation and subject to its rules and regulations.

Sec. 3. Each such affiliate shall retain and enjoy the same organizing jurisdiction in this Federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In cases of conflicting and duplicating jurisdictions involving such affiliates the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 4. The integrity of each such affiliate of this Federation shall be maintained and preserved. Each such affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate. When a complaint has been filed with the President by an affiliate alleging a violation of this section by another affiliate, that has not been settled under the provisions of the No-Raiding Agreement referred to in Article XVII, the President shall endeavor, by consultation with the appropriate officers of both affiliates, to settle the matter by voluntary agreement between such affiliates. In the event no such voluntary agreement is reached within a reasonable time the President shall report to the Executive Council with such recommendations as he may deem appropriate. Upon such report being

submitted, the Executive Council shall consider the same, shall hear the appropriate officers of the affiliates involved, and shall make such decision as it believes to be necessary and proper to carry out the provisions of this section. In the event an affiliate shall fail to comply with such decision, the Executive Council shall submit the matter to the convention for such action as the convention may deem appropriate under the provisions of this constitution. *(See Article XX, Page 45)*

Sec. 5. State and Territorial Federations of Labor and Local Central Bodies affiliated with the American Federation of Labor at the time of the adoption of this Constitution, and State and Local Industrial Union Councils affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, shall become and be affiliates of this Federation and shall, as such, continue to exist as state, territorial and local central bodies, each representing the respective federal labor unions or local industrial unions now affiliated to such central body and such local unions now affiliated to such central body as are affiliated with a national or international union or organizing committee affiliated with this Federation. Provided, however: That a merger of these state, territorial and local central bodies, heretofore affiliated with the American Federation of Labor or the Congress of Industrial Organizations, shall be effected within two years after the adoption of this constitution, through the process of negotiation and

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agreement under the guidance of the President of this Federation and its Executive Council.

Sec. 6. Existing departments of the American Federation of Labor at the time of the adoption of this constitution shall continue as trade departments of this Federation with the rights of and subject to the rules governing trade and industrial departments provided in Article XI.

Sec. 7. The Executive Council shall have power to issue charters or certificates of affiliation to organizations desiring to affiliate with this Federation. This power may be delegated to the President. Subject to the provisions of Sections 2 and 3 of this Article, charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 8. Except as otherwise provided in this constitution no national or international union chartered by or affiliated with this Federation may be suspended from membership in the Federation except by a majority roll-call vote at the convention.

No [illegible] national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds majority roll-call vote at the convention.

Sec. 9. No organization officered, controlled or dominated by communists, fascists, or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any fascist organization, or other totalitarian movement, shall be permitted as an affiliate of this Federation or any of its state or local central bodies.

Sec. 10. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation.

ARTICLE IV

CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive

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spect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached hereunder.

Sec. 21. The provisions of this Article shall take effect on January 1, 1962. Upon such effective date, the provisions of Article III, Section 4, of this Constitution, except the first sentence thereof, shall be of no further force and effect. However any dispute which has become subject to a formal complaint under such provision prior to January 1, 1962, shall be disposed of under the procedures and principles theretofore applicable and not under the procedures or principles set forth in this Article, except that any recommendation of the Impartial Umpire issued subsequent to January 1, 1962, shall be subject to the provisions of Sections 14 through 16 of this Article.

Sec. 22. Notwithstanding any other provision of this Constitution this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a show of hands, or, if a roll call is properly demanded as provided in this Constitution, by such roll call.

AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Signed February 9, 1955

1. AGREEMENT TO MERGE

The American Federation of Labor and the Congress of Industrial Organizations agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union. They further agree upon the following principles and procedures to accomplish this end.

2. PRINCIPLES OF MERGER

(a) It is recognized, as a fundamental basis for the merger of the AFL and CIO, that each national and international union, federal labor union, local industrial union and organizing committee (hereinafter referred to as affiliated union) holding a charter or certificate of affiliation granted by either federation shall retain its charter or certificate and become, by virtue of the merger, an affiliate of the merged federation.

(b) It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved. In order to effectuate this principle, the Constitution of the merged federation shall contain a constitutional declaration for respect by each affiliate of the established bargaining relationship of every other affiliate and against raiding by any affiliate of the

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AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

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CONSTITUTION

of the

American Federation of Labor and Congress of Industrial Organizations

As amended by the Eleventh Constitutional Convention of the AFL-CIO, October 2-7, 1975

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American Federation of Labor and Congress of Industrial Organizations

GEORGE MEANY, *President*

LANE KIRKLAND, *Secretary-Treasurer*

815 16th St., N.W.

WASHINGTON, D.C. 20006

AFL-CIO Publication No. 1

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PREAMBLE

The establishment of this Federation through the merger of the American Federation of Labor and the Congress of Industrial Organizations is an expression of the hopes and aspirations of the working people of America.

We seek the fulfillment of these hopes and aspirations through democratic processes within the framework of our constitutional government and consistent with our institutions and traditions.

At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship, we shall responsibly serve the interests of all the American people.

We pledge ourselves to the more effective organization of working men and women; to the securing to them of full recognition and enjoyment of the rights to which they are justly entitled; to the achievement of ever higher standards of living and working conditions; to the attainment of security for all the people; to the enjoyment of the leisure which their skills make possible; and to the strengthening and extension of our way of life and the fundamental freedoms which are the basis of our democratic society.

We shall combat resolutely the forces which seek to undermine the democratic institutions of our nation and to enslave the human soul. We shall

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strive always to win [illegible] respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I
NAME

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

ARTICLE II
OBJECTS AND PRINCIPLES

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.

2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.

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8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to

perform their rightful part in the political life of the local, state and national communities.

ARTICLE III

AFFILIATES

Section 1. The Federation shall be composed of (1) affiliated national and international unions and organizing committees, (2) directly affiliated local unions (such as Local Trade Unions, Federal Labor Unions, and Local Industrial Unions) and national councils thereof, (3) state and local central bodies (such as State and Territorial Federations, City Central Labor Unions and Industrial Union Councils), and (4) trade and industrial departments.

Sec. 2. Each national and international union and each federal labor union affiliated with the American Federation of Labor at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation and each national and international union, organizing committee and local industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation shall retain its charter or certificate, which shall become and be a charter or certificate of this Federation and, by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations, shall be an

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affiliate of this Federation and subject to its rules and regulations.

Sec. 3. Each such affiliate shall retain and enjoy the same organizing jurisdiction in this Federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In cases of conflicting and duplicating jurisdictions involving such affiliates the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 4. The integrity of each such affiliate of this Federation shall be maintained and preserved. Each such affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate. When a complaint has been filed with the President by an affiliate alleging a violation of this section by another affiliate, that has not been settled under the provisions of the No-Raiding Agreement referred to in Article XVII, the President shall endeavor, by consultation with the appropriate officers of both affiliates, to settle the matter by voluntary agreement between such affiliates. In the event no such voluntary agreement is reached within a reasonable time the President shall report to the Executive Council with such recommendations as he may deem appropriate. Upon such report being

submitted, the Executive Council shall consider the same, shall hear the appropriate officers of the affiliates involved, and shall make such decision as it believes to be necessary and proper to carry out the provisions of this section. In the event an affiliate shall fail to comply with such decision, the Executive Council shall submit the matter to the convention for such action as the convention may deem appropriate under the provisions of this constitution. *(See Article XX, Page 45)*

Sec. 5. State and Territorial Federations of Labor and Local Central Bodies affiliated with the American Federation of Labor at the time of the adoption of this Constitution, and State and Local Industrial Union Councils affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, shall become and be affiliates of this Federation and shall, as such, continue to exist as state, territorial and local central bodies, each representing the respective federal labor unions or local industrial unions now affiliated to such central body and such local unions now affiliated to such central body as are affiliated with a national or international union or organizing committee affiliated with this Federation. Provided, however: That a merger of these state, territorial and local central bodies, heretofore affiliated with the American Federation of Labor or the Congress of Industrial Organizations, shall be effected within two years after the adoption of this constitution, through the process of negotiation and

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agreement under the guidance of the President of this Federation and its Executive Council.

Sec. 6. Existing departments of the American Federation of Labor at the time of the adoption of this constitution shall continue as trade departments of this Federation with the rights of and subject to the rules governing trade and industrial departments provided in Article XI.

Sec. 7. The Executive Council shall have power to issue charters or certificates of affiliation to organizations desiring to affiliate with this Federation. This power may be delegated to the President. Subject to the provisions of Sections 2 and 3 of this Article, charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 8. Except as otherwise provided in this constitution no national or international union chartered by or affiliated with this Federation may be suspended from membership in the Federation except by a majority roll-call vote at the convention.

No such national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds majority roll-call vote at the convention.

Sec. 9. No organization officered, controlled or dominated by communists, fascists, or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any fascist organization, or other totalitarian movement, shall be permitted as an affiliate of this Federation or any of its state or local central bodies.

Sec. 10. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation.

ARTICLE IV

CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive

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Council which shall gi[illegible]t least 90 days' notice of the time and place designated.

Sec. 3. (a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of national and international unions representing a majority of the total membership of the Federation, as evidenced by the records of the Secretary-Treasurer to the last convention.

(b) In the event a special convention has been called all affiliated organizations shall be given at least 30 days' notice, together with a statement of the particular subject or subjects to be considered at such convention.

(c) Representation to special conventions shall be on the same basis and subject to like qualifications and procedure governing regular conventions.

(d) A special convention shall be clothed with like authority and power conferred upon regular conventions, its decisions shall be equally binding and it shall be governed by the same procedure applicable to regular conventions; however, such special conventions shall be limited solely to the subject or subjects specifically and definitely indicated in the call for such special convention.

Sec. 4. Each national or international union and organizing committee shall be entitled to the number of delegates indicated in the following scale:

Less than	4.000 members	_____	1 delegate
Over	4,000 "	_____	2 delegates

O[illegible]	8,000 members	3	delegates
"	12,000 "	4	"
"	25,000 "	5	"
"	50,000 "	6	"
"	75,000 "	7	"
"	125,000 "	8	"
"	175,000 "	9	"

plus one additional delegate for each 75,000 members over 175,000.

Each directly affiliated local union and each national trade and industrial department shall be entitled to one delegate. Each industrial union council and each state or local central body shall be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

Sec. 5. Delegates to a regular convention of the Federation shall be elected or otherwise designated by the affiliate at least 30 days prior to the convention, except in cases in which the convention of the affiliate meets within this 30-day period. The names of the delegates shall be forwarded to the Secretary-Treasurer of the Federation immediately after their selection.

Sec. 6. No organization that has seceded or has been suspended or expelled by this Federation, the American Federation of Labor, or the Congress of Industrial Organizations, or by any national or international union or organizing committee affiliated with this Federation shall, while under such pen-

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alty, be allowed representation or recognition in the Federation, or in any subordinate body thereof, or in any national or international union or organizing committee affiliated with this Federation, under the penalty of the suspension of the body violating this section. No affiliate which, at the opening date of the convention, is in arrears to the Federation for per capita tax or assessments for two months or more, shall be entitled to recognition or representation in the convention.

Sec. 7. No organization shall be entitled to representation unless such organization has applied for and obtained a certificate of affiliation at least one month prior to the convention, and no person shall be recognized as a delegate who is not a member in good standing of the organization he is selected to represent.

Sec. 8. The number of members of each national and international union, organizing committee and directly affiliated local unions for the purpose of selecting delegates and for roll-call votes at the convention shall be the average monthly number on which per capita tax is paid for the 24-month period prior to and including the second month preceding the month of the opening date of the convention. Where affiliation has occurred during this 24-month period, the average shall be computed from the month of affiliation, and the number of members shall be deemed to be one twenty-fourth of such average for each month for which per capita tax has been paid. The Secretary-Treasurer shall

prepare for the use of the convention and sub to it a printed list showing the number of votes the number of delegates to which each affiliat entitled.

Sec. 9. The President shall appoint, in consu tion with the Executive Council, prior to the op ing date of the convention and subject to the proval of the convention, such committees as necessary to conduct the affairs of the conventi Such committees may meet before the opening d of the convention and shall proceed to consider resolutions, appeals, reports, and constitution amendments submitted to the convention, and sh report thereon to the convention.

Sec. 10. (a) All resolutions, petitions, memoria and appeals to be considered by any convention the Federation must be received by the Secretar Treasurer at headquarters in Washington, D. C 30 days immediately preceding the opening of t convention; except in instances where such matte have been acted upon and approved at a regula convention of a national or international union, state central body, or national trade and industri department held during this 30-day period in whic event such proposals shall be received up to th opening date of the convention.

(b) All resolutions, petitions, memorials and ap peals received or submitted after the time stipu lated above or during the convention shall be re ferred to the Executive Council, and the Executiv Council shall refer all such proposal or proposal

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to the convention with the understanding that consideration of such proposal or proposals is dependent upon the unanimous consent of the convention.

(c) Any or all proposals emanating from directly affiliated local unions shall be referred to the Executive Council for consideration and disposition. The Executive Council shall in turn advise the convention of the disposition made of such proposal or proposals.

(d) Proposals emanating from state central bodies to receive consideration of a convention must first have received the approval of the previous convention of the state central body involved. In the case of local central bodies any proposal or proposals to be considered must have first received the approval of such central labor body at a regularly constituted meeting of such organization.

(e) Each resolution, memorial, petition, or appeal properly received for consideration by the convention, as soon as practical after receipt thereof, shall be classified by the President as to nature, contents and subject matter and referred by him to an appropriate committee, which committee shall make a report thereon to the convention prior to consideration of any such matter by the convention. He shall cause to be distributed copies of such resolutions, petitions, memorials or appeals to the delegates of the convention at the opening session thereof or as soon thereafter as practical, but before any such matters are considered by the convention.

Sec. 11. Not less than 60 days prior to the o ing of each regular convention, the Secret Treasurer shall furnish each affiliate with cre tial blanks in duplicate, which must be attest required on the blanks. The duplicates shall be tained by the delegate, and the original sent to Secretary-Treasurer. Subject to the provisions Section 5 of this Article, no credentials shall accepted later than 20 days prior to the open date of the convention.

Sec. 12. Prior to the opening date of the conve tion, the Executive Council shall meet and con tute itself or a subcommittee as the Credenti Committee for the convention. Appeals from its d cisions may be made to the floor of the convention The convention shall not be constituted for busine until after the Credentials Committee shall hav examined and reported on credentials of all dele gates present at the scheduled time on the openin date of the convention.

Sec. 13. All members of the Executive Counc who are not elected as delegates shall be ex-offici delegates to the convention with all the rights an privileges of elected delegates, but without vote.

Sec. 14. Fraternal delegates attending conven tions of the Federation shall be entitled to all the rights of delegates but shall not be entitled to vote.

Sec. 15. At the opening of the convention the President shall take the chair and call the convention to order, and preside during its sessions.

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Sec. 16. One-fourth of the delegates seated at any convention shall constitute a quorum for the transaction of business.

Sec. 17. Questions may be decided by division or a show of hands, but a call of the roll may be demanded by 30 percent of the delegates present. Upon such roll-call each delegate representing affiliated national or international unions, organizing committees and directly affiliated local unions shall be entitled to cast one vote for every member whom he represents. Each state and local central body and national trade and industrial department shall be entitled to one vote.

Sec. 18. The rules and order of business governing the preceding convention shall be enforced from the opening of any convention of the Federation until new rules have been adopted by action of the convention.

Sec. 19. Unless otherwise specified, any action taken by the convention shall take effect immediately upon adoption.

ARTICLE V

OFFICERS

Section 1. The officers shall consist of a President and a Secretary-Treasurer, who shall be the Executive Officers, and 33 Vice Presidents.

Sec. 2. Each officer shall be a member of an affiliated organization.

Sec. 3. The officers shall be elected by the convention, by written ballot, with each affiliate having the number of votes to which it is entitled on a roll call vote, as provided in Article IV. Nominations shall take place on the third and election on the fourth day of the convention. The Executive Officers shall be elected by majority vote. In the event that more than two candidates are nominated for President or Secretary-Treasurer, and no one candidate receives a majority of the votes cast, all except the two candidates receiving the highest votes shall be eliminated from the list of candidates and a second vote taken. The Vice Presidents shall be elected by plurality vote, and the 33 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote will be taken only among the candidates whose tie prevented the election of 33 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Each ballot must, to be valid, be voted for 33 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting. The ballot shall be signed by the delegate voting, and shall show the affiliation and the voting strength of the delegate. If an affiliate votes by bloc, the ballot shall be signed by the chairman of the delegation and shall show the affiliate and its voting strength. Each candidate may designate an observer who may be present during the tabulation of the signed ballots. The results of the election, including each delegate's vote or, in case of a bloc vote, each

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affiliate's vote shall become an official part of the Convention record.

Sec. 4. Each officer elected at the convention shall take office immediately upon his election and shall serve until his successor is elected at the next regular convention.

Sec. 5. In the event of a vacancy in the office of either the President or the Secretary-Treasurer by reason of death, resignation or otherwise, the remaining executive officer shall perform the duties of the vacant office until a successor is elected. It shall be the duty of such executive officer to issue, within ten days of the date of the vacancy, a call for a meeting of the Executive Council of this Federation, upon ten days' notice, for the purpose of electing an executive officer to fill said vacancy for the unexpired term.

Sec. 6. In the event of a vacancy in the office of Vice President by reason of death, resignation or otherwise, the Executive Council shall have the power to fill the vacancy by majority vote of all its members for the period of the unexpired term.

Sec. 7. The national headquarters of the Federation shall be maintained by the Executive Officers at Washington, D. C.

Sec. 8. The Executive Officers shall, by virtue of their office, hold title to the real estate of the Federation as trustees for the Federation.

Sec. 9. The President and Secretary-Treasurer

of the Federation or either of them may retire after having served five years as an Executive Officer of the Federation, and either having reached age 65 years or having served a total of 20 years. Time served as an officer of any organization affiliated with the Federation, or with the American Federation of Labor or the Congress of Industrial Organizations, shall be included in determining length of service hereunder. In the event of retirement such officers shall have the title of President Emeritus, or Secretary-Treasurer Emeritus and shall render service to the Federation in an advisory and consultative status. They shall be compensated for such service by the Federation for life in an annual amount, payable weekly, equal to 60 percent of either the highest annual salary received by them respectively as an Executive Officer or thereafter paid to the corresponding Executive Officer of this Federation, whichever is greater. If after attaining eligibility for retirement such Executive Officer shall die, either before or after retirement, his surviving widow shall be paid an annual annuity for life, payable in weekly installments, of 30 percent of either the highest annual salary received by such Executive Officer, as an Executive Officer, or thereafter paid to the corresponding Executive Officer of this Federation, whichever is greater. The Executive Council is authorized and directed to enter into a legal and binding agreement with the President and with the Secretary-Treasurer to make these retirement compensation and annuity benefits payable to the Federation for their intended duration, pursuant to the terms and conditions of this Section.

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Sec. 10. No individual shall be eligible to serve either as an Executive Officer or as a member of the Executive Council who is a member of the Communist Party, any fascist organization, or other totalitarian movement, or who consistently pursues policies and activities directed toward the achievement of the program or the purposes of the Communist Party, any fascist organization or other totalitarian movement.

ARTICLE VI

DUTIES OF THE PRESIDENT

Section 1. The President shall function as the chief executive officer of the Federation. He shall exercise supervision of the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council, and General Board. He shall call meetings of the Executive Council at least three times each year.

Sec. 2. The President shall have authority to interpret the constitution between meetings of the Executive Council and his interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council or a convention.

Sec. 3. The President shall receive for his services a salary of $90,000 per annum, payable weekly.

Sec. 4. The appointment and compensation, direction, suspension and removal of organizers, representatives, agents and employees of the Federation shall be under the direction of the President.

Sec. 5. The President shall make a report of the administration of his office and of the affairs of the Federation to the convention through the report of the Executive Council.

ARTICLE VII

DUTIES OF THE SECRETARY-TREASURER

Section 1. The Secretary-Treasurer shall be the chief financial officer of the Federation and shall receive and collect all moneys due the Federation which moneys shall be paid out only on the approval of the President.

Sec. 2. The Secretary-Treasurer shall be in charge of and preserve all moneys, properties, securities and other evidences of investment, books, documents, files and effects of the Federation which shall at all times be subject to the inspection of the President and Executive Council.

Sec. 3. The Secretary-Treasurer shall issue the call for and act as secretary at conventions, and shall cause the proceedings of all conventions and

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all sessions of the Executive Council and General Board to be recorded.

Sec. 4. It shall be the duty of each national and international union, organizing committee, each trade and industrial department, state and local central bodies and each directly affiliated local union, to furnish the Secretary-Treasurer a copy of all official reports issued by such affiliated organizations together with a statement of their membership in good standing and to furnish such additional statistical data in their possession relating to the membership as may be called for by the Secretary-Treasurer of this Federation.

Sec. 5. The Secretary-Treasurer shall give a bond for the faithful performance of his duties in such amount as may be determined by the Executive Council and shall report to the biennial convention of the Federation through the report of the Executive Council, and for his services he shall receive $60.000 per annum, payable weekly.

Sec. 6. The Secretary-Treasurer shall print quarterly, as a separate document, a financial statement of the Federation and forward a copy thereof to all affiliated national and international unions, organizing committees, directly affiliated local unions and state and local central bodies.

Sec. 7. The Secretary-Treasurer shall be required, from time to time, but no less than semi-annually, to provide for an audit of all books, accounts, records and financial transactions of the

Federation by an independent public accountant. Such audits shall be furnished to the Executive Council and a biennial audit shall be furnished to the Convention.

Sec. 8. The Secretary-Treasurer shall, under the direction and instructions of the Executive Council, invest the surplus funds of the Federation in sound securities or deposit the same in a bank or banks.

ARTICLE VIII

EXECUTIVE COUNCIL

Section 1. The Executive Council shall consist of the President, the Vice Presidents and the Secretary-Treasurer.

Sec. 2. The Executive Council shall be the governing body of this Federation between conventions. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the conventions and to enforce the provisions contained in this constitution. Between conventions it shall have the power to direct the affairs of the Federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the Federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose.

Sec. 3. The Executive Council shall meet upon the

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call of the President at least three times within each year at a time and place designated by the President.

Sec. 4. It shall be the duty of the Executive Council to watch legislative measures directly affecting the interests of working people, and to initiate, wherever necessary, such legislative action as the convention may direct.

Sec. 5. The Executive Council shall prepare and present to the convention in printed form a statement of all matters of interest to the convention and of the activities of the Federation between conventions.

Sec. 6. The Executive Council shall have power to make rules to govern matters consistent with this constitution and shall report accordingly to the Federation.

Sec. 7. It is a basic principle of this Federation that it must be and remain free from any and all corrupt influences and from the undermining efforts of communist, fascist or other totalitarian agencies who are opposed to the basic principles of our democracy and of free and democratic trade unionism. The Executive Council, when requested to do so by the President or by any other member of the Executive Council, shall have the power to conduct an investigation, directly or through an appropriate standing or special committee appointed by the President, of any situation in which there is reason to believe that any affiliate is dominated, controlled

or substantially influenced in the conduct of its affairs by any corrupt influence, or that the policies or activities of any affiliate are consistently directed toward the advocacy, support, advancement or achievement of the program or of the purposes of the Communist Party, any fascist organization or other totalitarian movement. Upon the completion of such an investigation, including a hearing if requested, the Executive Council shall have the authority to make recommendations or give directions to the affiliate involved and shall have the further authority, upon a two-thirds vote, to suspend any affiliate found guilty of a violation of this section. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 8. Subject to the provisions of Article III, Section 7, the Executive Council shall use every possible means to assist affiliated unions in the organization of the unorganized and to organize new national and international unions, organizing committees, and directly affiliated local unions.

Until such time as it is feasible to form a new national or international union composed of directly affiliated local unions or to affiliate such unions with an existing affiliated national or international union within whose jurisdiction they might properly come, the Executive Council may group such directly affiliated local unions, in a particular craft

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or industry, into national councils or organizing committees which shall be under the direct supervision and control of the Executive Council and the President.

Sec. 9. In carrying out the provisions of this Article the Executive Council shall recognize that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization and that all workers whatever their race, color, creed or national origin are entitled to share in the full benefits of trade union organization.

Sec. 10. A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

Sec. 11. The Executive Council shall have the power to file charges and conduct hearings on such charges against any Executive Officer of the Federation or other member of the Executive Council on the ground that such person is guilty of malfeasance or maladministration, and to make a report to the convention recommending appropriate action. The Executive Council must serve such officer with a copy of the written charges a reasonable time before the hearing.

Sec. 12. The Executive Council shall have the further power to refuse to seat or to remove from office any member of the Executive Council, or to remove from office any officer, who is found by the Council, by a two-thirds vote after notice and hearing, to be ineligible to serve under the provisions

of Article V, Section 10. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 13. In any case in which an affiliate has been suspended from membership in the Federation by the convention, or by a two-thirds vote of the Executive Council in the cases set forth in Section 7 of this Article, and in which it is shown that the cause for such suspension no longer exists, the Executive Council shall have the power, upon a two-thirds vote, to terminate such suspension.

Sec. 14. No affiliated national or international union or organizing committee shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the convention.

Sec. 15. The Executive Council shall be authorized to reimburse members of the Council for necessary expenses in performing their duties for the Federation.

ARTICLE IX

GENERAL BOARD

Section 1. The General Board of the Federation shall consist of all of the members of the Executive Council of the Federation and the president or

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other principal officer of each of the affiliated national or international unions and each trade and industrial department.

Section 2. The General Board shall meet upon the call of the President of the Federation or of the Executive Council.

Sec. 3. The General Board shall decide all policy questions referred to it by the Executive Officers or by the Executive Council.

Sec. 4. Questions coming before the General Board shall be decided in accordance with the applicable provisions of Section 17 of Article IV of this Constitution with the president or other principal officer of each affiliated national or international union casting the vote of such union and with the president or other principal officer of each department casting the one vote of such department. The number of members of each national or international union on a roll-call vote of the General Board shall be deemed to be the number of members represented at the last preceding convention except in the case where affiliation has occurred subsequent to such convention or within a 24-month period prior to and including the second month preceding such convention. In such cases the number of members of such affiliate shall be deemed to be one twenty-fourth of the average membership for which per capita tax was paid for each month, prior to the meeting of the General Board, for which such tax was paid.

ARTICLE X

DEPARTMENT OF ORGANIZATION

Section 1. The organizing work of this Federation as set forth in Article VIII, Section 8, shall be conducted by the Department of Organization under the general supervision of the President. The Department of Organization shall be provided the staff and resources necessary to conduct such activities.

Sec. 2. The Department of Organization shall be headed by a Director of Organization who shall be appointed by the President subject to the approval of the Executive Council.

ARTICLE XI

TRADE AND INDUSTRIAL DEPARTMENTS

Section 1. The Trade and Industrial Departments shall be subordinate to the Federation and shall consist of the following: Building and Construction Trades Department; Metal Trades Department; Union Label and Service Trades Department; Maritime Trades Department; Railway Employees Department; and a department of industrial organizations to be known as Industrial Union Department, and such other departments as may be established by the Executive Council or the Convention. Each department is to manage and finance its own affairs and may establish local councils or railway system federations of departments. Affiliation to the departments in the Federation shall

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be open to all appropriate affiliated national and international unions and organizing committees.

Sec. 2. To be entitled to representation in any department, international unions and organizing committees eligible to join it must first be and remain in affiliation to the Federation.

Sec. 3. To be entitled to representation in local councils or railway system federations of Departments, local unions are required to be part of affiliated national and international unions and organizing committees affiliated to departments or to be directly affiliated to the Federation.

Sec. 4. The fundamental laws and procedure of each department are to conform to and be administered in the same manner as the laws and procedure governing the Federation. No department, local council or railway system federation of the same shall enact laws, rules or regulations in conflict with the laws and procedure of the Federation, and in the event of change of laws, rules, regulations and procedures of the latter, departments, local councils and railway system federations are to change their laws, rules, and regulations to conform thereto.

Sec. 5. Each department is to be considered an official method of the Federation for transacting the portion of its business indicated by the name of the department, in consequence of which affiliated and eligible organizations should be part of

their respective departments and should comply with the actions and decisions of such departments, subject to appeal therefrom to the Executive Council and the conventions of the Federation. An organization affiliated with one or more departments shall pay per capita tax to each such department upon the number of members whose occupation comes under such department.

Sec. 6. The officers of the various departments shall submit a quarterly report to the Executive Council of the Federation of the work done by their department and its general conditions.

Sec. 7. At all regular meetings of the Executive Council of the Federation, there shall be present, during some period of the Council meeting, the executive officer or officers of each department, to take up with the Council matters that may be of mutual interest.

Sec. 8. Departments of the Federation shall have their headquarters in Washington, D. C., and in the headquarters of the Federation unless permitted to locate elsewhere.

ARTICLE XII

COMMITTEE AND STAFF DEPARTMENTS

Section 1. The President of the Federation shall appoint the following standing committees and such other committees as may from time to time be

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necessary. The President with the approval of the Executive Council may combine standing committees. The committees, under the direction of the President, and subject to the authority of the Executive Council and the convention, shall carry out their functions as described herein:

(a) The Committee on Legislation shall undertake to carry out the policies and programs of the Federation in the Congress and in the legislatures of state and local governments;

(b) The Committee on Civil Rights shall be vested with the duty and responsibility to assist the Executive Council to bring about at the earliest possible date the effective implementation of the principle stated in this constitution of non-discrimination in relation to any member because of race, creed, color, sex, national origin or ancestry.

(c) The Committee on Political Education shall be vested with the duty and responsibility to assist the Executive Council in meeting the need for sound political education and in bringing about the effective implementation of the objectives stated in this constitution of encouraging workers to register and vote, to exercise their full rights and responsibilities of citizenship and to perform their rightful part in the political life of the city, state, and national communities;

(d) The Committee on Ethical Practices shall be vested with the duty and responsibility to assist the Executive Council in carrying out the constitutional determination of the Federation to keep the Federation free from any taint of corruption or communism, in accordance with the provisions of this constitution;

(e) The Committee on International Affairs shall be concerned with international developments facing our nation and the Federation's relationships with the international trade union movement;

(f) The Committee on Education shall promote the widest possible understanding among union members of the aims of the Federation, shall assist affiliated unions in developing their own educational programs and shall implement the Federation's interest in providing the nation with the highest standard of education at all levels;

(g) The Committee on Social Security shall have the responsibility of providing guidance and information in the fields of social insurance and welfare;

(h) The Committee on Economic Policy shall undertake to recommend programs and policies toward the end of promoting prosperity, full employment and full utilization of our resources;

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(i) The Committee on Community Services shall stimulate the active participation by members and affiliated unions in the affairs of their communities and the development of sound relationships with social agencies in such communities;

(j) The Committee on Housing shall advise on all matters relating to housing programs and policies;

(k) The Committee on Research shall have the responsibility of reviewing and appraising the research activities of the Federation to the end that adequate research facilities are available to the Federation;

(l) The Committee on Public Relations shall review and appraise the needs of the Federation in keeping the general public informed of the goals and policies of the Federation, the extent to which these needs are being met and shall make recommendations in this field;

(m) The Committee on Safety and Occupational Health shall be vested with the responsibility of recommending and promoting ways in which the work places of our nation can be made safe and healthful;

(n) The Committee on Veterans Affairs shall keep all affiliates informed of the rights and benefits available to veterans under federal and state laws and shall propose measures to protect such rights and benefits;

(o) The Committee on Organization, in consulta-

tion with the Executive Officers and the Director of Organization, shall develop programs and policies to assure a more effective and adequate effort in meeting the challenge of organizing the unorganized and shall report such programs and policies to the Executive Council for its consideration. This section shall in no way affect the jurisdiction of any national or international union of the AFL-CIO.

(p) All other committees shall have the functions vested in them by the President, the Executive Council, or the convention, consistent with this constitution.

Sec. 2. Staff departments shall be established where appropriate under the direction of the President to function in the fields of activity described above and in such other fields as may be determined by the President, the Executive Council or the convention.

Sec. 3. The Committees and staff departments shall have adequate staff which shall be under the general direction of the President of the Federation.

ARTICLE XIII

STATE AND LOCAL CENTRAL BODIES

Section 1. Central bodies subordinate to the Federation may be established upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and international

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unions and organizing committees affiliated with the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies as the Executive Council may determine are eligible for affiliation.

Sec. 2. It shall be the duty of all national and international unions and organizing committees affiliated with the Federation to instruct their local unions to join affiliated central labor bodies in their vicinity where such exist. Similar instructions shall be given by the Federation to all local unions affiliated directly to it.

Sec. 3. The Executive Council of the Federation shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against central labor bodies, or their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Executive Council and to the convention, but shall provide that decisions appealed from shall re-

main in full force and effect pending any appeal.

Sec. 4. Upon the dissolution, suspension or revocation of the charter of any state or local central body, all funds and property of any character shall revert to the Federation to be held in trust until such time that the suspended or defunct organization may be reorganized and be able to confine its activities and actions to conform with the constitution and laws of this Federation. It shall be the duty of the officers of a state or local central body which has been dissolved or whose charter has been suspended or revoked, or which has been placed under trusteeship under Section 3 of this Section, to deliver all funds and property to the President of the Federation or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Federation shall reimburse itself from the funds and property recovered.

Sec. 5. Merger of existing state and local central bodies of the American Federation of Labor and the Congress of Industrial Organizations shall be accomplished as provided in Article III, Section 5. Pending such merger state and local central bodies of both the American Federation of Labor and the Congress of Industrial Organizations shall be permitted to exist as state and local central bodies representing the respective local unions or organizations now affiliated to such central bodies.

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ARTICLE XIV

LOCAL UNIONS DIRECTLY AFFILIATED TO THE FEDERATION, ORGANIZING COMMITTEES AND NATIONAL COUNCILS

Section 1. Subject to the provisions of Article III, Section 7, the Federation is authorized to issue charters and certificates of affiliation to organizing committees and directly affiliated local unions.

Sec. 2. The Executive Council of the Federation shall issue rules governing the conduct, activities, affairs, finances and property of organizing committees, national councils, and directly affiliated local unions, and governing the suspension, expulsion and termination of such organizations. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against such organizations, or their officers. They shall provide for notice and hearing in all cases in which such action is taken with respect to directly affiliated local unions, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such local unions and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Executive Council and to the convention, but shall provide that decisions appealed from shall remain in full force and effect pending any appeal.

Upon the dissolution, suspension or revocation of the charter of any such organizations, all funds

and property of any character shall revert to the Federation, which shall to the extent appropriate hold such funds and property in trust until such time that the suspended or defunct organization may be reorganized and be able to confine its activities and actions to conform with the constitution and laws of this Federation. It shall be the duty of the officers of any such organization which has been dissolved or whose charter has been suspended or revoked to deliver all funds and property to the President of the Federation or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Federation shall reimburse itself from the funds and property recovered.

Sec. 3. It shall be the duty of the Executive Council to combine directly affiliated local unions in related fields into national or international unions, organizing committees or national councils when such action appears to be appropriate. Any local union directly affiliated to the Federation or a group of such local unions may request the Executive Council to authorize such combination.

When directly affiliated local unions are grouped into an organizing committee they shall become locals of the organizing committee. The organizing

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committee shall have the same status as a national or international union under this constitution except that it shall be under the direct supervision and control of this Federation, as provided herein.

When directly affiliated local unions are grouped into a national council they shall remain local unions directly affiliated with this Federation.

Sec. 4. The per capita payment to the Federation by local unions directly affiliated to it shall be determined by the Executive Council and shall not be less than $1.50 per month.

Sec. 5. Local Trade and Federal Labor Unions and Local Industrial Unions which are affiliated with this Federation pursuant to Article III, Section 2, of this constitution shall be for all purposes local unions directly affiliated to the Federation under this and all other sections of the constitution.

Sec. 6. The Defense Fund for Local Trade and Federal Labor Unions of the American Federation of Labor, created under its constitution, shall be continued as a defense fund for local unions directly affiliated with this Federation, subject to the rules provided for in Section 2 of this Article and subject to such provisions concerning contributions by and the eligibility of Local Industrial Unions formerly affiliated with the Congress of Industrial Organizations as may be determined by the Executive Council.

ARTICLE XV

PER CAPITA TAX AND ASSESSMENTS

Section 1. A per capita tax shall be paid [illegible] the full paid up membership of each affiliate[illegible] tional or international union, organizing com[illegible] tee and directly affiliated local union.

Sec. 2. Each national or international union [illegible] organizing committee shall pay on or before [illegible] fifteenth day of each month, for the preced[illegible] month, a per capita tax of 13 cents per member [illegible] month.

Sec. 3. Directly affiliated local unions shall [illegible] on or before the fifteenth day of each month, [illegible] the preceding month, a per capita tax of not [illegible] than $1.50 per member per month, as provided [illegible] in the rules governing the organization and acti[illegible] ties of such directly affiliated local unions. E[illegible] directly affiliated local union shall also pay to [illegible] Federation a portion, to be fixed by the Executi[illegible] Council, of the initiation fee received by such uni[illegible] from its members, but such payment to the Feder[illegible] tion shall in no case be less than $1.50 per memb[illegible]

Sec. 4. Revenue may also be derived from asse[illegible] ments when and as ordered by a majority vote [illegible] a convention. The Executive Council may also d[illegible] clare an assessment of not to exceed 4 cents p[illegible] member per month on all affiliated unions for [illegible] period not to exceed six months in any one yea[illegible] when the interests of the Federation require an[illegible] when funds available from per capita tax are in[illegible] sufficient to meet the needs of the Federation.

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Sec. 5. Any affiliated organization which does not pay its per capita tax on or before the fifteenth of each month, and assessment or assessments when due and payable, shall be notified of that fact by the Secretary-Treasurer of the Federation. Any affiliated organization three months in arrears in payment of per capita tax or assessments automatically becomes suspended from membership in the Federation and can be reinstated only after such arrearages are paid in full.

Sec. 6. Each affiliate, upon the issuance of a certificate of affiliation, shall pay to the Federation the sum of $15.00.

Sec. 7. Each state and local central body affiliated with the Federation shall pay to the Federation an annual fee of $20.00.

Sec. 8. The Executive Council may exonerate any national or international union, organizing committee and directly affiliated local union from the payment of per capita tax or assessments due to the Federation for any month upon a proper showing that, in the opinion of the Executive Council, good cause therefor exists. Exonerated members shall be regarded, for the purposes of this constitution, as paid up members for the period of exoneration.

ARTICLE XVI

AMENDMENTS

This constitution can be amended or altered only by the convention, by a two-thirds vote of those

present and voting, either by a show of hands, if a roll-call is properly demanded as provided this constitution, by such roll-call.

ARTICLE XVII

EXISTING AGREEMENTS

Section 1. The agreement for the merger of t American Federation of Labor and the Congress Industrial Organizations, as approved by the Exec tive Council of the American Federation of Lab and the Executive Board of the Congress of Indu trial Organizations and the conventions of both fe erations is incorporated herein and made a pa of this constitution.

Sec. 2. The AFL-CIO No-Raiding Agreeme shall be preserved and, with the consent of th signatories, shall be extended for a period of tw years from its present expiration date and amende to make it effective as between all unions signator to it irrespective of their former affiliation. Th CIO Organizational Disputes Agreement shall b maintained in force for its term as between th unions which have adhered to it. The AFL Interna Disputes Plan shall be maintained in force for it term with respect to the unions which have adhere to it. A Joint Committee shall be established b the Executive Council to formulate the means fo incorporating these three agreements into a com bined no-raiding and organizational and jurisdic tional disputes agreement which can be effective a between all of the unions becoming signatory to it irrespective of their former affiliation and for the

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purpose of extending, by voluntary agreement, such provisions to all affiliates of this Federation.

ARTICLE XVIII

INITIAL CONVENTION

Section 1. The provisions of this constitution shall govern the initial convention of the Federation except as otherwise provided in this Article.

Sec. 2. The initial convention shall be called, and the time and place determined, by the Joint AFL-CIO Unity Committee, subject to the approval of the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations, and the conventions of the two federations.

Sec. 3. The Joint AFL-CIO Unity Committee shall act as the credentials committee for the initial convention and shall be empowered to accredit as delegates to such convention all of the delegates who have been duly accredited to the conventions of the American Federation of Labor and the Congress of Industrial Organizations which approved this constitution. Where the total number of such delegates of any affiliated organization is less than the number of delegates to which such organization is entitled under Article IV, Section 4, the Joint AFL-CIO Unity Committee shall be empowered to accredit additional delegates from such organization up to such number.

Sec. 4. Delegations representing national and international unions, organizing committees and di-

rectly affiliated local unions shall each be entitled to a total number of votes based upon the membership represented by such delegation at the conventions of the American Federation of Labor and the Congress of Industrial Organizations approving this constitution. State and local central bodies and national departments shall each be represented by one delegate and shall each be entitled to one vote.

Sec. 5. The Joint AFL-CIO Unity Committee shall report to the convention, designate temporary officers for the convention, appoint all convention committees, and take such other action with respect to the conduct of the convention as may become necessary by virtue of the fact that it is an initial convention.

ARTICLE XIX

EFFECTIVE DATE

This constitution and the Merger Agreement between the American Federation of Labor and the Congress of Industrial Organizations shall become effective upon approval by the separate conventions of the American Federation of Labor and the Congress of Industrial Organizations and shall govern the affairs of the Federation beginning with the first convention of the Federation.

ARTICLE XX

SETTLEMENT OF INTERNAL DISPUTES

Section 1. The principles set forth in this Article shall be applicable to all affiliates of this Federation,

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and to their local un[illegible] and other subordinate bodies.

Sec. 2. Each affiliate shall respect the established collective bargaining relationship of every other affiliate. No affiliate shall organize or attempt to represent employes as to whom an established collective bargaining relationship exists with any other affiliate. For purposes of this Article, the term, "established collective bargaining relationship" means any situation in which an affiliate, or any local or other subordinate body thereof, has either (a) been recognized by the employer (including any governmental agency) as the collective bargaining representative for the employes involved for a period of one year or more, or (b) been certified by the National Labor Relations Board or other federal or state agency as the collective bargaining representative for the employes.

Sec. 3. Each affiliate shall respect the established work relationship of every other affiliate. For purposes of this Article, an "established work relationship" shall be deemed to exist as to any work of the kind which the members of an organization have customarily performed at a particular plant or work site, whether their employer is the plant operator, a contractor, or other employer. No affiliate shall by agreement or collusion with any employer or by the exercise of economic pressure seek to obtain work for its members as to which an established work relationship exists with any other affiliate, except with the consent of such affiliate. This section shall not be applicable to work in the railroad industry.

Sec. 4. In the event that any affiliate believes that such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality or to the constitutional objectives of the AFL-CIO or injurious to accepted trade union work standards to enforce the principles which would apply in the absence of such circumstances, such organization shall nevertheless observe such principles unless and until its claim is upheld in the manner prescribed in Section 17 of this Article.

Sec. 5. No affiliate shall, in connection with any organizational campaign, circulate or cause to be circulated any charge or report which is designed to bring or has the effect of bringing another affiliate into public disrepute or of otherwise adversely affecting the reputation of such affiliate or the Federation.

Sec. 6. Dispute settlements and determinations under this Article shall not determine the general work or trade jurisdiction of any affiliate but shall be limited to the settlement or determination of the specific dispute on the basis of the facts and considerations involved in that dispute.

Sec. 7. The President shall establish procedural rules for the handling of complaints under this Article so that all affiliates involved in or affected by a dispute will have notice thereof, will have an opportunity for the voluntary settlement of the dispute, and, in the event of a failure to reach a voluntary settlement, will have a full and fair hearing

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before an Impartial Umpire. The rules shall be such as to insure a speedy and early disposition of all complaints arising under this Article.

Sec. 8. The President shall establish a panel of mediators composed of persons from within the labor movement. The members shall serve at the pleasure of the President. Any affiliate which claims that another affiliate has violated this Article may, by its principal officer, file a complaint with the President. Upon receipt of such complaint the President shall designate a mediator or mediators, selected by him from the mediation panel, and direct that all affiliates involved or affected meet with such mediator or mediators in an effort to effect a settlement.

Sec. 9. A panel of Impartial Umpires composed of prominent and respected persons shall be established. The members of the panel shall be selected by the President with the approval of the Executive Council. If voluntary settlement of a dispute is not reached within fourteen days after the appointment of a mediator or mediators, a hearing shall be held before an Impartial Umpire selected from such panel. Impartial Umpires shall be assigned on a rotating basis, subject to their availability to conduct hearings. The terms of employment of the members of the panel shall be established by the President, with the approval of the Executive Council.

Sec. 10. The Impartial Umpire shall make a determination, after hearing, based upon the principles set forth in this Article. He shall make such deter-

mination within a time specified by the President unless an extension of time is agreed to by the parties. The President shall transmit copies of the determination to all affiliates involved. He shall, at the same time, request any affiliate which the Impartial Umpire has found to be in violation of the Article to inform him as to what steps it intends to take to comply with such determination. Any response received, or the fact that no response has been received within a time fixed by the President, shall be communicated to the other parties to the dispute.

Sec. 11. The President may extend any time limit if, in his judgment, such extension will more readily effectuate an early settlement or determination of the dispute. Whenever, in the judgment of the President, pressing reasons require an accelerated settlement or determination, he may shorten or eliminate the mediation process or refer the dispute directly to an Impartial Umpire.

Sec. 12. If no appeal is filed from a determination of the Umpire within five days as provided below, the determination shall automatically go into full force and effect. Any affiliate which is adversely affected by a determination of the Umpire, and which contends that the determination is not compatible with this Constitution, or not supported by facts, or is otherwise arbitrary or capricious, may file an appeal with the President within five days after it receives the Umpire's determination. Any such appeal shall be referred by the President to a subcommittee of the Executive Council.

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Sec. 13. The subcommittee of the Executive Council may disallow the appeal, in which event the determination of the Umpire shall be final, and subject to no further appeal and shall go into full force and effect; or the subcommittee may refer the appeal to the Executive Council, in which event the determination of the Umpire shall be automatically stayed pending disposition of the appeal by the Executive Council. The determination of the Umpire shall be sustained unless it is set aside or altered by vote of a majority of all of the members of the Executive Council. The decision of the Executive Council where an appeal is granted shall be final, and shall be effective as of the date therein specified.

Sec. 14. Any affected affiliate may file a complaint with the President that another affiliate has not complied with an effective determination of the Impartial Umpire or of the Executive Council on appeal. Upon receipt of such a complaint the President shall immediately convene a meeting of the subcommittee of the Executive Council referred to above. If non-compliance with the determination is found at such meeting, notice of such non-compliance shall be issued by the President to each affiliated national or international union and department.

Sec. 15. Immediately upon the issuance of such notification, the following shall apply:

(1) The non-complying affiliate shall not be entitled to file any complaint or appear in a complaining capacity in any proceeding under this

Article until such non-compliance is remedied or excused as provided in Section 16;

(2) The Federation shall, upon request, supply every appropriate assistance and aid to any organization resisting the action determined to be in violation of this Article;

(3) The Federation shall appropriately publicize the fact that the affiliate is not in compliance with the Constitution;

(4) No affiliate shall support or render assistance to the action determined to be in violation of this Article.

In addition, the Executive Council is authorized, in its discretion, to:

(1) Deny to such an affiliate the use of any or all of the services or facilities of the Federation;

(2) Deny to such an affiliate any protection under any of the provisions or policy determinations of the Federation;

(3) Apply any other authority vested in the Executive Council under this Constitution.

Sec. 16. Any affiliate which has been found to be in non-compliance and which has been deprived of its rights under this Article may apply for restoration of such rights. Notice of such application shall be given to all of the affiliates involved in the determination or determinations as to which there is non-compliance. If such affiliates consent, the President shall be authorized to restore the rights of the non-complying affiliate after it states its intention in writing to comply thenceforth with the provisions of this Article. If any affiliate involved in the cases

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of non-compliance opposes the application, the rights of the non-complying affiliate shall be restored only under the following conditions:

(a) The non-complying affiliate states its intention, in writing, to comply thenceforth with the provisions of this Article;

(b) The non-complying affiliate has undertaken whatever measures may be necessary and practicable to remedy the situation;

(c) The application for restoration of rights is approved by two-thirds vote of the Executive Council, or by a majority vote of the convention.

Sec. 17. Any affiliate which claims justification under Section 4, for action, which would, in the absence of such justification violate the provisions of this Article, shall process its claim, prior to taking action, under the provisions of this Section. Such claim shall set forth the basis upon which the claim is made and the action which the affiliate proposes to take. The claim shall thereafter be processed as provided in this Article except that the determination as to whether the facts justify the proposed action shall not be made by the Impartial Umpire. The Impartial Umpire shall determine whether the proposed action would violate the provisions of this Article in the absence of justification, shall find the facts with respect to the claim of the justification, and submit a report to the Executive Council. The Executive Council shall determine on the report of the Impartial Umpire whether the proposed action would violate the provisions of this Article in the

absence of justification; and, if it concludes by majority vote that the proposed action would so violate it shall find such justification only by a vote of two-thirds of the membership of the Council.

Sec. 18. The President shall be authorized to delegate to such person or persons as he may designate any of his powers or functions under this Article except the authority granted by Sections 12, 14, and 16.

Sec. 19. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between all of the affiliates involved in or affected by the dispute, the provisions of such agreement shall be complied with prior to the invocation of the procedures provided in this Article. If such agreement provides for final and binding arbitration, and an affiliate party to such agreement claims that another such affiliate has not complied with a decision under that agreement, it may file a complaint under the provisions of Section 14 of this Article and the procedures provided in this Article in the case of non-compliance shall be applicable. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between affiliates but involves or affects an affiliate not a party to such an agreement, the affiliate not a party to such agreement may invoke the procedures provided in this Article for the settlement and determination of such dispute.

Sec. 20. The provisions of this Article with re-

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spect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached hereunder.

Sec. 21. The provisions of this Article shall take effect on January 1, 1962. Upon such effective date, the provisions of Article III, Section 4, of this Constitution, except the first sentence thereof, shall be of no further force and effect. However any dispute which has become subject to a formal complaint under such provision prior to January 1, 1962, shall be disposed of under the procedures and principles theretofore applicable and not under the procedures or principles set forth in this Article, except that any recommendation of the Impartial Umpire issued subsequent to January 1, 1962, shall be subject to the provisions of Sections 14 through 16 of this Article.

Sec. 22. Notwithstanding any other provision of this Constitution this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a show of hands, or, if a roll call is properly demanded as provided in this Constitution, by such roll call.

AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Signed February 9, 1955

1. AGREEMENT TO MERGE

The American Federation of Labor and the Congress of Industrial Organizations agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union. They further agree upon the following principles and procedures to accomplish this end.

2. PRINCIPLES OF MERGER

(a) It is recognized, as a fundamental basis for the merger of the AFL and CIO, that each national and international union, federal labor union, local industrial union and organizing committee (hereinafter referred to as affiliated union) holding a charter or certificate of affiliation granted by either federation shall retain its charter or certificate and become, by virtue of the merger, an affiliate of the merged federation.

(b) It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved. In order to effectuate this principle, the Constitution of the merged federation shall contain a constitutional declaration for respect by each affiliate of the established bargaining relationship of every other affiliate and against raiding by any affiliate of the

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established collect[illegible] bargaining relationship of any other affiliate. Th[illegible]erged federation shall provide appropriate machinery to implement this constitutional declaration.

(c) The parties further agree that, subject to the foregoing, each affiliated union shall have the same organizing jurisdiction in the merged federation as it had in its respective prior organization.

(d) The parties recognize that the above provisions may result in conflicting and duplicating organizations and jurisdictions. Where such is the case, affiliates of the merged federation will be encouraged to eliminate conflicts and duplications through the process of agreement, merger, or other means, by voluntary agreement in consultation with the appropriate officials of the merged federation.

(e) The merged federation shall be based upon a constitutional recognition that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization.

(f) The merged federation shall constitutionally recognize the right of all workers, without regard to race, creed, color or national origin to share in the full benefits of trade union organization in the merged federation. The merged federation shall establish appropriate internal machinery to bring about, at the earliest possible date, the effective implementation of this principle of non-discrimination.

(g) The merged federation shall constitutionally affirm its determination to protect the American trade union movement from any and all corrupt

[illegible]fluence and from the undermining efforts of c[illegible]munist agencies and all others who are opposed [illegible] the basic principles of our democracy and of [illegible] and democratic trade unionism.

The merged federation shall establish appropr[illegible]ate internal machinery with authority effectiv[illegible] to implement this constitutional determination [illegible] keep the merged federation free from any taint [illegible] corruption or communism.

3. GOVERNMENT AND STRUCTURE OF THE MERGED FEDERATION

(a) There shall be established within the merg[illegible] federation a Department to be known as the Cou[illegible]cil of Industrial Organizations. Such Departme[illegible] shall have the status of, and, in general, be com[illegible]parable to, the existing Departments of the Amer[illegible]can Federation of Labor, which Departments shal[illegible] be continued within the merged federation. Thi[illegible] Department shall be open to all industrial union[illegible] within the merged federation. All other Depart[illegible]ments in the merged federation shall be open to all appropriate unions.

(b) The executive officers of the merged federation shall be a President and a Secretary-Treasurer, who shall be elected at the regular conventions of the merged federation. Initially, the President and Secretary-Treasurer shall be elected from the unions now affiliated with the American Federation of Labor.

(c) The Department of Organization of the merged federation shall be headed by a Director

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of Organization who shall be appointed by the President, after consultation with the Executive Committee, subject to the approval of the Executive Council.

Initially, the Director of Organization shall be selected from a union now affiliated with the Congress of Industrial Organizations. The Department of Organization shall be provided the staff and resources necessary to conduct organizational activities in cooperation with the various affiliated unions, in the common effort to organize the unorganized into collective bargaining units which experience has shown to be the most effective and appropriate for the protection of such workers.

(d) The Convention of the merged federation shall be its supreme governing body. The convention shall meet regularly every two years. The delegates of affiliated unions to such convention shall vote the per capita membership of the unions which they represent. State and local central bodies shall be entitled to one vote each at conventions.

(e) In addition to the officers set forth in paragraph (b), there shall be twenty-seven Vice Presidents, to be elected at the regular conventions of the merged federation. The Vice Presidents shall, with the executive officers, constitute the Executive Council. The Executive Council shall meet not less than three times each year. It shall be authorized and empowered to take such action and render such decisions as will be necessary to carry out fully and adequately the decisions and instructions of the conventions and between conventions shall have the power to direct the affairs of the federation and to

take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose. At the first convention of the merged federation, seventeen of the Vice Presidents shall be elected from unions now affiliated with the American Federation of Labor and ten shall be elected from unions now affiliated with the Congress of Industrial Organizations.

(f) There shall be an Executive Committee which shall consist of the Executive Officers and six of the Vice Presidents to be selected by the Executive Council. The Executive Committee shall meet bi-monthly and shall advise and consult with the executive officers on policy matters. Initially, three of the Vice Presidents constituting the Executive Committee shall be selected from unions now affiliated with the AFL and three of the Vice Presidents shall be selected from unions now affiliated with the CIO.

(g) There shall be a body known as the General Board which shall consist of the members of the Executive Council and the President or other principal officer of each of the national or international unions affiliated with the merged federation. The General Board shall meet at least once each year and shall decide all policy questions referred to it by the executive officers, and the Executive Council. The rules of the convention as to voting shall govern the General Board.

(h) The constitution of the merged federation

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shall provide for standing committees of the federation in appropriate fields of action. These committees shall have appropriate staffs and due recognition shall be given to unions now affiliated with the AFL and the CIO in determining the chairmanships of, and in staffing, such committees.

(i) The constitution shall provide for state and local central bodies of the merged federation. In addition, the constitution shall permit the Council of Industrial Organizations to maintain subordinate councils, as now provided for departments of the American Federation of Labor. Existing state and local bodies of the AFL and CIO shall be merged as provided for in paragraph 6(g) of this Agreement.

4. FINANCES

(a) The merged federation shall succeed to all the assets of the American Federation of Labor and shall assume all of its liabilities and contractual obligations. The merged federation shall succeed to that part of the net assets of the Congress of Industrial Organizations which bears the same relationship to the membership of the Congress of Industrial Organizations (as measured by per capita tax paid as of the date of the 1954 Gongress of Industrial Organizations Convention) as the net assets of the American Federation of Labor as of the date of merger bear to the membership of the American Federation of Labor (similarly measured as of the date of the 1954 American Federation of Labor Convention). The Council of Industrial Organizations to be established within the merged federation shall succeed to the balance of the assets of the Congress of Industrial Organizations, after all of its liabilities, both accrued and potential, have been provided for. The term assets shall include real estate held in trust for the respective federations.

(b) The per capita tax payable to the merged federation by national, international unions and organizing committees shall be 4 cents per member per month. The per capita tax of federal labor unions and local industrial unions shall be not less than 80 cents per member per month. The Council of Industrial Organizations, acting as a department of the merged federation, shall establish its own per capita tax, as shall all other departments of the merged federation.

5. EXISTING AGREEMENTS

The AFL-CIO No-Raiding Agreement shall be preserved and, with the consent of the signatories, shall be extended for a period of two years from its present expiration date and amended to make it effective as between all unions signatory to it irrespective of their former affiliation.

The CIO Organizational Disputes Agreement shall be maintained in force as between the unions which have adhered to it. The AFL Internal Disputes Plan shall be maintained in force with respect to the unions which have adhered to it. A Joint Committee shall be established to formulate the means for incorporating these three agreements

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into a combined no-raiding and organizational and jurisdictional disputes agreement which can be effective as between all of the unions becoming signatory to it irrespective of their former affiliation and for the purpose of extending, by voluntary agreement, such provisions to all affiliates of the merged federation.

6. METHODS OF MERGER

The merger shall be effected by the following procedure:

(a) This agreement shall be submitted for approval to the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations.

(b) Upon approval by them, a proposed constitution for the merged federation, reflecting the provisions of the merger agreement and containing such other necessary and appropriate provisions as may be agreed to, shall be drafted by the Joint AFL-CIO Unity Committee. The proposed constitution of the merged federation shall, consistent with the merger agreement, preserve the essential features of the present AFL and CIO constitutions and the basic rights and obligations of the affiliates of both federations.

(c) The proposed Constitution shall be submitted for approval to the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations.

(d) Upon approval by them, this Agreement and the proposed Constitution, and such other agreements as are necessary to accomplish the merger shall be submitted to separate conventions of the American Federation of Labor and the Congress of Industrial Organizations.

(e) Upon approval by the separate conventions of the two federations of the Merger Agreement and the proposed Constitution of the merged federation, a joint convention shall be held. Such joint convention shall constitute the first regular biennial convention of the merged federation.

(f) Initially, the headquarters and field staff of the AFL and the CIO shall be retained as the staff of the merged federation. A special committee shall be established of the present executive officers of the AFL and the CIO which shall, in conjunction with the executive officers of the merged federation, make just, fair and equitable provision for the integration of the staffs of the AFL and the CIO into a single staff for the merged federation.

(g) Merger of existing state and local central bodies of the AFL and CIO shall be accomplished within two years after the date of the merger of the two national federations by the process of negotiation and agreement under the guidance of the officers of the merged federation. Pending the conclusion of such agreements state and local central bodies of both of the AFL and CIO shall be permitted to continue to exist as state and local central bodies representing the respective local unions now affiliated to such central bodies.

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Action by the AFL-CIO Executive Council
July 19, 1972

Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.

Those circumstances call, rather, for the maximum concentration of effort upon the election of Senators and Representatives whose records commend them to the working people of America.

Affiliates are, of course, free to endorse and support any candidate of their choice.

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

GEORGE MEANY
PRESIDENT

LANE KIRKLAND
SECRETARY-TREASURER

JOSEPH CURRAN
A. PHILIP RANDOLPH
JOSEPH A. BEIRNE
I. W. ABEL
WILLIAM POLLOCK
A. J. GROSSMAN
PETER DOMMARITO
JOHN F. GERNER
LOUIS STULBERG
ALEXANDER J. ROMAN
AL H. CHESSER

JOSEPH D. KEENAN
RICHARD T. WALSH
KARL F. FELLER
HUNTER P. WHARTON
MAX GREENBERG
MATTHEW GUINAN
PETER FOSSO
FREDERICK O'NEAL
JERRY WURF
JAMES T. HOUSEWRIGHT
MARTIN J. WARD

MOORE B. FITZGERALD
LEE W. MINTON
PAUL HALL
PAUL JENNINGS
JOHN H. LYONS
E. L. BENNETT
THOMAS W. GLEASON
FLOYD E. SMITH
S. FRANK RAFFERTY
GEORGE HARDY
WILLIAM SIDELL

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 637-5000

July 21, 1972

To All State and Local Central Bodies:

Dear Sirs and Brothers:

At its July 19 meeting, the AFL-CIO Executive Council adopted the following policy with regard to the forthcoming national election:

> "Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.
>
> "Those circumstances call, rather, for the maximum concentration of effort upon the election of Senators and Representatives whose records commend them to the working people of America.
>
> "Affiliates are, of course, free to endorse and support any candidate of their choice."

The term "affiliates" in this policy statement refers only to national and international unions. Your attention is called to Rule 4 of Rules Governing Local Central Bodies which states that as a chartered organization of the AFL-CIO they shall conform their activities on national affairs to the policies of the AFL-CIO. Rule 4 of Rules Governing State Central Bodies provides that policies are not to be inconsistent with the objects or policies of the AFL-CIO.

Fraternally yours,

George Meany

President

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aflcio

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ATTACHMENT 5

Waterbury, Conn.

Westchester County, N.Y.

Western Md., Md.

Whatcom County, Wash.

Worcester, Mass.

Yakima & East Klickitat Counties, Wash.

York-Adams County, Pa.

Directly Affiliated Local Unions

No. 19806, Milwaukee, Wis.	4,572
No. 23578, Watertown, Mass.	134
No. 24111, Milwaukee, Wis.	23

Voting "No" Were:

Typographical Union	81,329

PRESIDENT MEANY: The Chair recognizes Chairman Burke of the Committee on Appeals.

REPORT OF THE APPEALS COMMITTEE

Appeal of the Colorado Labor Council, AFL-CIO, its President and Secretary-Treasurer

COMMITTEE CHAIRMAN BURKE: Mr. President, fellow delegates: This will be the report of the Committee on Appeals, consisting of John E. Mara, Boot and Shoe Workers', who is our Secretary; Hal C. Davis, American Federation of Musicians; Francis Filbey, American Postal Workers Union; and William A. Gillen, Insurance Workers International Union, who are members of the Committee.

This is a report in reference to the appeal of the Colorado Labor Council, AFL-CIO, and its President and Secretary-Treasurer.

Our Committee met on October 17 initially and has held a couple meetings since. We have reached a decision and we are prepared to present to this convention for your consideration our report on the appeal before us. (Text of the report follows. Appendixes to the report start on Page 213).

President Meany's interpretation of the Council's July 19, 1972 statement "was in fact the interpretation that had been intended by this Council."

On July 5, 1973, Trustee Healy resumed his attempt to institute the trusteeship of the Colorado Council. Mr. Roth again refused to accept the mandate of the President of the AFL-CIO as affirmed by the AFL-CIO Executive Council and actively sought to frustrate the effectuation of that trusteeship.

The Appeals Committee's Conclusions

The conclusions which follow from the foregoing facts are as compelling and indisputable as the facts themselves. These conclusions are:

First, that State Central Bodies are required to conform their activities on national affairs to the policies of the AFL-CIO.

Second, that the AFL-CIO Executive Council's statement of July 19, 1972, and the explanatory covering letter which accompanied that statement when it was circulated to AFL-CIO State and Local Central Bodies on July 21, 1972, made it perfectly plain that the policy of the AFL-CIO on the 1972 election for President of the United States was to "refrain from endorsing either candidate for [that] office."

And third, that the discipline imposed on the Colorado Council and its former officers for their willful and deliberate refusal to abide by AFL-CIO policy was a proper and appropiate remedy for the wrong committed, both at the time it was imposed, and at the present time.

We discuss each of these conclusions in turn.

First, Article XIII of the AFL-CIO Constitution provides for the establishment of "central bodies subordinate to the Federation * * * upon a city, state or other regional basis." That article further provides that the AFL-CIO Executive Council "shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers." The Executive Council has fulfilled that mandate. The Rules Governing AFL-CIO State Central Bodies it has issued regulate their affairs in great detail. And Rule 4 of those Rules provides:

> "State central bodies, as chartered organizations of the AFL-CIO, shall conform their activities on national af-

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fairs to be policies of the AFL-CIO. The functions a
responsibilities of state central bodies within their resp
tive states shall be:

"(a) To assist in furthering the appropriate obje
and policies of the AFL-CIO, or of organizations
filiated with the AFL-CIO, (provided such objects
policies are not inconsistent with the objects or polic
of the AFL-CIO; * * *"

This rule articulates the basic premise of Article XIII
the AFLCIO Constitution—that state and city central bod
are an integral part of the Federation itself and as such
subject to direct and continuing control, by the AFL-CIO
ecutive Council and President, between conventions, and
a matter of final resort, by this Convention. This, of cou
is in direct contrast to the relationship between the Fed
tion and the national and international unions which are
filiated with it, each of whom are guaranteed their inte
autonomy by Article II Section 11 of the AFL-CIO Const
tion.

The language of Rule 4 sets out the obligation of AFL
state and local central bodies to follow the Federation's po
on "national affairs" in language too plain to be misu
stood. It is equally clear that the Federation's policy po
on the endorsement, if any, of a candidate for Preside
the United States is a "national affairs" matter. Indeed
ticle VIII Section 4(d) of the Bylaws and Rules of Colo
COPE (which follows the language of the model bylaw
state and local COPEs issued by National COPE) state

"4. Endorsements, if any, shall be made pursu
the following rules:

* * * *

"(d) Endorsement of candidates for Preside
Vice-President shall be made by the national AF
The Colorado COPE shall follow the endorsement
National AFL-CIO."

The national and international unions who created th
CIO, and who sustain it, have the right to engage in
activity through the vehicle of the Federation and as p
in its Constitution and Rules. The right necessarily im
power to determine the rules which govern when th
CIO engages in political action. Above all, since the
tion must act through one or more spokesmen, th
necessarily entails the right to choose who that sp

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will be. As we have seen, the choice which has been adopted by the AFL-CIO, is that the Federation itself and not a subordinate body has the sole authority to determine policy on endorsing candidates for President of the United States. Unless that rule is enforced, every AFL-CIO national and international union, and every one of their members, is injured, regardless of their short term interest in the subject of a particular case, which, in the present instance, happens to be whether the AFL-CIO should have endorsed any candidate for President of the United States in the 1972 election. If the decision of the AFL-CIO Executive Council, rendered pursuant to the Constitution and Rules of the AFL-CIO, may be nullified by the decisions of any subordinate group, or officers of a subordinate group, then the rights of all the Federation's affiliated national and international unions and their members to associate on a nationwide basis and to combine their total strength in the AFL-CIO is totally nullified.

The AFL-CIO rules in this regard do not work to still the voices of the officers of the Colorado Council or any other individual. In 1972 Mr. Roth and Mr. Toffoli, as individuals, or as officers or members of autonomous AFL-CIO national and international unions, were free to endorse any candidate for President of the United States they chose to support. They also had the right to join with other likeminded individuals, in or out of the trade union movement, for the same purpose. A number of AFL-CIO union members and officers took just those steps. No one has argued that they were not perfectly within their rights in doing so. Rule 4's sole effect is to restrict the actions of the officers of AFL-CIO state central bodies, insofar as they seek to make an unauthorized use of the name and property of a subordinate body of the AFL-CIO, and to misuse their offices by violating the limitation imposed upon them by the AFL-CIO Constitution and Rules.

Second, the Colorado Council and its former officers have insisted that the last sentence of the Executive Council's statement of July 19, 1972 ("Affiliates are, of course, free to endorse and support any candidate of their choice.") granted the Council the authority to endorse a candidate for President of the United States. However, in a letter dated July 21, 1972 AFL-CIO President Meany explained that the "term 'affiliates' in this policy statement refers only to national and international unions. And the Executive Council has squarely ruled that this interpretation "was in fact the interpretation that had been intended by this Council." Moreover, the Council has explained at length the considerations which demonstrate that this is the only fair reading of its July 19, 1972 statement. That discussion is contained in Appendix No. 4 (See pp 233-235) attached to this report. For the added convenience of the

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delegates we set out the pertinent portion in the m
far as the Appeals Committee is concerned that discu
all that needs to be said on this matter.

"The main argument advanced by Roth and Toffoli in ju
their course is that the AFL-CIO Executive Council statem
'affiliates' were free to endorse and that the Colorado Labor
affiliate as that term is used in Article III of the AFL-CIO

"However, the word 'affiliate' is employed, both in gener
in the AFL-CIO Constitution, in various ways. It is sometim
Article XX for example, to mean only national and internat
while in other places in the Constitution 'affiliates' may, d
the context, mean all types of affiliates or only certain part
While state and local central bodies are certainly affiliates,
and industrial departments and directly affiliated local un
not automatically follow that when this Council used the ter
it means to include each of these disparate types of orga
ordinary usage within the AFL-CIO, the term 'affiliate' is
understood to refer simply to autonomous national and
unions and not to the various types of subordinate bodies
the AFL-CIO. We do not suppose that anyone would, for i
understood the Council statement as authorizing the variou
trade and industrial departments of the AFL-CIO to ma
endorsements for president, even though they are 'affiliates
CIO.

"Moreover, the phraseology of the July 19 statement t
are, of course, free to endorse' indicated that only interna
were referred to, for those unions have always and 'of cou
to endorse, whereas any grant of such authorization to AF
dinate bodies would not have been 'of course' but a radi
from past practice.

"If, however, the Executive Council statement of July 1
as ambiguous, the person empowered to resolve that ambi
in the first instance, was President Meany. Since he parti
adoption of the Council statement, he would be presumed
the Council meant by the word 'affiliates,' and the interpr
forth in his letter to the state and local central bodies w
interpretation that had been intended by this Council.
AFL-CIO Constitution, Article IV, Section 2, explicity gi
dent of the AFL-CIO authority to interpret the Constitui
review by the Executive Council, and the President cr
same authority to interpret AFL-CIO documents of le
such as Council statements. Finally, when this Council m
28 and 29, 1972, it let stand its statement of July 19,
pretation President Meany had placed upon it, although t
been petitioned by several state and local central bodies t
bodies to make endorsements for President in view of
nutrality which had been adopted for the AFL-CIO. Cert
no room for doubt after that as to what this Council ha
July 19 statement.

"Moreover, any interpretation other than the one given
would not only conflict with past AFL-CIO practice bu
structive of the political effectiveness of the organization.

* * *

"The model bylaw provisions [issued by National CO
practice of many years standing, that endorsements in pr
if any, are made by the national AFL-CIO and in state
by, respectively, the appropriate state and local central

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We would be remiss, however, if we did not note that on the basis of the evidence before us we have concluded that the Colorado Council's defense in this regard is not made in good faith. The Council first sought AFL-CIO President Meany's ruling as to the legality of its endorsement and when that ruling was adverse to it, the Council disregarded that ruling. The Council's refusal to comply forced the initiation of disciplinary proceedings which resulted in the imposition of a trusteeship, and again since the ruling was adverse to it, the Council disregarded that ruling. The Colorado Council then appealed from the discipline imposed to the AFL-CIO Executive Council and when the Executive Council issued a decision affirming both Presdent Meany's interpretation of the July 19, 1972 statement and his trusteeship order, since the ruling was adverse to it, the Council disregarded that ruling. Moreover, the Colorado Council, before filing its appeal to the AFL-CIO Executive Council went to court in an effort to strip the Executive Council of the effective power to issue a binding ruling. Finally, even after the adverse rulings by AFL-CIO President Meany, by the AFL-CIO Executive Council, and by the courts, the Colorado Council and its former officers have continued to this day their obdurate refusal to comply with the orders which have been entered against them.

Third, Article XIII Section 3 of the AFL-CIO Constitution and Rule 25 of the Rules Governing AFL-CIO State Central Bodies specifically provide the sanction of "suspension * * * of such bodies or their officers" upon the finding of a violation of the Federation's Constitution and Rules. In its decision the Executive Council stated:

> "The political effectiveness of the AFL-CIO depends upon its speaking with one voice, and when its governing body determines that, because of lack of any consensus within the organization or for whatever other reason, the AFL-CIO shall remain neutral, that determination is binding on the AFL-CIO's subordinate state and local central bodies. Any other rule would be destructive of the AFL-CIO's political effectiveness."

This Committee agrees with that assessment. Moreover, as already stated, the Committee has come to the firm conclusion that the violation committed here was willful and deliberate. This being so there can be no doubt that the suspensions ordered were the appropriate remedy. The passage of time has done nothing to lessen the need for effectuation of these suspensions and imposition of a trusteeship. An organization

"Any ambiguity in the Council statement of July 19 was properly resolved in favor of the continuance of this established practice. Obviously, any intention to depart from it, and to override the model COPE bylaws, would have been spelled out in the statement."

which fails to redress calculated attempts to nullify its basic norms invites, and deserves, future efforts directed to the same end. It quickly becomes an anarchy rather than an association bound by, and working under, the rule of law.

The foregoing concludes the body of the Committee's report. As a final word, however, we wish to bring to the Convention's attention the point that the Colorado Council and its former officers have violated not only Rule 4 of the Rules Governing AFL-CIO State Central Bodies, but Article XIII Section 8 of the AFL-CIO Constitution as well, which grants the right to "appeal to the Executive Council and to the Convention" provided "that decisions appealed from shall remain in full force and effect pending any appeal." There is a substantial argument that in light of the latter violation the suspension of the Colorado Council and its former officers should be affirmed by this Convention without considering the merits of the controversy concerning the legality of the political endorsement that was made. It is only because of the importance of that underlying issue that the Committee did not recommend affirmance on the ground that the Colorado Council and its former officers have forfeited their right to be heard by the Convention by refusing to comply with the orders that have been entered against them.

The Appeals Committee's Recommendations

On the basis of the foregoing the Appeals Committee recommends: that the Convention deny the appeal of the Colorado Labor Council, AFL-CIO, and its suspended officers; that the Convention affirm the decision and order of AFL-CIO President George Meany dated September 19, 1972 and the decision and order of the AFL-CIO Executive Council dated March 1973; and that the Convention authorize the Federation's officers to take every step necessary and appropriate; first, compel full compliance with those decisions and orders, and second, to establish a state central body in Colorado that conducts its affairs in full harmony and conformity with AFL-CIO policy.

Respectfully submitted,

Walter J. Burke, Secretary-Treasurer, United Steelworkers of America, Chairman; John E. Mara, President and Secretary-Treasurer, Boot and Shoe Workers' Union, Secretary; Hal C. Davis, President, American Federation of Musicians; Francis S. Filby, President, American Postal Workers Union; William A. Gillen, President, Insurance Workers International Union.

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TRANSCRIPT OF:

PRESIDENT LANE KIRKLAND'S PRESS CONFERENCE

TUESDAY, FEBRUARY 22, 1983

BAL HARBOUR, FLORIDA

SPERGER: The Executive Council today elected three new members: William Bywater, president of the International Union of Electrical, Radio and Machine Workers, who replaces the late David Fitzmaurice; Marvin J. Roede, president of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, replacing the late Martin Ward; and Patrick J. Campbell, president of the United Brotherhood of Carpenters and Joiners of America, who will take his seat at the conclusion of this Council meeting with the retirement of William Konyha. Each of the three new members of the Council is from the same union as the Council member he replaces.

The Council today approved a statement on Social Security. It spent about an hour with Senator Alan Cranston; approved resolutions on Poland, South Africa, Suriname, the world Economic Summit meeting, and the Middle East; heard a report on the international labor developments from Irving Brown, who's the director of International Affairs for the AFL-CIO.

President Kirkland has no prepared statement. He's ready for any of your questions. Thank you.

KIRKLAND: I do have one comment I would like to make in connection with the Council statement on Poland. I would like to draw your attention to the case of one particular individual whose wife sent a cable to me, his name is Edmund Baluka. He has been in an isolation cell in Sczezyn, Poland, since the 7th of January. Mr. Baluka has refused to sign a loyalty oath or to request voluntary exile. According to the communication I received from his wife, Francoise, Mr. Baluka has been on a hunger strike since January 23rd. He is in very bad health, and, indeed, we don't really know whether he's still alive, nor do we know how many others are suffering similar treatment at the hands of the Jaruzelski regime. As we note in our statement, a regime capable of such behavior does not deserve to be underwritten and reinforced by the savings of American workers in the hands of American bankers.

Any questions?

REPORTER: Mr. Kirkland, Senator Cranston came up this morning, and one of the things he told us was he seems to be a little confused about this endorsement process as to what labor officials or members of the AFL-CIO affiliated unions, central bodies, state councils can and cannot do in view of the neutrality stance of the AFL-CIO until this endorsement can be sought. I understand you recently have reminded state federation leaders of this stance. What can you or the Political Works Committee do to give this clarification of these candidates?

KIRKLAND: I would point out, the state federations and city central bodies are subordinate bodies of the AFL-CIO and are, therefore, bound by all of the strictures and inhibitions that the AFL-CIO itself might be bound by. The international unions are autonomous and are not subordinate to the Federation. Any one who has the slightest experience and knowledge of the structure of the American trade union movement, I think, has a pretty good grasp of that.

We have an understanding and an agreement amongst the affiliates -- a voluntary understanding -- that they will refrain from premature endorsements of candidates until such time as we have an opportunity to meet together in an appropriate forum and consider collectively whether or not the national Federation and its subordinate bodies can be placed in a position to work actively on behalf of one of the candidates in the primaries. Clearly, the national and international unions are free to do that and have done that frequently in the past. I know of no primary campaign where trade unions have not been active, within my experience.

The question is whether we do it in unity or separately and in division and in conflict with each other. The desire of the leadership of the trade union movement is to do our best to pursue a procedure that will maximize the possibilities of our being united in this campaign with a sufficient degree of consensus to authorize the Federation to act and to mobilize its affiliates, its subordinate bodies -- the state feds and the city central bodies -- behind the cause of a candidate. That is going to be the procedure.

We have decided that we will schedule a meeting of our General Board in December where that question will be faced and the decision made.

REPORTER: Mr. Kirkland, I wonder if I could get a somewhat more detailed answer to a question that was asked yesterday and it's about the appearance of Raymond Donovan here. He's arriving this evening; he's working the edges of the crowd. I wonder if you could give me your opinion of this kind of activity by Donovan and of the AFL-CIO members who will be meeting with him? Could you tell us how you feel about Donovan's presence?

KIRKLAND: He is the Secretary of Labor. It's quite normal that people should meet with him, discuss problems that are under his purview. I have no problem with that. It's a free country. He is the guest of Vice-President Gleason, and I have no further comment about it.

REPORTER: But he said that when the economy turns around, blue-collar workers will come back to Ronald Reagan. And that's one of the reasons why he's here: To try to exploit that or try to explore that. Do you agree with that philosophy?

KIRKLAND: I presume one of his duties is to politic in behalf of the Administration that hired him. I don't see anything exceptional in that effort.

REPORTER: Mr. Kirkland, he's also going to meet with Bill Wynn, who is the head of one of your very largest affiliates, even though the Executive Council as a whole is not meeting with him. Don't you see a contradiction?

KIRKLAND: No, I do not.

REPORTER: You don't think that he's offering any kind of an olive branch? I mean, how can you understand what he's about if you don't -- how can you turn him around if you don't meet with him, if that's what you're trying to do? You're trying to get him to . . .

KIRKLAND: I'm not trying to do anything. He is down here as the guest of Vice-President Gleason, and I think that's right and proper, if that's the desire of Vice-President Gleason, and I'm sure he's quite welcome.

REPORTER: Mr. Kirkland, you used the term "right and proper" and "normal" in referring to Secretary Donovan's meeting with members of the Executive Council. Wouldn't those same terms apply to meeting with the Council, of being received by the Council with you as the president?

KIRKLAND: That would be, yes.

REPORTER: Well, then, why isn't it? Isn't it abnormal? Isn't it unusual? Isn't it discourteous or uncivil not to receive the Secretary of Labor?

KIRKLAND: No, it is not.

REPORTER: Last Friday, Speaker O'Neill and other members of the House leadership went on record supporting the inclusion of new federal employees in the Social Security system. And they gave assurances that if that were to happen, the long-term integrity of the Civil Service Retirement System would not be affected. Are you willing to accept those guarantees?

KIRKLAND: Our position -- the position that I stated as a member of the Commission on Social Security and the one that I testified on behalf of when I appeared before the House Ways and Means Committee not too long ago -- is to support the recommendations of the Commission with one exception, an exception and a reservation that I stated from

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day one of my service on that Commission. That had to do with mandatory coverage of federal employees as a part of a series of recommendations designed to address the financial problems of the Social Security system. I stated these reservations on two essential grounds.

One, I felt that it was unfortunate that the issue of whether or not federal employees ought to be covered in some fashion under Social Security should be addressed in the context of an effort to resolve the financial problems of the Social Security system. That kind of a context would not be one that would be most likely to inspire confidence amongst federal workers that their interests were really being given proper consideration, irrespective of the merits. It was my feeling that the issue should be addressed separately on its merits.

Secondly, I felt that it was unfair and unreasonable to expect federal employees to embrace a proposition that was so ill-defined -- to buy, as I said at the time, a pig in a poke. And at no time did the Commission spell out the details of the alternative system that would be provided for federal employees.

It was then, and is still, our view that they should not be expected to embrace coverage until they see the exact contents and the dimensions of the substitute supplemental program that would be put in place once new employees are covered by Old Age and Survivors Insurance.

That's still our position. It's our view that this question should be separated out, should not be a part of a consensus package that's enacted, and that the question should be dealt with separately and on its merits. Action should not be taken and support should not be expected of workers until the details of the program that's contemplated are made known. It seems to me that's very simple, reasonable and logical.

REPORTER: Mr. Kirkland, can you explain for us why, in your view, you think it's more appropriate for the nation's largest labor union to welcome the Secretary of State and not the Labor Secretary?

KIRKLAND: I invited the Secretary of State. We have had the Secretary of Labor here. We do not always invite the Secretary of Labor to every meeting of the Executive Council. It is not the past practice, and it will not be the future practice, irrespective of who is Secretary of Labor. He has no inherent right. He is not a member of the Executive Council. He is invited from time to time.

REPORTER: To follow up, if he comes knocking on your door in a figurative sense and says, "Look, we'll have a drink and talk it over," will you be willing to?

KIRKLAND: I will be perfectly happy to meet with the gentleman at any time that he wishes.

REPORTER: Mr. Kirkland, how would you compare the presentation made this morning by Senator Cranston with those speeches made to this organization earlier?

KIRKLAND: I draw no invidious comparisons. He made a very excellent presentation. I think he gave a fine account of himself, as did the other candidates who appeared before us thus far -- that's Senators Glenn and Hart, who met with the Council last August.

REPORTER: Senator Cranston's depicting himself as the number two choice of most of the members. Do you agree with that?

KIRKLAND: I wouldn't venture to make a judgment or advance an opinion on that. I don't know.

REPORTER: Mr. Kirkland, do you expect to invite Dale Bumpers, Reubin Askew or others to the meeting?

KIRKLAND: We invited Reubin Askew to this meeting. He accepted. Unfortunately, we couldn't resolve the question of dates. He had only one day available on his calendar which was not suitable, so we have postponed his appearance until the May meeting. If there are other

REPORTER: One of the points that Senator Cranston raised was that the Federation, in making an endorsement, would look at, among other things, electability. And he said that by the time your meeting is scheduled to be held in December, there will be no primaries and no other major shifts to indicate any rise in popularity in his candidacy. How can you judge the electability of the man or any of the candidates before there's any opportunity to put the question before the voters in some primaries, other than a public opinion poll?

KIRKLAND: I don't know how you ascertain with any complete confidence the electability of anyone until an election. Unfortunately, we're not privileged to wait until the election to make a decision. It has to depend upon impressions, opinions, and soundings as to the degree of support amongst the people we represent that a candidate's been able to develop.

REPORTER: Mr. Kirkland, how important would you think most of these various contenders would figure in, in the whole endorsement process, on votes on things like labor law reform, situs picketing?

KIRKLAND: Very important. Of course, that's the basis of our entire political approach: the records of candidates on issues of significance to American workers and their positions on emerging issues that will be faced in the future.

REPORTER: Well, would you figure what you would consider to be a wrong vote on any one of these issues -- now we have domestic content . . . ?

KIRKLAND: We are not and never have been a single-issue group. We look at the entire broad picture and the long record of the candidates.

REPORTER: If we could get back to Social Security for a minute, does it embarrass you that Mr. Greenspan and other members of the Commission have said repeatedly that because this is a fragile compromise, accommodating many different interests, for any particular interest to pull out or ask for exceptions from the agreement would be to jeopardize the whole thing? Do you feel uncomfortable that you might be playing the role of wrecker of the compromise?

KIRKLAND: I'm not easily embarrassed or even easily made uncomfortable advocating a position of the trade union movement. My point of view was stated clearly and repeatedly throughout the deliberations of that Commission and was stated as a condition of my support for the consensus recommendations. I have no reason to be embarrassed about that or to be uncomfortable.

REPORTER: Mr. Kirkland, how do you evaluate the endorsement of the AFL-CIO, both in the primaries and in the election, in terms of its influence on the outcome?

KIRKLAND: Well, I hope that it will have a major effect on the outcome. If we did not feel that it might or that our role in American political life was not important, then it would hardly be worth the effort that we put into it.

I'm under no illusion that we can, or ought to, dominate American political life. I do know that if we are not active and forceful and vigorous in the pursuit of our objectives through the very important channel in a democracy that is political action, that others will dominate that process. And we don't think that the others are proper repositories for the fate of American workers without there being an adequate input of the views and interests and positions of American workers. I don't suggest that the opinions, views, and influence of others will not be present and will not be a very important part of it.

The political process in a democracy is a chorus of voices. We simply want to make absolutely certain that not only the sopranos and the tenors but the altoes and baritones are in that chorus as well so that we have the proper degree of harmony and it is not discordant in favor of interests that are hostile to working people.

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American Federation of Labor and Congress of Industrial Organizations

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Gene 1605
Washington

May 14, 1984

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

Re: FEC MUR 1605

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue and the American Federation of Labor and Congress of Industrial Organizations Committee on Political Education Political Contributions Committee ("AFL-CIO COPE PCC") to the supplementary complaint filed in the above-referenced matter.

We emphasize at the outset that the supplementary complaint does not contravert the legal principles set out in our initial response in this matter dated January 27, 1984. We therefore rest on our showing in Section I of that response (pp. 2-18) that the language and legislative history of §441a(a)(5) of the Act demonstrate that Congress in enacting that section did not intend to subject the AFL-CIO's separate segregated fund and the separate segregated funds of national and international unions affiliated with the AFL-CIO to a single contribution limit at least as long as the relationship between the AFL-CIO and affiliated national and international unions remains as it was in 1976 and that the complaint in this matter should therefore be dismissed.

Section I of the supplementary complaint describes certain alleged activities on the part of the AFL-CIO and affiliated national and international unions, in large part documented by unsubstantiated newspaper articles, which purportedly demonstrate that "AFL-CIO affiliated labor unions are presently working together under the coordination of the AFL-CIO and AFL-CIO COPE personnel". (Supplementary Complaint, hereinafter "Supp. Compl.", at 2). Our response to section I is set forth below. Since section II of the supplementary complaint is not directed to the AFL-CIO but rather constitutes a reply to the IBEW-COPE's January 27, 1984, response to the initial complaint, we do not address the issues raised in section II. As we now show, section I of the supplementary complaint, even if assumed to be accurate, offers no support for complainant's argument that

Exhibit 1-a

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the AFL-CIO COPE PCC is affiliated within the meaning of 2 U.S.C. §441a(a)(5) with the United Autoworkers Voluntary Community Action Program ("UAW-V-CAP"), the American Federation of Teachers Committee on Political Education ("AFT COPE"), or the International Brotherhood of Electrical Workers Committee On Political Education ("IBEW-COPE").

A. In section I-A of the supplementary complaint, complainant argues that the AFL-CIO COPE has "taken an active role in coordinating the activities of affiliated international unions". (Supp. Compl. at 2). In support of this argument, complainant offers: 1) a magazine article describing an alleged COPE strategy to ask AFL-CIO affiliated international unions to help with COPE phone banks and voter registration/get-out-the-vote drives; 2) a newspaper article describing AFL-CIO COPE Director John Perkins talking to representatives of AFL-CIO affiliated unions in Iowa; 3) a letter from AFL-CIO President Lane Kirkland to AFL-CIO Local Central Body Officers; 4) a newspaper article concerning delegate committees; 5) a newspaper article describing a speech by COPE Director John Perkins in which he urged union leaders to take an active role in supporting Walter Mondale's presidential candidacy and to help elect Mondale delegates to the Democratic National Convention; and 6) an excerpt from what appears to be an AFSCME publication describing AFSCME efforts to "coordinate" with the AFL-CIO.

Much of the foregoing does not even bear on complainant's argument that COPE "coordinates" with AFL-CIO affiliated national and international unions. For example, President Kirkland's letter to officers of AFL-CIO Local Central Bodies, which are component local bodies of the AFL-CIO and are not part of any national or international union, not only fails to demonstrate AFL-CIO coordination with affiliated national and international unions but is also irrelevant since the antiproliferation rules themselves reflect that Congress fully understood the difference in the relationship between the AFL-CIO and its own state and local bodies and the AFL-CIO and its member national and international unions.

Complainant's remaining allegations merely describe cooperative AFL-CIO and member national and international unions internal political education and voter registration/get-out-the-vote activities aimed at AFL-CIO members and their families. As we showed in our initial response in this matter (pp. 6-7), the 1976 Congress expressly recognized and reaffirmed the AFL-CIO's statutory right to undertake such internal cooperative programs. And in framing the antiproliferation rules, Congress made it plain that, notwithstanding the AFL-CIO's exercise of that right, those rules were intended to permit the AFL-CIO and each of its affiliated national and international unions to establish separate political committees with separate contribution limits. Accordingly, complainant's reliance on allegations of AFL-CIO COPE's coordination of internal political education programs to support his affiliation argument cannot be squared with Congress' intent in drafting the antiproliferation provisions of the Act.

B. In Section I-B of the supplementary complaint, complainant proffers a number of "examples" of alleged "AFL-CIO coordinated local activities and rallies". These examples include: 1) an undocumented statement that AFSCME provided telephones to the AFL-CIO to assist in the AFL-CIO's voter education program in New Hampshire; 2) a quote from a publication of the National Association of Letter Carriers alerting members that AFL-CIO local central bodies might need volunteers to man their phone banks; 3) an article from a publication of

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the American Postal Workers Union urging APWU Members and their families to attend COPE rallies for Walter Mondale;[1] and 4) a system of video news bulletins allegedly sponsored by the Labor Institute of Public Affairs.

This showing is irrelevant for the same reasons stated in Section A above; viz., that the 1976 Congress reaffirmed the AFL-CIO's statutory right to engage in coordinated internal political education and get-out-the-vote activities with its member unions and made it plain that the AFL-CIO's exercise of that right would not subject its separate segregated fund and the separate segregated funds of affiliated national and international unions to a single contribution limit.

C. In section I-C of the supplementary complaint, complainant alleges that AFL-CIO COPE provides "a vast array of general political action materials" to AFL-CIO affiliated unions and that various international unions have published essentially identical material supporting the presidential candidacy of Walter Mondale in their in-house newspapers.

As we stated in our initial response, (pp. 25-26) many AFL-CIO affiliated national and international unions solicit and serve as collecting agents for AFL-CIO members and their families' voluntary contributions to AFL-CIO COPE PCC. It is therefore in the AFL-CIO's interest to provide these unions with materials dealing with fundraising techniques and to also provide materials explaining how members' voluntary contributions to COPE are used. Neither the fact that these unions solicit contributions for COPE from their members and their families and serve as collecting agents for those contributions, which they are expressly permitted to do by the Act and the commission's regulations, nor the fact that COPE provides fundraising materials for such unions to use in those activities, demonstrates that those unions' separate segregated funds are affiliated with AFL-CIO COPE PCC.

Finally, complainant's reliance on evidence that several AFL-CIO affiliated unions published nearly identical political materials in their internal newspapers is based on the same misunderstanding that is reflected throughout the first section of the supplementary complaint, viz., that AFL-CIO coordination with its affiliated national and international unions with regard to internal communications aimed at AFL-CIO members and their families demonstrates that those unions' separate segregated funds are affiliated within the meaning of §441a(a)(5) of the Act with AFL-CIO COPE PCC. Again, this argument of complainant's is clearly refuted by the legislative history of the antiproliferation rules which shows that the 1976 Congress fully understood and affirmed the AFL-CIO's right to engage in coordinated internal political education activities with its member unions and determined that the exercise of that right should not preclude the AFL-CIO and its affiliated national and international unions from sponsoring separate political committees with separate contribution limits.

1/ This article suggests incorrectly that the COPE rallies in question were open to the general public. That is not the case. Each of the rallies described in the article was held in conjunction with a regularly scheduled COPE conference and participation was limited to AFL-CIO members and their families.

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For the reasons set forth above and in our previous response dated January 27, 1984, respondents respectfully request that the Commission find no reason to believe that either the initial or the supplementary complaint in this matter sets forth any violation of the Federal Election Campaign Act and that it therefore dismiss the complaint in MUR 1605.

Sincerely,

Laurence Gold

Laurence Gold

Margaret E. McCormick

Margaret E. McCormick

Attorneys for Respondents AFL-CIO
COPE-PCC and Thomas R. Donahue

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Weissenberg

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC),	Matter Under Review (MUR) NO. 1605
and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC,	RESPONSE OF AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE) AND ROBERT G. PORTER, Individually and in his capacity as Treasurer, AFT COPE
and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP),	
and Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP,	
and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE),	
and Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE,	
and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE),	
and Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE	

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Exhibit 2

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INTRODUCTION

The Complaint filed in Matter Under Review ("MUR") No. 1605 alleges that "[t]he relationship between the AFL-CIO (and COPE-PCC) and the International Unions UAW, AFT, and IBEW (and their PACs) is so close . . . that it constitutes 'discretionary' affiliation." (Complaint at p. 29). Accordingly, the Complaint alleges that the AFT COPE, as well as the other Unions PACs, failed to disclose their affiliated relationship with the AFL-CIO COPE-PCC to the FEC, and further failed to comply with the common contribution limits pursuant to 2 U.S.C. § 441a(a)(5).

In support of this "discretionary" affiliation theory, the Complainant makes two arguments. First, that "[t]he structural control of the AFL-CIO over its member unions outlined in Section III of [the] complaint demonstrates affiliation not only between the AFL-CIO and its member unions but also between AFL-CIO COPE-PCC and the separate segregated funds of member unions." (Complaint at 32.) Second, that "AFL-CIO control and maintenance of the political activities of affiliated unions dictates a finding of affiliation between AFL-CIO COPE-PCC and the separate segregated funds of affiliated union respondents." (Complaint at 33.)

As shown below, Complainant's argument is legally and factually incorrect. First, we will show that the Commission has ruled on two separate occassions, based on factual allegations similar to those asserted by Complainant, that the AFL-CIO

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(and COPE-PCC) and the international unions (and their PACs) are not affiliated pursuant to Section 441a(a)(5). Second, we will demonstrate that the legislative history of the anti-proliferation provision embodied in Section 441a(a)(5) were not intended to subject the AFL-CIO COPE-PCC and the PACs of member unions, as organizationally-structured in 1976 and at present, to a single contribution limit. Third, we will show that Complainant's factual allegations, as they apply to the American Federation of Teachers Committee on Political Education ("AFT COPE"), are inaccurate and unsubstantiated. AFT COPE is not "established, financed, maintained or controlled" pursuant to Section 441a(a)(5) by either the AFL-CIO or the AFL-CIO COPE-PCC. Nor has Complainant offered any evidence of such "affiliation."

Therefore, we request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. and 26 U.S.C. § 9001 et seq.

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A. THE COMMISSION HAS RULED ON TWO SEPARATE OCCASIONS, BASED ON FACTUAL ALLEGATIONS SIMILAR TO THOSE ASSERTED BY COMPLAINANT, THAT THE AFL-CIO (AND COPE-PCC) AND THE INTERNATIONAL UNIONS (AND THEIR PACs) ARE NOT AFFILIATED PURSUANT TO SECTION 441a(a)(5).

The question of whether the relationship between the AFL-CIO (and COPE-PCC) and the international unions (and their PACs) constitutes "discretionary" affiliation is not an issue of first impression before this Commission. On two separate occasions the FEC was confronted with this issue, based on factual allegations similar to those asserted by complainant, and in both instances the Commission ruled that there was no affiliation pursuant to Section 441a(a)(5) between the AFL-CIO COPE-PCC and the PACs of various international unions. This complaint, though replete with newspaper quotes and historical analyses, contains no new factual allegations seemingly necessary to persuade the Commission to alter its position on this matter.

a. Previous Commission Decisions

MUR 354(76) was the first instance where the Commission was faced with the question of alleged "discretionary" affiliation between the AFL-CIO COPE-PCC and the PACs of various international unions. In MUR 354(76), one of several issues presented to the Committee was whether the FECA is discriminatorily unfair if construed to except for purposes of the Section 441a(a)(5) contribution limits the

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constituent union members of the AFL-CIO as separate entities, while treating the members of those unions as members of the AFL-CIO for purposes either of communications to them or of registration and get-out-the-vote drives pursuant to Section 441b(b)(2). The complainant's argument, that if the AFL-CIO can solicit members of its member unions, then the FECA does not permit the member unions to have separate contribution limits, was rejected by the Commission on two grounds. First, the Commission found that the issue of AFL-CIO communications to members was severable from the contribution issue, since Section 441b(b)(2) places communication and registration and get-out-the-vote drives outside the definition of contribution and expenditures. Second, the Commission concluded, based on the legislative history of the 1976 antiproliferation provisions, that "the statutory provision setting single contribution limits for 'political committees established or maintained or financed or controlled by . . . any labor organization, . . . or local limit of such . . . labor organization' was not intended to cover the AFL-CIO and its constituent member unions." (MUR 354(76), General Counsel's Letter to Complainant, December 21, 1977). Therefore, with regard to complainant's "discretionary" affiliation allegations, the Commission found no reason to believe and dismissed accordingly.

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The Commission was further faced with "discretionary" affiliation allegations between AFL-CIO COPE-PCC and the PACs of various international unions in sixty-six (66) sworn complaints filed jointly with the FEC in 1978 by Henry H. Walther and the National Right to Work Committee. (MURS 783-803, 821-844, 861-881). These complaints alleged that the named candidates and their principal campaign committees illegally received more than five thousand dollars ($5,000) in political contributions from political committees established, financed, maintained, or controlled by the AFL-CIO or its subsidiary, branch, division, department, or local unit of the AFL-CIO. The gravamen of these complaints, as in MUR 354(76), was that the AFL-CIO COPE-PCC controls the contributions of the political action committees established by unions belonging to the AFL-CIO. Therefore, under Section 441a(a)(5), complainant contended that these committees should be regarded as one political committee for the purposes of contribution limitations imposed by Section 441a(a)(2).

In declining to investigate the allegations of wrongdoing in these 66 complaints, the Commission again relied (1) on the legislative history of Section 441a(a)(5) and (2) on the lack of evidence, either proffered by the complainant or otherwise in the possession of the commission, to support the assertion that the AFL-CIO COPE-PCC

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controls the contributions of PACs established by its international union members.

b. MUR 1605

The present complaint, MUR 1605, contains no new factual allegations seemingly necessary to persuade the Commission to alter its previously established position on this matter. The organizational structure of and the relationship between the AFL-CIO (and COPE-PCC) and the international unions (and their PACs) (outlined in detail in Section III of the complaint) has not changed since past Commission decisions on the "discretionary" affiliation matter. Nor has complainant alleged that any such change has taken place. Joint fundraising was used and relied on by AFL-CIO COPE-PCC and the PACs of member unions at the times the Commission previously confronted the "discretionary" affiliation allegations. Nor has complainant alleged that the use of joint fundraising techniques is a recent development. Statements promoting a "strong and unified" labor movement have been issued by AFL-CIO and union officials for years. Nor has complainant alleged that such pro-labor unity rhetoric is a recent phenomenon.

In summation, complainant alleges no new factual developments which are seemingly necessary to disturb previous Commission determinations that there were no reasons to

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believe that "discretionary" affiliation pursuant to Section 441a(a)(5) existed between the AFL-CIO COPE-PCC and the PACs of various international unions.

B. WHEN ENACTED IN 1976 THE ANTIPROLIFERATION PROVISIONS WERE NOT INTENDED TO AND SHOULD NOT PRESENTLY SUBJECT AFL-CIO COPE-PCC AND THE PACs OF MEMBER UNIONS TO A SINGLE CONTRIBUTION LIMIT.

At the time of their enactment, the antiproliferation provisions embodied in Section 441a(a)(5) were not intended to subject the AFL-CIO's separate segregated funds and the separate segregated funds of international unions affiliated with the AFL-CIO to a single contribution limit. Thus, since there has been no significant change in the organizational structure of or in the relationship between the AFL-CIO COPE-PCC and the PACs of its member unions since the enactment of the 1976 FECA amendments, these political committees are presently not subject to a single contribution limit.

In framing and enacting the antiproliferation rules, Congress gave detailed consideration to the organization of corporations and labor associations at the time and to the nature of business and labor activities affecting federal elections. Congress understood that most international and national unions were affiliated with the AFL-CIO and

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that most corporations were affiliated with a trade association such as the Chamber of Commerce or the National Association of Manufacturers. Moreover, Congress realized that the AFL-CIO and its member unions, as well as trade associations and their member corporations, each had a separate segregated fund ("PAC"). Additionally, Congress was aware that the AFL-CIO carried on an extension program, in cooperation with its affiliated unions of internal political communication, registration and get-out-the-vote activity armed at AFL-CIO union members (activity which is not included in the term "expenditure" pursuant to Section 431(9)(B)(iii)).

This congressional understanding is illustrated by the explanation of the antiproliferation rules contained in the Senate bill given by Senator Cannon, the Chairman of the Senate Rules Committee, and the bill's floor manager:

> The proposed rule to curtail the vertical proliferation of political committee contributions would not preclude a national union through its political committee, such as for example, the boilermakers, from making a maximum contribution to a candidate through its national political committee in the event that COPE, the political committee of the AFL-CIO, <u>with which the Boilermakers are affiliated</u>, has already made its maximum contribution to that candidate...
>
> To use another example, if the national political committee of the National Association of Manufacturers had made its maximum contribution to a candidate, the political committee of a

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> national corporation which is affiliated with NAM would not be precluded from making a maximum contribution. [Leg.Hist. at 350.]

Based on Congressional knowledge of the organizational structure of and the relationships between various corporate and labor entities, the legislative history of Section 441a(a)(5) unambiguously reflects a Congressional intent to continue to permit each corporation and labor organization having a separate segregated fund to affiliate with a trade association or labor federation (such as the Chamber of Commerce or AFL-CIO) which, in turn, has a separate segregated fund and which engages in activities permitted by the Act that do not constitute the making of "contributions or expenditures" (such as making internal communications), without the separate segregated funds of the trade association and/or labor federation and the member corporations and/or labor organizations being subject to a single contribution limit.

During the House Administration Committee's March 8, 1976 markup session of the FECA amendments bill, Chairman Wayne Hays' explanation of the "Antiproliferation Rules" which Section 441a(a)(5) would enact reflects the Congressional intent behind this legislation:

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> First, all of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of the limitations stated in Section 320. According to the Supreme Court there appear to be approximately 1,000,000 separate corporations. Buckley v. Valeo slip opinion page 23, note 31.
>
> Second, all of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of the limitations stated in Section 320. There are at the maximum 120 international unions.
>
> Third, all the political committees set up by the AFL-CIO and all its state and local central bodies would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> Fourth, all the political committees established by the Chamber of Commerce and its state and local Chambers would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> * * *
>
> Transcript of Hearing Before Committee on House Administration, Committee Business, March 8, 1976, p. 41 (attachment A to FEC's Memorandum of Law in support of Motion to Amend, April 17, 1979 Order entered in Walter v. FEC, CA 78-202, 78-2193 D.D.C. (1979)).

The immediate response to the Chairman's request for questions was Rep. Mathis' question "What does it mean?" Rep. Hays replied as follows:

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Chairman Hays. It applies across the board, Mr. Mathis, and any corporation which is a corporation with subsidiaries, that the subsidiaries may well have PACs, but for the purposes of this section, the total amount the parent corporation and all it subsidiaries can contribute is $5,000. Then it says, second, that an international union can set up a PAC and all of its local unions, state unions, etc., would be treated as a single political committee. In other words, the total they could contribute would be $5,000. Then the AFL-CIO which is a voluntary conglomerate and all its state and central bodies would be treated as a single political committee and they could give up to $5,000 in any fragments they wanted to.

Let me take two examples. Let us take the example of -- well, I have a list here which I think is interesting of the top 100 largest corporations. 30 of them have political action committees. The first one underlined is Texaco of New York, so I will just take it. It is the first of the top 100. Texaco of New York has apparently branches in many States. At least there are Texaco stations in Ohio. They could form a PAC, solicit voluntary contributions and could give either by State or national but all put together no more than $5,000 to my candidate.

Take the second one, U.S. Steel Workers of America. They have the headquarters in Pittsburgh, District 6 is in my district and its headquarters are in Wheeling. There is another district up in Canton. I think it is 11. They do have a PAC. In the past, District 11 has given me $500 as has District 6. The international has given me as much as a thousand. But suppose they had a lot of money, all three of those put together couldn't give me more than $5,000. Then you have the AFL-CIO COPE, which is the National Association, they could give you $5,000 and that's it.

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> The local COPE in Ohio couldn't give me anything if the National Association had given me $5,000.
>
> In all fairness, if it is weighted in any direction, it seems to me it is weighted towards the corporations because of the top hundred corporations last year, 76 of them were involved in political giving. I guarantee that is more than the number of unions involved. (Id., March 8, 1976, Transcript p. 43.)

After a brief discussion as to whether the foregoing rules apply only if the parent has "control," Rep. Mathis asked Rep. Hays:

> Mr. Mathis. *** A corporation which has an active political action committee also belonging to a trade association could they give twice by joining a number of trade associations and thereby escape the $5,000 limitation?***
>
> Chairman Hays. I'll have to answer that this way, Mr. Mathis: As I view it, if the National Association of Manufacturers had a PAC and any corporation contributed to it, then the NAM could contribute $5,000 and the corporation could, exactly the same as the steel workers could and COPE, UAW-CIO can. But those are the exceptions.
>
> Now, if you try to legislate this down to the narrowest degree, I don't know where you will wind up. The American Medical Associaton has a PAC called American PAC. Under this legislation they can give $5,000 but I don't perceive this would prohibit the local physician in my hospital, if he were so inclined, which I don't think he is, he doesn't part with dough that easily, to give a thousand dollars on his own and meet the requirements. It could happen.

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> Mr. Brademas. It would prohibit your Ohio State Medical Action Committee or Stubenville Medical Association Action Committee from giving $5,000.
>
> Chairman Hays. Yes. (Id., March 8, 1976, Transcript pp. 47-48.)

And, Rep. Hays summed up the discussions that day concerning the proposal's effect on unions by stating:

> Chairman Hays. I'll go down the road once again. Any international union or combination of locals thereof can give $5,000. So if you have the steel workers, plasterers union and auto workers, they can give you $5,000 each. (Id., March 8, 1976, Transcript p. 50.)

As illustrated by the above-quoted excerpts from the legislative history of Section 441a(a)(5), Congress intended that the Chamber of Commerce and the AFL-CIO be regarded as separate entities from the association's member corporations and the federation's member unions. More importantly, Congress also intended to permit a corporation that has a separate segregated fund to be a member of a trade association that has a separate segregated fund, and a international union that has a separate segregated fund to be a member of a labor federation that has a separate segregated fund without the result that the association and corporate fund or the federation and international funds are subject to a single contribution limit. If Congress had intended otherwise, the third and fourth rules presented by Rep. Hays would have read:

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> Third, all the political committees set up by the AFL-CIO and its affiliates would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> Fourth, all of the political committees established by the Chamber of Commerce and its members are treated as a single political committee.

Given this clear Congressional intent at the time of enactment of Section 441a(a)(5), it logically follows that there must be a significant change from 1976 in the organizational structure of or in the relationship between the AFL-CIO (and COPE PCC) and the various international unions (and their PACs) to justify a departure from legislative intent. There has been no significant change since 1976 in the organizational structure of or in the relationship between the AFL-CIO (and COPE-PCC) and the various international unions (and their PACs). Nor has complainant alleged that any such change has taken place.

Therefore, there is no reason to depart from the unambiguous Congressional intent of permitting the AFL-CIO (and COPE-PCC) to affiliate with an international union (and its PAC) without subjecting the political committees to a single contribution limit.

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C. A DETERMINATION BY THE COMMISSION THAT THE AFL-CIO COPE-PCC AND THE PACs OF MEMBER UNIONS ARE NOT SUBJECT TO A SINGLE CONTRIBUTION LIMIT WOULD BE CONSISTENT WITH THE CONGRESSIONAL PURPOSE FOR ENACTING SECTION 441a(a)(5).

The Congressional purpose for enacting the anti-proliferation rules embodied in 2 U.S.C. § 441a(a)(5), added to the Act by the 1976 FECA amendments, was two-fold.

First, the legislative history of the 1976 FECA amendments reveals that Congress sought to curtail the proliferation of political action committees ("PACs") funded by both the business community and labor unions. Second, the legislature desired to achieve an equitable balance between the rights of corporations and the rights of labor unions to influence the federal electoral process. This focus is addressed by Rep. Thompson, Chairman of the House Administration Committee's Election Subcommittee, in his floor explanation of the bill reported out by that Committee:

> The Commission's misinterpretation of existing law [A.O. 1975-23] has many undesirable facets. But the two most glaring problems created by the erroneous decision are: First, the proliferation of political action committees -- PACs; and second, the coercion inherent in the solicitation of employees by employers.
>
> First, with respect to proliferation, the Congressional Record of March 29, 1976, lists the most recent PACs, and shows the exponential growth in political action committees funded by both the business community and labor unions.***

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> The exponential growth of corporate PACs was occasioned by the SUNPAC advisory opinion, which purportedly legitimized extensive solicitation by the PACs of corporate employees. Unions reacted to the corporate PACs proliferation by encouraging locals to set up PACs, and we are now witnessing the seesaw effect of the wholly unnecessary and unjustifiable imbalance created by the Federal Election Commission.
>
> * * *
>
> This bill corrects these two Commission-created problems. First, it reestablishes the congressional determined balance between the interests of the business community and its stockholders, and the interests of the labor community and its membership. And I must say here that it seems ludicrous for the Congress to have to reestablish existing law just because an unelected six-member panel decided to "repeal" the law. . .

Rep. Brademas, also a member of the House Administration Committee, further clarified the Congressional purpose behind Section 441a(a)(5) by stating that:

> What the conference committee has done is to restore the rules which governed federal elections from 1971 until the Commission's Sun Oil decision last December. We have, moreover, done so in a manner that is fair and evenhanded.
>
> * * *
>
> If the word fairness implies a balancing of rights, this bill represents an equitable balance between the rights of corporations and labor unions. [Leg. Hist. at 1083.]

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A determination by the Federal Election Commission in this MUR that the AFL-CIO COPE-PCC and the PACs of member unions are not affiliated, and thereby not subject to a single contribution limit, would be consistent with the above-described Congressional purpose for enacting Section 441a(a)(5). First, the FEC's previous findings of non-affiliation pursuant to Section 441a(a)(5) between the AFL-CIO COPE-PCC and the PACs of member unions has not led to a proliferation of member union PACs. Moreover, proliferation of PACs is not an issue in this MUR since the AFL-CIO COPE-PCC and the PACs of the respondent member unions were all established prior to the 1976 FECA amendments.

The other Congressional purpose for enacting Section 441a(a)(5) should, however, play a major role in the FEC determination of this matter. The Congressionally - created balance between the rights of corporations and the rights of labor unions to influence the federal electoral process, achieved in part through the Congressional decision to treat the AFL-CIO COPE-PCC and the PACs of member unions as nonaffiliated entities pursuant to Section 441a(a)(5), should not be tipped by the Commission in the absence of significant changes in the organizational structure or relationship between these political committees.

Moreover, if the Commission were to deviate from its former position on this issue, and institute an investigation of the allegations of "affiliation" set forth in

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this Complaint, then similar investigations should be commenced to examine the relationships between trade associations, such as the Chamber of Commerce and the National Association of Manufacturers, and their member corporations. Concurrent investigations of both the AFL-CIO and the Chamber of Commerce would be the only way the Commission could ensure that the Congressionally-created balance between the rights of corporations and the rights of labor unions to influence the federal electoral process was maintained.

D. THE AFT COPE IS NOT AFFILIATED, PURSUANT TO SECTION 441a(a)(5) WITH THE AFL-CIO COPE-PCC; NOR DOES COMPLAINANT OFFER ANY EVIDENCE OF SUCH AFFILIATION.

The American Federation of Teachers Committee on Political Education ("AFT COPE") is not "affiliated", pursuant to Section 441a(a)(5) and the regulations promulgated thereunder at 11 C.F.R. § 110-3, with the AFL-CIO COPE-PCC. Nor does complainant offer any evidence of such affiliation.

As previously stated, all committees "established, financed, maintained, or controlled" by corporation, labor organization, person, or group of persons are affiliated and thereby subject to shared contribution limitations. 11 C.F.R. § 110.3(a)(1)(i). Complainant alleges that the relationship between the AFL-CIO COPE-PCC and the AFT COPE is so close that it constitutes "discretionary" affiliation. Indicia of common establishment, financing, maintenance, and control, which evidence such "discretionary affiliation," include but are not limited to:

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> (B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;
>
> (C) The authority, power or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decisions of the officers or members of an entity;
>
> (D) Similar patterns of contributions;
>
> (E) the transfer of funds between committees which represent a substantial portion of the funds of either the transferor or the transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

11 C.F.R. §110.3(a)(iii). Examination of various elements of "affiliation" reveal that no such relationship exists between the AFL-CIO COPE-PCC and the AFT COPE, and, furthermore, Complainant offers no evidence to substantiate his allegations of affiliation.

1. Establishment: The AFT was established on May 9, 1916 by a group of forward-thinking teachers. The AFT COPE was established in April, 1975 by the Executive Council of AFT. Neither AFT nor AFT COPE was established by the AFL-CIO or the AFL-CIO COPE-PCC. Moreover, Complainant offers no evidence of common establishment.

2. Constitutional Provisions: Complainant correctly alleges that the constitution of the American Federation of Teachers, AFL-CIO (Exhibit 1) provides for "permanent" affiliation with the AFL-CIO. AFT Const. Art. XI, §

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1 (Complaint at p. 9). Further, the AFT Constitution provides that each of the AFT local unions is to "maintain affiliation with its state federation . . . AFL-CIO state labor council and its local AFL-CIO labor council(s), if such council(s) exist." AFT. Const. Art. XI §§ 2,3 (Complaint at p. 10).

However, the term "affiliation" as used in the AFT Constitution is not synonymous with, nor is it even indicative of, "affiliation" pursuant to Section 441a(a)(5) (hereinafter referred to as "FECA affiliation"). To constitute FECA affiliation, the constitution of AFT would have to give the AFL-CIO the authority, power or ability to direct AFT. See 11 C.F.R. § 110.3(a)(1)(iii)(B). The AFT Constitution does not in any manner delegate such power to the AFL-CIO, nor does Complainant allege that such power is constitutionally delegated to the AFL-CIO. Therefore, Complainant's allegation that the AFL-CIO COPE-PCC is affiliated with the AFT COPE (Complaint at p. 33) due to structural control of the AFT by the AFL-CIO is without merit.

3. Candidate Endorsements: It is the belief of the AFT COPE "that the most effective procedure for political endorsements keeps the selection of political candidates as close to the individual member as possible." AFT COPE Resolution on Political Endorsement, adopted April, 1975. (Exhibit 2) While the national endorsement of a presidential candidate

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during the primary season is made by the Executive Council of AFT, local affiliates are not bound by such an endorsement and may, without penalty, remain neutral or endorse an opposing candidate. Selection of a presidential candidate during the general election period is made by AFT convention delegates. The task of endorsing State, Congressional, local and municipal candidates belongs to the appropriate state or local affiliates. Id. Thus, control of candidate endorsement remains at all times with AFT members.

In support of his "affiliation" theory, Complainant alleges that the Executive Council of the AFL-CIO "influences the decisions" concerning the political activities of member unions, particularly the endorsement of a presidential candidate, pursuant to 11 C.F.R. § 110.3(a)(1)(iii)(C) (Complaint at p. 38).

In this allegation, and throughout the complaint, Complainant misconstrues the breadth of the term "otherwise influence" as used in the regulations. "Otherwise influence" does not mean "to have an effect upon" but connotes having the power, authority or ability to effectuate decisions of equivalent magnitude to decisions to hire, appoint, discipline, discharge, demote or remove. A more expansive interpretation of the term "otherwise influence" would raise freedom of speech concerns and would be constitutionally impermissible. See Buckley v. Valeo, 424 U.S. 1, 43-46 (1976).

Under this narrower, and proper, construction of

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the regulations, the conduct of the Executive Council of the AFL-CIO certainly did not "influence" the AFT's ability to control its selection of a presidential candidate. Thus, Complainant's allegations pursuant to 11 C.F.R. § 100.3(a)(1)(iii)(C) are without merit.

4. Candidate Contributions: Neither the AFL-CIO nor the AFL-CIO COPE-PCC has the authority or ability to control the contributions made by the AFT COPE to political candidates. AFT COPE may only make contributions to candiates who have been endorsed by the appropriate AFT body. See Exhibit 2. Neither the AFL-CIO nor the AFL-CIO COPE-PCC enters into this decisionmaking process.

AFT COPE's independence from the AFL-CIO in making candidate endorsements and contributions is illustrated by the following examples: (1) In the 1982 elections, the AFT endorsed Robert Torricelli in the 9th Congressional District against incumbent Harold Hollenbeck who was backed by the AFL-CIO. A major factor in the decision to endorse Torricelli was his opposition to tuition tax credits, as opposed to Hollenbeck's support thereof. AFT is committed to supporting only those candidates who oppose tuition tax credits, regardless of the AFL-CIO or other unions' endorsement of the candidate. See AFT 1978 Convention, Resolution No. 44. Subsequent to the AFT endorsement, the AFT COPE contributed $1,650.00 to Torricelli's race. (2) In the 1982 Connecticut Senate race, the AFL-CIO remained neutral; however, the AFT endorsed

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the Democratic challenger, Toby Moffett and contributed $10,000.00 towards his campaign.

5. Joint Fundraising: The Complainant alleges that the use of joint fundraising techniques by the AFL-CIO COPE-PCC and the AFT COPE, as well as transfers of funds from AFL-CIO COPE-PCC, is evidence of "affiliation" pursuant to Section 441a(a)(5). (Complaint at p. 44-49.) These allegations are refuted by the express language of 11 C.F.R. § 110.3(a)(1)(iii)(E) which states that the transfer of funds between committees which were jointly raised is not indicative of affiliation.

In summation, examination of the various elements of "affiliation" demonstrate that neither AFT nor AFT COPE is "established, financed, maintained or controlled" by the AFL-CIO or the AFL-CIO COPE-PCC. Nor has Complainant offered any evidence of such affiliation.

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CONCLUSION

For the foregoing reasons, we request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 *et seq.*, and 26 U.S.C. § 9001 *et seq.*

Respectfully submitted,

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Matter Under Review

(MUR) NO. 1605

RESPONSE OF AMERICAN
FEDERATION OF TEACHERS
COMMITTEE ON POLITICAL
EDUCATION (AFT COPE)
AND ROBERT G. PORTER,
Individually and in his
capacity as Treasurer,
AFT COPE

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EXHIBITS

CONSTITUTION

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

NOTE: Underlined words indicate new language adopted at the 1983 Convention.

ARTICLE I

NAME

Name

This organization shall be known as the American Federation of Teachers.

ARTICLE II

OBJECTS

Bargaining Rights

Section 1. To obtain exclusive bargaining rights for teachers and other workers, with the right to strike.

Mutual Assistance

Section 2. To bring local and state federations of teachers and other workers into relations of mutual assistance and cooperation.

Teacher Rights

Section 3. To obtain for teachers and other workers all of the rights to which they are entitled in a free society.

Improve Educational Standards

Section 4. To improve standards for teachers, educational workers, and other workers, by promoting better preparation, encouraging relevant in-service training, and securing the working conditions essential to the best performance of professional service.

Improve Health Standards

Section 5. To improve the standards for registered nurses, allied health professionals and other health-care employees by advancing economic status, promoting better preparation in basic education programs, encouraging and promoting continuing education, securing working conditions essential to the best performance of services and the most effective delivery of health care.

Improve Education

Section 6. To encourage the hiring and retention of competent teachers and other educational workers, the maintenance of modern well-equipped schools, and the promotion of such educational programs and conditions in American schools, as will enable their students to equip themselves better to take their places in the economic, social, and political life of the community.

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Child Welfare

Section 7. To promote the welfare of children by providing progressively better educational opportunities for all, regardless of race, color, creed, sex, and social, political or economic status.

Promote Welfare

Section 8. To promote the welfare of the health-care consumer by promoting progressively better access to and utilization of health-care resources in this country.

Oppose Bias

Section 9. To fight all forms of bias due to race, creed, sex, social, political or economic status, or national origin.

Promote Democracy

Section 10. To support and promote the ideals of democracy as envisioned in the Constitution of the United States of America, its Bill of Rights and other Amendments, to work for passage and retention of just laws which will improve the educational climate for students, teachers and other workers in education, and to encourage them to exercise their proper rights and responsibilities under these laws.

Organize Retirees

Section 11. To encourage locals to organize chapters of retired members within their jurisdiction.

ARTICLE III

MEMBERSHIP

Jurisdiction

Section 1. This organization shall consist of federations of public and private school teachers, educational workers, nurses, allied health professionals and other health-care employees organized in conformity with the provisions of this constitution. Other employees may be members of any local whose constitution so permits.

Membership

Section 2. Classroom teachers with supervisory authority may be admitted to membership by any local whose constitution so permits.

Membership Outside Local Jurisdiction

Section 3. Any teacher residing outside of the jurisdiction of an established local may be accepted as a member of the nearest local or as a member-at-large of the state federation. The state federation shall have full jurisdiction in the determination of a procedure for participation by these at-large members in all activities of the state federation.

Section 4. The executive council may exercise its discretion in the chartering of groups of teachers, educational workers, nurses, allied health professionals, other health-care employees or other workers.

Chartering

Classes of Members

Section 5. Locals may establish the following special classes of membership:

(a) Employees who are eligible for membership whose salary is less than the basic teacher's salary or employees whose salary is less than $8,000, whichever salary is higher. Such locals pay per-capita tax for such members at one-half the regular rate.

(b) Retirees, teachers, laid off employees, employees on unpaid leave, and those employees earning under $5,000. Laid off employees shall be eligible for three years at this reduced rate. Such locals pay per-capita tax for such members at one-quarter the regular rate.

Such members shall be entitled to receive full benefits of membership; however, in determining the delegate strength of the local at any state or national convention their representation shall be in proportion to the rate of dues paid. Any such members who pay the regular membership dues of the local and for whom the full per-capita tax is paid shall be entitled to full membership rights and privileges.

Student Members

Section 6. Where a local of the American Federation of Teachers exists in or near a college or university having a department of education, that local may accept prospective teachers as associate members. Annual dues of $2.50 per year shall be paid directly to the national office by the local for each

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associate member. Associate members shall have only visitors' privileges at the convention. A student teacher may also be accepted as a member-at-large of the state federation.

Membership of Individual College Teachers

Section 7. In jurisdictions where there are no college or university locals of the American Federation of Teachers, membership may be granted to individual college and university teachers by a local in that vicinity. Such membership may be maintained until there is chartered a college or university local in which such a member would be eligible for membership.

Anti-discrimination

Section 8. No discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, social, political or economic status or national origin. Locals may establish procedures for admission of new members except that no discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, social, political or economic status, or national origin.

Supervisory Membership

Section 9. Nothing contained in this article shall permit this organization to admit into membership any organization of nonteaching persons who hold the position of principal or any higher position. This provision shall not be applicable to locals chartered prior to its adoption.

Nothing contained in this article shall permit locals to admit into or retain in membership any nonteaching person who holds the position of principal or any higher position. This provision shall not be applicable to holders of such positions who held membership in any local prior to the adoption of this article.

The executive council may permit locals to admit such persons into membership only where the exclusion of such persons from membership would legally bar a local from achieving exclusive representation for classroom teachers.

ARTICLE IV

CHARTERS

Local Charters

Section 1. Ten or more teachers and/or other workers, upon application to the executive council and the payment of $25.00 may be granted a charter, and such locals shall establish and maintain at least a minimum dues of $50.00 per year unless, in the opinion of the executive council, special circumstances exist.

Non-public Charters

Section 2. Upon application to the executive council and the payment of a fee of $25.00, a charter may be issued to ten or more teachers in educational institutions not supported by public funds.

State Charters

Section 3. Charters may be granted by the executive council to state federations upon the payment of a charter fee of $10.00. A state federation shall consist of no fewer than three locals of the American Federation of Teachers, except when fewer than three locals represent jurisdictions embracing 50 percent of the teacher strength in the state. No dues shall be assessed on the state federations by the national organization except for the members-at-large as provided in the constitution.

Constitutions

Section 4. All locals and state federations shall submit three copies of their constitution and bylaws to the national organization within three months of receiving their charter or of September 1, 1955, whichever is the later date, and they shall similarly submit all subsequent amendments to their constitution and bylaws. No such constitution or bylaws shall be in conflict with the constitution of the American Federation of Teachers.

Adjusting D

Section 5. Effective September 1,

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1982, each affiliated local shall make a reasonable effort to have its constitution or by-laws, or other applicable instrument utilized by the local to deal with dues adjustments, provide for an automatic increase in the local's dues equal to any increase in the per-capita payments that are required to be made to the American Federation of Teachers and to either the state federation or the regional council with which the local is affiliated. This reasonable effort, should it have to be repeated by any local, shall be made annually.

Minimum Membership

Section 6. The charter granted to any local shall not be revoked or suspended because it has a membership of less than ten but not less than seven.

Suspension of Charter

Section 7. A charter issued to any local or state federation may be suspended or revoked by the executive council when the existence of such local or state federation is detrimental to the development of democracy in education. However, except for the nonpayment of dues to this organization, no local or state federation shall have its charter suspended or revoked until the executive council has (a) served the local or state federation with written specific charges, (b) provided the local or state federation a reasonable time to prepare its defense, and (c) afforded a full and fair hearing within the jurisdictions of the local or state federation.

Suspension Appeal

Except for nonpayment of dues, such suspension or revocation may be appealed to the next national convention. The appeal shall be the first order of convention business. The local may present its own case without the right to vote. A two-thirds vote of the convention shall be required to sustain such suspension or revocation.

Disbanding of Local

Section 8. In the event a local or state federation's charter is revoked, or the local or state federation disbands, the balance in the treasury shall be forwarded to the Defense Fund of the American Federation of Teachers.

Section 9. No charter of the American Federation of Teachers which defines or recognizes jurisdiction on a basis of race, creed, sex, social, political or economic status, or national origin, or permits the practice of such jurisdiction, shall be recognized as valid, and the practice of any local in limiting its membership on account of race, creed, sex, social, political or economic status, or national origin shall render its charter void.

Student Charters

Section 10. A student federation of teachers may be chartered in any college or university. There must be a minimum of ten members. Per capita for each member to the national organization shall be $2.50, payable annually.

A student federation of teachers may be chartered in any high school upon an application of the sponsoring local and payment of not less than $10.00 per year for such organization of at least ten members. Locals may establish reasonable dues for members of the student federation.

The executive council shall make such rules and regulations as are necessary for the administration of this section.

Such student-teacher members shall have no voting status in either the national or state federations.

Section 11.

A. Jurisdiction of Locals

The executive council shall have power to allocate and define and, from time to time, redefine and reallocate the jurisdictions within which locals may exercise their jurisdictions. In doing so the executive council shall be guided by the primary purpose of the American Federation of Teachers which is to organize teachers and other workers into strong, effective unions for the purpose of achieving and engaging in collective bargaining.

Geographic Jurisdiction

B. Rules for Defining and Allocating Jurisdiction

(1) In the exercise of this power the executive council shall give preference to a local operating within a specific geographic area whose members shall constitute a bargaining unit of employees of a single employer or employees of two or more employers within a geographic area. Where a statute, regulation, or decision by a court or other regulatory agency defines a bargaining unit on some other basis, exceptions may be made to conform thereto.

Multi-employer

(2) It will not be considered an infraction of this principle if there are several employers of teachers and other workers within the same general geographic area and the employees of each such employer are organized separately.

Jurisdiction

(3) No teacher or other worker who is a member of the bargaining unit of a local in a defined jurisdictional area may be a member-at-large of a state federation or be a member of a local having a general jurisdiction.

Member-at-Large Restriction

(4) A teacher or other worker who is a member-at-large of a state federation or a local having a general jurisdiction and is employed within the jurisdiction of another local now or hereafter chartered shall terminate such membership within 30 days.

State Jurisdiction

(5) No local shall have or maintain jurisdiction in an area that crosses state lines or has jurisdiction in more than one state without the specific approval of the executive council.

Duplicate Membership

(6) Nothing in this section shall prohibit a local from representing educational workers employed by labor organizations (other than AFT) in worker education, or by other private employers or government agencies or in places where no AFT local is chartered but any person so employed shall cease to be a member of the first mentioned local within 30 days after the chartering of a local that has jurisdiction of the employees of the employer of any such person.

Charter of Other Educational Workers

(7) Nothing in this section shall prohibit the existence or chartering of locals of educational workers other than teachers (such as clerks, truant officers, nurses, librarians, and the like) where such local is otherwise in conformity with this section; nor shall anything in this section prohibit locals of non-public teachers and other educational workers in the same or overlapping geographic area as another local.

Rules

(8) The executive council may make rules to carry out any of the provisions of this section and shall determine all questions arising hereunder.

Appeal

(9) All decisions of the executive council which the executive council makes in the exercise of the powers defined in Section 11, Article IV, may be appealed to the next national convention.

ARTICLE V

OFFICERS

Executive Council

Section 1. The elected officers of the federation shall be a president and thirty-four vice-presidents. These thirty-five shall constitute the executive council. They shall be elected in the even years by the convention for the term of two years. Vacancies shall be filled as provided in Article VI.

President

Section 2. The president shall be the chief executive officer of the federation and administer all of the affairs of the federation and execute policies of the federation as determined by the convention and the executive council.

Secretary-Treasurer

Section 3. A secretary-treasurer shall be appointed by the executive council. The secretary-treasurer shall become an officer of the federation and shall have a voice but no vote on the executive council and its committees. The secretary-treasurer's duties shall be

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prescribed by the executive council and he/she shall be under the supervision of the president. The executive council shall employ the secretary-treasurer under written contract for a term of not more than two years ending concurrently with the term of office of the executive council which employs him/her, with provision for not more than six month's severance pay.

Officer Requirement

Section 4. No one shall be elected an officer of the federation unless he/she is a member of an affiliated local or a state federation.

Vice-President Employment

Section 5. No vice-president shall be a full-time salaried employee of the American Federation of Teachers.

AFL-CIO Delegates

Section 6. The delegates to the convention of the American Federation of Labor and Congress of Industrial Organizations, shall be the president and other delegates elected by the biennial convention.

ARTICLE VI

EXECUTIVE COUNCIL

Convention Mandates

Section 1. It shall be the duty of the executive council to obey the instructions of national conventions, except that any action by the convention involving expenditure of funds shall be referred to the executive council with power to revise in conformity with the budget.

Staffing

Section 2. The executive council may employ such employees as it shall deem necessary. Administrative employees shall be employed by individual or union contract with provision for orderly dismissal with the right of hearing and counsel available to the employee.

Other employees may be employed by union contract and procedure shall be established in all such contracts for orderly dismissal with the right of hearing and counsel unless otherwise provided in a union contract. The provisions of this section shall not apply to officers of the federation.

Section 3. The executive council shall have the power to designate one of the officers of the federation to act in place of the president in event of temporary or permanent vacancy of the office during his term.

Section 4. The executive council shall set the salary of the president. Such salary shall not be diminished during the president's term in office.

Section 5. The executive council shall have the power to fill vacancies in its membership until the next regular convention.

Section 6. The executive council shall have the authority to assign duties and areas of responsibility for each vice-president.

Section 7. The executive council shall have the power to interpret and enforce this constitution and to make rules not in conflict with this constitution and shall report such rules to the succeeding convention for approval or rejection. Any interpretation of the constitution by the executive council may be appealed at any subsequent convention.

Section 8. The executive council shall appoint such committees as it deems necessary, not inconsistent with the constitution.

Section 9. The executive council shall meet at its discretion during the period between conventions. The expenses of executive council meetings shall be paid by the American Federation of Teachers, each member of the executive council submitting an expense account to the national office.

Section 10. The executive council shall have authority to deal with all of the affairs of the federation in the period between the conventions.

Section 11. (a) The executive council may authorize the president to appoint a committee of three members of the ex-

ecutive council to conduct an investigation of a local:

(i) upon the appeal of the officers, or of the executive board, or 30 percent or more of the membership of that local,

(ii) upon the appeal by a two-thirds vote of the officers and executive board of a state federation, or by state convention action, or by 30 percent of the locals affiliated with a state federation, or

(iii) upon the appeal of locals representing 30 percent of the membership of the American Federation of Teachers within the state.

Investigation of State Federations

The executive council may authorize a similar investigation of a state federation or of disputes between a local or locals and a state federation upon the appeal of one or more locals of that state.

Report

In any of these situations the committee shall conduct an investigation and make a full report with recommendations to the executive council, which shall have full power to take appropriate action to resolve the matter. An appeal from the decision of the executive council may be made to the next national convention, but such appeal shall be only on the issue of sustaining the decision of the executive council. One-third of the cost of the investigation shall be borne by the national office. The executive council shall require the initiating party to advance $250.00 before proceeding, but may, in its final decision, assess up to two-thirds of the cost against the parties in such manner as it deems just. At its discretion, the executive council may return the $250.00, or any portion of it, advanced by the initiating party.

Appeal

Investigations of Locals or State Federations

Section 11. (b) The executive council may, by a two-thirds vote, investigate a local or state federation whose conduct is not in harmony with the principles of the AFT and tends to bring the AFT into disrepute, or a local which fails to maintain affiliation mandated in Sections 2 and 3 of Article XI. The local or state federation shall be given an opportunity to present its position to the committee. The committee shall submit its findings and recommendations to the council, which shall have the power to take action to resolve the matter, including the imposition of the penalty contained in Article XI, Section 3 and/or other appropriate penalties. The action of the council in such cases shall be final unless an appeal is made against the decision to the next national convention. The cost of such an investigation shall be borne by the national office.

Gifts

Section 12. The executive council shall have power to accept gifts and devises to the American Federation of Teachers if the conditions or purposes of any such gift or devise are not inconsistent with this constitution. The executive council may establish trusts or other agencies to hold and administer any such gift or devise and provide for appointment of trustees or managers thereof, upon such conditions as it may determine, subject to ratification at the next regular convention.

Council Power

Section 13. The executive council shall have the power to carry on all the business affairs of the American Federation of Teachers, including, without limitation, the power to do on its behalf any or all of the following:

To Sue

(a) To sue and be sued, complain and defend on behalf of and for the use of the federation;

To Employ

(b) To employ attorneys and counselors to advise the convention, executive council and the national officers and employees on all matters pertaining to its business and affairs;

(c) To employ accountants, agents, and other persons having skills and knowledge needed in the conduct of the business;

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Adopt a Seal

(d) To adopt an official seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof, to be impressed or affixed or in any manner reproduced;

Acquire Property

(e) To purchase, take, receive, lease as lessee, take any gift, devise, or bequest, or otherwise acquire, and to own, hold, use, deal in or with any real or personal property, or any interest therein;

Sell Property

(f) To sell, convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of its property and assets;

To Invest

(g) To purchase, take, receive, or otherwise acquire, own, hold, vote, and use shares or other interests in or obligations of domestic or foreign corporations, associations, partnerships, or individuals; and to sell, mortgage, loan, pledge, or otherwise dispose of, such shares, interests, or obligations;

To Contract

(h) To make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for federation purposes at such rates of interest and terms and conditions as they may determine; to issue notes, bonds, and other obligations; and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income;

To Invest

(i) To invest the funds of the federation from time to time in any real or personal property; and to take and hold real and personal property as security for the security of funds so invested or loaned; and

(j) To do anything they deem necessary or appropriate to the exercise of the foregoing power or any other power granted to the executive council in this constitution.

Regional Councils

Section 14. (a) The executive Council may establish and/or revise regional councils to facilitate organization, professional growth, political and legislative activities and other purposes for the good of the union.

Membership Eligibility

(b) The executive council may provide for the affiliation of locals to a regional council in lieu of the requirement of Article XI, Section 2, and that these locals shall not be comprised of employees of local education agencies, colleges or universities or locals affiliated with existing state federations on July 1, 1981.

Additional Per Capita

(c) The executive council shall establish and the AFT shall collect additional per capita from such locals to provide services to the regional council. By mutual agreement state federations may combine to form regional councils with the approval of the executive council.

ARTICLE VII

CONVENTIONS

Time and Place

Section 1. Effective in 1984 conventions of this organization shall be held biennially in even-numbered years at such time and in such place as the previous convention or the executive council may determine.

Special Convention

Section 2. A special convention may be called in odd-numbered years by a two-thirds (⅔) vote of the executive council or upon request from at least 30 locals representing a minimum of 30 percent of the AFT membership then in good standing from at least five (5) states.

Executive Council Delegates

Section 3. The members of the executive council who are not delegates from their local or state federation shall be ex-officio delegates at the conventions and shall have one vote at the convention.

ARTICLE V

REPRESENTATION

Election of Delegates

Section 1. (a) Delegates and/or alternates to the convention from a local shall be elected by secret ballot. Members of each local must be given suitable opportunity to nominate candidates for the office of delegate and alternate. Notice of the right to make nominations must be sent to each member or given a prominent place in the local publication and on bulletin boards. Notice of the right to make nominations and notice of the election may be combined in one notice. Written notice announcing the time and place of election of delegates must be mailed to each member at least 15 days prior to the election. The results of the election must be published and the ballots kept for one year.

Councils of Locals

Section 1. (b) Locals with fewer than 100 members each, but in the aggregate fewer than 300 members from a contiguous geographic area, may form councils of locals for the exclusive purpose of electing a common delegate to the convention. Locals which form such a council under this section: (1) shall adopt a common resolution to establish the council in a regular meeting of such local no later than five months prior to the convention; (2) shall nominate at the same meeting of each local a member or members, if any, for the council's delegate to the convention; (3) shall elect at a meeting of each such local or by mail ballot agreed to by all locals in the council and in conformity with federal law no later than three months prior to the convention a delegate and alternate, if any, by a secret ballot common to each local in the council listing all nominees and their local numbers, the nominee receiving the highest number of votes totalled among all locals in the council to be the delegate and the second highest, if any, the alternate; (4) shall forward properly signed credentials from each local in the council for the duly elected delegate and alternate, if any, of the council in time to reach the national office no later than two months prior to the convention; and, (5) the executive council shall approve procedures consistent with the requirements of this section for the election of the council delegate. The secretary-treasurer shall forward such procedures to all locals reporting fewer than 100 members in per-capita and to all state federations seven months prior to the convention. No local participating in the council shall have any other delegates seated in the convention. The voting strength of the council's delegate shall be based on the aggregate of the members in the locals which credential the council's delegate.

Councils

This section shall also authorize the executive council to recognize a council of locals organized for the convenience of doing business with one employer common to all of the council's locals for the purpose of electing delegates to the convention. Nomination procedures shall be established by such council to permit all such locals to nominate from their respective memberships at least thirty days in advance of the election, which shall be conducted by mail ballot in conformance with federal law. The election of such council's delegates shall be further subject to the provisions of Article VIII, Section 2 of this constitution, provided that no other delegates shall be seated in the convention from any individual local of the council unless such local has notified the national office three months prior to convention that it is not participating in such council for the purposes of electing delegates to the convention. The voting strength of such countil shall be based upon the aggregate membership of all such locals which individually credential all delegates common to the council.

State Federation Delegates

Section 1. (c) Delegates and alternates of state federations shall be

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elected according to its constitution provided that the delegates to the state convention are themselves elected by secret ballot as herein provided, subject to applicable federal and state laws and rules and regulations promulgated pursuant thereto.

Delegate Lists

Section 1. (d) Each local or state federation must send by registered or certified mail to the national office a certified list of all elected delegates and alternates not later than fifteen days prior to the opening date of the convention. Only delegates and alternates on this certified list shall be registered and seated at the convention.

Seating of Delegates

Section 1. (e) In the event of nondelivery to the national office of the certified list of the elected delegates and alternates, the executive council may recommend the seating of the delegates and alternates only upon the submission by the president, secretary, or ranking delegate of the local or state federation of a statement certifying the list of elected delegates and alternates accompanied by the duly authorized duplicate credentials and receipts showing that the originals were sent to the national office by registered or certified mail, postmarked no later than fifteen days prior to the opening date of the convention.

Per-Capita Qualifications

Section 1. (f) To be entitled to representation at the convention, the full per-capita tax of the local and all other monies due the American Federation of Teachers, credited by any amount due the local or the state federation by the American Federation of Teachers, shall be paid through June 30th, preceding the convention date, such payment to be made to the national office no later than fifteen days prior to the opening date of the convention.

Delegate Allocation

Section 2. One delegate to the convention may be elected by each affiliated local having a membership of twenty-five or less. (For each 100 members or major fraction thereof, one additional delegate may be elected.)

Determining Average Membership

Section 3. Effective July 1, 1986 for the purpose of this article, membership shall mean the average number on which the per-capita tax has been paid for the first (twelve*) twenty-four months of the (fourteen*) twenty-six-month period immediately preceding the month in which the convention meets, provided:

Local Eligibility

(a) That no local in arrears for two months at the time of the convention shall be entitled to representation.

(b) That, in the case of locals which have been chartered during the (one*) two years preceding the convention, the average shall be computed on the basis of the number of months of affiliation, the minimum for such computation to be two.

Delegate Agency Fees

Section 4. That, in the case of locals which receive fees from nonmembers for representing them under an agency shop agreement, the average number on which the per-capita tax has been paid shall be increased by including, as if it were per-capita tax, the sum equal to the per-capita tax paid as required by Article VIII, Section 1 of the bylaws.

State Federation Delegates

Section 5. State federations, upon compliance with Article VIII, Section 1, shall have the right to send delegates to the conventions of the American Federation of Teachers. Each state federation may elect one delegate to the convention, regardless of its at-large membership. Additional delegates may be elected by the state federations, according to their at-large membership, by applying the formula established for locals as set forth in Section 2 of this article.

All such delegates shall be either members of the state federation, or its affiliated locals, provided such locals are in full compliance with Section 1 of this article. All state delegates shall be

*In effect until 1984.

members of the convention, with all privileges, and shall be entitled to cast votes for their state federation pursuant to Section 6 of this article.

Full-time Staff Restrictions

Section 6. Locals entitled to two (2) delegates may not elect more than one (1) who is a full-time, paid, elected official of the local. Locals entitled to more than two (2) delegates may not elect more than one-third who are full-time, paid, elected officials of the local.

Roll Call Voting Strength

Section 7. On all roll calls at the convention, each local represented shall be entitled to a number of votes equal to the average membership as defined in Section 3 of this article.

Distribution of Votes

The votes of a local shall be distributed as evenly as possible among the delegates present at the time of the voting, but votes shall not be fractioned. All additional votes shall be assigned by lot or by an objective formula which has been previously reported to the secretary-treasurer of the American Federation of Teachers, with no delegate getting more than one of the additional votes. In the election of officers and delegates to the AFL-CIO convention, all voting shall be by roll-call vote and each local represented shall be entitled to the average membership as defined in Section 3 of this article.

Alternates

Section 8. When a delegate leaves the convention, his/her place in the convention may be taken by an alternate, if any has been certified as provided in Section 1, Article VIII, and in the order as listed. No other transfer or substitution of voting rights shall be allowed.

ARTICLE IX

REVENUES

Militancy Fund

Section 1. Twenty-five cents (25¢) of each member's per-capita shall be set aside for an AFT Militancy Fund. The executive council shall establish clear guidelines and procedures which guarantee that the benefits available through the fund shall be distributed on an equitable basis. Benefits shall not be provided unless the strike action is in conformity with the AFT strike policy. An annual financial report of the Militancy Fund shall be made to the AFT executive council and to the convention.

Defense Fund

Section 2. Two cents of each member's monthly per-capita tax shall be set aside for the Defense Fund.

Publications

Section 3. The payment of the per-capita tax shall entitle each member to a subscription to the official periodicals of the American Federation of Teachers.

Membership

Section 4. State federations shall pay to the national office, for each member-at-large, the prevailing per-capita tax required for each member of a chartered local.

Per-Capita

Section 5. The treasurer of each affiliated local shall fill out and forward to the national office, on or before the 15th of each month, the report of members in good standing, together with mailing addresses, on the first day of that month, together with all taxes and assessments due the American Federation of Teachers. Locals which have once submitted names and addresses of the members shall revise and correct the membership list with each per-capita payment.

Per-Capita Delinquent

Section 6. Any affiliated local not paying its per-capita tax on or before the 15th of each month shall be notified of the fact by the national office, and if at the end of three months it is still in arrears, it shall become suspended from membership and can be reinstated only by a majority vote of the executive council upon payment of arrearages in full. A local which the executive council refuses to reinstate shall have the right to appeal to the next convention.

Appeal

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Treasurer's Certification of Membership

Section 7. The treasurer of each affiliated local shall report monthly to the national office on forms furnished by the latter for that purpose, and shall certify that the report is for the full number of members in good standing in the local.

Executive Council's Audit Powers

Section 8. The executive council shall have power to employ an auditor to examine the books of any affiliated local or state federation upon the direction of a majority vote of the executive council.

Local Financial Statement

Section 9. Beginning January 1, 1971, each local shall submit a financial statement for the local including a statement of assets and liabilities and a statement of income and expenses to the AFT secretary-treasurer within five months of the end of the fiscal year for the local.

ARTICLE X

AMENDMENTS

Procedure

Section 1. Proposed amendments to the constitution may be submitted to the convention either by request of the executive council, or the convention or executive council of any state federation, or by request of a local. All amendments shall bear the signature of at least two elected officers of the federation introducing the amendment. The officers signing the amendment shall certify that the amendment was approved for submission to the convention by the executive board or membership of the local, or by the executive board or convention of the state federation, or by the executive council of the AFT.

Referendum Vote

Section 2. Proposed amendments may be submitted to a referendum vote under the procedure set up in Article XII.

Time Limitations

Section 3. If a proposed amendment is to be submitted to a national convention, it must reach the national office by March 15th and must be sent by the national office to the locals by April 15th.

Two-Thirds Vote Requirement

Section 4. The constitution shall be amended at the convention by two-thirds (majority) of the votes cast.

ARTICLE XI

AFFILIATION

AFL-CIO

Section 1. This organization shall immediately affiliate with the American Federation of Labor and Congress of Industrial Organizations and shall permanently maintain that affiliation.

State Federation Requirements

Section 2. Effective September 1, 1968, each local union of this organization shall maintain affiliation with its state federation, and delegate representation of each local in the state federation shall be no less than the formula delineated in Section 2 of Article VIII of this constitution. Each state federation shall, in its convention, follow all voting procedures as delineated in Section 7 of Article VIII of this constitution.

Local and State AFL-CIO Labor Councils

Section 3. Effective September 1, 1969, each local union of this organization shall maintain affiliation with its AFL-CIO state labor council and its local AFL-CIO labor council(s), if such council(s) exist. Failure of any local union to maintain the affiliations as required in Sections 2 and 3 of this Article shall be grounds for denial of delegate representation at any state or national convention of this organization or other appropriate penalties set by the executive council.

ARTICLE XII

REFERENDA

Initiation

Section 1. Proposed actions, including actions of the convention and amendment to the constitution and the

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bylaws, shall be submitted to a referendum vote by order of the convention or of the executive council or by request of fifteen (15) or more locals representing not less than fifteen (15) percent of the members then in good standing, or by petition signed by not less that ten (10) percent of the members, except that the executive council shall not order a convention action to be submitted to referendum; provided, however, that in no case shall a referendum be held whose termination date is between June 1 and November 1; and, provided that actions taken by the executive council concerning:

(a) actions of the convention involving expenditure of funds;

(b) the employment, reemployment, or dismissal of officers, organizers, office employees, and other general employees who are appointed and whose salaries or other remuneration are fixed by the executive council;

Limitations

(c) the power to interpret and enforce the constitution and to make rules and bylaws not in conflict with the constitution subject to report to succeeding convention for approval, rejection, or modification;

(d) the power to appoint committees not inconsistent with the constitution;

(e) the time and place for the meetings of the executive council and the expenses involved therein;

(f) the power to fill vacancies on the executive council, and

(g) the power to investigate locals shall not be the subject of referendum; and further provided that action taken by the convention under authority of the bylaws, Article VI, governing nominations and elections procedures, shall not be the subject of referendum.

Time Limit

Section 2. After receipt of order or request for referendum, it shall be the duty of the AFT president to transmit the question to be voted on to the locals within two weeks of its receipt by him/her. Following this, there shall be a period of six weeks during which the proponents and opponents shall be given opportunity to debate the issue through the regular channels of the union, at the end of which time the president shall send to the individual members of all locals in good standing, ballots upon which the members shall cast their votes and shall also send to the members-at-large of the state federations, ballots upon which the members-at-large of the state federations shall cast their votes.

Ballot Box Procedure

Section 3. The president of the AFT shall rent a postal deposit box. The individual members will mail the ballots to this postal box. The closing date of the referendum shall be 30 days from the date ballots are mailed from the national office. At the end of 30 days, the president, or the president's representative, accompanied by at least two representatives of each side of the issue on the ballot, shall remove the ballots and cause them to be counted. Ballots received after the opening of the postal box will not be counted. In the alternative, the president, with the consent of the executive council, may engage an independent agency to conduct the balloting and to count the votes. In such event the agency shall count only those ballots received during the thirty-day period following the mailing of the ballots to the members.

Ballot V

Section 4. The number of the local shall appear on the ballot and only those ballots of members of locals or of state federations in good standing shall be counted. These votes shall not exceed in number the number of members and members-at-large for which per-capita was last paid prior to the date on which ballots were sent from the national office. Should the number of ballots cast by any local or state federa-

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tion exceed the number to which that local or state federation is entitled, the "ayes" and "nays" shall be reduced proportionately to come within the required number.

Notification of Results

Section 5. The president shall notify the locals of the results of the referendum as soon as possible, but no later than two weeks following receipt of the count. The president shall also publish the results in the official publication of the American Federation of Teachers.

Referendum Duration

Section 6. AFT policy adopted by referendum shall not be considered by the first convention following the referendum.

ARTICLE XIII

PARLIAMENTARY AUTHORITY

Robert's Rules

The rules contained in *Robert's Rules of Order—Revised*, shall govern this federation in all cases to which they are applicable and in which they are not inconsistent with rules regularly adopted by the federation.

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BYLAWS

NOTE: Underlined words indicate new language adopted at the 1983 Convention.

ARTICLE I

SPECIAL RULES OF ORDER FOR CONVENTIONS

Program

Section 1. The convention shall be called to order and conducted according to the printed program as prepared by the convention committee and approved by the executive council subject to such modification as the convention may make from time to time.

Adjournment

Section 2. The convention shall not adjourn before three o'clock on the fifth day unless all business of the convention has been finished.

Speech Time Limitations

Section 3. Limitations of speeches in debate shall be three minutes instead of ten minutes as provided in *Robert's Rules of Order—Revised*, unless time is extended by majority vote of the convention.

Roll-Call Vote

Section 4. A motion calling for a roll-call vote shall require a one-fourth vote for adoption. When a roll-call vote has been ordered, the presiding officer shall at once call for the next item on the agenda, action on the pending motion being automatically postponed pending the tabulation of the results of the roll-call vote. No debate, amendment, or other motion affecting the question on which the roll-call vote was ordered may be made after a roll-call has been ordered. The ballots shall be distributed to the ranking delegates of each delegation under the direction of the presiding officer of the credentials committee. (These ballots shall be prepared in advance by the president.) Each delegate voting shall enter on his/her ballot the number of the roll-call, the number of his/her local, his/her full name, the number of votes he/she is casting, how he/she is voting. This record shall be included in the convention proceedings. The ranking delegate shall tabulate the votes of the delegation on a summary sheet and submit the sheet along with the ballots to the credentials committee. If a delegate's ballot is not collected promptly, he/she may deliver his/her ballot directly to the committee on credentials. No vote shall be accepted later than one hour following the ordering of a roll-call vote. The results of the roll-call vote shall be tabulated by the committee on credentials and reported to the convention immediately upon completion of the tabulation according to the following procedure:

(a) The total vote shall be read.

Vote Challenge

(b) If any delegate challenges the vote of his/her local, the roll of delegates from that local shall be read, and each delegate shall rise as his/her name is called, announce his/her vote and state the number of votes he/she is casting.

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(c) The report on the roll-call vote shall then be revised to agree with the oral vote just taken.

(d) A copy of the roll-call vote shall be posted showing the vote of each delegate, and shall remain posted until the end of the convention.

Delegate Seating

Section 5. Delegates shall be seated upon acceptance by the convention of the report of the credentials committee and the list of delegates shall be made available to the members of the convention. The right of any delegate to be seated as a member of the convention shall be subject to challenge within a twenty-four-hour period after he/she has been declared seated by the convention. Delegates may vote unless or until successfully challenged but, in the event of a roll-call vote, a successful challenge invalidates the individual's vote.

Vote Distribution

Section 6. In the case of locals represented by fewer delegates than the number of votes to which they are entitled, the votes shall be distributed in accordance with the constitutional provision (Article VIII, Section 7), and any remaining votes shall be distributed as determined by the delegation.

Order of Business

Section 7. The order of business for business sessions of the convention shall be as follows:

(a) report of committee on credentials (credentials committee shall make supplemental reports at the beginning of each business session of the convention);

(b) action on minutes of the previous convention as summarized in the delegate's reports prepared by the convention reporter;

(c) reports of officers and executive employees;

(d) report of executive council;

(e) reports of convention committees;

(f) reports of special committees;

(g) installation of officers.

Section 8. Reports of officers and executive employees given before the seating of delegates shall be referred without debate and without action of the convention to the appropriate committees.

Section 9. A quorum for the conduct of business at a convention shall be 25 percent of the delegates who have been seated.

ARTICLE II

COMMITTEE ON CREDENTIALS

Registration of delegates and visitors.

Section 1. The committee on credentials shall be appointed by the executive council and shall be notified of their appointment at least two weeks prior to the convention. The committee shall consist of at least five members and shall be responsible for registration of delegates, council members, and visitors.

Section 2. Registration of delegates, members of the executive council, and visitors shall begin at 1 p.m. on the day preceding the convention. Before the time for registration, the president shall furnish the committee on credentials with copies of the lists of delegations and the duplicates of credentials as reported to him/her by the various locals. Each delegate, member of the executive council, and visitor shall be furnished with an appropriate official badge to be worn at the convention.

ARTICLE III

CONVENTION PROGRAM

Section 1. The committee on convention program shall be appointed by the executive council not later than the midyear meeting of the executive council. This committee shall prepare the

tentative program of the next convention and shall submit it to the president at least six weeks before the convention. The president shall send a copy of the tentative program to each delegate as soon thereafter as possible.

Committee Session

Section 2. The convention program shall provide for a minimum of six (6) business sessions including one for nominations and shall make available a minimum of three (3) hours for meetings of convention committees.

Time Limitation

Section 3. In setting up the convention program, reports of convention committees shall be scheduled to begin not later than the afternoon session of the second day of the convention.

ARTICLE IV

GENERAL CONVENTION PROCEDURE

Time and Place

Section 1. The convention shall convene during the months of July and/or August at the time and place determined by the executive council.

Speech Duplication

Section 2. In case any motion is passed that any convention address be mimeographed or printed, the maker and seconder of the motion shall constitute a committee to secure the address in printable form and to submit it to the president.

Convention Floor Admission

Section 3. Only credentialed delegates and members of the executive council shall be admitted to the convention floor except invited guests who are participating in the program of the convention. All visitors shall secure a pass from the credentials committee and shall be seated only in a special section reserved for them.

Resolution Procedure

Section 4. Resolutions to the convention may be introduced by locals, state federations or the executive council of the American Federation of Teachers. No resolution shall be introduced later than six weeks prior to the opening of the convention except by two-thirds vote of the convention. All resolutions shall bear the signture of at least two elected officers of the federation introducing the resolution. The officers signing the resolution shall certify that the resolution was approved for submission to the convention by the executive board or membership of the local, or by the executive board or convention of the state federation, or by the executive council of the American Federation of Teachers. The resolution shall contain the title and shall be submitted to the president of the American Federation of Teachers in typewritten form, in quadruplicate. Resolutions so submitted shall be mailed from the AFT national office to locals and state federations prior to the convention.

Sergeants-at-Arms

Section 5. The president or presiding officer of the convention shall appoint an appropriate number of ushers whose duty it shall be to see that only persons entitled to admission shall be admitted to the convention hall. The ushers shall see that visitors are seated in the section assigned to them. They shall assist the presiding officer in such other ways as may be directed.

Priority of Constitutional Amendments Committee

Section 6. The constitutional amendments committee shall be heard in full prior to other committee reports. The constitutional amendments committee shall report only the proposed amendments, which it recommends for adoption, with or without amendments. At the conclusion or immediately after the conclusion of the committee's full report, any delegate may move adoption of a proposed amendment not recommended by the committee. The chair shall allow one statement for the proposed amendment and one statement against the proposed amendment. The chair shall then immediately put the question of whether the convention desires to debate the proposed amendment. If this motion prevails by a one-third vote, the proposed amendment shall be before the convention.

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Committee Reporting

Section 7. Each other committee shall select the three resolutions or items of business it considers most important for its initial report. When these have been acted upon or at the end of an hour, whichever comes first, of each committee's partial report, debate shall be closed and all pending questions shall be put to a vote immediately unless the time of debate is extended by majority vote of the convention. After all committees have had an opportunity to make their first reports, additional committee reports may be made in the order selected by the president.

Resolutions Duration

Section 8. Resolutions upon which no action has been taken shall die when the convention adjourns.

Rules Adoption

Section 9. A copy of the rules should be provided for delegates and visitors upon convention registration and should be voted on at the opening session on the first day of the convention.

ARTICLE V

CONVENTION COMMITTEES

Appointment

Section 1. Convention committees shall be appointed by the executive council. In appointing such committees, the council shall give consideration to the expressed choices of delegates as indicated on the committee choice cards, which shall be sent by the president to each delegate promptly upon receipt of credentials. However, the council shall not be bound by the choice cards, but shall give equal weight and consideration to service on standing committees and to the proper balancing of committees. Members of standing committees who are delegates shall be appointed to the corresponding convention committees so far as feasible in order to coordinate the work of convention and standing committees.

Committee Choice

Section 2. A delegate interested in a specific problem of a resolution shall have an opportunity to present his/her viewpoint to the appropriate committee at a time designated by the committee chair.

Committee Changes

Section 3. Changes in assignments of delegates to committees shall be made only by a committee of the executive council upon application. Such application shall include a written statement of the reason for desiring the change. No change shall be made after 5:00 p.m. on the first day of the convention.

Order of Committee Reports

Section 4. Reports of convention committees shall be received at the time designated in the printed program or as designated by the convention. Reports shall be made in the order assigned by the chair of the convention committee and the president who shall make such assignments upon application by the chair of committees except as the convention may desire to receive reports in a different order.

Debate Limit

Section 5. Debate in committees may be limited by a two-thirds vote of the committee.

ARTICLE VI

NOMINATIONS AND ELECTION PROCEDURES

Procedures

Section 1. All nominations of officers and delegates to the AFL-CIO convention shall be by petition signed by at least fifty delegates and presented to the secretary-treasurer no later than 8:00 a.m. on the third day of the convention. Declination of nominations shall be made prior to 8:30 a.m. on the same day. Candidates shall be introduced to the convention between 8:30 a.m. and 10:00 a.m. on the same day with the option of making a two-minute speech of acceptance. Presidential candidates shall be allotted five minutes for their acceptance speeches and remaining time allotted equally among vice-presidential candidates with the option of pooling their time. Candidates for

Speech Limitation

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delegate to the AFL-CIO convention shall be allotted two minutes for their speech with the option of pooling their time. No other business shall be conducted during this time.

Section 2. Balloting for election of officers shall take place from 4:30 p.m. until 7:30 p.m. of the third day of the convention under the supervision of the elections committee. No other official business of the convention shall be conducted during balloting. Only delegates who are seated by 5:00 p.m. of the second day of the convention may vote in the election.

Section 3. A majority of the ballots cast for the office of the president shall be required to elect the president. In the event that no candidate for president receives a majority, a run-off election between the two candidates receiving the highest number of votes shall be conducted by roll-call vote.

Section 4. Vice-presidential candidates receiving the highest number of votes corresponding to the number of positions to be filled shall be declared elected. In the event that there is a tie for the final positions, a run-off election for that position between the tied candidates shall be conducted by roll-call vote.

ARTICLE VII

STANDING COMMITTEES

Section 1. The standing committees shall be established and appointed by the executive council not later than the midyear meeting of the council each year. The presiding officer and as many members of standing committees as possible shall be appointed at the post-convention meeting of the council.

Section 2. As a matter of policy the executive council shall endeavor to maintain continuity of personnel of standing committees.

Section 3. Each standing committee shall make a written report for submission to the appropriate convention committee.

Section 4. In addition to the standing committees established and appointed by the executive council, there shall be a standing committee against racism in education. The executive council shall appoint the chair and other members of the committee which shall perform the following functions:

(a) Coordinate and aid local and regional conferences on racism in education, and work with locals to help establish effective local committees against racism in education.

(b) Evaluate textbooks and develop curriculum materials for use by teachers in correcting the omissions and distortions of history especially regarding the role of the Afro-American and other minority groups.

(c) Evaluate existing local contracts with regard to provisions for the teaching of Afro-American history and the elimination of racism in education.

(d) Conduct a summer workshop on racism in education and the teaching of Afro-American history and culture.

The committee shall submit a report on its activities to the convention and a copy shall be sent to each local.

ARTICLE VIII

PER-CAPITA, BUDGET, AND AUDITS REVENUES

Section 1. (a) Effective September 1, 1983, each affiliated local shall pay for

each member a per-capita tax of $5.00 per month. Effective January 1, 1975, the national office shall pay back to the office of each state federation for each member a per-capita of 20 cents per month.

Agency Fees

Section 1.(b) Where a local receives fees from non-members for representing them under an agency shop agreement, it shall pay to the national office a sum equal to the per-capita tax for all such non-members, and shall also pay to the state federation of teachers a sum equal to the per-capita of the state federation for all such non-members. Effective September 1, 1977, each affiliated local that has members within a unit where the bargaining rights have been won by another organization and where the other organization has obtained an agency shop or fair-share clause in the contract, the local shall pay per-capita tax at one-fourth the regular rate on those members required to pay agency or fair-share fees to another organization. Representation at the AFT or the state convention shall also be computed at one-fourth the constitutional formula for apportionment of delegate and voting strength. Locals whose members pay agency or fair-share fees to another organization may elect to pay full per-capita for such members and receive full representation.

State Rebate

Procedure for Objections to Agency Fees

Section 1.(c) Any local which receives service or fair-share payments in lieu of dues from employee(s) represented by the local shall adopt procedures for such employee(s) to object during a specific time period each year to the expenditure of his/her portion of such payments for certain purposes. Such procedures shall provide that employee(s) may object to expenditure of his/her portion of such payments for activities or causes of a political nature only incidentally related to collective bargaining. Employee(s) may object to the expenditure of his/her portion of such payments for activities or causes involving controversial issues of public importance only incidentally related to collective bargaining. Employee(s) may not object to expenditures of his/her portion of such payments used for collective bargaining including but not limited to negotiating, organizing, servicing, educational research and union administration. That portion of such fees spent by the union, local, state and national level for the above described purposes will be determined in each fiscal year by the respective chief fiscal policy-making body and rebate of a prorated portion of his/her service or fair-share fees corresponding to such proration shall be made to each individual who has filed a timely notice of objection each year.

Section 1.(d) The procedures adopted shall provide for the right to object during a specific time by registered/certified mail and for the determination of appropriate portions of money spent for purposes described in paragraph (1). The employee(s) shall have rights of appeal internally and if not satisfied, shall have the right to appeal to an independent, outside review panel whose decision shall be final and binding.

In the event that service or fair share fees are established through procedures of state law in such a way as to meet the above objections, then sections 1(c) and 1(d) shall not apply.

Section 2. The budget shall be prepared and adopted annually by the executive council and shall be subject to subsequent revision when needed.

Section 3. It shall be the responsibility of the executive council to cause the auditing of the financial records of the organization annually and to submit said audits to each convention.

Section 4. Twenty-five cents of each member's per-capita tax shall be set aside each month in a building fund to

finance the purchase of an AFT building. The fund shall continue until such time as the purchase has been completed and any additional financial costs of the building not covered by income from the building have been met.

Per Capita Changes

Section 5. Proposed changes in per-capita must be sent to the national office by March 15 and must be sent by the national office to the locals by April 15.

ARTICLE IX

SUSPENSION OF RULES AND AMENDMENT OF BYLAWS

Suspension of Bylaws

Section 1. The special rules of order contained in Article I of these bylaws may be suspended by a two-thirds vote in the same manner as provided by *Robert's Rules of Order—Revised*, for the suspension of all regular rules of order.

Amendment of Bylaws

Section 2. The bylaws may be amended by the same procedure as in Article X, Sections 1 through 3, of the constitution. All such amendments shall require a majority vote for their adoption except those relating to bylaws, which themselves require more than a majority vote, in which case the same vote shall be required to adopt the amendment as required by the bylaws to be amended.

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AFT EXECUTIVE COUNCIL

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President

ROBERT PORTER
Secretary-Treasurer

VICE-PRESIDENTS

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CONSTANCE CABELL
PAUL COLE
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Affiliated with
American Federation of Labor and Congress of Industrial Organizations
Department of Professional Employees, AFL-CIO
Industrial Union Department, AFL-CIO
International Federation of Free Teacher Unions
Public Employee Department, AFL-CIO
Union Label Department, AFL-CIO

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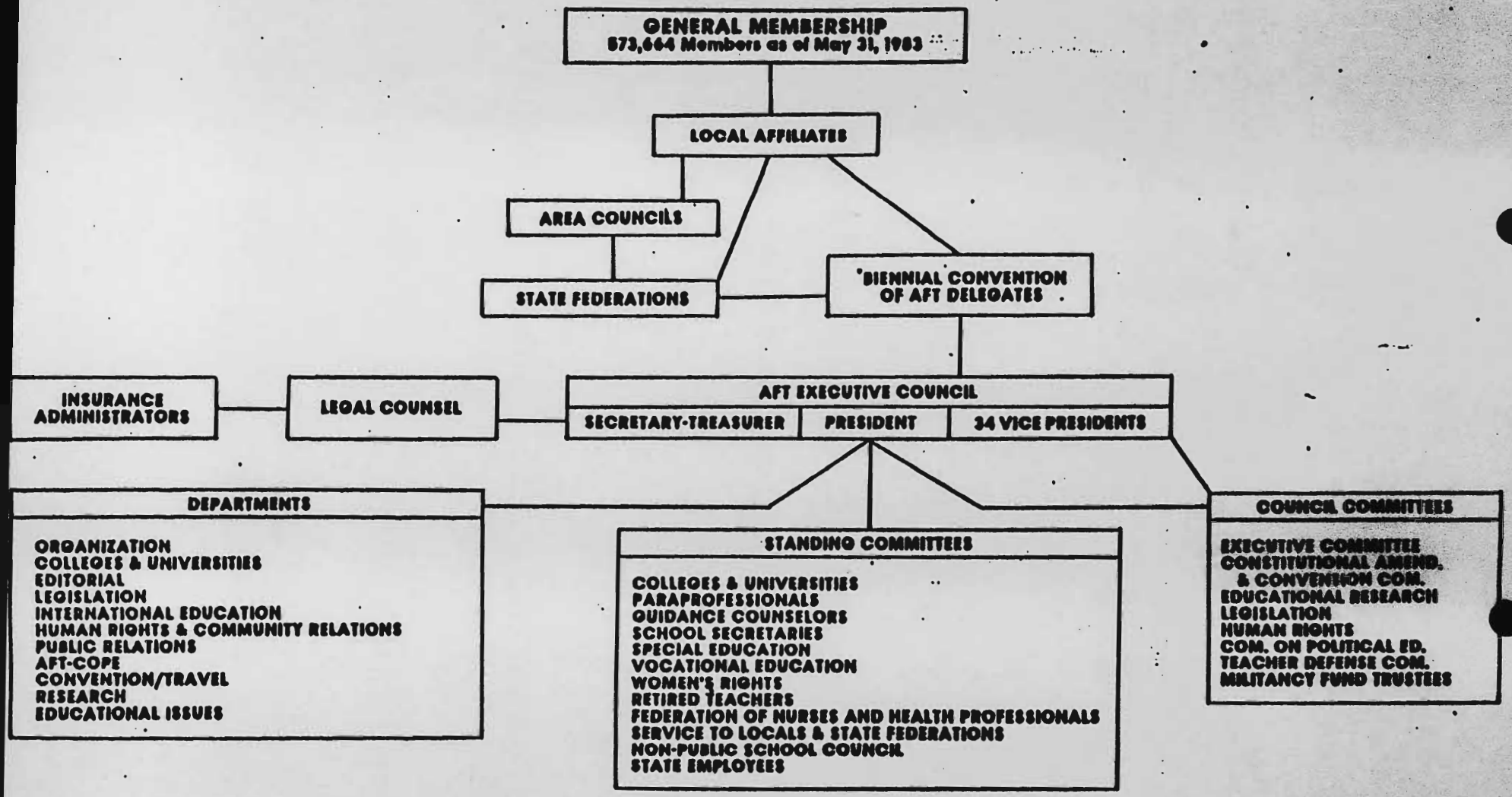
TABLE OF ORGANIZATION



*Goes into effect in 1984.

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EXHIBIT 2

RESOLUTION

Political Endorsements

The AFT/COPE Committee believes that the most effective procedure for political endorsements keeps the selection of political candidates as close to the individual member as possible.

However, the selection of a presidential candidate is in the province of the entire organization. The Committee recommends that the 1976 presidential candidate be endorsed by AFT convention delegates or by a membership referendum.

The Committee further recommends that state federations adopt procedures to endorse candidates for statewide office as well as for the Congress of the United States. The task of endorsing local and municipal candidates properly belongs to local affiliates.

AFT/COPE may only make contributions to candidates who have been endorsed by the appropriate affiliate body. When an AFT affiliate has taken a neutral position in a race, or where there is no AFT affiliate to make such an endorsement, contributions to or endorsements of candidates will be made only after the appropriate COPE affiliate has been consulted.

To help in the endorsement procedures, the AFT/COPE Department will provide state and local bodies with information about candidates for the Congress of the United States. The Department will also be available to help develop intrastate endorsement procedures.

May 1, 1975

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May 2, 1984

Mur 1605
Wesserstrom

1984 MAY 2 P4:28

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

Re: MUR 1605

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Teachers Committee on Political Education and Robert G. Porter to the supplementary Complaint filed in the above-entitled action.

Respondents contend that the arguments advanced and information proffered in the supplementary Complaint are redundant and extraneous, and do not necessitate further comment from Respondents.

Additionally, Respondents reiterate their contentions, as set forth in detail in their initial response to MUR 1605, that Complainant's argument is legally and factually incorrect in that (1) the Commission has ruled on two separate occassions, based on factual allegations similiar to those asserted by Complainant, that the AFL-CIO (and COPE-PCC) and the international unions (and their PACs) are not affiliated pursuant to Section 441a(a)(5); (2) when enacted in 1976, the antiproliferation provisions were not intended to and should not presently subject AFL-CIO COPE-PCC and the PACs of member unions to a single contribution limit; (3) a determination by the Commission that the AFL-CIO COPE-PCC and the PACs of member unions are not subject to a single contribution limit would be consistent with the congressional purpose for enacting Section 441a(a)(5); and (4) the AFT COPE is not affiliated, pursuant to Section 441a(a)(5) with the AFL-CIO COPE-PCC, nor does Complainant offer any evidence of such affiliation.

Exhibit 2-a

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Accordingly, we request that the Commission find no reason to believe that either the initial or supplementary Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended 2 U.S.C. §431 et seq., and 26 U.S.C. § 9001 et seq.,

Respectfully submitted,

By: William C. Oldaker

By: Leslie J. Kerman

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Attorneys for AFT-COPE and
Robert G. Porter

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

MATTER UNDER REVIEW (MUR) NO. 1695

STATEMENT SUBMITTED ON BEHALF OF
RESPONDENTS UAW V-CAP AND DONALD J. MOLL

by

Alan V. Reuther
Counsel for Respondents
UAW V-CAP and Donald J. Moll
1757 N Street, N. W.
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Exhibit 3 (155)

Introduction

On December 5, 1983, James Antosh filed a complaint with the Federal Election Commission alleging that the separate segregated funds (SSFs) established by the AFL-CIO, UAW, AFT and IBEW have violated certain provisions of the Federal Election Campaign Act (FECA). The complainant, James Antosh, is president of Shawnee Garment Manufacturing, Inc., and is represented by the Center on National Labor Policy, an off-shoot of the National Right to Work Committee (NRWC). The respondents are AFL-CIO COPE-PCC, AFT-COPE, IBEW-COPE, and the United Auto Workers Voluntary Community Action Program (UAW V-CAP), along with the treasurers of these SSFs.

UAW V-CAP and its treasurer, Donald J. Moll, were notified of the complaint on December 12, 1983. The Commission subsequently granted respondents an extension until January 27, 1984 in which to file a response to the complaint. The following statement is submitted on behalf of respondents UAW V-CAP and Donald J. Moll (hereafter collectively referred to as "UAW V-CAP").

The gravamen of the NRWC's complaint is that the AFL-CIO and COPE-PCC coordinate and control the political activities of the international unions which are members of the labor federation to such an extent that they should all be considered "affiliated" within the meaning of the FECA, and therefore treated as a single entity for purposes of the contribution limitations. Accordingly, respondents have allegedly violated sections 433(b)(2) and 441a(a)(2) & (5) of the FECA by failing to list each other as affiliated committees on their statements of organization, and by jointly making contributions in excess of $5000 per election to various candidates.

This argument is not new. Twice before the NRWC has filed complaints against the AFL-CIO or various candidates which were predicated on precisely the same legal theory. Each time, the Commission has rejected their argument and dismissed the complaints, holding that the SSFs established by the AFL-CIO and various international unions are not "affiliated" within the meaning of the FECA. See MUR 354 (76) and MUR 783 (78). When the NRWC

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subsequently brought a lawsuit challenging the Commission's decision in the second case, the United States District Court for the District of Columbia ultimately upheld the Commission's action in dismissing their complaint. In re Federal Election Campaign Act Litigation, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9082 (D.D.C. June 14, 1979) at p. 50655.

By filing the complaint in the present case, the NRWC is simply attempting to take another "bite at the apple" and to relitigate this same legal theory. There has not been any change in the relevant statutory provisions and regulations since these prior cases were decided by the Commission and the court. And there has not been any substantive change in the nature of the relationship between the AFL-CIO and its constituent unions or the manner in which they conduct their political activities. Accordingly, the Commission should reaffirm its earlier decisions and continue to hold that the SSFs established by the AFL-CIO are not affiliated with the SSFs established by the various international unions. It should therefore find that there is no reason to believe that respondents have violated any provisions of the FECA, and dismiss the NRWC's complaint without further investigation.

I.

Congress Intended That The AFL-CIO And Its Member Unions Be Treated Separately For Purposes of the Contribution Limitations

Section 441a(a)(1) & (2) of the FECA places limits on the amounts which political committees may contribute to federal candidates. Section 441a(a)(5) in turn provides that:

> For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that —
>
> (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fundraising efforts; . . .

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> In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

The legislative history of the 1976 amendments to the FECA makes it clear that the purpose of this provision was to prevent corporations, labor unions, and other persons from circumventing the contribution limitations through a proliferation of multiple political committees. H.R. Conf. Report, No. 94-1057, 94th Cong. 2d Sess. 58 (1976). Congress did not discuss the meaning of the phrase "established or financed or maintained or controlled" in any detail. But it did spend a good deal of time considering how the anti-proliferation provision would apply to specific groups. Congress did not legislate in a vacuum in this area. It was well aware that business, labor and other groups maintained political committees. And it tried to grapple with the problems posed by the application of the anti-proliferation rule to these groups and their political committees, in view of their different structures and purposes.

Since the legislative history behind the 1976 amendments to the FECA will be discussed at length in the statement submitted on behalf of respondent AFL-CIO COPE-PCC, for the sake of brevity it will not be repeated here. Suffice it to say that the legislative history clearly shows that Congress was aware that most national and international unions were affiliated with the AFL-CIO, and that most corporations were affiliated with a trade association, such as the Chamber of Commerce or the National Association of Manufacturers. Congress also was aware that individual unions and corporations had established SSFs, and that the AFL-CIO and trade associations also maintained their own SSFs. In addition, Congress understood that the AFL-CIO and trade associations had conducted massive programs involving partisan internal communications, registration and get-out-the-vote drives, and the solicitation of voluntary contributions, which were aimed at the individual members or stockholders, executive and administrative personnel of their member unions and corporations. Although it enacted a new reporting

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requirement pertaining to certain internal communications, Congress clearly affirmed the right of the AFL-CIO and trade associations to continue to undertake such programs with their member unions and corporations. Most importantly, the legislative history demonstrates that, notwithstanding these factors, Congress still intended for the SSFs maintained by international unions and corporations to be treated separately for purposes of the contribution limitations from the SSFs maintained by the AFL-CIO and the various trade associations.

This does not mean that Congress intended to establish an absolute rule that the political committees set up by a trade association or labor federation could never be considered affiliated with the political committees set up by their member corporations or unions, no matter what the facts and circumstances were concerning their relationship. Obviously the anti-proliferation rule might apply if a labor federation or trade association established a number of sham unions or corporations, which had no autonomy or independent existence. But at the very least, the legislative history of section 441a(a)(5) makes it clear that Congress did not intend for the type of relationship which existed in 1976 between the AFL-CIO and its constituent international unions, or the Chamber of Commerce and its member corporations, to trigger application of the anti-proliferation rule. Notwithstanding the broad scope of the anti-proliferation provision which was ultimately adopted, Congress decided that the AFL-CIO and the Chamber of Commerce (as well as other trade associations) should continue to be treated as separate entities from their member unions and corporations for purposes of the contribution limitations.

II.

Interpretation of Section 441a(a)(5) By The Commission And The Courts

After the 1976 amendments to the FECA were enacted, the Commission promulgated regulations interpreting section 441a(a)(5). These regulations provide in pertinent part:

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§ 110.3 Affiliated committees; transfers.

(a)(1)(i) For purposes of the limitations in §§110.1 and 110.2 contributions shall be considered to be made by a single political committee (including a single separate segregated fund) if made by more than one political committee (including a separate segregated fund) established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit thereof, or by a group of those persons. See affiliated committees, 11 CFR 100.5(g).

(ii) Application of the rule of this paragraph means —

(A) All of the political committees set up by a single corporation and/or its subsidiaries are treated as a single political committee;

(B) All of the political committees set up by a single national or international union and/or its local unions or other subordinate organizations are treated as a single political committee;

(C) All of the political committees set up by an organization of national or international unions and/or all its State and local central bodies are treated as a single political committee;

(D) All of the political committees (other than party committees see paragraph b of this section set up by a membership organization, including trade or professional associations, see § 114.8(a), and/or by related State and local entities of that organization or group, are treated as a single political committee;

(E) All of the political committees set up by the same group of persons are treated as a single political committee.

(iii) For organizations not described by paragraphs (a)(1)(i) or (ii) of this section, indicia of establishing, financing, maintaining, or controlling may include —

(A) Ownership of a controlling interest in voting shares or securities;

(B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

(C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity;

(D) Similar patterns of contributions;

(E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

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(2) This part shall not limit transfers between

(i) Political committees of the funds raised through joint fundraising; . . .

11 C.F.R. § 110.3. The Commission also promulgated similar regulations defining when political committees established by different organizations will be considered "affiliated committees", and therefore subject to a single contribution limitation. See 11 C.F.R. § 100.5(g)(2).

The Commission's regulations (and in particular, § 110.3(a)(1)(ii)) are drawn directly from the rules set forth in the House Administration Committee and Conference Reports. The regulations expand upon the fourth rule somewhat, by making it applicable to all membership organizations, including trade and professional associations, rather than simply the Chamber of Commerce. The regulations also provide a list of factors which will be considered indicia of affiliation "for organizations not described by paragraphs (a)(1)(i) or (ii)" - that is, by the formal rules contained in the House Administration Committee and Conference Reports, and reiterated in the first portion of the regulations. Thus, it is apparent that these indicia of affiliation do not override those formal rules, and in particular, do not affect the limited exception to the anti-proliferation provision which was created for the political committees established by the AFL-CIO and trade associations.

As previously indicated, the Commission has twice before specifically considered the manner in which section 441a(a)(5) and the attendant regulations should be applied to the political committees maintained by the AFL-CIO and its constituent international unions. Each time the Commission has concluded that Congress intended these political committees to be treated separately for purposes of the contribution limitations.

In MUR 354 (76), the NRWC filed a complaint against the AFL-CIO alleging that it had violated a number of provisions of the FECA. By letter dated January 27, 1977, the NRWC specifically charged that if the members of the various international unions were also deemed to be members of the AFL-CIO (such that the AFL-CIO could use its treasury funds to pay for communications and non-partisan registration and get-out-the-vote activities directed these individuals), then the AFL-CIO and the various international

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unions should all be considered affiliated and treated as a single political committee under section 441a(a)(5). Since the various SSFs established by these international unions and the AFL-CIO had contributed over $5,000 to various candidates, the NRWC asserted that this should be considered a violation of the contribution limitations contained in the FECA.

By letter dated December 21, 1977, the Commission considered and squarely rejected this argument. After finding that the individual members of the international unions were also members of the AFL-CIO, it then went on to hold based on the language in the Conference Report that Congress intended for the anti-proliferation provision to be construed as setting separate contribution limitations for the AFL-CIO and its constituent international unions:

> Second, complainant argues that if the AFL-CIO can solicit members of its members, the statute does not permit the members to have separate contribution limits. As an initial matter, complainant's insistence that the communication provision and the contribution limitation must be seen as identical seem inappropriate. Section 441b(b)(2) places communication and registration and get-out-the-vote drives outside the definition of contribution and expenditures. Thus, the issue as to the extent of the AFL-CIO communications is severable from the contribution issue. In any event, the Commission's conclusion that the statute was designed to set separate contribution limits for the AFL-CIO and its constituent member unions is based on legislative history. Thus, the Conference Report accompanying the 1976 amendments which added the non-proliferation provisions here in question, pointedly stated:
>
> > "All of the political committees set up by a single international union and its local unions are treated as a single political committee.
> >
> > "All of the political committees set up by the AFL-CIO and its state and local central bodies are treated as a single political committee."
> >
> > (H. Rep. No. 94-1057, 94th Cong., 2d Sess., p. 58)
>
> The Commission thus concluded that the statutory provision setting single contribution limits for "political committees established or maintained or financed or controlled by . . . any labor organization, . . . or local unit of such . . . labor organization" was not intended to cover the AFL-CIO and its constituent member unions.

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Accordingly, the Commission dismissed the NRWC's complaint against the AFL-CIO.

Not satisfied with this decision, the NRWC tried to test this same legal theory again. In MUR 783(78), the NRWC filed charges against numerous candidates, alleging that they had violated the FECA by accepting excess campaign contributions from the AFL-CIO and its constituent international unions. Again, this charge was predicated on the legal theory that all of the political committees maintained by the AFL-CIO and the international unions should be considered affiliated, and treated as a single political committee for purposes of the contribution limitations.

By letter dated November 2, 1978, the Commission again rejected the NRWC's argument and voted to dismiss the complaints stating:

> In your complaint, you based your allegation that the respondent had violated the Act on the legal premise that the AFL-CIO COPE PCC and the PACs of the various unions which are members of the AFL-CIO are affiliated. As you are no doubt aware, this issue was raised by the National Right to Work Committee in an earlier complaint, designated MUR 354(76). In that matter, the Commission found there was no reason to believe the Act had been violated and so notified NRWC's Vice President Andrew Hare by letter dated December 21, 1977.
>
> Accordingly, upon my recommendation the Commission has decided to close its file in this matter.

This decision by the Commission was based on the recommendation of its General Counsel, who had submitted the following analysis of the legal issue raised by the NRWC complaint:

> This issue is identical to one raised by the same complainants in MUR 354(76). In MUR 354 the Commission found that AFL-CIO COPE PCC and the PACs of the various unions which are members of the AFL-CIO are not affiliated. Further the Commission found that under 2 U.S.C. § 441a(a)(5) the AFL-CIO COPE PCC may contribute up to $5,000 per election and that each individual international union PAC may contribute up to $5,000 per election. NRWC was notified of the Commission's findings on December 21, 1977 (see attached letter).
>
> The Commission's findings were based upon the Commission regulations 11 C.F.R. 100.14(c)(2)(i)(B) and (C), 11 C.F.R. 110.3(a)(1)(ii)(B) and (C); and upon the legislative history of the Act which states:
>
> > "All of the political committees set up by a single international union and its

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> local unions are treated as a single political committee."
>
> "All of the political committees set up by the AFL-CIO and its state and local central bodies are treated as a single political committee." (Emphasis added)
>
> (H. Rep. No. 94-1057, 94th Cong., 2nd Sess., p. 58)
>
> Thus, the Commission concludes, as it did in MUR 354, that complainants' legal premise is erroneous and that the AFL-CIO COPE PCC and the PACs of the various unions which are members of the AFL-CIO are not subject to one contribution limitation of $5,000.

Thus, the Commission has consistently construed section 441a(a)(5) and its regulations as permitting the political committees maintained by the AFL-CIO and the various international unions to be treated as separate entities for purposes of the contribution limitations.

After the Commission dismissed the complaints involved in MUR 783 (78), the NRWC filed a lawsuit challenging these dismissals on the grounds that the Commission's actions were contrary to the provisions of the FECA. The Commission then brought a motion to dismiss, arguing that as a matter of law the SSFs maintained by the AFL-CIO and its constituent international unions could never be considered affiliated. In Walther v. Federal Election Commission, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9076 (D.D.C. April 17, 1979) at page 50636, the United States District Court for the District of Columbia, per Judge Richey, denied the Commission's motion to dismiss. Judge Richey began with the proposition that the standard of review to be applied to a motion to dismiss was whether it appeared beyond doubt that the plaintiff could prove "no set of facts in support of his claim which would entitle him to relief." After reviewing the statutory language and legislative history, he simply disagreed with the Commission's argument that section 441a(a)(5) could "never" - i.e. "under no circumstances" - apply to the political committees maintained by the AFL-CIO and its member unions. Walther v. Federal Election Commission, supra at 50638-40.

The Commission then filed a motion requesting leave to bring an immediate interlocutory appeal challenging Judge Richey's decision. As part of this motion, the Commission for the first time brought to the court's

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attention the crucial legislative history relating to Chairman Hays' analysis of the anti-proliferation rules during the House Administration Committee mark-up session. (See memorandum of law filed by the Commission in support of this motion). More importantly, the Commission also filed a motion for summary judgment in connection with the NRWC's lawsuit. Although Judge Richey denied the request for an interlocutory appeal, he granted the Commission's motion for summary judgment stating:

> A review of both those complaints and the other information available to the Commission indicates that the FEC acted well within its discretion in declining to investigate the allegations of wrongdoing.
>
> * * *
>
> Finally, even when the complaints state a valid charge, they do so only in the most conclusory fashion. Mr. Walther offers not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO. In light of the inadequacy of Mr. Walther's complaints, the Commission's decision not to investigate was certainly neither arbitrary nor capricious.

In re Federal Election Campaign Act Litigation, supra at 50655, 50663.

Judge Richey's two decisions are entirely consistent with the analysis of the statute and legislative history set forth in the first part of this statement, as well as the position previously adopted by the Commission in the two compliance cases. In his first decision, Judge Richey simply concluded that, in the context of a motion to dismiss, he could not accept the proposition that Congress intended to establish an absolute rule that the political committees maintained by the AFL-CIO and its member unions could never be considered affiliated, no matter what the circumstances. In the second decision, however, Judge Richey made it clear that the Commission has ample discretion to find, without conducting an investigation, that the political committees established by the AFL-CIO and the various international unions are not in fact affiliated, where no evidence has been presented which would suggest otherwise.

In considering whether to find reason to believe that respondents have violated the FECA in the present case, the Commission is in a posture similar to Judge Richey's position in deciding the motion for summary judgment. The

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Commission is not called upon to consider whether, under any set of circumstances, the AFL-CIO could ever be considered affiliated with its member unions. The Commission need only decide that, in light of the information set forth in the NRWC's complaint and other information available to it, there is not a scintilla of evidence to suggest that there has been any substantive change in the nature of the relationship which existed between the AFL-CIO and its constituent unions at the time the anti-proliferation provision in the 1976 amendments to the FECA was enacted, and the nature of the relationship which presently exists between the federation and its member unions. Accordingly, based on the clear legislative history surrounding section 441a(a)(5), the Commission has ample grounds for concluding that Congress did not intend for respondents to be subject to a single contribution limitation, and therefore for dismissing the NRWC's complaint.

III.

The NRWC Has Not Presented Any Evidence That The UAW And UAW V-CAP Are Actually Affiliated With The AFL-CIO And COPE-PCC

Despite the voluminous nature of its complaint and the attached exhibits, the NRWC still has not presented any evidence which would warrant a finding by the Commission that there is reason to believe that the UAW and UAW V-CAP are affiliated with the AFL-CIO and COPE-PCC. The NRWC has not offered any evidence which would satisfy the criteria set forth in section 441a(a)(5) and the Commission's regulations. In particular, it has not presented any evidence which would show that the nature of the relationship between the AFL-CIO and its member unions is any different than the relationship which existed between these entities back in 1976, when Congress determined that they should not be bound by a single contribution limitation. To the contrary, the evidence available to the Commission indicates that the fundamental nature of this relationship has remained exactly the same - namely, that the various international unions and their SSFs, including the UAW and UAW V-CAP, are autonomous and independent from the AFL-CIO and COPE-

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PCC. Accordingly, the Commission has ample discretion to dismiss the present complaint, without conducting any further investigation.

A. Establishment of the UAW and UAW V-CAP

The NRWC does not even allege or attempt to offer any evidence that the AFL-CIO and COPE-PCC were involved in the establishment of the UAW or UAW V-CAP. Any such contention would plainly be preposterous.

The AFL-CIO obviously cannot have played any role in the establishment of the UAW. The UAW was formed and underwent its baptism of fire in the turbulent years of the mid-1930s. The AFL-CIO, on the other hand, was not formed until roughly twenty years later, in 1955.

It is equally obvious that the AFL-CIO and COPE-PCC cannot have been involved in the establishment of UAW V-CAP. At the UAW's 23rd constitutional convention in April 1972, the delegates approved a constitutional amendment - which is now codified in Article 12, Section 20 of the UAW Constitution (see exhibit 1) - that directed the Union's International Executive Board to establish and operate a political action committee to be known as UAW V-CAP, which would be authorized to make policy decisions concerning contributions and expenditures in connection with federal elections from a fund composed of voluntary contributions from UAW members and their families. Pursuant to this mandate from the convention, the International Executive Board formally established UAW V-CAP, adopted by-laws for the committee (see exhibit 2), and registered with the Commission, later that same year. Significantly, the UAW was not a member of the AFL-CIO at that time, having disaffiliated and severed ties with the federation in 1968. Since the UAW did not rejoin the federation until 1981 (see the more detailed discussion of the UAW's reaffiliation which is set forth in part B below), the AFL-CIO and COPE-PCC cannot have been responsible for the establishment of UAW V-CAP.

The delegates to the UAW's 23rd constitutional convention were elected exclusively by the members of the UAW's Local Unions. The AFL-CIO did not play any role in the selection of those delegates, and did not have any other voice or vote at the convention. Similarly, the International Executive Board of the UAW was composed of UAW members who were democratically

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elected by the delegates to that convention. The AFL-CIO did not have any officials or other representatives on the UAW's International Executive Board (nor were any members of the International Executive Board associated in any capacity with the AFL-CIO). In addition, UAW V-CAP was established exclusively with monies donated by UAW members and their families. The AFL-CIO and COPE-PCC did not transfer any funds or provide any other financing in connection with the formation of UAW V-CAP. Finally, the AFL-CIO and COPE-PCC did not encourage or assist the UAW to establish UAW V-CAP. As the record of the convention proceedings reflects, the UAW's International Executive Board proposed the constitutional amendment providing for the establishment of UAW V-CAP largely in response to the recent passage of the new federal campaign law:

Report of Constitution Committee (Resumed)

* * *

Vice President Greathouse: I will call on Joe Danz, chairman of the Constitution Committee.

Committee Chairman Danz: If you will turn to Page 3 of the Partial Report Number One, the first Article that will be presented under today's report is Article 12, Secton 10, to be presented by Brother John Bass, a member of the Committee.

. . . Committee Member John Bass read the following:

Article 12

Duties of International Executive Board

Section 10 (new)

THE INTERNATIONAL EXCUTIVE BOARD SHALL CREATE AND OPERATE A POLITICAL ACTION COMMITTEE TO BE KNOWN AS UAW VOLUNTARY COMMUNITY ACTION PROGRAM COMMITTEE (UAW V CAP). THE COMMITTEE SHALL BE AUTHORIZED TO MAKE POLICY DECISIONS CONCERNING EXPENDITURES AND CONTRIBUTIONS INVOLVING FEDERAL ELECTIONS AND TO MAKE EXPENDITURES AND CONTRIBUTIONS FROM A FUND ESTABLISHED BY VOLUNTARY CONTRIBUTIONS FROM UAW MEMBERS, THEIR FAMILIES AND FRIENDS. ONCE EACH YEAR A SUMMARY REPORT OF INCOME AND DEBURSEMENTS IN FEDERAL ELECTIONS BY CATEGORY SHALL BE MADE.

Committee Member Bass: Mr. Chairman, on behalf of the Constitution Committee, I move for the adoption of the new Article, Article 12, Section 10.

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Committee Chairman Dana: This Section is being established to give the International Executive Board the authority to create and operate a Political Action Committee to be known as the UAW V CAP Committee. Such Committee would have the authority to make policy decisions concerning expenditures and contributions involving federal elections, and to make expenditures and contributions from a fund so established by the procurement of voluntary contributions from UAW members, and their families and friends. This will give the union regulatory authority and greater protection in the use of its funds, consistent with legal requirements.

Vice President Greathouse: I just want to say before we open the floor for debate on this that the Board feels that this is a desirable and probably a necessary thing in compliance with the new federal law that we have in the United States on expenditure of union funds for political purposes. Now, what we are proposing here is the establishment of a committee separate and apart officially from the official Board of the Union that will handle the voluntary money. We are not talking about the Union money, we are talking about the voluntary dollars that we collect in federal campaigns. We want to keep that separate from Union money, and this is the technical establishment of a committee.

You have heard the motion and the support for the motion. Anyone want to speak on the resolution?

If not, all in favor of the adoption of the resolution signify by raising your right hand. Down

Those in opposition?

Motion is carried.

Proceedings of 23rd Constitutional Convention (Tuesday, April 25, 1972), at pages 172-73 (see exhibit 3).

B. Control of the UAW and UAW V-CAP

The NRWC does allege that the AFL-CIO and COPE-PCC exercise control over the various international unions and their SSFs, asserting that "the affiliated organizations have no real appreciable autonomy." (complaint, p. 9) This incredible statement, however, is clearly disproved by the constitutions and by-laws of these organizations, as well as other available evidence. In fact, the basic organizational premise of the AFL-CIO is that it shall remain a federation of autonomous and independent unions. Although the member unions may work together and coordinate their activities through the federation, whenever they disagree with any AFL-CIO actions and policies

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- including those in the political arena - the member unions are always free to disagree and to pursue their own actions and policies.

This fundamental premise is made abundantly clear throughout the constitution of the AFL-CIO. (see exhibit 4) Article II, sections 8 and 11 declare that among the objects and principles of the federation are:

> 8. To preserve and maintain the integrity of each affiliated union in the organization . . .
>
> 11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

Section 4 of Article III, which deals with "Affiliates" of the federation, mandates that "The integrity of each such affiliate of this Federation shall be maintained and preserved." And section 7 of Article III reiterates that "each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved." The agreement for the merger of the AFL and CIO further stipulates that the merger "will preserve the integrity of each affiliated national and international union," and that "the integrity of each affiliated union in the merged federation shall be maintained and preserved." Thus, there cannot be any doubt that the various national and international unions which are members of the AFL-CIO retain complete independence and autonomy to pursue any actions or policies they desire, including decisions on endorsements and contributions to candidates.

Although the NRWC argues that the AFL-CIO has "structual" control over its member unions, the NRWC's analysis of the federation's constitution does not bear this out. In particular, the NRWC tries to convey the impression that the AFL-CIO has the right to dismiss or remove "any officer of an affiliated union who is convicted of a crime." (complaint, p. 8). Even a cursory examination of the example cited by the NRWC reveals that it merely involved a situation where the AFL-CIO called for the removal of an individual from his position as president of the Hawaii State AFL-CIO (a subordinate body of the federation), not his position with an autonomous member union. (complaint, exhibit 2) The NRWC also points out that the federation has the authority to withhold its assistance and jurisdictional dispute protections from member unions that fail to abide by federation decisions relating to jurisdictional disputes. (complaint, pps. 7, 8) Far from showing that the federation exercises

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control over its member unions, however, the limited nature of these sanctions underscores the fact that the AFL-CIO has no power or ability to mandate that member unions abide by its policies and decisions, or take any other actions desired by the federation. At most, the AFL-CIO can only withhold its assistance from them — it cannot impose fines or a trusteeship upon them.

The NRWC goes to great lengths to try to show that the AFL-CIO and COPE-PCC actually direct and control the political activities of the various international unions. However, many of the actions and statements cited by the NRWC to support this argument turn out to merely involve examples of the AFL-CIO and COPE-PCC exercising their authority over subordinate bodies of the federation, rather than controlling the actions of autonomous international unions. (see e.g. complaint, pps. 15-16; 16 n. 4; and 34) Since there is no dispute that all of the subordinate bodies of the AFL-CIO, including chartered departments, state and local central bodies, are affiliated with the AFL-CIO, all of this "evidence" is simply irrelevant.

In addition, many of the other actions and pronouncements cited by the NRWC turn out, on closer examination, to simply involve situations where the AFL-CIO or COPE-PCC urged, encouraged or recommended that the member unions take certain actions, rather than actually ordering or mandating that such actions be taken. (see e.g. complaint, pps. 11, 13, 18, 35) In perhaps the most revealing example, the NRWC quotes from a report by the president of the AFL-CIO, in which he admits that the various international unions have not always supported the same candidates for president, and remarks about the new "willingness" of the member unions to subordinate their own interests to those of the entire labor movement. (complaint, pps. 13, 14) This quotation vividly demonstrates that the various international unions are not controlled by and do not always act in concert with the AFL-CIO, and that common actions only occur when the international unions voluntarily decide and are willing to follow the lead of the AFL-CIO.

The NRWC also tries to show that the AFL-CIO and COPE-PCC are involved in coordinating the political activities of the various international unions. (see e.g. complaint, pps. 13, 14, 34, 36, 37) This is simply beside the point. The mere fact that the AFL-CIO and COPE-PCC may help to

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coordinate the political activities of various international unions is not tantamount to exercising "control" over those political activities. Indeed, the very fact that any "coordination" is necessary suggests just the opposite - that often the international unions follow divergent political paths. In any event, the political activites described in the complaint simply relate to internal membership communications, registration and get-out-the-vote drives and the solicitation of voluntary contributions. These activities are specifically excluded from the definitions of "contribution" and "expenditure". See 2 U.S.C. § 441b(b)(2)(A)-(C). Moreover, as the legislative history of the 1976 amendments to the FEC demonstrates, Congress specifically affirmed that the AFL-CIO has the right to engage in such activities in cooperation with its member unions, without being considered affiliated with those member unions for purposes of the contribution limitations.

Grasping at straws, the NRWC even tries to argue that respondents should be considered affiliated because the AFL-CIO can "inexorably influence the activities of member unions, including their political activities" because of their "common social, economic and political objectives". (complaint, p. 43) To support such a strained interpretation of the statute, the NRWC twice quotes a portion of the Commission's regulations which describes one of the indicia of "affiliation" as including the ability to "otherwise influence" the officers of an entity. (complaint, pps. 36, 38) The NRWC overlooks the fact, however, that the Commission's regulations specifically state that the various indicia are only "for organizations not described by paragraphs (a)(1)(i) or (ii)" — and thus are not meant to override the express exception to the anti-proliferation rule which was created for the AFL-CIO and trade associations. Furthermore, when section 110.3(a)(1)(iii)(C) of the Commission's regulations is read in its entirely, it is apparent that the phrase "otherwise influence" is meant to encompass actions similar to those which are specifically enumerated - that is, the ability to hire, appoint, discipline, discharge, demote or remove from office. Congress surely did not intend to have a group of persons be considered "affiliated", and thus subject to a single contribution limit, whenever the persons share common social, economic or political objectives, or whenever one person influences the thinking of the others. Indeed, it is doubtful if such

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a drastic interpretation could survive constitutional scrutiny, given the manifest problems of vagueness and overbreadth.

In any event, although the NRWC's complaint contains a plethora of general allegations and assertions pertaining to the relationship between the AFL-CIO and its member unions, significantly it does not offer any evidence that the UAW or UAW V-CAP are specifically under the direction and control of the federation. Indeed, the NRWC's complaint hardly mentions the UAW and UAW V-CAP at all. When the Constitution and by-laws of the UAW and UAW V-CAP are examined, it becomes readily apparent that they are not in fact controlled by the AFL-CIO and COPE-PCC.

Article 2, Section 6(a) of the UAW Constitution declares that one of the UAW's object shall be -

> To work as an autonomous International Union affiliated with the Canadian Labor Congress (CLC), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) together with other International Unions, for solidification of the entire Labor Movement; provided, however, that the International Executive Board may at any time alter the Union's relationship to such bodies in any way it deems appropriate. (emphasis supplied).

Article 7, section 1 in turn vests the authority to govern and administer the UAW in the UAW's International Convention, International Executive Board and International President:

> The International Union shall be governed by its membership in the following manner:
>
> (a) The highest tribunal shall be the International Convention composed of delegates democratically elected by the membership of Local Unions.
>
> (b) Between Conventions the highest authority shall be the International Executive Board . . .
>
> (c) Between meetings of the International Executive Board the administrative authority of the International Union shall be vested in the International President . . .

Pursuant to Article 10, the International President and International Executive Board Members are elected by the delegates to the International Convention. Article 8 mandates that all convention delegates be members of the UAW, and democratically elected by the membership of the various UAW Local

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Unions. Thus, it is evident that the AFL-CIO and its officials do not have any voice or vote within the governing bodies of the UAW, let alone the authority, power or ability to direct its actions. No AFL-CIO officials serve on the UAW's governing bodies. And the authority of the UAW's governing bodies is not limited or subordinated in any manner to the policies or actions of the AFL-CIO.

The UAW Constitution gives the International President the authority to assign and withdraw the duties of the elected officers of the union (Article 13, sections 3 & 4), and to appoint and remove international representatives and other employees of the union. (Article 13, sections 5 & 6; Article 14, sections 1, 2, & 4). The International Executive Board is also given the authority to conduct trials on charges which have been filed against international officers and executive board members, and to fine, suspend or remove an accused officer or board member from office. (Article 30) Again, the AFL-CIO is not involved in, and has no authority at all over such matters.

Most importantly, the UAW Constitution and by-laws of UAW V-CAP show the independence of the union's political activities. As previously indicated, Article 12, section 20 grants the International Executive Board the authority to "create and operate a Political Action Committee to be known as UAW Voluntary Community Action Program Committee (UAW V-CAP)", which is empowered to make decisions concerning contributions and expenditures in connection with federal elections from a fund composed of voluntary donations from UAW members and their families. The by-laws of UAW V-CAP in turn specify that its governing committee shall be composed of the International President, Secretary-Treasurer, and American-based Vice Presidents of the UAW (Article III); that the International President shall act as chairman of this committee, and be responsible for appointing the staff and directing the affairs of UAW V-CAP (Articles III and V); that the committee shall be responsible for receiving and holding all voluntary donations from UAW members (Article IV, § 1); that it shall, in consultation with UAW Regional Directors, make all decisions regarding the disbursement of these voluntary funds to candidates and political campaigns (Article IV, § 2); and that it shall be financed by voluntary contributions from UAW members (Article VII).

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Clearly, therefore, neither the AFL-CIO nor COPE-PCC are accorded any authority over the operations of UAW V-CAP. The AFL-CIO and COPE-PCC do not have any voice or vote within UAW V-CAP. None of their officials serve as officials of UAW V-CAP. And they do not have any authority or power over the decisions regarding which candidates will be supported by UAW V-CAP. Significantly, the NRWC does not even allege, let alone offer any evidence, that the AFL-CIO and COPE-PCC control the candidate selection decisions made by the UAW and UAW V-CAP.

The independence and autonomy of the UAW and UAW V-CAP from the AFL-CIO and COPE-PCC are also clearly demonstrated by the circumstances surrounding the recent reaffiliation of the UAW with the AFL-CIO. Although the UAW had been a charter member of the AFL-CIO, it subsequently withdrew and severed its relationship with the federation in 1968. Beginning in 1977, however, the UAW began to have discussions with the AFL-CIO concerning reaffiliation, and this was finally consummated in July, 1981. The very fact that the UAW could, of its own volition, withdraw from and later rejoin the federation shows the UAW's independence. Furthermore, during the recent reaffiliation process the issue of the UAW's autonomy was widely discussed. It was repeatedly stressed, by officials of both the AFL-CIO and the UAW, that the UAW and UAW V-CAP would continue to retain their autonomy after reaffiliation, and would not be subject to the control or direction of the AFL-CIO and COPE-PCC.

During the initial reaffiliation discussions in 1977, there was an exchange of letters between the presidents of the AFL-CIO and the UAW, George Meany and Douglas Fraser, dealing specifically with the key issue of the impact of reaffiliation on the autonomy and independence of the UAW. (see exhibits 5 & 6) Meany responded unequivocally that under the AFL-CIO constitution, the UAW would continue to retain its autonomy and be able to pursue an independent course with respect to political and social issues:

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> Your letter further notes your view, which is correct, that the constitutional guarantees of the "integrity" and "autonomy" of each affiliate "have always been interpreted to permit any individual affiliate to pursue its own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO Convention or Executive Council action with respect to that issue". This is true, as you say, even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO.
>
> Here again, it is clear that the AFL-CIO is a federation of autonomous affiliates. It moves only with the agreement and consensus of the majority of affiliates, but with the fullest tolerance of and respect for, the rights of those organizations which find themselves in a minority on any issue to pursue their views in any way they wish. The examples of such conduct by current affiliates are well known and have occurred whenever an affiliate chose to dissent on its members' behalf and in its members' interests.

Based on this exchange of letters, the leadership of the UAW prepared and distributed to the local leadership materials advocating the reaffiliation of the UAW with the AFL-CIO. (see exhibit 7) These materials incorporated and relied heavily on the assurances of autonomy and independence contained in the exchange of letters between Meany and Fraser, stating:

> 3. The autonomy and integrity of the UAW is protected under the present constitutional structure of the AFL-CIO — our ability to conduct our own affairs and take our own positions is protected.
>
> * * *
>
> The Constitution of the Federation provides for the autonomy of the affiliated national and international unions in the conduct of their affairs, such as collective bargaining, legislation and political education and campaigns. When these activities can be carried on more effectively in cooperation with other affiliates, the Federation has encouraged common action. But where such coordination is inappropriate or not desired, the autonomous international and national unions are free to pursue their own economic, social and political policies determined by their own internal democratic processes.

Because of internal opposition, the UAW decided not to go ahead with the reaffiliation in 1977. However, when the question of reaffiliation was considered again in 1980-81, it was once again made clear that reaffiliation would in no way jeopardize the independence and autonomy of the UAW and its political operations. The UAW distributed a special background paper to UAW Local Unions prior to the vote on reaffiliation, which clearly states:

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"Each member union of the AFL-CIO remains autonomous and continues to conduct its own affairs in the manner determined by its members." (see exhibit 8) This document went on to specifically reaffirm that the UAW would still retain complete freedom to make its own endorsements of candidates and to run its own political operations:

> Q. Won't we have to give up our autonomy by joining the AFL-CIO?
>
> A. No. Our delegates and members will continue to make all policies for the UAW.
>
> Q. What if the AFL-CIO endorses a candidate we don't like?
>
> A. If that happens, we're under no obligation to go along. We'll continue to make our own endorsements and run our own campaign.

Thus, there cannot be any doubt that the UAW and UAW V-CAP are not controlled by the AFL-CIO and COPE-PCC. The UAW and UAW V-CAP are completely autonomous, and remain free to pursue their own policies, including the endorsement and support of candidates, even where this diverges from the positions of the federation.

The NRWC does not offer any evidence which would tend to show that the UAW or UAW V-CAP specifically are controlled by the AFL-CIO or COPE-PCC. The only references to the UAW in the NRWC's complaint which are even remotely relevant to this issue are (1) that the UAW has joined with other international unions and non-labor groups in certain legislative activities (complaint, p. 42), and (2) that the former president of the UAW, Douglas Fraser, made a statement in connection with the reaffiliation of the union with the federation, expressing the UAW's desire to solidify joint efforts on a "range of economic and political initiatives." (complaint, p. 43) When the entire text of Fraser's statement is examined, it is apparent that he was referring to cooperation on legislative matters. (see exhibit 9) Thus, both of these points merely indicate that the UAW sometimes coordinates its legislative efforts with other unions and the AFL-CIO. They do not show that the AFL-CIO or COPE-PCC control the political activities — especially the candidate selection decisions — of the UAW or UAW V-CAP.

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Finally, the NRWC does not allege or offer any evidence which would suggest that the nature of the relationship between the AFL-CIO (and COPE-PCC) and the various member unions (and their SSFs) - including the UAW and UAW V-CAP - is any different than the relationship which existed back in 1976 when Congress enacted the anti-proliferation rules. The facts are that there has not been any significant modification of the relationship between the federation and its member unions, either in general or specifically with regard to their political activities. Then, as now, the AFL-CIO was simply a federation of autonomous and independent unions, which were free to chart their own paths in collective bargaining, political and other matters. This is reflected in the fact that the provisions of the AFL-CIO constitution discussed above, which guarantee the autonomy of member unions, were all contained in the constitution of the federation that was in effect in 1976. (see exhibit 10) And, although the UAW was not part of the AFL-CIO back in 1976, the circumstances surrounding its subsequent reaffiliation clearly demonstrate that the UAW did not give up any of its autonomy when it rejoined the federation. Since Congress specifically determined that the type of relationship which existed between the various international unions and the AFL-CIO at the time the 1976 amendments to the FECA were adopted should not be sufficient to subject these organizations to a single contribution limit, and since there has not been any change in the basic nature of this relationship during the intervening years, the Commission must now conclude that Congress did not intend for the AFL-CIO and COPE-PCC to be considered affiliated with the international unions and their SSFs today.

C. Financing and Maintenance of the UAW and UAW V-CAP

The UAW and UAW V-CAP clearly are not financed or maintained by the AFL-CIO and COPE-PCC. The UAW is financed exclusively by a portion of the initiation fees and dues paid by all UAW members, which is remitted by the various UAW Local Unions to the International Union each month as a per capita tax. See UAW Constitution, Article 16. Similarly, UAW V-CAP is financed exclusively out of voluntary contributions which are received from UAW members and their families. See UAW Constitution, Article 12, section

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20; V-CAP By-laws, Articles II, IV, and VII. The AFL-CIO and COPE-PCC do not provide any financial assistance to the UAW and UAW V-CAP, either in the form of direct transfers of funds or through the payment of ongoing administrative expenses. The AFL-CIO constitution does not contain any provisions which contemplate or provide for the federation to grant such financial assistance to a member union. And the reports filed by COPE-PCC and UAW V-CAP with the Commission confirm that COPE-PCC has not provided any financial assistance to UAW V-CAP.

The NRWC points out in its complaint that there have been certain transfers of funds between UAW V-CAP and COPE-PCC (although the complaint contradicts itself regarding in which direction the funds were transferred - cf. complaint, pps. 47 and 49). The facts are that UAW V-CAP transferred a total of $215,000 to COPE-PCC during the period between September 24, and October 25, 1982. However, the letters accompanying these transfers (see exhibits 11-14) demonstrate that these transactions simply represented the transfer of monies raised pursuant to joint fundraising activities. This is also borne out by the disclaimers contained on the materials utilized by UAW V-CAP to solicit voluntary contributions from UAW members (see exhibits 15 & 16), which clearly state that "monies contributed to UAW V-CAP constitute a voluntary contribution to a joint fundraising effort by the UAW and the AFL-CIO." Section 441a(a)(5)(A) of the FECA and sections 110.3(a)(1)(iii)(E) & (2)(i) of the Commission's regulations make it clear that there are no limits on the transfer of joint fundraising proceeds, and that such transfers shall not be considered evidence of affiliation. In any event, the transfers of funds from UAW V-CAP to COPE-PCC can hardly be cited as evidence that the AFL-CIO and COPE-PCC are financing or maintaining the UAW and UAW V-CAP.

The NRWC also spends a good deal of time trying to show that the AFL-CIO and COPE-PCC have provided a variety of services and materials to the various international unions and their SSFs. The NRWC does not allege or offer any evidence, however, that the UAW or UAW V-CAP received or benefited from any of these services and materials. Even assuming that the UAW or UAW V-CAP were involved, this still would not be sufficient to establish that the AFL-CIO and COPE-PCC maintain their activities, so as to

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warrant a finding of affiliation. Since the AFL-CIO and COPE-PCC engage in joint fundraising activities with the international unions and their SSFs, it is entirely appropriate that the federation provide services and materials to assist them in that joint undertaking. Section 441a(a)(5)(A) of the FECA and sections 110.3(a)(1)(iii)(E) & (2)(i) of the Commission's regulations surely preclude these activities from being considered evidence of affiliation. More importantly, the legislative history of the 1976 amendments to the FECA demonstrates that Congress was fully aware that the AFL-CIO engaged in an extensive program of political activities involving the various international unions and their members, including partisan membership communications, registration and get-out-the-vote drives, and the solicitation of contributions to COPE-PCC. Congress determined not only that the federation had the right to engage in such activities, but more importantly, that the AFL-CIO should still be treated separately from its member unions for purposes of the contribution limitations. Since Congress did not consider the services and materials provided by the federation in 1976 to be sufficient to trigger application of the anti-proliferation rules, there certainly cannot be any basis for reaching a different conclusion today.

Any other result would inevitably create an impossible situation. Since all federations and trade associations by their very nature are created for the purpose of providing certain assistance and services to their members, if this was deemed sufficient to trigger a finding of affiliation under the FECA, then no member of any federation or trade association (whether it be a labor, business or professional organization) would ever be able to retain their independent status. They would always be considered affiliated with the federation or trade association, and therefore subject to a single contribution limit. Section 441a(a)(5) and the Commission's regulations (especially §§ 110.3(a)(1)(ii)(D) & 114.8), as well as the underlying legislative history, make it perfectly clear that Congress intended for federations and trade associations to be able to make contributions separately from their members organizations. The NRWC's attempt to bootstrap the AFL-CIO's providing of services and assistance to its member unions into a finding of affiliation must therefore be rejected.

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The NRWC relies on two previous compliance cases - MUR 769 (78) and MUR 253 (76) to support its position. Those MURs are clearly distinguishable, however. Many of the factors which led the Commission to conclude that the organizations and political committees involved in those MURs were in fact affiliated are simply not present here. In MUR 769 (78), the Commission had considerable evidence indicating that the political committees had a common founder. See MUR 769 (78), General Counsel's Report, p. 6 (January 19, 1979). Similarly, in MUR 253 (76), the Commission had abundant evidence indicating that the AMA had encouraged and assisted the various state medical societies in establishing their political committees, and that their candidate selection decisions were not made independently. See MUR 253 (76), General Counsel's Report (August, 1979) Nothing could be more different from the situation involved in the present case. The AFL-CIO and COPE-PCC were not involved at all in the establishment of the UAW or UAW V-CAP. And the AFL-CIO and COPE-PCC clearly do not direct or control the actions of the UAW and UAW V-CAP, including their candidate selection decisions. Thus, there is certainly no basis for finding that COPE-PCC and UAW V-CAP are affiliated in the present case.

IV.

There Are No Constitutional Difficulties

The NRWC argues that if the SSFs established by the AFL-CIO and its member unions are not considered to be affiliated, then the FECA and the Commission's regulations violate the First and Fifth Amendments because they allegedly place more onerous restrictions on corporations and trade associations than they do on labor organizations. The NRWC specifically points to the more stringent restrictions which are placed on the solicitation rights of trade associations and federations of trade associations, and the fact that all of the SSFs established by a federation of trade association must be treated as affiliated with the SSFs established by its constituent trade associations. (complaint, pps. 53-55)

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The simple answer to this argument is that the Commission has no jurisdiction to render decisions concerning the constitutionality of the FECA. It is only charged with interpreting and applying the statute as written.

In any event, there is no need for the Commission to abandon its well established position concerning the application of section 441a(a)(5) to labor organizations in order to avoid constitutional difficulties. The statutory provisions and regulations challenged by the NRWC can easily survive constitutional scrutiny.

It is important to note, at the outset, that the differences in the treatment of labor and business entities are not so great as the NRWC tries to suggest. The statute and regulations both restrict corporations and labor unions to soliciting contributions from their natural "constituencies" - that is, corporations can solicit their stockholders, executive and adminsitrative personnel, and labor unions can solicit their members. Furthermore, the statute and regulations require that all of the SSFs established by an international union and its locals, or by a corporation and its subsidiaries, be considered affiliated; that all of the SSFs established by a federation of international unions or a trade association (such as the Chamber of Commerce) be considered affiliated; and that the SSFs established by individual unions or corporations <u>not</u> be considered affiliated with the SSFs established by a union federation or trade association. Thus, business and labor entities are basically treated in a similar, even-handed manner.

The fact that the SSFs established by a federation of trade associations must be considered affiliated with the SSFs established by its constituent trade associations does not really represent any disparate treatment of business groups. This is analogous to the treatment which would be accorded to labor unions if the AFL-CIO were to form a "super-federation" with other federations of international unions. In that event, all of the SSFs established by the "super-federation" would be considered affiliated with the SSFs established by the AFL-CIO and the other labor federations.

Although the AFL-CIO does enjoy broader solicitation rights than a trade association, the Commission has previously considered and approved this distinction. In <u>MUR 354 (76)</u>, the Commission specifically found that, based on the Supreme Court's decision in <u>U.S. v. CIO</u>, 335 U.S. 106 (1948) and certain legislative history surrounding the 1976 amendments to the FECA, the members of the various international unions should also be considered members of the AFL-CIO, thereby giving the federation the right to solicit them for contributions. The Commission then went on to specifically

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reject the argument that this unfairly accorded the AFL-CIO greater solicitation rights than trade associations:

> In this regard, complainant attacks the differential treatment of the AFL-CIO and trade associations. Historically, of course, Congress, in legislating in this area, has sought to treat unions and corporations in the same manner, and only in the 1976 amendments did it enact statutorily a right for trade associations to establish separate segregated funds, and thus placed upon them the specific restriction of soliciting members of their members only if permission was granted by the corporate members. That statutory background for classifying trade associations differently from union (or corporate) groups was also, as noted by the Commission in its justification for its regulations, reflected by the absence of legislative history suggesting that Congress intended trade associations to be able to solicit members of their members The Commission accordingly concluded, in light of the anti-proliferation provisions of the statute (2 U.S.C. § 441a(a)(5)) that it could not permit trade associations to solicit from the members of their members.

More importantly, the courts have consistently upheld the constitutionality of the provisions of the FECA that restrict the solicitation rights of various organizations, rejecting arguments that these provisions unfairly burden a particular group and therefore violate the First and Fifth Amendment. Bread Political Action Committee v. Federal Election Commission, 635 F.2d 621 (7th Cir. 1980), reversed on other grounds 455 U.S. 577 (1982); California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981); Federal Election Commission v. National Right to Work Committee, ____ U.S. ____, 74 L Ed.2d 364 (1982); International Association of Machinists v. Federal Election Commission, 678 F.2d 1092 (D.C. Cir. 1982), affirmed ____ U.S. ____ 74 L Ed.2d 379 (1982).

In Bread Political Action Committee v. Federal Election Commission, supra at 630-31, the Seventh Circuit specifically rejected a trade association's Fifth Amendment challenge to the provisions of the FECA placing more stringent restrictions on its solicitation rights, stating:

> Furthermore, the somewhat dissimilar treatment of corporations, labor organizations, membership organizations and trade associations under Section 441b(b)(4) follows from the rather obvious facts that each of the different groups has a different structure and a different kind of constituency and that each requires somewhat different regulation to curb abuses the Act was intended to halt. Regulatory distinctions and exceptions tailored to serve a substantial governmental interest, as here, do not violate the Fifth Amendment's equal protection provision. See Police Dept. of Chicago v. Mosley, 408 U.S. 92, 98, 99, 92 S.Ct. 2286, 2291, 33 L.Ed.2d 212. It is important to keep in mind that the restrictions in issue here apply only where a trade association employs corporate funds to undertake its solicitations. The same individuals who organize these political committees are free to establish a political committee

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> independent of, rather than merely segregated from, the corporate treasury and corporate funds and thereby be free to solicit "the world." The reason Congress chose to allow trade associations to solicit the stockholders and executive or administrative employees (and their families) of member corporations (with their approval) is undoubtedly because the member corporations themselves cannot make political contributions per se to the trade association's political committee. 2 U.S.C. § 441b(a). At the same time, the restrictions placed on this potential pool of solicitees serves, as we have said earlier, to prevent the exception from swallowing the whole.
>
> Finally, the relationship that obtains between a trade association and the employees of its member corporations differs significantly from that existing between union members and their unions. Individuals join with other individuals in common cause as members of their union, and the union thus becomes their representative organization. A trade association is also a representative, membership organization, but it exists to promote the interests of its corporate and individual members, not the interests of the employees of its corporate members. Because the corporate employees are neither employed by nor represented by the trade associations, any equal protection comparison between the activities available to trade associations with respect to the employees of their corporate members with those available to labor organizations with respect to their membership or the employers of their membership runs afoul of plaintiff's failure to demonstrate how trade associations and labor organizations are "similarly situated" parties. Accordingly, we conclude that Section 441b(b)(4)(D) does not deprive plaintiffs of liberty without due process in violation of the Fifth Amendment.

Similarly, in International Association of Machinists v. Federal Election Commission, supra, the Supreme Court summarily affirmed a decision by the D.C. Circuit which rejected a labor union's attempt to challenge the rules governing solicitation by corporations and labor organizations on the grounds that they unfairly favor corporations in violation of the First and Fifth Amendments. The D.C. Circuit had concluded that "differences in organizational structure allow Congress to shape the election laws to reflect those differences . . ."

In California Medical Association. v. Federal Election Commission, supra at 201, the Supreme Court also rejected an unincorporated association's Fifth Amendment challenge to the provisions of the FECA, stating:

> The differing restrictions placed on individuals and unincorporated associations, on the one hand, and on unions and corporations, on the other, reflect a judgment by Congress that these entities have differing structures and purposes, and that they may therefore require different forms of regulation in order to protect the integrity of the electoral process.

And in Federal Electon Commission v. National Right to Work Committee, supra at 377, the Supreme Court relied on this same reasoning to uphold the constitutionality

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of restrictions on the ability of the NRWC, a corporation without capital stock, to solicit contributions from certain individuals.

Finally, contrary to the impression which the NRWC tries to convey, the Commission's longstanding interpretation of the rules regarding solicitation rights and affiliation of different entities does not threaten to create an imbalance in the electoral process in favor of labor organizations. If anything, the balance between business and labor interests has been shifting increasingly the other way. The reports on file with the Commission reflect the dramatic proliferation of corporate and trade association SSFs in recent years, and the fact that these SSFs now greatly outspend union SSFs in election campaigns. This was also extensively documented in International Association of Machinists v. Federal Election Commission, supra at 1103-04. The complaint which has been filed by the NRWC in the present case actually represents an attempt by business and right wing forces to further exacerbate this imbalance, by restricting the entire labor movement to a single contribution limitation. This crude effort, however, cannot be reconciled with the Congressional objective of preserving a balance between business and labor in the electoral process, or with the due process and equal protection guarantees of the Fifth Amendment.

V

The Commission May Dismiss The NRWC's Complaint, Without Conducting Any Further Investigation

The NRWC asserts that merely because it has filed a complaint, the Commission is now obligated under the FECA to conduct a plenary investigation into this matter, including the use of audits, depositions, and other discovery tools. (complaint, p. 58) This is simply not the case.

The statute requires the Commission to conduct an investigation into an alleged violation only after four of its members have voted to find "reason to believe" that a person has committed or is about to commit a violation of the FECA. See 2 U.S.C. § 437g(a)(2). In addition, the statute provides that before the Commission conducts any vote on a complaint, the respondent must be given the opportunity to demonstrate in writing that no action should be taken against him or her. See 2 U.S.C. § 437g(a)(1). Thus, the statute plainly anticipates that the Commission may decline to conduct an

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investigation and dismiss a complaint outright, whenever respondents are able to demonstrate that no action should be taken against them prior to a "reason to believe" finding by the Commission.

This interpretation of the enforcement procedures under the FECA was confirmed by the court in In re Federal Election Campaign Act Litigation, supra at 50655, 50663. In that case, Judge Richey specifically upheld the FEC's dismissal of the last NRWC complaint challenging the "affiliated" status of the AFL-CIO and its contituent unions, stating:

> A review of both those complaints and the other information available to the Commission indicates that the FEC acted well within its discretion in declining to investigate the allegations of wrongdoing.
>
> * * *
>
> Mr. Walther offers not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO. In light of the inadequacy of Mr. Walther's complaints, the Commission's decision not to investigate was certainly neither arbitrary nor capricious. (emphasis supplied)

UAW V-CAP has demonstrated that, in light of the legislative history surrounding section 441a(a)(5), the UAW and UAW V-CAP cannot be considered affiliated with the AFL-CIO and COPE-PCC. In addition, the NRWC has once again failed to present any evidence which would tend to show that these entities are actually affiliated. The evidence submitted by the UAW V-CAP, on the other hand, clearly shows the autonomous and independent character of the UAW and UAW V-CAP. Accordingly, the Commission would certainly be acting within its discretion if it dismissed the NRWC's complaint, without conducting any further investigation.

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Conclusion

For the foregoing reasons, respondent UAW V-CAP submits that the Commission should find no reason to believe that any violation of the FECA has occurred, and therefore dismiss the NRWC's complaint forthwith.

Respectfully submitted,

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President
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CONSTITUTION

of the

INTERNATIONAL UNION

United Automobile, Aerospace and Agricultural Implement Workers of America,

UAW®

Adopted at

Dallas, Texas

May, 1983

PRINTED IN U.S.A.

EXHIBIT 1

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Constitution of the International Union UNITED AUTOMOBILE, AERO AND AGRICULTURAL IMPLEMENT W OF AMERICA UAW

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PREAMBLE

We hold these truths to be self-evi the ideals and hopes of the worker the jurisdiction of this INTERNATIO AUTOMOBILE, AEROSPACE AND AGRICU WORKERS OF AMERICA (UAW): "that a equal, that they are endowed by their tain inalienable rights, that among th ty and the pursuit of happiness. Th rights, governments are instituted ing their just powers from the co erned." Within the orderly pr government lies the hope of the w society toward the ultimate goal nomic justice.

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Constitution of the International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA UAW

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Note: Amendments by the 1983 Convention appear in bold type. Where a portion of a section has been deleted, the entire section, as amended, appears in bold type. The 1983 Convention provided that where the sense of one article is changed, all related articles are automatically changed to carry out the intent of the change.

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PREAMBLE

We hold these truths to be self-evident; expressive of the ideals and hopes of the workers who come under the jurisdiction of this INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW): "that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Within the orderly processes of such government lies the hope of the worker in advancing society toward the ultimate goal of social and economic justice.

The precepts of democracy require that workers through their union participate meaningfully in making decisions affecting their welfare and that of the communities in which they live.

Managerial decisions have far reaching impact upon the quality of life enjoyed by the workers, the family, the community. Management must recognize that it has basic responsibilities to advance the welfare of the workers and the whole society and not alone to the stockholders. It is essential, therefore, that the concerns of workers and of society be taken into account when basic managerial decisions are made.

The structure of work established by management is designed to make of the workers an adjunct to the tool rather than its master. This, coupled with the authoritarian climate of the workplace, robs the worker of her/his dignity as an adult human being. This belies the democratic heritage we cherish as citizens in a society rooted in democratic values.

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Essential to the UAW's purpose is to afford the opportunity for workers to master their work environment; to achieve not only improvement in their economic status but, of equal importance, to gain from their labors a greater measure of dignity, of self-fulfillment and self-worth.

Workers must also participate meaningfully in political and legislative action because government impacts importantly on their lives and on their communities. If government is to be the means by which people achieve a humanitarian and equitable society, it must be a responsible and accountable government.

Therefore, the UAW has the duty and responsibility to promote real and meaningful participatory democracy through its members and their families, so that free people and their institutions may be heard in the councils of government and so that officeholders are guided by principle alone.

To achieve these wholesome objectives:

- Management must accept union organization and collective bargaining as an essential and constructive force in our democratic society;
- The workers must be provided a meaningful voice in maintaining a safe and healthful workplace with decent working conditions, and must enjoy secured rights, together with a satisfactory standard of living and maximum job security;
- The workers must have a voice in their own destiny and the right to participate in making decisions that affect their lives before such decisions are made;
- The UAW must play an active role at all levels of government to protect the lives and rights of its members and their families. We must work constantly on the political and legislative problems facing the whole society;
- Union members must take seriously their responsibilities as citizens and work, through their union and individually, to realize the goals of participatory democracy and responsible and accountable government.

ARTICLE 1
Name

This Organization shall be known as the "International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)," hereinafter referred to as the International Union. This document shall be officially known as the Constitution and Bylaws of said International Union, and it shall also be the Constitution of every affiliated subordinate body.

ARTICLE 2
Objects

Section 1. To improve working conditions, create a uniform system of shorter hours and higher wages; to maintain and protect the interests of workers under the jurisdiction of this International Union.

Section 2. To unite in one organization, regardless of religion, race, creed, color, sex, political affiliation or nationality, all employes under the jurisdiction of the International Union.

Section 3. To improve the sanitary and working conditions of employment within the factory and in the accomplishment of these necessary reforms, we pledge ourselves to utilize the conference room and joint agreements; or if these fail to establish justice for the workers under the jurisdiction of this International Union, to advocate and support strike action.

Section 4. To educate our membership in the history of the Labor Movement and to develop and maintain an intelligent and dignified membership; to vote and work for the election of candidates and the passage of improved legislation in the interest of all labor. To enforce existing laws; to work for the repeal of those which are unjust to Labor; to work for legislation on a national scale, having as its object the establishment of real social and unemployment insurance, the expense of which to be borne by the employer and the Government.

Section 5. To engage in legislative, political, educational, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of this organization in the improvement of general economic and social conditions in the United States of America, Canada, and generally in the nations of the world.

Section 6. (a) To work as an autonomous International Union affiliated with the Canadian Labour Congress (CLC), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) together with other International Unions, for solidification of the entire Labor Movement; provided, however, that the International Executive Board may at any time alter the Union's relationship to such bodies in any way it deems appropriate. To provide assistance, financial and otherwise, to labor and other organizations in the United States, Canada and other parts of the world having purposes and objectives similar or related to those sought by this organization.

(b) The International Executive Board is authorized to take whatever action is required to enable the UAW to mobilize, assist and work with other organizations, alone or in combination, toward the objective of meeting the urgent problems which confront society and the Labor Movement in this 20th Century period of rapid and accelerating technological and social change.

ARTICLE 3
Constitution

This Constitution as amended at the Dallas, Texas Convention convened on May 15, 1983 and as may hereafter be amended, shall be the supreme law of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), and can be amended only by a majority vote of the delegates at succeeding regular Constitutional or Special Conventions.

ARTICLE 4
International Union Headquarters

The headquarters of the International Union shall be Solidarity House, 8000 East Jefferson Avenue, in the City of Detroit, State of Michigan 48214.

ARTICLE 5
Jurisdiction

The International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), shall take in and hold jurisdiction over all employes of plants and shops engaged in the manufacture of parts (including tools, dies, etc.), and the assembly of these parts into farm, automobile, automotive propelled products, aerospace and agricultural implements, including employes engaged in office work, sales, distribution and maintenance thereof and such other branches of industry as the International Executive Board shall decide. The jurisdiction of this International Union shall be full and final.

ARTICLE 6
Membership

Section 1. The International Union shall be composed of workers eligible for membership in the International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW).

Section 2. (a) Any person eligible to become a member of the International Union who is not affiliated with any organization whose principles and philosophy are contrary to those of this International Union as outlined in the Preamble of this Constitution, may apply for membership to the Local Union having jurisdiction over the plant in which s/he is employed. The applicant must, at the time of application, be an actual worker in and around the plant. All applicants for membership in any Local Union of the International Union shall fill out an official application provided by the International Union, answering all questions contained in such application, and sign a promise to abide by all laws, rules and regulations and the Constitution of the International Union. All applications thus received shall be referred to the Local Union for consideration and shall be acted upon as soon as possible, but not later than sixty (60) days from the date the application is received by the Financial Secretary of the Local Union.

(b) Notwithstanding any other provisions in this Constitution, applicants working for unorganized employers or in those units not yet under the jurisdiction of a UAW Local Union may become members of the International Union directly by signing an application for membership in a form approved by the International Executive Board and by the payment of the sum of one dollar ($1.00) (or such other amount determined by the International Executive Board), toward initiation fees and dues. Once a Local Union is chartered in, or awarded jurisdiction over the unit in which such member is working, s/he shall automatically become a member of that Local Union.

Section 3. Notwithstanding any other provisions of this Constitution, whenever an International Officer or International Representative is a member of a Local Union which is disbanded or goes out of existence, or whose charter is revoked, said Officer or International Representative may apply for membership in another Local Union in the same region. If accepted as a member by membership action of such Local Union, the International Officer or International Representative shall be considered to have remained in continuous good standing in the International Union during the period between the cessation of the existence of her/his original Local Union and her/his acceptance by the membership of the new Local Union.

Section 4. Upon acceptance of the application, membership shall date from the first day of the month for which dues are paid.

Section 5. Applications for membership rejected by the Local Union shall not be reconsidered until thirty (30) days have elapsed.

Section 6. Unless waived by the Local Union, or unit of an Amalgamated Local, any candidate failing to present her/himself for initiation within four (4) weeks after notification of her/his being accepted to membership without good and sufficient reason being given, shall forfeit all money paid by her/him.

Section 7. The original application signed by each member shall be retained by the Local Union for its record and official receipt shall be given to each new member for all monies paid. All receipts shall be made out in duplicate, the original to be given to the member, the duplicate to be retained by the Local Union and made available to the International Union upon request. These duplicate receipts may be destroyed after a Local Union audit upon written approval of the International Secretary-Treasurer.

Section 8. No new member will be recorded at the International Office nor will initiation fee or per capita tax be accepted for new members until a monthly report is received from the Financial Secretary of the Local Union.

Section 9. Any Local Union or International Union Trial Committee expelling any member for cause shall notify the International Secretary-Treasurer and the latter shall notify all Local Unions of this fact forthwith. A person who has been suspended or expelled by any Local Union or International Union Trial Committee shall not be eligible for membership in any other Local Union until all claims or charges against such person have been satisfactorily settled with the Local Union or International Union Trial Committee suspending or expelling and written notice to this effect furnished the Local Union to which such person seeks admission.

Section 10. No member shall be allowed to hold membership in more than one (1) Local Union of the International Union at the same time, except by permission of the International Executive Board. No member of the Union who is fully employed in one (1) plant under the jurisdiction of the UAW shall accept work in any other plant under the jurisdiction of the UAW. Any member violating this Section may be subjected to charges of conduct unbecoming a union member.

The above shall not apply in the case of members of a Local Union or unit of an Amalgamated Local Union who are conducting an authorized strike and have received written approval from the Local Union officers to obtain employment elsewhere.

Section 11. No application shall be accepted from the one designated as the head of a department, directing company policy or having the authority to hire and discharge workers. Members of the Union who are promoted to such positions shall be issued a withdrawal card immediately by the Local Union, in conformity with Article 17 of this Constitution. Members promoted to minor positions where they work with their fellow

workers and do not have the power of discipline by hiring or discharging employes may retain their membership in the Local Union at the discretion of the Local Union.

Section 12. The names of all applicants for admission about whose applications there is the least doubt may be published in the "official publication." No applicants whose names have been published shall be received into membership until thirty (30) days after the date of such publication.

Section 13. Any member in good standing who shall have become totally incapacitated by accident or illness may, at the discretion of her/his Local Union, be granted a gratuitous membership, continuing during incapacity. Appropriate cards denoting such membership shall be prepared by the International Union and furnished to Local Unions upon request and at cost.

Section 14. All members of the Local Union are also members of this International Union and subject to the orders, rulings and decisions of this International Union and the properly constituted authorities of the same.

Section 15. The International Union and the Local Union to which the member belongs shall be her/his exclusive representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, and for the negotiation and execution of contracts with employers covering all such matters, including contracts requiring membership or the continuance of membership in the Union as a condition of employment or continued employment, and contracts requiring the employer to deduct, collect, or assist in collecting from her/his wages any dues, initiation fees, reinstatement fees or fines, payable to the International Union or her/his Local Union.

Section 16. The International Union and the Local Union to which the member belongs, and each of them, are by her/him irrevocably designated, authorized and empowered exclusively to appear and act for the member and in her/his behalf before any board, court, committee or other tribunal in any matter affecting her/his status as an employe or as a member of her/his Local Union or the International Union, and exclusively to act as the member's agent to represent and bind her/him in the presentation, prosecution, adjustment and settlement of all grievances, complaints or disputes of any kind or character arising out of the employer-employe relationship, as fully and to all intents and purposes as s/he might or could do if personally present.

Section 17. A member may resign or terminate membership only if s/he is in good standing, is not in arrears or delinquent in the payment of any dues or other financial obligation to the International Union or to her/his Local Union and there are no charges filed and pending against her/him. Such resignation or termination shall be effective only if by written communication, signed by the member and sent by registered or certified mail, return receipt requested, to the Financial Secretary of the Local Union within the ten (10) day period prior to the end of the fiscal year of the Local Union as fixed by this Constitution, whereupon it shall become effective sixty (60) days after the end of such fiscal year; provided, that if the employer of such member has been authorized either by such

member individually or by the Collective Bargaining Agreement between the employer and the Union to check off the membership dues of such member, then such resignation shall become effective upon the effective termination of such authorization, or upon the expiration of such sixty (60) day period, whichever is later.

Section 18. A member who resigns or terminates her/his membership shall have no right or interest in any property of the Local Union or of the International Union, including any dues or other financial obligations paid by the member in advance of the effective date of such resignation or termination.

Section 19. Any member in good standing who is retired, shall be entitled to a "retired membership status" which, without being required to pay membership dues during the period of such retirement, shall entitle her/him to all of the privileges of membership except the right to vote in elections conducted pursuant to Article 19, Section 3; Article 45, Section 2; and Article 50, Sections 1 and 5. Appropriate cards denoting such membership status shall be prepared by the International Union and furnished to Local Unions upon request and at cost. The regular withdrawal-transfer provisions of this Constitution shall be applicable if such retired member returns to active employment.

Section 20. Non-members covered by an agency shop clause in a UAW contract shall receive all the material benefits to which members are entitled but shall not be allowed other membership participation in the affairs of the Union.

Membership in the Union shall be at all times available to such non-members on the same terms and conditions applicable to other members.

ARTICLE 7

Powers of Administration

Section 1. The International Union shall be governed by its membership in the following manner:

(a) The highest tribunal shall be the International Convention composed of delegates democratically elected by the membership of Local Unions.

(b) Between Conventions the highest authority shall be the International Executive Board. The Board shall hold regular quarterly meetings and such special meetings as are required.

(c) Between meetings of the International Executive Board the administrative authority of the International Union shall be vested in the International President. The International President shall be responsible to the International Executive Board for the administration of the Union between International Executive Board meetings, according to the Constitution, the actions of the International Convention and the decisions of the International Executive Board. On all matters of major importance s/he shall consult the other International Executive Officers. S/He shall report her/his actions to the International Executive Board for its approval or rejection.

(d) In the case of the incapacity of the International President, her/his powers and duties shall be assumed by an officer of the Interna-

tional Union who shall be selected by the International Executive Board.

Section 2. To achieve the objectives and purposes of this organization as set forth in this Constitution, the funds of this organization are authorized to be managed, invested, expended or used under this Article and Constitution not only for the purposes and objectives expressly set forth in Article 2 and otherwise in this Constitution, but also for any additional purposes and objectives not inconsistent therewith as may be contained at any time in the resolutions and programs adopted and/or ratified by any International Convention or which the International Executive Board believes will further the general interest and welfare of the membership of this organization or any substantial part thereof.

ARTICLE 8
Conventions

Section 1. The 28th Regular Constitutional Convention shall be held during the month of May, 1986, provided that the date of holding such Convention may be advanced or delayed two (2) months upon a resolution to that effect adopted by the International Executive Board.

Section 2. The business of the International Convention shall proceed in the following order unless otherwise ordered by the Convention:

(1) Call to Order.
(2) Report on Credentials.
(3) Reading of Convention Rules.
(4) Appointing Committees.
(5) Communications and Bills.
(6) Resolutions, etc.
(7) Reports of Committees.
(8) Report of Officers and International Executive Board.
(9) Nomination and Election of Officers and International Trustee.
(10) Unfinished Business.
(11) New Business.
(12) Adjournment.

Section 3. Twenty-five per cent (25%) of all of the delegates seated at any International Convention shall constitute a quorum. No business shall come before or be considered by the Convention at any session unless a quorum is present. In the event the Chairperson of the Convention is unable to obtain a quorum on the last day of the Convention, all unfinished business of the Convention shall be referred to the International Executive Board.

Section 4. Special Conventions of the International Union shall be called by the International President: (1) When so instructed by a two-thirds (⅔) vote of the International Executive Board or in the event of the failure of the International President to do so, by such other Board Members as the Board may designate; (2) by a referendum vote of the membership initiated upon the written request of at least fifteen (15) Local Unions from five (5) different states or provinces having an aggregate membership of not less than twenty per cent (20%) of the total membership as reported to the preceding Convention. The Local Unions demanding a Special Convention must state the reason or reasons why such Convention is desired, the place and date for the Convention and the dates for mailing out

and returning the ballots. It shall be the duty of the International President, or the person designated by the International Executive Board, to send out the Call, to state such reason or reasons and the place and dates involved in transmitting the proposal to Local Unions for a referendum vote. The reasons for and against such Convention shall be published and forwarded to all Local Unions. Such Convention shall not have authority to consider any matter other than that which is specifically stated in the Call to the Convention. It shall be mandatory that all Local Unions hold a secret vote on the question of calling a Special Convention. All Local Unions shall vote their decision on the question involved, through Local Union procedure, by secret ballot. Local Union election boards shall tabulate the ballots and send the Local Union's vote to the International Secretary-Treasurer, who, within thirty (30) days after the setting of a deadline of a return date, shall publish the "yes" and "no" vote of each Local Union in the "official publication." If a majority of all the members voting in all Local Unions is in favor of a Special Convention, a Special Convention shall be mandatory. When the International Executive Board has directed the calling of a Special Convention pursuant to the provisions of (1) the first sentence of this Section, the delegates from each Local Union who had been elected to the preceding regular Constitutional Convention shall serve as delegates to the Special Convention. Each Local Union shall carry the same total vote as it carried at such previous regular Constitutional Convention. If the purpose, or one of the purposes, of a Special Convention is collective bargaining policies, the President (and Shop Committee Chairperson, if it is a different individual), if not delegates under this provision may, by Local Union membership action, be made special delegates at such Special Convention with the right to be present on the Convention floor with voice but without any vote. Under the same circumstances in units of Amalgamated Local Unions, with membership in excess of one thousand (1,000), the Unit Chairperson may, by unit membership action, be made such a special delegate. If there are vacancies in the voting delegation, they shall be filled in the following manner:

(a) By alternates where the same were elected to the preceding regular Constitutional Convention;

(b) If the number of delegates is insufficient after applying (a), by reapportioning the votes of the Local Union among the remaining delegates to the extent permitted by Section 7 of this Article;

(c) If the number of delegates is insufficient after applying (a) and (b), and the purpose or one of the purposes of the Special Convention is collective bargaining policies, by including any special delegates which the Local Union or unit membership may have provided for in accordance with this paragraph, with the President of the Local Union to precede the Shop Committee Chairperson;

(d) If the number of delegates is insufficient after applying (a), (b) and (c), by electing additional delegates, these additional delegates to be nominated and elected by secret ballot at successive membership meetings; the required notices for such nomination and election being those set forth in Sections 22, 23 and 24 of this Article.

This foregoing procedure shall be disregarded in the event of any Special Convention directed to be called by referendum vote pursuant to (2) of the first sentence of this Section, in which event the vote of each Local Union and the election of delegates from each Local Union shall be the same as provided for in this Article for regular Constitutional Conventions except that in applying Section 9 of this Article to determine the average monthly per capita taxes paid by a Local Union, a twenty-four (24) month period concluding with the fourth (4th) month prior to the month in which the Special Convention is to convene shall be used.

Section 5. Each Local Union shall have one (1) delegate for two hundred (200) members or less and one (1) additional delegate for the next three hundred (300) members or major fraction thereof, and one (1) additional delegate for each additional eight hundred (800) members or major fraction thereof, except Amalgamated Local Unions which elect as many delegates as they have manufacturing units who average two hundred (200) dues-paying members or more, and that those manufacturing units who have two hundred (200) members or more may elect their own delegates to the Convention and those with less than two hundred (200) shall be grouped together and vote as a miscellaneous group. In the event the miscellaneous group within an Amalgamated Local Union has less than two hundred (200), the International Secretary-Treasurer shall allocate such membership to some other unit of the Local Union in such a manner as will result in the maximum number of delegates.

Section 6. Each manufacturing unit of an Amalgamated Local Union shall be allotted its share of the number of delegates in proportion to the amount of per capita tax paid by the manufacturing unit through the Amalgamated Local Union. Any fractions remaining from the manufacturing units following such allocations shall be allotted to the Local Union's Joint Council, where such body exists. Delegates representing the total of all fractions shall be elected on the basis of one (1) for each eight hundred (800) or major fraction thereof. Any member of the Local Union who has qualified may be nominated and elected by the Joint Council, provided s/he has not accepted nomination in her/his manufacturing unit. In order to be eligible for nomination as a delegate representing a manufacturing unit of an Amalgamated Local Union, s/he must be a member of such manufacturing unit.

Section 7. Each Local Union shall have one (1) vote for the first one hundred (100) members or less and one (1) additional vote for each additional one hundred (100) members or major fraction thereof, but no delegate shall have more than eight (8) votes. The votes shall be equally apportioned among the elected delegates of each Local Union, except that an Amalgamated Local Union may apportion its votes in such manner as the Local Union decides with no delegate having more than eight (8) votes. The total number of votes of the units of an Amalgamated Local Union shall not exceed the total votes which the Local Union is entitled to under Section 9 of this Article of the Constitution.

Section 8. Local Unions may elect alternate delegates if they so desire. The number of alternates may be less but not more than the number of regular delegates. Local Unions shall determine the manner and

order in which an alternate will replace a regular delegate and shall so advise the Credentials Committee. Regular delegates may be replaced only if recalled by their Local Union in the manner they were elected or if unable to serve.

Section 9. The number of members in each Local Union, for the purpose of this Article, shall be determined by the average number of monthly per capita taxes paid by the Local Union to the International Union for the period from and including the fourth month preceding that in which the last triennial Convention was held to not less than four (4) months nor more than five (5) months prior to the next Convention for which representation is to be determined. Per capita from Local Unions shall be accepted in the regular manner.

Local Unions or units of Amalgamated Local Unions which have engaged in authorized strikes or in lockouts shall have their representation to the International Convention determined by having subtracted from the base period the months of such authorized strikes or lockouts in which the membership of the Local Union or unit of an Amalgamated Local Union did not work in the plant forty (40) or more hours.

Section 10. Not less than sixty (60) days previous to the convening of the Regular Convention, the International Secretary-Treasurer shall issue the Call to the Convention and shall furnish all Local Unions with credentials and alternate credential forms in contrasting colors, in duplicate, which must be attested as required on the forms. The original of each credential and alternate credential shall be retained by the delegate or alternate delegate and the duplicate copies shall be forwarded to the International Secretary-Treasurer. No credentials shall be accepted later than twenty-one (21) days prior to the date for the convening of the Convention. In convening Special Conventions, not less than thirty (30) days shall be required to issue the Call.

Section 11. No member is eligible to serve as a delegate from her/his Local Union unless s/he has been in continuous good standing in this International Union for twelve (12) months immediately preceding the first day of the month in which the Convention is held and shall also have been a member of the Local Union electing her/him for three (3) months immediately preceding the first day of the month in which the Convention is held. For the purpose of this Section of the Constitution, members must pay their dues or secure out-of-work receipts in accordance with the provisions of this Constitution.

Section 12. Local Unions, in order to be entitled to representation at the Convention shall have been affiliated with the International Union for at least three (3) months prior to the holding of the Convention. New Local Unions shall have paid at least two (2) months' full per capita tax prior to the month in which the Convention is to be held. If such newly chartered Local Union has been in existence since the preceding Convention, it shall be entitled to its full quota of delegates based upon the average number of months per capita tax paid to the International Union during the period of time since the preceding Convention. With respect to newly chartered Local Unions who received their charter subsequent to the last Convention, representation shall likewise be based upon the per capita

tax paid to the International Union, averaged over the period of time from the preceding Convention. In the case of an Amalgamated Local Union where a shop has been organized for over a year and secures a separate charter, it shall not be considered a new Local Union. Members representing Local Unions or shop organizations within Amalgamated Local Unions which have not been in existence for twelve (12) months prior to the Convention, shall be exempt from the provisions of Section 11 of this Article, provided they become members of their Local Union or shop organization not later than thirty (30) days after the issuance of or acceptance under the charter thereof.

Section 13. Each member of the International Retired Workers Advisory Council shall automatically be a delegate to the UAW Constitutional Convention with voice and one (1) vote, as provided in Article 55, Section 4(f) of this Constitution.

Section 14. International Officers and International Representatives of the International Union shall have a voice but no vote in the Convention of the International Union unless they are duly accredited delegates from Local Unions. Any member who is eligible may be elected to office whether or not s/he is a delegate to the International Convention.

Section 15. Copies of all resolutions and constitutional amendments to be considered by the Convention must be sent to the International Secretary-Treasurer not later than three (3) weeks prior to the date set for the Convention. These will then be sorted and distributed by the International Secretary-Treasurer among the chairpersons of the various and proper committees. Protests of delegate elections must be received by the International Secretary-Treasurer by whichever of the following dates occurs first: (1) Not more than seven (7) days after the Local Union delegate election or (2) not less than ten (10) days prior to the convening of the Convention. These protests shall be referred to the Credentials Committee and the Credentials Committee may waive failure to comply with the foregoing time limitation where the interests of justice would require.

Section 16. The International Executive Board shall select from the credentials of the delegates presented, a Constitution Committee, which shall assemble at least two (2) weeks prior to the meeting of the Convention at the place designated. It shall be the duty of said Committee to take up all recommendations concerning changes or additions to the Constitution submitted by the International Officers, International Executive Board and Local Unions to act thereon. This Committee shall have authority to originate amendments to the Constitution.

Section 17. (a) The International Executive Board shall select from the credentials of delegates a Credentials Committee, which shall assemble at least ten (10) days prior to the meeting of the Convention. The Committee shall examine all credentials received at the International Office and investigate the standing of the delegates and the Local Unions they represent; they shall receive the original credentials of the delegates elected to attend the Convention, and be in a position to report at the opening of the Convention.

(b) If the Credentials Committee should decide that an election in any Local Union has been improperly conducted and that delegates elected in such election

should not be seated, the Credentials Committee may, jointly with the International President when s/he is satisfied that the necessary Constitutional interpretations have been reasonably applied, order the delegate election to be rerun in such Local Union prior to the opening of the Convention. This rerun of the initial election shall be supervised by a Sub-Committee of the Credentials Committee. All notices and other time limitations provided for in this Constitution shall be automatically waived for any such rerun election provided that every effort shall be made to give the maximum notices permitted by the circumstances.

(c) If the Convention approves the Credentials Committee's report and recommendation on the initial election, the delegates elected in the rerun shall be seated if confirmed by the Credentials Committee and Convention. If the Convention should reverse the Credentials Committee and approve the initial election, the delegates elected in such initial election shall be seated and the International Union shall reimburse the Local Union for the cost of rerunning the election.

(d) If, prior to the holding of an election of delegates, a clear violation of the International Constitution or the Local Union's Bylaws occurs in the pre-election procedures, the International President shall have the authority to order a correction of the violation prior to the holding of the election. Such action by the International President is subject to appeal to the Credentials Committee.

Section 18. The International Executive Board shall select from the credentials of delegates to each International Convention a Resolutions Committee of not less than seven (7) members, which shall assemble at least ten (10) days prior to the convening of the Convention. It shall be the duty of said Committee to consider such resolutions as may be properly referred to it under this Constitution. This Committee shall have authority to originate resolutions to be presented at the Convention.

Section 19. The International Executive Board shall select from the credentials of delegates to each International Convention, the several other committees necessary to successfully promote and execute the efficient operation of the Convention. Such committees shall convene not later than two (2) days prior to the opening of the Convention.

Section 20. All Convention Committees shall have an odd number of, and not more than thirteen (13) members.

Section 21. Following the issuance of the Convention Call by the International Secretary-Treasurer, each Local Union shall issue a Call for the nomination of its delegates to the Convention. In the absence of a democratically elected standing Election Committee (Article 38, Section 10), an Election Committee shall be nominated and elected by the Local Union at a regular or a specially called meeting for that purpose of which at least seven (7) days' notice shall be given. The Election Committee shall handle all the details insofar as they relate to the procedure of the election, and adopt such safeguards as are necessary to insure a fair election.

Section 22. The nomination of delegates to the Convention may occur at the meeting at which the Election Committee is elected or at a later date, but in

either case at least seven (7) days' notice shall be given. After the deadline on accepting nominations has expired, no election of so-called "sticker" or "write-in" candidates shall be considered legal. A list of nominees shall be available to the membership. Candidates shall not serve on the Election Committee or as challengers or observers.

Section 23. Delegates to the International Convention shall be elected by secret ballot of the Local Union of which they are members and in no case shall be appointed.

Section 24. At least seven (7) days shall elapse between the time of nomination of delegates and the date the election shall take place. All members shall be duly notified, at least fifteen (15) days in advance, of the time and place of said election and the hours the polls will be open. Polling places must be open a sufficient number of hours on one (1) or more days to allow all members of the Local Union an opportunity to cast their ballots. Each member shall personally cast her/his vote at the polls.

Section 25. Local Union action to instruct a delegate does not serve to commit or bind the delegate on any issue s/he may vote on at the Convention.

ARTICLE 9

Political Requirements of Union Officials

International Officers, International Board Members, International Representatives and Local Union Officers shall, from the date of taking office, be required to register and vote in elections for civil officers in the area in which their homes are located, provided they are eligible under the laws of the area and that it is a physical possibility for them to do so. Violation of this Section shall subject the person charged to discipline, in pursuance of the procedure provided for in this Constitution.

ARTICLE 10

Officers and Elections

Section 1. The elective officers of the International Union shall be one (1) International President, one (1) International Secretary-Treasurer, FIVE (5) International Vice Presidents, who shall be elected by the Convention, and such International Executive Board Members as provided in Section 21 of this Article. IN THE EVENT OF A VACANCY OF AN INTERNATIONAL VICE PRESIDENT FOR ANY REASON, THE INTERNATIONAL EXECUTIVE BOARD WILL HAVE THE AUTHORITY TO REDUCE THE NUMBER OF INTERNATIONAL VICE PRESIDENTS FROM FIVE (5) TO FOUR (4). The duties of the Vice Presidents shall be to assist the International President. In addition, the Director of the Canadian Region, elected in accordance with Section 2 of this Article shall be installed as an International Vice President, whose duties shall be those as set forth in Article 13, Sections 23-26.

Section 2. Within the geographical districts as determined by the International Constitution, the International Executive Board Members shall be nominated and elected in the regions as established by the International Executive Board and existing on the actual day any such election commences. Only the delegates from the Local Unions in such regions shall nominate and vote for their International Board Members. Any member in continuous good standing for one (1) year,

and who has worked at least ninety (90) working days in a plant or plants located within the region, whose Local Union is located within the region can be nominated and elected. It shall require a two-thirds (⅔) vote of the International Executive Board to change the composition of any region within a geographical district.

Section 3. The term of office of all elective officers shall be for the period up to the next Convention and the term of office shall begin immediately upon installation. The term of office of the Trustees shall be as provided for in Article 51.

Section 4. Nomination and election of all elective officers and Trustees shall take place in the regular order of business of the Convention and election shall be determined by a majority vote of the delegates voting. Candidates shall be elected to various offices by one (1) roll-call vote. In the election of the Vice Presidents each delegate may vote for FIVE (5) candidates. If there are TEN (10) or more nominees for the FIVE (5) offices and less than FIVE (5) candidates receive a majority vote, the candidate receiving the lowest number of votes shall be eliminated from the run-off election, and in each successive run-off election the candidate receiving the lowest number of votes shall be eliminated, unless such elimination would result in reducing the number of candidates in nomination to a figure equal to the remaining vacancy or vacancies.

Section 5. All elections of International Officers and International Executive Board Members shall be by roll-call vote. In any election for International President, International Secretary-Treasurer, International Executive Board Member, or International Trustee where there are three (3) or more candidates and, on the first ballot, no such candidate receives a majority, there shall be a run-off between the two (2) candidates who received the highest number of votes on the first ballot.

Section 6. No member shall be nominated or elected as an elective officer of the International Union, as set forth in Section 1 of this Article, who has not been in continuous good standing for a period of one (1) year preceding the date of nomination.

Section 7. No member of any Local Union shall be eligible to hold any elective or appointive position in this International Union or any Local Union in this International Union if s/he is a member of or subservient to any political organization, such as the Communist, Fascist or Nazi Organization which owes its allegiance to any government other than the United States or Canada, directly or indirectly.

Section 8. No member of any Local Union shall be eligible to hold any elective or appointive position in the International Union, or any Local Union, if s/he is affirmatively engaged in the promotion, implementation, furtherance, or support of organized in-plant rackets, such as numbers, bookmaking, etc.

Section 9. The acceptance of an elective or appointive office or position or of nomination to an elective office or position by any member who is ineligible under Sections 7 or 8 of this Article, is an offense against the Union punishable by a penalty up to and including expulsion.

Section 10. When a charge is preferred that a member is violating Section 9 of this Article, it shall be made and the accused member shall be tried according to the appropriate provisions of Articles 30 and 31.

Resignation from an elective office or appointive position, or withdrawal of candidacy by any member charged with violation of Section 9 shall not require the dismissal of such charges.

Section 11. Upon conviction of a member by a Trial Committee of a Local Union or by an International Union Trial Committee of violation of Section 9 of this Article, any elective or appointive office or position then held by such member shall be automatically vacated regardless of any other penalty imposed.

Section 12. No member of any Local Union shall be eligible to hold or seek any elective or appointive position in the International Union, or in any Local Union, if s/he affirmatively engaged in the promotion, implementation, furtherance or support of any other union or collective bargaining group with the purpose or intent of supplanting the International Union, or any subordinate body thereof, as the recognized collective bargaining agent, or if s/he is affirmatively engaged in efforts to decertify the International Union or any subordinate body thereof as the recognized collective bargaining agent. If, upon investigation by the International Union, it should appear by convincing evidence that any member is in violation of this Section, the International President, or the International Executive Board, may summarily suspend that member from any office or position, or the right to seek such office or position. Said suspended member shall be promptly notified and, within thirty (30) days of such notification, may appeal the suspension, in which case the member's appeal shall be processed in the same manner as appeals to the International Executive Board from decisions of subordinate bodies under Article 33 of this Constitution; provided that the suspension shall automatically be lifted unless the International Executive Board has rendered its decision within one hundred twenty (120) days of the day the appealing member commences an appeal. If the suspended member fails to appeal from the suspension within the thirty (30) days allowed, or if the International Executive Board upon review upholds the suspension by a two-thirds (⅔) vote, the member shall be considered removed from any office or position s/he may have held, as well as from the privilege of seeking election or appointment to any office or position, and the member shall not thereafter be eligible to hold any office or position unless and until the removal has been lifted by a two-thirds (⅔) vote of the International Executive Board. Any member so suspended, who has taken an appeal to the International Executive Board without having the suspension lifted, may appeal the suspension either to the Public Review Board or the Convention Appeals Committee as provided for in Article 33 of this Constitution. The procedure provided in this Section shall be in addition to, and exclusive of any other action which may be taken against such member.

Section 13. No member removed from office or position by reason of a conviction of any offense enumerated in Section 17 of Article 31 by a Local Union Trial Committee, shall be restored to office or position by reason of a reversal of such conviction by the body which elected the Trial Committee, until after the lapse of sixty (60) days following such reversal, without a review having been ordered by the International Executive Board.

Section 14. Whenever any member removed from elective office or position by reason of having been convicted of an offense shall have taken an appeal under Article 33, and whenever a review of any such conviction shall have been ordered by the International Executive Board under Section 18 of Article 31, the vacancy in office or position may be filled according to the applicable provisions of Section 14 of Article 38 or Section 15 of this Article, but any successor in such office or position shall hold the office or position subject to the right of restoration of the removed officer upon reversal of her/his conviction, subject to Section 13 of this Article.

Section 15. No member shall be entitled as a matter of right to restoration to any appointive position by reason of acquittal or reversal of a conviction.

Section 16. Incoming elective officers of the International Union shall be obligated and installed immediately after being elected. The obligation shall be the same as that provided for Local Union officers.

Section 17. In the event of the death, removal or resignation of the International President, International Secretary-Treasurer, or any of the International Vice Presidents, except the Canadian Director, the officer shall be replaced by majority vote of all members of the International Executive Board by a member eligible to be a candidate in accordance with Section 5 of this Article.

In the event of the death, removal or resignation of an International Trustee, the International Executive Board shall elect a replacement to serve until the next regular Constitutional Convention.

Section 18. In the event a vacancy occurs on the International Executive Board because of the death, removal, promotion of a member or other cause, the International Executive Board shall, within thirty (30) days, call a special regional convention for the region which the International Executive Board Member represented. Such vacancy shall be filled by a member elected by the delegates from the Local Unions in the region. In the event of such vacancy occurring within sixty (60) days before a regular Constitutional Convention, no election shall take place and the office shall remain vacant. In any such special regional convention, the delegates from each Local Union who had been elected to the preceding regular constitutional Convention shall serve as delegates to the Special Convention. Each Local Union shall carry the same total vote as it carried at such previous regular Constitutional Convention. If there are vacancies in the voting delegation, they shall be filled in the following manner:

(a) By alternates where the same were elected to the preceding Constitutional Convention;

(b) If the number of delegates is insufficient after applying (a), by reapportioning the votes of the Local Union among the remaining delegates to the extent permitted by Section 7 of Article 8;

(c) If the number of delegates is insufficient after applying (a) and (b), by electing additional delegates, these additional delegates to be nominated and elected by secret ballot at successive membership meetings; the required notices for such nomination and election being those set forth in Sections 22 and 24 of Article 8.

Section 19. The International Executive Board shall

consist of the International Executive Board Members elected from the regions together with the International President, International Secretary-Treasurer and the International Vice Presidents.

Section 20. Voting strength of International Executive Board Members:

(a) Questions coming before the International Executive Board may be decided by unit vote of its members, but any member may demand a roll-call vote on any question.

(b) Each member of the International Executive Board shall have one (1) vote for each one thousand (1,000) members or major fraction thereof represented by the member in her/his region.

(c) Voting strength of each region shall be computed on the basis of average monthly per capita tax payments from each respective region through the period of twelve (12) months commencing thirteen (13) months preceding each quarterly meeting of the International Executive Board. The voting strength of Executive Board Members at special Executive Board Meetings shall be on the basis as at the preceding regular Executive Board Meeting.

(d) The International President, International Secretary-Treasurer and the International Vice Presidents, except for the Canadian Director, shall each carry the same number of votes, which shall be equal to the average of the votes cast by the remaining members of the International Executive Board.

(e) Members of the International Executive Board may cast their votes by proxy.

Section 21. The geographical districts and the number of International Executive Board Members for each district of the International Union in the United States and Canada shall be as listed below. District 7 shall be known as the Canadian Region, and the member of the International Executive Board elected from District 7 shall be known as the Canadian Director and s/he shall also be installed as an International Vice President, as provided in Section 1 of this Article.

1. Michigan 6
2. Ohio, West Virginia, and those parts of Pennsylvania west of and including the counties of McKean, Cameron, Cambria and Somerset 3
3. Indiana, Kentucky 1
4. Illinois, Iowa and Nebraska 1
5. Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado and New Mexico 1
6. Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Alaska and Hawaii . 1
7. Canadian Region 1
8. Tennessee, Virginia, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, the District of Columbia, Maryland, Delaware and the following counties of Pennsylvania: Franklin, Cumberland, Adams and York 1
9. New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine and those parts of Pennsylvania east of and including the counties of Potter, Clinton, Center, Blair, Clearfield and Bedford, but excluding the counties of Franklin, Cumberland, Adams and York .. 2
10. Wisconsin, Minnesota, North Dakota, South Dakota, Wyoming and Montana 1

ARTICLE 11
Salaries

Section 1. The salaries of the International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members, then in effect, shall be increased by three percent (3%) effective with the first pay PERIOD IN JUNE OF 1985. THE INTERNATIONAL EXECUTIVE BOARD, HOWEVER, MAY, IN ITS JUDGMENT, ADJUST THE THREE PERCENT (3%) IN 1985 TO REFLECT THE OUTCOME OF THE 1984 MAJOR COLLECTIVE BARGAINING. THERE WILL NOT BE A THREE PERCENT (3%) INCREASE IN JUNE OF 1983 OR JUNE OF 1984. In addition, the salaries may be adjusted quarterly in accordance with changes in the cost of living based on THE CURRENT formula AS developed by the International Executive Board.

Section 2. The salaries of the International Representatives, then in effect, shall be increased by three percent (3%), effective with the first pay PERIOD IN JUNE OF 1985. THE INTERNATIONAL EXECUTIVE BOARD, HOWEVER, MAY, IN ITS JUDGMENT, ADJUST THE THREE PERCENT (3%) IN 1985 TO REFLECT THE OUTCOME OF THE 1984 MAJOR COLLECTIVE BARGAINING. THERE WILL NOT BE A THREE PERCENT (3%) INCREASE IN JUNE OF 1983 OR JUNE OF 1984. In addition, the salaries may be adjusted quarterly in accordance with changes in the cost of living based on THE CURRENT formula AS developed by the International Executive Board.

Section 3. The salaries of the International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members in full for services rendered by each of said officers shall be the following sums:

International President, SEVENTY-FOUR THOUSAND, EIGHT HUNDRED NINETY-THREE DOLLARS AND NINETY-SEVEN CENTS ($74,893.97) per annum.

International Secretary-Treasurer, SIXTY-SEVEN THOUSAND, TWO HUNDRED FIFTY-TWO DOLLARS AND FIVE CENTS ($67,252.05) per annum.

International Vice Presidents, SIXTY-FOUR THOUSAND, TWO HUNDRED SIXTY-SIX DOLLARS AND NINETY CENTS ($64,266.90) per annum.

International Executive Board Members, FIFTY-SIX THOUSAND, SIX HUNDRED TWENTY-FOUR DOLLARS AND NINETY-SEVEN CENTS ($56,624.97) per annum.

Salaries shall be payable in biweekly installments.

Section 4. The International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members shall devote their full time to their duties and shall not serve as an officer of a Local Union, District Council or any other subordinate body, except UAW-CAP Councils, beyond ninety (90) days after being elected as an International Officer.

Section 5. An International Executive Board Mem-

ber shall serve under the general direction of the International President, subject to the decisions of the International Executive Board.

Section 6. International Officers, International Executive Board Members and International Representatives shall receive such expenses and allowances, including per diem allowances, as the International Executive Board shall from time to time by resolution determine to be necessary and appropriate to the discharge of their obligations to the Union.

Section 7. The International Executive Board shall from time to time by resolution determine the salary, expenses and allowances to be paid any member, including a temporary organizer, performing services for the International Union at its request; provided that such salary, expenses and allowances shall not exceed those prevailing for International Representatives except to the extent that such member's lost time would exceed the salary of an International Representative.

Section 8. The full salary for International Representatives shall be FORTY-TWO THOUSAND, TWO HUNDRED TWENTY-SEVEN DOLLARS AND FIFTY-ONE CENTS ($42,227.51) per annum. The initial salary for a newly appointed International Representative shall be Fifteen Hundred Dollars ($1,500.00) less than the classification rate for her/his assignment and shall be increased in six (6) equal increments, so that at the end of forty-eight (48) weeks s/he shall be receiving the full salary for her/his classification. The International Executive Board shall determine the salaries of International Representatives acting as professional specialists, key personnel and major and minor department heads.

Salaries shall be payable in biweekly installments.

Section 9. The International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members shall, on their first election, be entitled to traveling expense for themselves and families and the moving of household goods from their home to their assigned location and also on return at the close of their official terms.

Section 10. International Officers, International Executive Board Members and International Representatives shall receive, in addition to their salaries, such fringe benefits as pensions, severance pay, medical-surgical-health insurance, sickness and accident insurance, life insurance, vacations, Supplemental Unemployment Benefits, etc., in such amounts and under such conditions, as the International Executive Board shall from time to time by resolution determine to be necessary and appropriate.

Section 11. No person in the International Union who holds a paid full-time job in the Union shall hold any other paid position in the Union at the same time.

Section 12. The International Executive Board shall from time to time by resolution establish salaries, expenses, allowances and fringe benefits for clerical, custodial, maintenance and similar employes of the International Union.

ARTICLE 12

Duties of the International Executive Board

Section 1. The International Executive Board shall

execute the instructions of the International Convention and shall be the highest authority of the International Union between Conventions, subject to the provisions of this Constitution, and shall have the power to authorize strikes, issue charters, and punish all subordinate bodies for violation of this Constitution.

Section 2. In case of disputes or conditions within a subordinate body that might threaten its existence, the International Executive Board by majority vote, may reorganize the subordinate body by ordering a special election to be held within thirty (30) days after the members in good standing are notified by mail. Under no circumstances shall more than one (1) such special election be held within a year's period in any one (1) subordinate body. Under this provision, the elected officers of the subordinate body shall continue to hold office until the election and may run for re-election. The International Executive Board may have two (2) representatives to work with the elected Local Union Election Committee. The procedures of this Section shall be equally applicable to units of Amalgamated Local Unions.

Section 3. Where necessary to

(a) prevent or correct corruption or financial malpractice;

(b) assure the performance of collective bargaining agreements or other duties as a bargaining representative;

(c) restore democratic procedures within any chartered subordinate body; or,

(d) otherwise assure carrying out the legitimate objectives of this International Union by such subordinate body,

the International Executive Board by a two-thirds (⅔) vote of the entire Executive Board may, after a hearing, reorganize or disband the chartered subordinate body, revoke the charter, suspend any officer or officers from office and/or take over supervision of the chartered subordinate body until its affairs have been properly adjusted. In such event, the Board shall designate one of its members as administrator who shall have full authority over and supervision of all functions of the Local Union and may suspend any or all officers and officials of the Local Union and take over their functions either as directed by the Board or in her/his own discretion where s/he believes it necessary to accomplish the purposes of the administratorship. The administrator may utilize such staff assistants as s/he deems advisable to assist in supervising the affairs of the Local Union.

In any case of suspension of officers, an election of new officers shall take place within sixty (60) days from date of order whereupon the subordinate body shall be returned its autonomy under this Constitution; unless circumstances which necessitate an extension of time, in which event the Executive Board during said administratorship may specifically extend this period for a total of no more than one hundred twenty (120) additional days. The conduct of all elections during an administratorship shall be the responsibility of the administrator.

The procedures of this Section shall be equally applicable to units of Amalgamated Local Unions insofar

as appropriate.

Section 4. In case of vacancy, the Board shall cause such vacancy to be filled until the next Convention, in accordance with Article 10.

Section 5. It shall repeal any bylaws of any subordinate body which do not conform to this Constitution.

Section 6. It shall review and decide, between Conventions, all questions involving interpretation of this Constitution when any member or subordinate body wishes to appeal, or the Board on its own initiative wishes to consider the decision on any such question made (pursuant to Article 13, Section 8) by the International President.

Section 7. It shall pass upon all claims, grievances and appeals from the decisions of subordinate bodies of the International Union, in the manner provided by this Constitution.

Section 8. It shall transmit a report of the activities of the International Union and a summary and explanation of the actions of the International Executive Board relating to International finances to each Local Union of this International Union.

Section 9. If any elective officer is found guilty and removed from office through trial procedure, the vacancy shall be filled in accordance with this Constitution.

Section 10. Upon written request of three (3) members of the International Executive Board, the International Secretary-Treasurer, within forty-eight (48) hours of receipt of such a request shall poll the International Executive Board on the question of a Special Board Meeting. Upon a majority vote for such a meeting, the President shall convene the Board within five (5) days. In case the International President fails to convene the Board within the time allotted, the International Secretary-Treasurer or a Board Member previously designated by the Board shall convene the Board.

Section 11. Two-thirds (⅔) of the number of members comprising the International Executive Board present in person shall constitute a quorum of the International Executive Board. Notwithstanding the foregoing, when the International President calls a special meeting of the International Executive Board because s/he believes action under Sections 2 and 3 of this Article, or Sections 9 and 10 of Article 36, to be essential with regard to a specific dispute in any area with the objective of protecting the interests of a subordinate body, or any part of the membership thereof, and less than the regular quorum answers such call, those members answering the call may act within the limited area described above provided they constitute a special quorum. Such special quorum shall in any event consist of not less than eight (8) members of said International Executive Board, present in person, which must include at least two (2) International Officers and at least four (4) Board Members. Any such Special Board Meeting operating on the basis of such a special quorum shall be empowered to conduct any hearing and by a seventy-five per cent (75%) vote of its members, take any action, make any decision, or impose any penalty concerning said specific dispute which the full International Executive Board could take pursuant to any of the above noted applicable provisions of this Constitution which shall be binding until the last

day of the next succeeding regular meeting of the International Executive Board. All proceedings of such Special Board Meeting shall be reported to the next regular meeting of the International Executive Board, and any member or subordinate body feeling aggrieved by any such action, decision or penalty of such Special Board Meeting may file a protest with the International Executive Board and shall have the right to be heard in person by such International Executive Board upon request. Whether or not any protest is taken, the International Executive Board shall review the action, decision or penalty taken or imposed by the Special Board Meeting and shall, if satisfied as to its propriety, affirm such action, decision or penalty. Any member or subordinate body feeling aggrieved by such decision of the full International Executive Board shall have the normal right of appeal therefrom pursuant to Article 33, Section 3, even though the member or subordinate body did not avail her/himself to the right hereinabove to file a protest from the action, decision, or penalty of the Special Board Meeting to the full International Executive Board.

Section 12. Only a majority of the International Executive Board can adjourn a Board Meeting.

Section 13. The International Executive Board shall set up such departments as provided for in this Constitution. It may, if voted by a two-thirds (⅔) vote, create additional departments for promoting the business of this International Union or the welfare of its membership. It may hire professional specialists not members of the International Union for such departments if they are not available within the membership.

Section 14. If and when a strike has been approved by the International Executive Board, it shall be the duty of the International Executive Board to render all financial assistance to the members on strike consistent with the resources and responsibilities of the International Union.

Section 15. Financial Officers (including Presidents) of the Local Unions of this International Union shall be bonded by such methods and agencies and in such amounts as the International Executive Board may determine, but in no case shall the bond be for less than the amount required by law.

Section 16. The International Executive Board shall have power to adjust disputes between employers and employes and to make contracts with employers in accordance with this Constitution. In addition, the International Executive Board shall have power to adjust jurisdictional disputes between Local Unions.

Section 17. Where the International Executive Board has established a satisfactory administrative arm for the handling of members' appeals relating to the processing of collective bargaining grievances, a decision by such administrative arm may be appealed to the International Executive Board by the procedures set forth in Article 33, Section 3.

Section 18. The International Executive Board may rescind, reverse or repeal any action of any of the International Officers or Representatives.

Section 19. Verbatim minutes shall be taken at all meetings of the International Executive Board, (except when the Board, by a seven-eighths (⅞) vote of those present, decides that the best interests of the Union would be served by an informal discussion of the mem-

bership of the Board in session as a committee of the whole, in which event the Board shall confine itself to discussion but shall take no formal action, and no minutes shall be taken). Such minutes shall be transcribed immediately and copies thereof shall be distributed to all elected officers of the International Union as soon as completed. Such copies shall be made available to any interested member in good standing for inspection at the offices of the International Secretary-Treasurer and of each International Executive Board Member. In addition, the Secretary-Treasurer shall prepare a summary of official International Executive Board action after each International Executive Board Meeting, which shall be sent to each Local Union.

Section 20. The International Executive Board shall create and operate a Political Action Committee to be known as UAW Voluntary Community Action Program Committee (UAW V-CAP). This Committee shall be authorized to make policy decisions concerning expenditures and contributions involving federal elections and to make expenditures and contributions from a fund established by voluntary contributions from UAW members, their families and friends. Once each year a summary report of income and disbursements in federal elections by category shall be made.

ARTICLE 13
DUTIES OF INTERNATIONAL OFFICERS
International President

Section 1. The International President shall preside at all sessions of the International Convention and all sessions of the International Executive Board. The International President shall perform such other duties as are necessary to protect and advance the interests of the International Union, and shall report her/his activities to all Local Unions and the general membership through the official publication. The International President shall report her/his activities to the quarterly meeting of the International Executive Board for approval or rejection and to the International Convention.

Section 2. Between sessions of the International Executive Board, the International President shall execute the instructions of the International Executive Board and have full authority to direct the working of this organization within the provisions of this Constitution and shall report her/his acts to the regular quarterly meeting of the International Executive Board.

Section 3. As set forth in this Constitution or voted by the International Executive Board, the International President shall assign any elected officer to represent or direct the workings of this International Union.

Section 4. The International President shall have power to withdraw any field assignment made to any elected officer when s/he becomes convinced that the officer has been derelict in her/his duty or been guilty of a dishonest act. Such withdrawal of assignment shall not act to suspend the vote or pay of such an officer, which power lies only in the International Executive Board as provided in this Constitution. Any officer whose assignment is withdrawn may follow the procedure outlined in Article 12, Section 10, to convene the International Executive Board. If the International Executive Board reaffirms the original assignment, then the President shall not again suspend this assignment.

Section 5. The International President shall appoint such Representatives as s/he may deem necessary from time to time, such appointments to be pending the approval of the International Executive Board. The International President may remove from the payroll any Representative derelict in the performance of any duty, guilty of any dishonest act, or to conserve the finances of this International Union, pending the approval of the International Executive Board at its next session.

Section 6. After submitting recommendations to the International Executive Board, the International President shall hire such legal, technical or professional help as is necessary to efficiently operate such departments of this International Union, except in the department of the International Secretary-Treasurer.

Section 7. The International President shall fill by appointment all vacancies occurring in the International Office Staff, except in the department of the International Secretary-Treasurer as otherwise provided for in this Constitution.

Section 8. The International President shall decide disputes or questions in controversy, including all questions involving interpretation of this Constitution, except such cases as follow the procedure and conditions as outlined in this Constitution; all her/his decisions being subject to appeal, first to the International Executive Board and then to the Convention. Notice in writing of appeal of any decision of the International President must be filed with the International Secretary-Treasurer and the International President within thirty (30) days from date of decision.

Section 9. The International President shall have authority to call special meetings of Councils or Local Unions whenever s/he deems such meetings necessary to protect the interests of its membership, after proper notification or consultation with officers of subordinate bodies involved. The International President shall have the authority to delegate such duties to any International Officer or Representative s/he may name, provided such delegation of authority is written, signed by the International President and bears the seal of the International Union.

Section 10. The International President shall convene regular and special sessions of the International Executive Board whenever necessary.

Section 11. The International President shall be empowered to grant to Local Unions or units dispensations relating to initiation fees, per capita tax and/or Strike Insurance Fund dues, to the International Union with the approval of the International Executive Board, when in the International President's judgment such dispensations will add to the growth of or conserve the interests of this International Union.

Section 12. The International President shall devote all her/his time to the affairs of this International Union, executing the instructions of the International Executive Board and exercising general supervision over all departments of this International Union.

Section 13. During the International President's term of office s/he shall establish her/his residence in the metropolitan area of the city where the headquarters of this International Union is established.

International Secretary-Treasurer

Section 14. The International Secretary-Treasurer shall attend all sessions of the International Convention and of the International Executive Board. The International Secretary-Treasurer shall cause to be recorded the proceedings of the International Convention and meetings of the International Executive Board. The International Secretary-Treasurer shall have charge of and preserve all books, documents and effects of the International Office, except such records as properly belong to the Office of the International President. The International Secretary-Treasurer shall issue receipts for all monies paid to the International Union; pay all bills and current expenses, unless otherwise ordered by the International Executive Board. All expenditures shall be paid by checks countersigned by the International President when the latter is satisfied of their correctness. The International Secretary-Treasurer shall keep copies of all important correspondence sent out and received by her/his office. S/He shall submit expenses of each officer and employe, together with a detailed statement of receipts and disbursements of all money belonging to the International Union, to the International Executive Board and to the International Trustees.

Section 15. The International Secretary-Treasurer shall be the custodian of the funds of this International Union. S/He shall deposit sufficient funds of the International Union in some responsible bank or banks to meet current obligations of the International Union and shall invest the remainder of the funds under procedures and standards determined from time to time by resolution of the International Executive Board.

Section 16. The seal of the International Union shall bear the following words: "International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)." The seal of this International Union shall bear the design representing the Automobile, Aerospace and Agricultural Implement divisions of this International Union. The International Executive Board shall be authorized to adopt a seal appropriate with the above provisions. The seal of the International Union shall be held by the International Secretary-Treasurer in trust for the use of the membership in their organization affairs; and s/he shall prosecute any and all proceedings proper to prevent the wrongful use of or imitation of the seal or of the name "International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)." The International Secretary-Treasurer shall also take such measures as may be necessary to register or copyright the seal, and the International name, the label, insignia and any other property of the International Union that s/he may consider necessary to copyright or register.

Section 17. The International Secretary-Treasurer shall give a bond, amount of which shall be determined by the International Executive Board and paid for by the International Union, to insure faithful discharge of her/his duties.

Section 18. The International Secretary-Treasurer shall perform such other duties as are herein provided for in this Constitution or may be assigned to the International Secretary-Treasurer by the International Executive Board.

Section 19. When a Local Union has failed to report and pay the per capita tax as provided for herein, the International Secretary-Treasurer shall notify the Local Union President and Board of Trustees of that fact.

Section 20. The International Secretary-Treasurer shall keep a complete record of the membership of the International Union.

Section 21. The International Secretary-Treasurer shall, with the consent of the International Executive Board, employ such assistants as may be necessary to conduct the affairs of her/his office.

Section 22. The International Secretary-Treasurer shall issue a standard "Work Permit" card which shall be furnished to Local Unions at cost. Such work permit shall be cancelled or renewed thirty (30) days following the date contained thereon. The charge for each work permit or renewal by the Local Union shall be not less than the amount of the monthly dues set by the Local Union, one-half (½) of which shall be paid to the International Union. It shall be left to the discretion of the Local Union to determine the duration of the period for which work permits are issued. In no case, however, shall work permits be issued to any worker for a period of more than three (3) consecutive months.

International Executive Board Members

Section 23. An International Executive Board Member shall have direct supervision over all organizational activities within the region from which s/he is elected. In case a geographical district has more than one Regional Board Member, the Board Member's activity shall be confined within a definite area within her/his region, which area shall be clearly defined by the International Executive Board.

Section 24. The International Executive Board Member's field of activity shall be limited to shops within her/his region unless directed to other activities at the direction of the International Executive Board or the International President.

Section 25. The International Executive Board Member shall examine all contracts negotiated within her/his region before they are signed and submit them to the International Executive Board with her/his recommendation, negotiate disputes with the bargaining committees wherever possible, act to obtain favorable legislation for labor and work for the general welfare of the membership.

Section 26. Where district councils are established within her/his region, the International Executive Board Member shall attend their meetings when possible and work in cooperation with such councils. The International Executive Board Member shall submit quarterly reports of organizational activity within her/his region to the International President and also to the International Executive Board fifteen (15) days prior to the convening of the quarterly meeting of the International Executive Board for its approval.

ARTICLE 14

International Representatives

Section 1. International Representatives' or temporary organizers' commissions must be approved and signed by the International President and shall be countersigned by the International Secretary-Treas-

urer and be subject to the approval of the International Executive Board.

Section 2. International Representatives or temporary organizers shall work under the jurisdiction of the International President subject to the approval of the International Executive Board and under the direct supervision of the International Executive Board Member of the region to which s/he is assigned, unless otherwise commissioned.

Section 3. No person can be appointed an International Representative unless s/he is a member in continuous good standing of the International Union for a period of one (1) year. Temporary or part-time organizers must be UAW members, but need not necessarily have been in continuous good standing for one (1) year.

Section 4. Appointed International Representatives or temporary organizers may be removed by the International President subject to the approval of the International Executive Board.

Section 5. An International Representative or temporary organizer shall not, while holding such position, be eligible as a candidate for, or hold any elective office or position in a Local Union, but an elected official may be appointed to act as an International Representative or temporary organizer on a part-time basis for parts of the day, or for full days not to exceed one hundred and eighty (180) in any calendar year. An International Representative or temporary organizer shall be eligible as a candidate for an elective office in the International Union.

ARTICLE 15

Fiscal Year

The Fiscal Year of the International Union shall begin the first day of January of each year and end on the 31st day of December of the same year.

ARTICLE 16

Initiation Fees and Dues

Section 1. (a) The initiation fee, no part of which shall be considered as a Local Union fine, shall not be less than Ten Dollars ($10.00) nor more than Twenty Dollars ($20.00) for membership in a Local Union of the International Union. Five Dollars ($5.00) of such an initiation fee shall be set aside in a new member orientation fund, to be expended with the approval of the Regional Director.

(b) A Local Union may increase its initiation fee, within the limitations set forth in paragraph (a) of this Section, in accordance with the procedures of Article 47, Section 1.

(c) Men and women returning from service in the Armed Forces of the United Nations shall be exempt from payment of an initiation fee upon presentation of military discharge papers to the Local Union Financial Secretary within one (1) year of the date of their discharge.

(d) One dollar ($1.00) of each initiation fee shall be forwarded to the International Secretary-Treasurer.

Section 2. All dues are payable during the current month to the Financial Secretary of the Local Union. Minimum Union dues shall be a sum equivalent to two hours straight time pay per month. For those members paid by the hour, day, week or month, the dues shall be based on the amount earned per straight time hour in

the last payroll period worked before the dues are payable, including cost-of-living allowance and any other amounts normally considered as part of regular pay, but excluding shift premium. For those whose earnings vary, straight time earnings for the purpose of dues computation shall be based on the average earned per hour in the last month the member worked, including incentive earnings, cost-of-living allowance, clock hour add-ons and any other amounts normally considered as part of the regular pay, but excluding shift premium, overtime premium, Saturday, Sunday and holiday premiums.

Beginning with the month of July, 1974 dues income shall be distributed so that the Local Union shall receive thirty-eight (38) percent, the International Union Strike Insurance Fund shall receive thirty (30) percent, the General Administrative Fund of the International Union shall receive thirty (30) percent and the International Union's Family Education Center Fund shall receive two (2) percent for the capitalization, improvement and operation of the program.

Nothing in this Article shall prevent any Local Union or unit of an Amalgamated Local Union from establishing, in accordance with the provisions of Article 47, dues in a greater amount than provided for in this Article; and any Local Union or unit, which at the time when minimum monthly membership dues are increased pursuant to the provisions of this Article, has dues in a greater amount than the minimum monthly membership dues pre-existing, the change shall automatically increase its dues by the amount of the change without the necessity of any additional Local Union or unit membership action and such Local Union dues shall continue until the Local Union's or unit's membership, pursuant to the provisions of Article 47, changes the Local Union's or unit's dues structure.

All dues established by this Article shall be uniformly required of all its members by each Local Union or unit of an Amalgamated Local Union except as specific exoneration or special arrangement, may be granted pursuant to Section 11 of Article 13, or Section 28 of this Article.

Section 3. (a) Where required by the necessities of collective bargaining, a Local Union, or an Intra-Corporation Council and its affiliates, may, with International Executive Board authorization, double their monthly dues in each of not more than four (4) months preceding the terminal date of the old contract, or following the ratification of a new agreement.

(b) Each Local Union which is authorized to double its monthly dues shall be required to place half of such dues in trust for each month collected, until it has been determined by the International Executive Board whether such additional dues shall be applied to future dues, or refunded to each member.

Section 4. The International Union shall provide uniform monthly dues buttons, at not more than cost, of a different color for each month. It shall be mandatory for Local Unions using dues buttons to use only those buttons provided by the International Union, which shall be supplied by the International Secretary-Treasurer to the Financial Secretaries of the Local Unions upon request. Local Unions covered by Union Shop or check-off agreements may, upon approval of the International Executive Board, use an annual

membership button, membership card or other suitable identification of membership in lieu of monthly dues buttons.

Section 5. Upon acceptance of the application, membership shall date from the first day of the month for which dues are paid.

Section 6. The Local Union shall set aside five cents (.05) of each month's dues payment as a Citizenship and Legislative Fund to be used for the purpose of strengthening democracy by encouraging members, and citizens generally, to register and vote in community, state, and national elections and to carry on organizational and educational programs directed toward the achievement of an even higher understanding of citizenship responsibility and the need for active participation in the affairs of a free and democratic society. Local Unions are obligated to carry out such programs in conjunction with city, county and state (CAP) councils. Three cents (.03) of each month's dues payment must be laid aside by the Local Union as a special fund to be used only for educational or recreation-leisure time activities as outlined in Article 27 of this Constitution, provided that two cents (.02) shall be apportioned to education and one cent (.01) apportioned to recreation-leisure time activities. One cent (.01) of each month's dues payment must be set aside by the Local Union as a Retired Members Fund to be used only to promote and support programs benefiting retired members. Local Unions are obligated to carry out this policy in conjunction with community groups, where community groups exist, for the purpose of promoting and supporting programs benefiting retired members and other retired workers.

Section 7. (a) Any member shall have the right to object to the expenditure of a portion of her/his dues money for activities or causes primarily political in nature. The approximate proportion of dues spent for such political purposes shall be determined by a committee of the International Executive Board, which shall be appointed by the President, subject to the approval of said Board. The member may perfect her/his objection by individually notifying the International Secretary-Treasurer of the objection by registered or certified mail; provided, however, that such objection shall be timely only during the first fourteen (14) days of Union membership and during the fourteen (14) days following each anniversary of Union membership. An objection may be continued from year-to-year by individual notifications given during each annual fourteen (14) day period.

(b) If an objecting member is dissatisfied with the approximate proportional allocation made by the committee of the International Executive Board or the disposition of her/his objection by the International Secretary-Treasurer, s/he may appeal directly to the full International Executive Board and the decision of the International Executive Board shall be appealable to the Public Review Board or the Convention Appeals Committee at the option of said member.

Section 8. Any member who has not paid her/his dues during the calendar month in which they are due shall automatically become delinquent except as otherwise provided in this Article. In order to regain good standing membership, s/he must fully reinstate her/himself in accordance with Section 9 of this Article.

Section 9. The reinstatement fee established by a Local Union shall be not less than the regular initiation fee charged by the Local Union, plus the dues for each month of delinquency in dues up to either the date of automatic suspension or the date of reinstatement, as the Local Union in its discretion may determine, plus the current month's dues. Such reinstatement fee shall be uniformly applied to all delinquent members of the Local Union. Individuals suspended as a result of their failure to pay dues while employed in a shop under the jurisdiction of another Local Union shall be dealt with in conformity with Article 17, Section 3.

Section 10. Local Unions may notify members of their delinquency. However, failure of the Local Union to notify the member of delinquency shall not exonerate such member from automatic suspension except as provided in Section 26 of this Article.

Section 11.

(a) Each Local Union from each member's dues must remit TO THE INTERNATIONAL SECRETARY-TREASURER a monthly per capita tax of thirty percent (30%), an additional two percent (2%) to the International Union Family Education Center Fund, AND A FURTHER thirty percent (30%) to the International Union Strike Insurance Fund. EACH Local Union shall retain thirty-eight percent (38%) FROM EACH MEMBER'S DUES. One dollar ($1.00) of each reinstatement fee shall be forwarded to the International Secretary-Treasurer.

(b) EFFECTIVE WITH DUES RECEIVED IN THE MONTH OF JULY, 1983, THE INTERNATIONAL UNION WILL, ON A MONTHLY BASIS, REBATE TO EACH LOCAL UNION TEN PERCENT (10%) OF EACH MEMBER'S DUES FROM THE INTERNATIONAL STRIKE INSURANCE FUND, AND WILL CONTINUE TO DO SO THROUGH JUNE OF 1984. THE INTERNATIONAL UNION OPERATING FUND WILL RECEIVE AN ADDITIONAL FIVE PERCENT (5%) OF EACH MEMBER'S DUES FROM THE INTERNATIONAL STRIKE INSURANCE FUND FOR THE SAME PERIOD.

(c) FOLLOWING THE COMPLETION OF MAJOR COLLECTIVE BARGAINING IN 1984, THE REBATE IN SUB-SECTION (b) ABOVE WILL AGAIN GO INTO EFFECT, PROVIDING THE INTERNATIONAL STRIKE INSURANCE FUND NET WORTH IS IN EXCESS OF $550 MILLION.

(d) ANY TIME THE INTERNATIONAL STRIKE INSURANCE FUND NET WORTH FALLS BELOW $500 MILLION, THE REBATE IN SUB-SECTION (b) WILL STOP UNTIL THE INTERNATIONAL STRIKE INSURANCE FUND NET WORTH REACHES $550 MILLION. ONCE THE INTERNATIONAL STRIKE INSURANCE FUND IS IN EXCESS OF $550 MILLION, THE REBATE IN SUB-SECTION (b) WILL AGAIN RESUME.

(e) LOCAL UNIONS MUST BE IN COMPLIANCE WITH ARTICLE 16, SECTIONS 16 AND 24 OF THE INTERNATIONAL CONSTITUTION TO RECEIVE REBATES.

(f) If the Local Union does not charge back dues for the period following the date of automatic suspension to the date of reinstatement, but imposes a fine based upon the length of such period, the Local Union must forward to the International Union one-half (½) of the fine so collected.

Section 12. When a member has been suspended for non-payment of dues and the Financial Secretary or other officers of the Local Union accept such payment thereafter, acceptance of her/his dues shall not operate to exonerate or reinstate the member or to waive the provisions of the Constitution relative to forfeiture and reinstatement of members.

Section 13. The provisions of Section 8 of this Article shall not apply to a member who has entered the military service of the United Nations who shall be entitled to an honorable military service membership and whose membership in continuous good standing in the Local Union shall not be broken by such service, provided s/he reports to the Local Union at the time of entering such service or thereafter furnishes the necessary proof of military service. S/He shall become subject to the provisions of this Section at the end of such military service.

Section 14. The International Union shall set aside all sums remitted by Local Unions as Union Strike Insurance Fund dues and the funds resulting shall be a special fund to be known as the International Strike Insurance Fund, to be drawn upon exclusively for the purposes of (1) aiding Local Unions engaged in authorized strikes and in cases of lockouts, and (2) assisting by donations or loans other International Unions and non-affiliated Local Unions similarly engaged, and (3) meeting financial obligations or expenditures which this International Union or its affiliated Local Unions incur as a result of authorized strikes or in cases of lockouts, and then only by two-thirds (⅔) vote of the International Executive Board. An amount, not in excess of fifty percent (50%) of the interest and dividends received by the International Strike Insurance Fund, may be set aside as the Organization, Education and Communication Fund to be expended as authorized by the International Executive Board for such purposes.

From the remainder of each member's monthly per capita tax, the International Union shall set aside:

1. Five cents (.05) which shall be expended only for publication of "Solidarity," the official publication of the International Union or of any successor official publication.
2. One cent (.01) to the Civil Rights Fund to be expended only for the support and promotion of the programs and activities of the International Union in support of fair employment practices and in opposition to all discriminatory practices in employment.
3. Three cents (.03) as the International Union Education Fund to be expended only for the programs and activities of the International Union Education Department.
4. One cent (.01) as the International Union Recreation Fund which fund shall be apportioned to each region on a per capita basis.
5. Five cents (.05) as the Special Citizenship Fund to be used for the purpose of strengthening democracy by encouraging members and citizens generally to register and vote in community, state and national elections and to carry on organizational and educational programs directed toward the achievement of an ever higher understanding of citizenship responsibility and the need for active participation in the affairs of a free and democratic society.
6. One cent (.01) for the International Union Retired Workers Fund, which one cent (.01) shall be used only to promote and support programs benefiting retired members including such programs of the International Union relating to retired members as may be adopted from time to time, and to finance the operation of the International Union Retired Workers Department.

Section 15. At least once each month the International Secretary-Treasurer shall advise all Local Unions of the exact Strike Fund balance.

Section 16. All per capita taxes and all other monies collected for the International Union shall be transmitted to the International Secretary-Treasurer by the twentieth of each month following collection. All such per capita taxes and other monies are strictly the property of the International Union and in no case shall any part thereof be used by Local Unions, except upon permission of the International Executive Board.

Section 17. The International Secretary-Treasurer will issue the official receipt of the Office of Secretary-Treasurer for all monies collected.

Section 18. Any member who has not worked forty (40) hours by reason of not having been scheduled to work forty (40) hours, or received benefits in lieu of work equivalent to forty (40) hours' pay within any calendar month, shall be entitled to exemption of payment of regular monthly dues.

Benefits in lieu of work shall include the following: Supplemental Unemployment Benefits (or any equivalent type layoff benefit), vacation pay, holiday pay, jury duty pay, bereavement pay, and paid absence allowance, but shall not include the following: pension benefits, sick and accident benefits, and Workers' Compensation. Effective January 1, 1982, if a member receives Supplemental Unemployment Benefits (or any equivalent type layoff benefit) equal to or greater than fifty percent (50%) of her/his gross pay for a forty (40) hour week, less statutory deductions, within any calendar month, then the member's dues shall be one (1) hour straight time pay per month.

A member who has been laid off, is on leave of absence, or is discharged from regular employment who is covered by check-off provisions under which management notifies the Local Union of members who are on leave of absence, laid off, rehired, or discharged, shall automatically be considered as entitled to "out-of-work" credits, unless s/he has received benefits in lieu of work equivalent to forty (40) hours' pay as provided in the second paragraph of this Section. Any member in order to be entitled to "out-of-work" credits shall report her/his layoff, leave of absence, or discharge, in person or otherwise, to the Financial Secretary of her/his Local Union within one month of the date such action became effective.

Any discharged member or any member who is covered by check-off as set forth above shall report immediately to the Financial Secretary of her/his Local Union any other employment s/he may obtain during the period of the layoff, leave of absence, or discharge. Any member not covered by check-off shall report to the Financial Secretary of her/his Local Union the termination of the layoff, leave of absence, discharge, or

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any other employment s/he may obtain during the period of the layoff, leave of absence, or discharge.

Any member who is entitled to "out-of-work" credits pursuant to this Section and Section 2 of Article 17 shall be exempted from dues payment for the period of her/his entitlement.

Section 19. Any member who is entitled to "out-of-work" credits under Section 18 of this Article and who does not secure an honorable withdrawal transfer card, shall be presumed to continue to be entitled to "out-of-work" credits and thus remains in continuous good standing without the necessity of paying dues for the first six (6) months of such layoff or leave unless the member has had employment during this period which would necessitate her/his paying dues under the first paragraph of Section 18 of this Article or taking an honorable withdrawal transfer card under Article 17, Section 2. Unless any such member shall, during the last ten (10) days of such six (6) month period, certify in writing to the Local Union Financial Secretary, in person or by registered or certified letter, that s/he continues to be eligible for good standing membership without payment of dues pursuant to Section 18 of this Article and Article 17, Section 2, the member shall automatically be noted on the Local Union's records as having been issued an honorable withdrawal transfer card at the conclusion of said six (6) month period. If a member does certify as provided herein during the last ten (10) days of the six (6) month period, s/he shall continue to be eligible for "out-of-work" credits for each additional month if during the last ten (10) days of such month s/he similarly certifies. Such a member shall automatically be noted on the Local Union's records as having been issued an honorable withdrawal transfer card on the first day of such month in which the member fails to certify as provided herein.

Section 20. Any member becoming out of work because of illness or injury shall be exempt from the above Section. Such members shall be automatically exonerated from the payment of dues and shall be issued "out-of-work" credits provided good and sufficient proof is submitted to substantiate illness or injury. The above shall not apply to those employes who receive salaries equivalent to forty (40) hours' pay within any calendar month.

Section 21. Any member who has paid dues by check-off for any month for which the member is exempted from payment of dues under Sections 18, 19 or 20 of this Article shall be entitled to a refund of such dues if s/he claims the same in person or in writing from the Financial Secretary of the Local Union within two (2) months following the month for which the refund is due. Any member who has paid dues in advance other than by check-off for any month for which the member is exempted from payment of dues under Sections 18, 19 or 20 of this Article shall, when s/he returns to work, be given credit on future dues for any such month.

Section 22. The Local Union shall use a receipt book or receipting register and form of official receipt furnished by the International Union. All receipts shall be made out in duplicate, the original to be given to the member, the duplicate to be retained by the Local Union and made available to the International Union upon request. The International Secretary-Treasurer may order the destruction of the duplicate receipts when they are no longer necessary.

Section 23. Local Unions covered by check-off agreements or having a check-off arrangement will be exempt from the provisions of the preceding Section, providing the company clearly shows on the check stub or pay envelope of each Union employe the amount of the deduction and the reason therefor.

Section 24. A Local Union failing to pay full per capita tax due the International Union within a two (2) month period, shall stand automatically suspended until the Local Union has been reinstated through payment of deficiency incurred, unless exonerated from payment of same as provided for in this Constitution.

Section 25. A Local Union failing to pay all of its financial obligations due the International Union shall not be entitled to a voice or vote at the International Convention.

Section 26. The failure of a company to check off and pay to a Local Union the dues of a member as required by a contract will not make the member delinquent if the member has signed a Dues Check-Off Authorization Card. Where a member has signed a Dues Check-Off Authorization Card authorizing the deduction of dues for a given month, the member shall be considered as having paid dues for that month even though the company fails to deduct same. Upon the failure of the company to deduct dues, the Financial Secretary of the Local Union must notify the member to pay her/his dues. The member shall have thirty (30) days in which to pay her/his dues after being notified. Failure on the part of the Financial Secretary to so notify a member of her/his pending delinquency will not affect the member's standing and s/he shall be considered in good standing in the Local Union.

Section 27. The International Executive Board shall be empowered, at its discretion, to arrange loans from Local Unions and other sources to supplement the Strike Fund where conditions dictate and, in this connection, may use any or all of the International Union's real or personal property to secure any such loan or loans. At least once each month the International Secretary-Treasurer shall advise all Local Unions of the exact Strike Fund balance. The International Executive Board shall establish a program for strike relief which shall provide aid and assistance to members actively participating in an authorized strike or involved in a lockout and, as between such members, shall primarily base such aid and assistance upon the right of each member to participate in accordance with the member's family obligations.

Section 28. The International Executive Board on request of a Local Union or unit of an Amalgamated Local Union, shall have the power to make special arrangements with respect to the dues schedules established in this Article, where unusual circumstances justify such arrangements.

Section 29. Notwithstanding any other provision of this Constitution, the International Union and each Local Union shall each hold title to its respective share of the dues income and initiation fees immediately upon receipt of those monies by the Financial Secretary of the Local Union.

ARTICLE 17

Honorable Withdrawal Transfer Cards

Section 1. All honorable withdrawal transfer cards

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activities.

Section 5. It shall be mandatory that each Local Union set up an Education Committee. The duties of this Committee shall be to promote all branches of education affecting the welfare of the individual members, the Local Union, the International Union, and the labor movement. It shall be the duty of the Regional Director to see that this provision of the Constitution is carried out.

Section 6. There shall be established educational areas throughout the International Union to which educational representatives shall be assigned. These educational representatives shall be appointed by the President to work under the direction of the International Education Director, and such appointments shall be approved by the Regional Director(s) in whose area(s) they shall serve.

ARTICLE 28

Family Education Center Department

Section 1. The International Executive Board shall create a Family Education Center Department.

Section 2. The International President shall appoint a Director to supervise the activities of the Family Education Center Department and such appointment shall be subject to the approval of the International Executive Board. The President shall also appoint and assign a qualified staff to service the Department.

Section 3. The Family Education Center Department shall formulate and implement programs at Family Education Centers for the education and training of UAW members and their families through participation in the Family Education Scholarship Program in order to bring about a better understanding of the UAW's programs, policies, aims and objectives and to broaden and enlighten participants with a view toward the improvement of the quality of life. The function of the Department shall be to develop a cadre of future leadership, with supportive family involvement for all levels of the UAW.

Section 4. It shall be the function of the Family Education Center Department to formulate and implement programs at Family Education Centers for the training of Local Union leadership and to develop among potential leaders and their families a clearer understanding of the Union and the complex problems facing our society.

Section 5. All subordinate bodies of the International Union shall cooperate with the Department and assist in the promotion of the Department's programs and activities.

Section 6. The Department shall develop a comprehensive program to encourage and promote the continuation, on the local level, of family interest and family participation in activities related to the UAW and the community, following participation in a Family Education Center Program. The Family Education Center Department shall be charged with the duty of providing an ongoing program to draw the family closer together around common interests and into continuing Union and community programs to build a stronger labor movement and a better society.

ARTICLE 29

Official Publication

Section 1. There shall be published at least once a month by the International Union a publication designed to educate the membership and to acquaint the membership with the activities of this International Union. Special editions for all, or a particular segment, of the membership shall be printed from time to time as the International Executive Board may direct. The title of said publication shall be "Solidarity," or its successor designation, Official Publication of the International Union.

Section 2. "Solidarity" shall be under the supervision of the International Executive Board who shall select a Publication Committee consisting of the International President and two other members of the International Executive Board. The Publication Committee shall be directly responsible to the International Executive Board in carrying out the task of publishing "Solidarity." The editors of "Solidarity" shall be appointed by the International President, subject to the approval of the International Executive Board.

Section 3. The International Secretary-Treasurer shall allocate out of each per capita tax, five cents (.05) for a special fund for "Solidarity."

Section 4. The subscription rate of "Solidarity" shall be sixty cents (.60) per annum, payable as provided in this Constitution. Price of single copies shall be five cents (.05).

Section 5. This publication is to be sent through the United States mail to each member in good standing.

Section 6. To non-members, the rate shall be five dollars ($5.00) per annum with postage additional for foreign subscribers.

Section 7. Local publications shall conform with the policies of the International Union and all Local Union Editors and/or Editorial Committees shall be responsible to the Officers and Executive Board of the Local Union who shall have authority to effectuate such conformity. Where a unit of an Amalgamated Local Union has a publication, such initial responsibility shall be to the unit officers, but the Amalgamated Local Union Officers and Executive Board shall still have the ultimate authority of effectuating such conformity.

ARTICLE 30

Charges and Trials of International Officers

Section 1. Charges against International Officers or International Executive Board Members may be filed in either of these manners:

(a) Upon written affidavit signed by five (5) or more Board Members and filed with the International Secretary-Treasurer.

(b) Upon written affidavit signed by a Local Union member and endorsed by the member's own Local Union and by at least ten (10) additional Local Unions in the International Union, or in the case of charges against an International Executive Board Member, upon written affidavit signed by the Local Union member and endorsed by the member's own Local Union and a majority of the Local Unions within the region

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from which the International Executive Board Member is elected.

Section 2. In case the charges to be filed are against the International Secretary-Treasurer, they shall be filed with the International President who shall in that case alone perform the duties with reference to the trial procedure.

Section 3. Upon receipt of the charges the International Secretary-Treasurer shall immediately send a copy of the charges by receipted registered or certified mail to the accused and copies to all International Executive Board Members, notifying the accused that s/he has fifteen (15) days to prepare a defense and notifying the International Executive Board Members of a Special International Executive Board Meeting to be called ten (10) days following filing of the charges.

Section 4. Pending the trial, the International Officer or International Executive Board Member accused shall continue to function in her/his elected capacity unless a Special International Executive Board Meeting is convened and votes by a two-thirds (⅔) vote for suspension as otherwise provided in this Constitution.

Section 5. The first order of business at the Special International Executive Board Meeting shall be the setting up of an International Union Trial Committee. This Committee shall be chosen from among present members in good standing who were seated delegates at the preceding International Union Convention, but excluding any such who, at the time of selection of the Trial Committee panel, are officers or employes of the International Union or are members of the International Executive Board. The name of each member qualified as aforesaid for service on the Trial Committee shall be written on a slip of paper on which shall also appear the number and location of the Local Union from which s/he was a delegate, the said slips being all of uniform size and appearance. The said slips of paper shall be deposited in a box by the Secretary-Treasurer in the presence of the International Executive Board and the box shall be sealed and thoroughly shaken. The International Secretary-Treasurer shall then open the container and the member of the International Executive Board selected for that purpose and blindfolded shall draw the names of fifty (50) delegates, one by one. After these names are drawn they shall be read by the International Secretary-Treasurer in the presence of the International Executive Board and each name in succession shall be set opposite a number from one (1) to fifty (50).

Section 6. During the drawing of the names, the accused or her/his personal representative shall have the right to be present, as may the accuser or a representative of the accuser.

Section 7. Immediately following the drawing of the panel, the Trial Committee shall be chosen. The accused and the accuser shall each have the right to strike ten (10) names from the panel. Either may waive the right in whole or in part, striking in such case, less than ten (10) names, but the right of either party to strike ten (10) names shall not be affected by any such waiver by the other. The parties shall proceed alternately in striking names from the panel, beginning with the accused.

Section 8. After these challenges have been made, the first twelve (12) persons whose names remain on the list shall be notified to report to the International Office within five (5) days to proceed with the trial. Local Unions shall also be notified when any of their members' names are drawn for service on the International Trial Committee.

Section 9. Such an order shall be mandatory upon any member of the Union receiving this notice. Should s/he fail to appear, unless her/his absence is excused by a signed affidavit of illness or Local Union emergency, attested to by the Executive Board of the member's Local Union, such a member may be subject to charges in her/his Local Union, and to expulsion.

Section 10. Upon a member's appearance at the International Office, each member of the Trial Committee thus notified shall produce affidavit attesting her/his membership in good standing in her/his Local Union, signed by the Financial Secretary of the Local Union.

Section 11. In case one (1) or more members of the Trial Committee thus notified shall fail to appear for the above reasons or fail to produce such certificate of membership in good standing, the next member of the panel, numbering down from one (1) to fifty (50) shall be notified to report.

Section 12. The International Trial Committee shall go into session immediately upon arrival of the full panel and shall hear the charges brought by the accuser and all the witnesses named for substantiation, and shall hear the defense of the accused and all her/his witnesses for substantiation. The Trial Committee shall decide its own rules of procedure relating to the conduct of the trial and may elect its own Chairperson and Secretary, providing that verbatim minutes of all evidence shall be reported by a court stenographer. The accused and the accuser shall have a right to be represented by counsel.

Section 13. The Trial Committee, upon completion of the hearing on the evidence and arguments, shall go into closed session to determine the verdict and penalty. A two-thirds (⅔) vote shall be required to find the accused guilty. In case the accused is found guilty, the Trial Committee may, by a majority vote, reprimand the accused or it may, by a two-thirds (⅔) vote, assess a fine not to exceed five hundred dollars ($500.00), with automatic suspension, removal from office or expulsion in the event of the failure of the accused to pay the fine within a specified time; or it may, by two-thirds (⅔) vote, suspend or remove the accused from office, or suspend or expel her/him from membership in the International Union.

Section 14. In case a Trial Committee finds the accused innocent they may determine the honest or malicious intent of the accuser. If they find the accuser guilty of obvious malice in filing the charges, they may assess a penalty against her/him in accordance with Section 13 of this Article.

Section 15. Charges against an International Officer or International Executive Board Member, concerning her/his own Local Union, shall not be filed according to Local Union trial procedures, but in accordance with the above provisions.

OF

THE UAW V CAP COMMITTEE

I. NAME

This organization shall be known as UAW V. CAP (UAW, Voluntary Community Action Program) Committee.

II. PURPOSES

The UAW V CAP Committee is vested with the duty and responsibility of achieving the goals of UAW members and their families by engaging in political action to the fullest extent legally permissible. It shall participate fully in the political process and shall make such expenditures and contributions from moneys contributed voluntarily by members and others which in the opinion of the Committee shall best encourage citizen participatio in the democratic process and to promote programs adopted by the U The Committee may establish subsidiary committees.

The address of the Committee shall be 8000 East Jefferson Avenue, Detroit, Michigan 48214. It shall be national in scope, area and jurisdiction and shall be a continuing committee.

III. COMPOSITION

This Committee shall be composed of the following members: The International President of UAW, who shall serve as Chairman; the International Secretary-Treasurer of UAW, who shall serve as Treasurer; and the American based International Vice President of UAW. The Chairman and Treasurer may each appoint a deputy

EXHIBIT 2

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who shall serve at the pleasure of such appointing officer. The Chairman and Treasurer may delegate to their respective deputies such authority as they deem appropriate, including the authority to cast their vote at meetings of the Committee.

IV. DUTIES AND RESPONSIBILITIES

1. The Committee shall have the responsibility for receiving and holding all moneys collected through the solicitation efforts of the UAW in campaigns to raise voluntary individual contributions from members of UAW, their families, and their friends.

2. The Committee shall be the recipient of all such voluntary contributions, and in consultation with UAW Regional Directors shall make all decisions regarding the disbursement of these funds to candidates and political campaigns.

3. The Committee shall work with the UAW to develop a program for appropriate recognition of achievement and promotion of competition relative to the fund raising drives at all levels, including the state and local levels.

V. OFFICERS AND COMMITTEES

1. The Chairman of the Committee shall appoint a State or Regional Chairman for each state or region.

2. The Chairman of the Committee shall have the authority to appoint all members of subcommittees of the Committee, as well as any staff employed by the Committee. He shall

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He shall transact such business as may of right appertain to the office. He shall be an ex officio member of all subcommittees. He shall be co-signatory with the Treasurer of all checks.

3. The Treasurer shall keep a correct record of the proceedings of the Committee. He shall carry on all correspondence in connection with the business of the Committee, pay all bills duly authorized and deposit all funds in the name of the Committee in a bank insured by the Federal Deposit Insurance Corporation. He shall submit a report on the condition of the treasury at each meeting of the Committee. He shall submit his books and records for audit to a Certified Public Accountant at least annually, and, in addition, whenever requested to do so by a majority of the Committee. It shall be the duty of the Treasurer to keep a detailed and exact account of:

(1) all contributions made to or for the Committee;

(2) the full name and mailing address (occupation and principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of the Committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure

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bill stating the particulars, for every expenditure made by or on behalf of the Committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The Treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer to whom reporting must be made.

He shall perform such other duties as are usual to his office or may be assigned to him.

The Treasurer shall be an ex officio member of all subcommittees.

The Treasurer of the Committee shall be co-signatory of all bank accounts, at all levels, all of which shall be double signature accounts, the other signatory being the Chairman.

4. The Committee may designate a subcommittee, to be called the Administrative Committee, to carry on the non-policy functions of the Committee and to expedite the routine functioning of the organization.

5. The Committee shall meet at least twice a year. Meetings shall be called by the Chairman upon adequate notice. Special meetings shall be called by the Chairman upon the request of two or more members of the Committee.

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and, if an Administrative Committee is established, it shall have three members, two of whom shall constitute a quorum.

7. All questions decided by the Committee or its subcommittees shall be decided by majority vote.

VI. STATE OR REGIONAL CHAIRMAN, DUTIES AND RESPONSIBILITIES

The State Chairman or Regional Director shall have the duty of ascertaining the opinions of the state, council and local union leadership of UAW as to whom the membership of UAW wishes to be the recipients of disbursements by the Committee. The Regional Director shall be permitted to draw on funds earmarked for distribution in his region. The State Chairman or Regional Director shall be responsible for distributing to UAW councils and locals all educational and promotional materials provided by the Committee. He shall be in charge of the statewide or regional drive for voluntary contributions and encourage the progress of such drives through communications, conferences, and competition. The State Chairman or Regional Director shall have the power to establish competitive programs within his state and encourage the establishment of recognition programs and competition at all levels in his jurisdiction. The State Chairman or Regional Director shall distribute to councils and to local unions unaffiliated with councils the receipt books provided him by UAW or UAW V CAP and shall keep a complete record of the

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distribution of such receipt books. It shall be the duty of the State Chairman or Regional Director to receive all voluntary contribution funds raised in his state or region and to deposit such funds in the name of the Committee in a bank insured by the Federal Deposit Insurance Corporation. All funds in such bank accounts shall be transmitted to the National Committee at least monthly deducting only the service charges accruing to such accounts.

VII. FINANCES

1. Each member of UAW shall be asked to contribute individually and voluntarily to the Committee to support candidates endorsed by the Committee.

2. The Committee and subdivisions thereof are authorized to raise additional funds for their work by any legal means as long as such activity does not interfere with the campaign of the Committee for individual voluntary contributions.

3. An audit of all bank accounts holding voluntary contributions for UAW V CAP shall be performed at least once each year, or more frequently if so directed by the Committee.

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Proceedings

TWENTY-THIRD CONSTITUTIONAL CONVENTION

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE and AGRICULTURAL IMPLEMENT WORKERS of AMERICA—UAW

CONVENTION HALL • APRIL 23-28, 1972

ATLANTIC CITY, NEW JERSEY

EXHIBIT 3

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husbands join you in going to shop, be sure to ask whether the lettuce you are buying is union lettuce or non-union lettuce, and boycott the non-union lettuce.

You are now ready for the vote. Those in favor of both the resolution on farm workers and NLRB and fair labor standards, will you please raise your hands? Down.

Those opposed?

Both resolutions have been carried, it seems, unanimously.

President Woodcock: The Resolutions Committee is temporarily excused. Would the Constitution Committee please take their places.

I would like to say that a lot of you are wearing these 30 and Out hats, and I know that the brothers and sisters who passed them out worked very hard to get them distributed. I know they have in mind, too, a demonstration in support of that general point of view, which will not come to the Convention until this afternoon. So I'm asking you, will you please bring your hats back with you after lunch.

The brother here at Mike No. 6.

Unidentified Delegate: Mr. Chairman, before you excuse the Resolutions Committee, I would like to have a point of information clarified on the proposal turned in and contained on Pages 69 and 70 pertaining to the Production Council. Local Union No. 1250 turned this in, also the sub-council at Ford—you have it in the book as GM sub-council. I would like to know why they didn't put this out on the Resolutions Committee as—

President Woodcock: Brother, the Resolutions Committee has already left. They will be back this afternoon. Why don't you ask the question at that time?

Unidentified Delegate: Could I have the floor then?

President Woodcock: Yes. Now, for the Constitution Committee to continue its report, Brother Pat Greathouse.

REPORT OF CONSTITUTION COMMITTEE (Resumed)

Vice President Greathouse: The Constitution Committee is here. Mike No. 4, what is your point?

Unidentified Delegate: Mr. Chairman, brothers and sisters, realizing that 90 per cent of the—

Vice President Greathouse: Name and local number.

Unidentified Delegates: My Local is 707. Realizing that 90 per cent of the delegates here are Americans and only 10 per cent Canadians, I'm a Canadian delegate and I would ask the Chairman if he would at least give us 10 per cent recognition. I have watched this on Sunday, also Monday, and also this morning, and I find that the Chairmen do not recognize the Canadian delegates. This is all I ask, that we get at least 10 per cent of the recognition. Thank you, Brother.

Vice President Greathouse: I will call on Joe Danz, chairman of the Constitution Committee.

Committee Chairman Danz: If you will turn to Page 3 of the Partial Report Number One, the first Article that will be presented under today's report is Article 12, Section 10, to be presented by Brother John Bass, a member of the Committee.

. . . Committee Member John Bass read the following:

FROM A FUND ESTABLISHED BY VOLUNTARY CONTRIBUTIONS FROM UAW MEMBERS, THEIR FAMILIES AND FRIENDS. ONCE EACH FISCAL QUARTERLY REPORT OF INCOME AND DISBURSEMENTS IN FEDERAL ELECTIONS BY CATEGORY SHALL BE MADE.

Committee Member Bass: Mr. Chairman, on behalf of the Constitution Committee, I move for the adoption of this new Article, Article 12, Section 10.

Committee Chairman Danz: This Section is being established to give the International Executive Board the authority to create and operate a Political Action Committee to be known as the UAW V CAP Committee. Such Committee would have the authority to make policy decisions concerning expenditures and contributions involving federal elections, and to make expenditures and contributions from a fund so established by the procurement of voluntary contributions from UAW members, and their families and friends. This will give the Union regulatory authority and greater protection in the use of its funds, consistent with legal requirements.

Vice President Greathouse: I just want to say before we open the floor for debate on this that the Board feels that this is a desirable and probably a necessary move in compliance with the new federal law that we have in the United States on expenditure of union funds for political purposes. Now, what we are proposing here is the establishment of a committee separate and apart officially from the official Board of the Union that will handle the voluntary money. We are not talking about the Union money, we are talking about the voluntary dollars that we collect in federal campaigns. We want to keep that separate from Union money, and this is the technical establishment of a committee.

You have heard the motion and the support for the motion. Anyone want to speak on the resolution?

If not, all in favor of the adoption of the resolution signify by raising your right hand. Down.

Those in opposition?

Motion is carried.

Committee Chairman Danz: To present for your consideration Article 12, Section 17, Brother Harry Guest, a member of the Committee.

. . . Committee Member Harry P. Guest read the following:

ARTICLE 12

Duties of the International Executive Board

Section 17 (Present)

Where the International Executive Board has established a satisfactory administrative arm for the handling of members appeals relating to the processing of collective bargaining grievances, it may delegate its appellate jurisdiction over such appeals to such administrative arm. The decisions of such an administrative arm to which the International Executive Board has so delegated its appellate jurisdiction shall be appealable pursuant to Article 33, Section 9.

Section 17 (New)

Where the International Executive Board has established a satisfactory administrative arm for the handling of members, appeals relating to the processing of collective bargaining grievances, A DECISION BY SUCH ADMINISTRATIVE ARM MAY BE APPEALED TO THE INTERNATIONAL EXECUTIVE BOARD [illegible] ARTICLE 33 SECTION 6.

AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXHIBIT 4

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June 16, 1977

Mr. George Meany
President
AFL-CIO
815-16th Street, N.W.
Washington, D.C. 20006

Dear Brother Meany:

As you know, pursuant to Convention action, the UAW will be discussing internally the issue of the possible reaffiliation with the AFL-CIO.

As a result of discussions in our International Executive Board, we seek now your interpretation of certain parts of the AFL-CIO Constitution. We believe that your reply can assist us in framing the question of possible reaffiliation in its proper perspective, and in avoiding misunderstanding among our delegates.

1. Assuming the International Union UAW affiliates nationally with the Federation, would it be proper under the AFL-CIO Constitution for the UAW to inform its subordinate bodies (such as Area and State CAP Councils) that there will be no compulsion to join state federations or local central bodies, and the matter of those affiliations may be democratically decided in each case by the appropriate involved UAW group?

2. The AFL-CIO Constitution speaks of maintaining and preserving "the integrity of each affiliate," as well as its "autonomy." In our view, these provisions have always been interpreted to permit autonomous international affiliates to pursue their own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO (Convention or Executive Council) with respect to a particular issue. As we understand it, this is the case even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO.

EXHIBIT 5

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Finally, we consider the Constitutional language relating to the integrity of affiliates to guarantee the complete independence of each affiliated national and international union in collective bargaining and the right to preserve and maintain existing collective bargaining relationships and work relationships.

Please advise us of the position of the Federation as to these Constitutional matters.

Fraternally,

Douglas A. Fraser
President

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

GEORGE MEANY
PRESIDENT

LANE KIRKLAND
SECRETARY-TREASURER

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 637-5000

June 20, 1977

Mr. Douglas A. Fraser, President
International Union, United Automobile,
Aerospace & Agricultural Inplement Workers
8000 East Jefferson Avenue
Detroit, Michigan 48214

Dear Sir and Brother:

I have your letter of June 16 advising officially of the action of the UAW convention pursuant to which your organization will be discussing internally the possible reaffiliation of the UAW with the AFL-CIO.

Your letter seeks my comments on certain aspects of the reaffiliation question. You ask if "it would be proper for the UAW to inform its subordinate bodies that there will be no compulsion to join state federations or local central bodies and the matter of those affiliations may be democratically decided in each case by the appropriate involved UAW group?"

The answer to that question is clearly and unequivocally "yes". The constitution speaks of the "duty of all national and international unions. . . to instruct their local unions to join affiliated central labor bodies. . .", but it also speaks, in a number of sections, of maintaining the independence, autonomy and integrity of each affiliate.

At a number of past AFL-CIO conventions, resolutions have been introduced which would have required the affiliation of all local unions with local central bodies but in each case these resolutions have been overwhelmingly defeated by the delegates attending. Consequently, it is clear that the instructing of local unions to join affiliated central bodies does not carry with it any compulsion that they do so. It is equally clear that the matter of such affiliation should be decided democratically in each case by the appropriate local union or subordinate body.

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EXHIBIT 6

In actual practice, the patterns of affiliation by local unions with central bodies is widely divergent and is totally dependent upon the decisions made by local unions and their national or international union.

It should be noted that we encourage the highest possible degree of affiliation with central bodies because only in that way can they be truly representative of the total labor movement in that area, but there can be no compulsion applied since none is provided in the constitution nor indeed is any sanction provided where local unions choose not to affiliate.

Your letter further notes your view, which is correct, that the constitutional guarantees of the "integrity" and "autonomy" of each affiliate "have always been interpreted to permit any individual affiliate to pursue its own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO Convention or Executive Council action with respect to that issue". This is true, as you say, even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO.

Here again, it is clear that the AFL-CIO is a federation of autonomous affiliates. It moves only with the agreement and consensus of the majority of affiliates, but with the fullest tolerance of and respect for, the rights of those organizations which find themselves in a minority on any issue to pursue their views in any way they wish. The examples of such conduct by current affiliates are well known and have occurred whenever an affiliate chose to dissent on its members' behalf and in its members' interests.

Your final paragraph sets forth your quite correct understanding that the constitutional language relating to the autonomy and integrity of affiliates guarantees the complete independence of each affiliated national and international union in collective bargaining and the right to preserve and maintain existing collective bargaining relationships and work relationships.

I hope that this information is fully responsive to your request and you are, of course, free to make this letter public if you wish. I would be happy to provide any further information or opinion which would aid you and the other officers and members of the UAW in your consideration of the question of possible reaffiliation. In the light of the many critical problems facing our nation and the need for a strong and united labor movement, I hope the decision on reaffiliation will be favorable but, of course, that decision must be made by the UAW.

Sincerely and fraternally,

George Meany

President

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THE UAW REAFFILLATION WITH THE AFL-CIO

The issue of UAW reaffiliation with the AFL-CIO is one of the most important decisions our union has ever faced. While we continue to struggle for equity and justice for working people, the nature of that struggle is far different today from a decade ago.

Reaffiliation with the AFL-CIO will make the UAW even stronger as we face the problems of the next decade. Our agenda is long and difficult to achieve. Our fight for full employment, national health security, labor law reform, job security, contract justice, tax reform, racial equality and many other goals will demand all the strength and unity the labor movement can muster.

This paper outlines some of the important reasons why the UAW should reaffiliate with the more than 100 other trade unions that make up the AFL-CIO. Those reasons are summarized below and then spelled out in detail on the pages that follow:

1. The growing power and sophistication of the many anti-labor forces in the United States requires a single, strong and united trade union center to which all national and international unions are affiliated.

2. The UAW, as one of the most progressive and powerful trade unions, has an important contribution to be made to the labor movement that can best be made from within the AFL-CIO.

3. The autonomy and integrity of the UAW are protected under the present constitutional structure of the AFL-CIO--our ability to conduct our own affairs and take our own positions is protected.

4. Local and state UAW bodies would be free to decide themselves whether or not affiliation on that level would best enable them to achieve their goals.

5. There are distinct advantages for UAW local unions in the nationwide geographic spread of the AFL-CIO's millions of affiliated members all across the U.S.

6. The AFL-CIO in recent years has developed many policies and positions that are consistent with the initiatives urged by the UAW on important issues.

7. The UAW can be pivotal in helping the AFL-CIO build a vigorous, progressive national labor center that will move to meet the challenges of the future.

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EXHIBIT 7

in many areas such as health care, its record in union democracy and civil rights, its appeal and ties to the liberal intellectual and academic communities, and its experience in international affairs are the means through which it can make a substantial contribution to the Federation by working with other affiliated unions, the Departments and the AFL-CIO. In short, we have much to give to a labor center and the duty to promote our programs there.

3. The autonomy and integrity of the UAW is protected under the present constitutional structure of the AFL-CIO -- our ability to conduct our own affairs and take our own positions is protected.

The Merger Agreement, signed February 9, 1955, states: "The AFL and the CIO agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union." It stated further, "It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved." These principles are a part of the AFL-CIO constitution.

George Meany has recently responded to a question on this subject as follows: "'Your letter further notes your view, which is correct, that the constitutional guarantees of the "integrity" and "autonomy" of each affiliate "have always been interpreted to permit any individual affiliate to pursue its own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO Convention or Executive Council Action with respect to that issue.' This is true, as you say, even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO."

The UAW in Canada is a leader in the Canadian Labour Congress and that experience is instructive and gives promise to such independent but cooperative relationship in the U.S.

The Constitution of the Federation provides for the autonomy of the affiliated national and international unions in the conduct of their affairs, such as collective bargaining, legislation and political education and campaigns. When these activities can be carried on more effectively in cooperation with other affiliates, the Federation has encouraged common action. But where such coordination is inappropriate or not desired, the autonomous international and national unions are free to pursue their own economic, social and political policies determined by their own internal democratic processes.

The AFL-CIO and its departments have assisted in various coordinated programs of collective bargaining, such as coordinated bargaining with large employers whose workers are represented by several unions. An effort also has been made to coordinate legislative programs and priorities in the interest of the whole labor movement.

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A UAW BACKGROUND PAPER

DELEGATES TO VOTE ON AFL-CIO REAFFILIATION

Between now and May 1, the more an 3,000 delegates to the 1980 AW Constitutional Convention will e-gather in regional meetings across e United States.

The question which delegates will ebate and vote on: Should the UAW nter into negotiations to reaffiliate with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)?

"It is a time to unify and — in a spirit of solidarity — to work together and to fight together," UAW President Douglas A. Fraser declared in announcing the UAW International Executive Board's decision to recommend a "yes" vote, which would authorize the IEB to negotiate reaffiliation with the AFL-CIO.

The IEB met in March to discuss reaffiliation, and then voted unanimously to support the question. It did so following several straw votes on reaffiliation among local leadership in various regions around the country. While there were some pockets of opposition, Fraser noted, most straw votes went in favor of reaffiliation.

"The decision is still in the hands of the delegates," he added. And he said that regional conferences would permit delegates to "have a better discussion of their views — more give-and-take on the issue at hand."

BACKGROUND

During its 46-history history, the UAW has been a part of a national labor federation most of the time. It received its original charter from the AFL in 1935. A year later, however, several industrial unions, like the UAW and Steelworkers, organized the CIO to help advance the idea of union-oriented AFL had discouraged. The AFL expelled the CIO in 1936, and it wasn't until 19 years later that the two groups united, following negotiations between Walter Reuther, who then headed the UAW and CIO, and AFL President George Meany.

This is a publication of the International Union, UAW, 8000 E. Jefferson, Detroit, Michigan 48214, and is produced for the information of convention delegates who will be debating and voting on the question of reaffiliation with the AFL-CIO.

April, 1981

CAP Councils Not Affected

UAW's International officers emphasize that the proposed reaffiliation agreement with the AFL-CIO would not affect any of the UAW's Community Action Program (CAP) councils.

"All CAP councils will be free, if they so choose, to maintain their own structure and program," UAW President Douglas A. Fraser declared.

Fraser said he had been assured by AFL-CIO officers that reaffiliation could be achieved under this framework. "We are talking only about affiliation of the International union at the national level," he said.

The CAP issue is important because in some areas, UAW and AFL-CIO COPE bodies have disagreed on some issues and candidates. While such differences are relatively uncommon, Fraser said the union's right to take its own stands will not be compromised by affiliation. □

However, by 1968, differences had grown between the UAW and the Meany leadership over such issues as organizing and foreign policy, and the UAW severed its ties. In spite of this, however, UAW continued to cooperate with individual unions on boycotts, organizing drives, and other activities.

Reaffiliation was raised in 1977, but the idea was dropped following opposition both by some members of the IEB and significant portions of the membership.

WHY NOW?

Since 1977, however, the situation has changed, UAW leaders believe. The AFL-CIO has new leadership, and the critical challenges facing the labor movement from corporations and the new administration require maximum unity. UAW officials also believe that the union will be able to make a significant impact on the AFL-CIO. "I believe we can make a contribution to the AFL-CIO," says Fraser. "We may be able to change some things. I'm sure that we'll be supportive of the AFL-CIO on 95 percent of the domestic issues, but it must be remembered that the AFL-CIO is a federation; it's not a cohesive force like the UAW."

"The AFL-CIO is the most effective lobby in the nation's capital," Fraser said. "It has been supporting our position on a variety of issues, and we owe it to the central labor body to belong to that organization."

The question on which delegates are voting involves granting the IEB the right to enter into negotiations with the AFL-CIO and to give the IEB the authority to reaffiliate on a national level. Fraser emphasizes that state, area, and city CAP councils will be able to maintain their identity and their own organization if they so choose. □

(229)

WHY THE UAW INTERNATIONAL EXECUTIVE BOARD RECOMMENDS A 'YES' VOTE FOR RE-AFFILIATION

The question of labor unity arises during a time when working Americans face the most difficult economic and political period since the earliest days of struggle to found our union.

We are buffeted by rising unemployment and growing inflation. At the same time, we face an unprecedented attack by corporate power, which seeks to roll back our gains and make it more difficult for us to organize.

The new leadership in Washington carries out assaults daily on the things we've worked hardest for — the Occupational Safety and Health Administration; Social Security benefits; minimum wages; unemployment compensation; and more.

To effectively counter these pressures, the labor movement needs to create an alliance not only among its own members but with other progressive forces — senior citizens, women, blacks and minorities, family farmers, small business, and others — who also are facing the Administration's attacks. Unity in the labor movement now can lead to new policies that will contribute to successful coalition-building in the future.

Here are the five major reasons why the UAW's International Executive Board recommends a "yes" vote on the question of authorizing negotiations with the AFL-CIO leading to reaffiliation:

1. The UAW is a strong, effective political force, but we stand a better chance of accomplishing our legislative goals with the added clout and power of the 13.6 million-member AFL-CIO behind us. Facing an unsympathetic Congress and hostile White House, protecting what we have won will take the combined strength that a united labor center would allow. We know first-hand of the AFL-CIO's effectiveness — without its help, particularly in influencing legislators from states where the UAW has few members, we would never have succeeded in passing Trade Adjustment Assistance and the Chrysler Loan Guarantee Act, for example.

2. The UAW, as one of the most progressive and powerful trade unions, can help strengthen the entire labor movement through the AFL-CIO. We're rightfully proud of our record of achievement as a pacesetter. The quality of the UAW's elected leadership at the local and international level, our collective bargaining expertise, our programs with retired workers, our record in union democracy and civil rights, our contacts in international affairs all argue for our duty to share our strengths with our fellow trade-unionists.

3. The growing strength of anti-union forces requires the UAW to join with our brothers and sisters in the AFL-CIO to present a common front and pursue a common mission. The rise of "union-busting" consultants that block organizing drives with illegal tactics must be combatted in a coordinated manner. The enemies of the labor movement have multiplied in number as they wage war on the entire progressive agenda of social and economic justice. Ranging from the Chamber of Commerce and the Committee for a Union-Free Environment to the Moral Majority and the National Right-to-Work Committee, these forces realize a divided trade-union movement makes their job easier. While preserving the right to pursue our own social and political autonomy, the UAW can best develop an effective offensive against these anti-union, anti-progressive forces from within the AFL-CIO.

4. The geographic spread of the AFL-CIO's many affiliates can strengthen the UAW's effectiveness. The Kohler strike and boycott is a good example. The UAW, then a part of the AFL-CIO, had full Federation backing in the effort to boycott Kohler plumbing. In many areas where there were no UAW members, AFL-CIO actions resulted in contractors refusing to buy Kohler plumbing. Town, county and city councils resolved to bar Kohler fixtures from public facilities at AFL-CIO request. Such support helped the UAW win that long, difficult strike. Likewise, the AFL-CIO maintains staff all over the country upon which we could draw for help. For example, in organizing drives in the Sunbelt states, AFL-CIO contacts and resources could be very helpful in bringing runaway shops back under UAW representation.

5. The UAW today has far more in common with the AFL-CIO on the issues of the day than at the time when we left the Federation. Just as the AFL-CIO joined with the UAW to win passage of Trade Adjustment Assistance and the Chrysler Loan Guarantee Act, so have we worked closely on a wide range of economic and political issues. From labor law and tax reform to full employment and national health insurance legislation, the AFL-CIO's positions today are consistent with our own. Likewise, the Federation has worked to expand its education and organizing capabilities and has changed the composition of its Executive Council to make it more representative. The UAW has new and strong allies on that Council who share our progressive approach to the challenges of the future. □

THE NEWS OF THE UAW

8000 E. Jefferson Ave.
Detroit, Mich. 48214

DON STILLMAN Director
(313) 926-5291

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

FOR RELEASE: Immediate--Tuesday, June 9, 1981

UAW INTERNATIONAL EXECUTIVE BOARD VOTES UNANIMOUSLY TO REAFFILIATE WITH AFL-CIO AS SOON AS JULY 1

The UAW International Executive Board has voted unanimously to reaffiliate with the AFL-CIO effective as soon as July 1.

The action comes following approval of AFL-CIO reaffiliation by delegates to the union's last Constitutional Convention, who voted in a series of regional meetings completed in April.

"The top UAW officers met two weeks ago with AFL-CIO President Lane Kirkland and Secretary-Treasurer Tom Donahue and other federation officials," UAW President Douglas A. Fraser said. "We had a successful exchange of views that led our officers to recommend to the UAW Board that we move promptly on reaffiliation."

Fraser reiterated that the UAW will rejoin the federation at the national level and let UAW units at the state and local level decide whether or not to affiliate.

The UAW has established a committee to study the separate question of affiliation with the AFL-CIO's Industrial Union Department (IUD).

"Our Board believes strongly in the principle of a united labor movement," Fraser said. "Reaffiliation with the federation will strengthen that movement in one of the most difficult periods working people have ever faced."

EXHIBIT 9

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AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

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EXHIBIT 10

8000 EAST JEFFERSON AVE.
DETROIT, MICHIGAN 48214
PHONE (313) 926-5000

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

DOUGLAS A. FRASER, PRESIDENT
RAYMOND MAJERUS, SECRETARY-TREASURER

VICE-PRESIDENTS
OWEN F. BIEBER • DONALD F. EPHLIN • MARTIN GERBER • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

September 24, 1982

Walter Bartkin, Comptroller
AFL-CIO COPE
815 Sixteenth Street, NW
Washington, DC 20006

Dear Brother Bartkin:

Our International Union, in cooperation with AFL-CIO COPE, has engaged this year in joint fund raising activities as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $100,000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Douglas A. Fraser
President

DAF:ef
opeiu494
Enc.
cc: Lane Kirkland
Thomas R. Donahue
John Perkins
Hank Lacayo
Don Moll

EXHIBIT 11

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229

October 4, 1982

Walter Bartkin, Comptroller
AFL-CIO COPE
815 Sixteenth Street, NW
Washington, DC 20006

Dear Brother Bartkin:

Our International Union, in cooperation with AFL-CIO COPE, has engaged in joint fund raising activities this year as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $10,000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Douglas A. Fraser
President

DAF:ef
opeiu494
Enc.
cc: Lane Kirkland
Tom Donahue
John Perkins
Hank Lacayo
Don Moll

EXHIBIT 12

230

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October 21, 1982

John Perkins, Director
AFL-CIO COPE
815 Sixteenth Street, NW
Washington, DC 20006

Dear John:

Our International Union, in cooperation with AFL-CIO COPE, has engaged in joint fund raising activities this year as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $5000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Henry L. Lacayo
National Director
UAW CAP Department

HLL:ef
opeiu494
Enc.

EXHIBIT 13

231

October 25, 1982

John Perkins, Director
AFL-CIO COPE
815 Sixteenth St., NW
Washington, DC 20006

Dear John:

Our International Union, in cooperation with AFL-CIO COPE, has engaged in joint fund raising activities this year as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $100,000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Henry L. Lacayo
National Director
UAW CAP Department

HLL:ef
opeiu494
Enc.

EXHIBIT 14

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EXHIBIT 15

AUTHORIZATION FOR ASSIGNMENT AND CHECKOFF OF CONTRIBUTIONS TO UAW V-CAP

To: _____

Company Name

I hereby assign to UAW V-CAP, from any wages earned or to be earned by me as your employee, the sum of (check one)

☐ 25¢ ☐ 50¢ ☐ $1 ☐ Other

each and every month. I hereby authorize and direct you to deduct such amounts from my pay and to remit same to UAW V-CAP at such times and in such manner as may be agreed upon between you and the Union at any time while this authorization is in effect.

This authorization is voluntarily made. I understand that the signing of this authorization and the making of payments to UAW V-CAP are not conditions of membership in the Union or of employment with the Company, that I have the right to refuse to sign this authorization and contribute to UAW V-CAP without any reprisal, and that UAW V-CAP will use the money it receives to make political contributions and expenditures in connection with federal, state and local elections, and that monies contributed to UAW V-CAP constitute a voluntary contribution to a joint fund-raising effort by the UAW and AFL-CIO.

I also understand that the guidelines for contributions to UAW V-CAP set forth above are merely suggestions, that I can contribute more or less than the guidelines suggest, and that the Union will not favor or disadvantage me based on the amount of my contribution or my decision not to contribute.

Name (Print) _____ Dated: _____ So. Sec. No. _____

Address _____ Signature _____

City _____ State _____ Zip _____

Local _____ Plant _____ Dept. _____

UAW V-CAP is an independent political committee created by the UAW. This committee does not ask for or accept authorization from any candidate and no candidate is responsible for its activities.

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EXHIBIT 16

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$1.00
AMT. CONT.

LOCAL No.

G 36012

NAME

ADDRESS

CITY

STATE, ZIP

COLLECTOR

1982

For Local Union

82

Our Year for ACTION!
GIVE TO UAW V-CAP

This Certifies That

G 36012

Has contributed to the COMMUNITY ACTION PROGRAM of the UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA.

$1.00
AMOUNT

Secretary-Treasurer

8000 East Jefferson Avenue • Detroit, Michigan 48214

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MASLIUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YO

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

May 10, 1984

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

Re: MUR 1605

Dear Mr. Steele:

This letter is submitted on behalf of Respondents UAW V-CAP and Donald J. Moll in response to the supplemental complaint filed by the National Right to Work Committee on April 6, 1984 in connection with the above referenced case.

Respondents submit that the arguments and materials contained in the supplemental complaint are either redundant or irrelevant to the present case. In addition, the only reference to the UAW in the supplemental complaint is the assertion on page 3 that AFL-CIO COPE director John Perkins "addressed members of the Auto Workers", along with members of various other unions. The simple answer is that the Commission's regulations specifically provide that the members of a local union shall be considered 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." 11 C.F.R. §114.1(e) This regulation is based on the clear legislative history of the FECA, 120 Cong. Rec. H. 10330 (October 10, 1974) (remarks of Rep. Hays), as well as the Supreme Court's decision in United States v. CIO, 335 U.S. 106 (1948), and has been specifically reaffirmed by the Commission in MUR 354 (1972). Thus, it is apparent that communications by the AFL-CIO with the members of its constituent unions qualify as internal membership communications, which are perfectly lawful under the FECA. In any event, as the Commission specifically found in MUR 354 (1972), the fact that the AFL-CIO may communicate with or solicit contributions from the members of its constituent unions does not have any bearing on whether those unions should be considered "affiliated" with the AFL-CIO for purposes of the contribution limitations in the FECA.

Exhibit 3-a

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Accordingly, for the reasons set forth in their previous statement, Respondents UAW V-CAP and Donald J. Moll submit that the Commission should find no reason to believe that any violation of the FECA has occurred, and therefore dismiss the NRWC's complaint forthwith.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Anne Weissenborn ✓

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Miscellaneous

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC, and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP), and Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP, and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE), and Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE), and Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE	Matter Under Review (MUR) NO. 1605 RESPONSE OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-COMMITTEE ON POLITICAL EDUCATION AND RALPH A. LEIGON TO COMPLAINT

'87 APR 27 A11:51

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Exhibit 4

237

I. INTRODUCTION

The complaint filed in this Matter Under Review attempts to demonstrate that the AFL-CIO and AFL-CIO COPE-PCC control and coordinate the activities of the IBEW and IBEW-COPE and that this relationship establishes "discretionary affiliation." (Complaint at 29.) Accordingly, the complaint alleges that the failure of IBEW-COPE to disclose its affiliated relationship with AFL-CIO COPE-PCC and its failure to "comply with the common contribution limit" violated the Federal Election Campaign Act. (Complaint at 2.)

This theory is based upon two general factual contentions. The first is that "[t]he structural control of the AFL-CIO over [the IBEW] demonstrates affiliation not only between the AFL-CIO and [the IBEW] but also between AFL-CIO COPE-PCC and [IBEW-COPE]." (Complaint at 32.) The second is that "AFL-CIO control and maintenance of the political activities of affiliated unions dictates a finding of affiliation between AFL-CIO COPE-PCC and [IBEW-COPE]." (Complaint at 33.)

Both of these factual contentions are entirely incorrect. As described in the attached affidavit of Ralph A. Leigon, the International Secretary of the IBEW and the Secretary-Treasurer of IBEW-COPE [hereinafter Leigon affidavit], the IBEW is an independent, autonomous organization which cannot be, and is not, controlled by the AFL-CIO. In addition, IBEW-COPE exists independently of the AFL-CIO and AFL-CIO COPE-PCC. IBEW-COPE is not controlled or maintained by any entity outside of the

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IBEW. In short, neither the AFL-CIO nor AFL-CIO COPE-PCC has established, financed, maintained or controlled either the IBEW or IBEW-COPE.

II. THE AFL-CIO HAS NO STRUCTURAL CONTROL OVER THE IBEW

The history and organization of the IBEW demonstrate that since its inception the IBEW has been independent of the AFL-CIO. The National Brotherhood of Electrical Workers (NBEW)[1/] was established in November 1891 by the action of a convention of local unions representing electrical workers across the United States. The delegates to this first convention adopted a constitution, general laws, ritual to be held and an emblem for the new union. National officers were also elected. Shortly after the NBEW was founded, it affiliated with the American Federation of Labor.

Thus, the NBEW was not a creation of the AFL-CIO. Rather, it existed prior to becoming affiliated with the AFL and had a life of its own sixty-four years before the AFL-CIO was created by merger in 1955. (Leigon Affidavit.)

The IBEW Constitution is the supreme law of the international union. It describes the purpose for which the union was founded, its philosophy and its structure. As the basic law of the IBEW, it establishes the rights, privileges, duties, and

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1/ The Sixth Convention of the IBEW, held in 1899, changed the name of the union from National Brotherhood of Electrical Workers to International Brotherhood of Electrical Workers.

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obligations of the members, of the local unions, and of the International. (See complaintant's Exhibit 4.)

The Constitution provides that the IBEW shall meet in regular convention every four years. Art. II, Sec. 1. The International Convention is the highest governing body of the IBEW. It elects all international officers and determines the basic laws of the IBEW by its votes on proposed resolutions and constitutional amendments. It is also the final authority on internal union appeals.

The International Executive Council (IEC) of nine members is the governing body between conventions. Art. IX. It meets four times a year. The IEC carries out policies laid down by vote of the convention and deals with needs and issues arising between conventions.

The executive officers of the IBEW are the International President, International Secretary and International Treasurer. They are charged with supervising the affairs of the IBEW in accordance with their duties as outlined in Articles IV, VI and VII, respectively, of the Constitution.

The chief administrative officer is the International President. He is responsible for carrying out the laws of the IBEW; deciding all controversies, including questions of law; acting on all appeals from decisions of the International Vice Presidents; deciding and establishing IBEW policy and procedure; approving all agreements and by-laws and generally protecting and advancing the best interests of the IBEW and the labor movement.

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These articles of the Constitution make clear that the IBEW is a self-governing organization. IBEW policy is dictated by the Convention and is administered on a day-to-day basis by the International Officers. The Constitution grants no authority whatsoever to the AFL-CIO to direct the affairs of the IBEW in any way. Moreover, contrary to the allegation in the complaint (at 10), the IBEW Constitution does not require membership or affiliation with the AFL-CIO. It merely states how delegates to the AFL-CIO convention and other similar meetings will be chosen. The IBEW maintains the right to affiliate or disaffiliate with organizations such as the AFL-CIO. Although it has remained a member of the AFL-CIO since 1955, the IBEW has disaffiliated with other federations of international labor unions.[2/] (Leigon Affidavit.)

Accordingly, the AFL-CIO does not and cannot control the IBEW. Throughout its history the IBEW has remained an independent self-governing entity.

II. NEITHER THE AFL-CIO NOR AFL-CIO COPE-PCC CONTROL OR MAINTAIN IBEW-COPE

The IBEW has maintained an IBEW-COPE fund to receive voluntary contributions from IBEW members for more than 25 years. IBEW International President Charles H. Pillard and International Secretary Ralph A. Leigon presently serve as its President and Secretary-Treasurer, respectively. Mr. Joseph Cavanagh and Mr. Rick Diegel, Assistants to the International Secretary for

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2/ In 1981 the IBEW disaffiliated with the Canadian Labour Congress and in 1982 affiliated with the Canadian Federation of Labour. (Leigon Affidavit.)

Legislative Affairs, conduct the day-to-day business of IBEW-COPE.

The primary functions of the IBEW-COPE are to compile political education materials for use by IBEW local unions and members, to lobby on issues affecting the interests of IBEW members and their families and to support candidates for public office through endorsements and/or campaign contributions.

Under the direction of Pillard and Leigon, the IBEW-COPE determines for itself the nature and scope of these activities. Thus, it is not obligated to lobby on issues deemed important by the AFL-CIO COPE-PCC. Whereas the IBEW-COPE has a particular interest in issues which affect the electrical industry and, therefore, concentrates its lobbying efforts in this area, the AFL-CIO COPE-PCC lobbies on a vast array of issues affecting many other industries. Nor is the IBEW-COPE bound by the position that the AFL-CIO COPE-PCC may take on a particular issue. On several occasions, the IBEW-COPE has supported legislation and policies either nor endorsed by the AFL-CIO COPE-PCC or for which the COPE-PCC has adopted a contrary position. For example, although the IBEW-COPE has advocated the production of nuclear energy, another affiliate of the AFL-CIO, the International Association of Machinists, has taken the opposite view. As a result of this lack of consensus among AFL-CIO affiliates, the AFL-CIO COPE-PCC has remained neutral on the subject. (Leigon Affidavait.)

Similarly, the IBEW-COPE is the ultimate decision-maker with respect to which candidates it will endorse for public

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office. While the AFL-CIO encourages its affiliates to support presidential candidates endorsed by the Federation, they are not required to do so.[3/] The AFL-CIO has no authority to impose sanctions on international union officials who choose to endorse a different candidate or to remain neutral. The same holds true for endorsements of candidates seeking Congressional, state or local offices. At these levels, the IBEW-COPE generally will select candidates to endorse on the basis of communications received from IBEW local unions. Oftentimes these decisions will not comport with the endorsement decisions of the AFL-CIO COPE-PCC. For example, although the IBEW supported Mr. Hallenbach in his Congressional campaign in the 7th district of New Jersey, the AFL-CIO COPE-PCC made no endorsement. Senator Robert Stafford had the support of the IBEW-COPE in his Senatorial campaign in Vermont against AFL-CIO-supported James A. Guest. In the current U.S. Senatorial race in Illinois, the IBEW-COPE is supporting State Senator Philip Rock, while the AFL-CIO COPE-PCC is endorsing U.S. Congressman Paul Simon.

Most importantly for purposes of this case, neither the AFL-CIO nor COPE-PCC have the authority to control the contributions made by the IBEW-COPE to political candidates. The IBEW-COPE makes its own decisions concerning both the selection of

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3/ Similarly, IBEW local unions are not obligated to support candidates endorsed by AFL-CIO state and local central bodies with which they are affiliated. For example, in the 1984 Illinois State representatives' race, Steven Nash has received the endorsement of the State AFL-CIO, while local unions of the IBEW are supporting William Bork.

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candidates to whom it will make campaign contributions and the amount of such contributions.

Generally, the IBEW-COPE makes these decisions pursuant to requests for contributions from the candidates themselves. When such a request is received, either Mr. Cavanagh or Mr. Diegel examines the candidate's record to see whether the candidate has held other positions in public service and to determine what his or her view is on issues affecting IBEW members and their families. They will also contact local union officials to find out their opinion of the candidate. On the basis of this information, Mr. Cavanagh and Mr. Diegal submit a recommendation to either President Pillard or Secretary Leigon for final approval.

Neither the AFL-CIO or COPE-PCC enter into this decision-making process. The role of AFL-CIO COPE-PCC is limited to serving as a source of information. Thus, for example, the AFL-CIO COPE-PCC maintains voting records of all members of Congress to which the IBEW-COPE has access. Yet IBEW-COPE utilizes many other sources of information as well. As mentioned earlier, the IBEW-COPE receives information directly from its local unions. It also, for example, relies on reports published by the Democratic Study Group, on information received through communications with the various election campaign committees, and on the American Almanac. (Leigon Affidavit.)

The complaint in this case cites transfers of funds from AFL-CIO COPE-PCC as evidence of its affiliation with IBEW-

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COPE. (Complaint at 47-49.) All of these transfers were, however, the result of joint fund-raising by IBEW-COPE and AFL-CIO COPE-PCC.[4/] The Commission's regulations specifically recognize that joint fundraising is not an indicium of affiliation. 11 C.F.R. § 110.3(a)(iii)(E).

Accordingly, no factual support exists for the argument the AFL-CIO COPE-PCC is affiliated with IBEW-COPE. The IBEW is an independent organization over which the AFL-CIO has no authority. IBEW-COPE is also an organization which operates independently of either the AFL-CIO or AFL-CIO COPE-PCC. IBEW-COPE has not been established, financed, maintained or controlled by the AFL-CIO or AFL-CIO COPE-PCC. IBEW-COPE is not, therefore, affiliated with AFL-CIO COPE-PCC.

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4/ Prior to 1982, the proceeds received through joint fund-raising efforts went to the AFL-CIO COPE-PCC. COPE-PCC would then refund IBEW-COPE's share of these proceeds. It was under this system that during 1981, the IBEW-COPE received a transfer of funds in the amount of $114,548.75 from COPE-PCC.

CONCLUSION

For the foregoing reasons the Commission should find no reason to believe that the complaint in this Matter Under Review sets forth a possible violation of the Federal Election Campaign Act.

Respectfully submitted,

Laurence J. Cohen

Robert D. Kurnick

Mary Vogel

Attorneys for IBEW-COPE and
Ralph A. Leigon

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC, and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP), and DONALD J. MOLL, Individually and in his capacity as Treasurer, UAW V CAP, and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE), and ROBERT G. PORTER, Individually and in his capacity as Treasurer, AFT COPE, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE), and RALPH A. LEIGON, Individually and in his capacity as Treasurer, IBEW-COPE	Matter Under Review (MUR) NO. 1605 AFFIDAVIT OF RALPH A. LEIGON

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AFFIDAVIT OF RALPH A. LEIGON

DISTRICT OF COLUMBIA, ss:

RALPH A. LEIGON, being first duly sworn, upon oath, deposes and says that:

1. I am the duly elected International Secretary of the International Brotherhood of Electrical Workers ("IBEW"). My office is located at the headquarters of the International at 1125 Fifteenth Street, N.W., Washington, D.C. 20005. I have been the International Secretary of the IBEW since April 1976.

1. As the International Secretary of the IBEW, I am familiar with the organization and operation of the IBEW, and am generally familiar with its history.

2. The IBEW, which was originally called the National Brotherhood of Electrical Workers (NBEW), was established in November 1891, by the action of a convention of local unions representing electrical workers across the United States. The IBEW affiliated with the American Federation of Labor later that year.

3. The Sixth Convention of the NBEW, held in 1899, changed the name of the union to International Brotherhood of Electrical Workers.

4. The IBEW Constitution is the supreme law of the international union. It establishes the purpose, philosophy and structure of the union; the laws by which its members are governed; and the rights and duties of its members, of the local unions, and of the International.

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5. The International Convention is the highest governing body of the IBEW. It determines the basic laws of the IBEW.

6. The International Executive Council is the governing body between conventions. The Executive Council carries out policies laid down by vote of the convention and deals with needs and issues arising between conventions.

7. The day-to-day administration of the IBEW is the duty of the International officers--the International President, International Secretary, and the International Treasurer.

8. The chief administrative officer is the International President. His duties include: carrying out laws of the IBEW; deciding all controversies, including questions of law; acting on all appeals from decisions of the International Vice Presidents; deciding and establishing IBEW policy and procedure; approving all agreements and by-laws; and chartering, merging or amalgamating local unions.

9. The AFL-CIO has no authority under the IBEW Constitution to direct the affairs of the IBEW. The IBEW operates independently of the AFL-CIO and maintains the right to affiliate or disaffiliate with organizations such as the AFL-CIO. For example, in 1981 the IBEW disaffiliated with the Canadian Labour Congress and in 1982 affiliated with the Canadian Federation of Labour.

10. As Secretary-Treasurer of the IBEW-COPE, I am also familiar with the operations of that organization.

11. The IBEW has maintained an IBEW-COPE fund to receive voluntary contributions from its members for over 25 years.

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12. The primary functions of the IBEW-COPE are to compile political education materials for use by IBEW local unions and members, to lobby on issues affecting the interests of IBEW members and their families, and to support candidates for public office through endorsements and/or campaign contributions. Decisions related to the execution of these functions are ultimately made by myself or Charles H. Pillard, President of the IBEW-COPE.

13. The IBEW-COPE concentrates its lobbying efforts on issues which affect the electrical industry.

14. On several occasions, the IBEW-COPE has advocated legislation not endorsed by the AFL-CIO COPE-PCC. For example, the IBEW-COPE has publicly supported the production of nuclear energy, while the AFL-CIO COPE-PCC has chosen to remain neutral on this subject.

15. Decisions concerning which candidates will be endorsed by the IBEW-COPE are also made internally. The AFL-CIO may urge but cannot direct the IBEW to endorse a particular candidate. Particularly at the Congressional, state and local levels, candidates are endorsed by the IBEW-COPE on the basis of input it receives from local unions. These endorsements may or may not comport with endorsements made by the AFL-CIO COPE-PCC. For example, while the IBEW supported Mr. Hallenbach in his Congressional campaign in the 7th Congressional district of New Jersey, the AFL-CIO COPE-PCC made no endorsement. Senator Robert Stafford had the support of the IBEW-COPE in his senatorial campaign in Vermont against AFL-CIO-supported James A. Guest. In

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the current Senatorial race in Illinois, the IBEW-COPE is supporting State Senator Philip Rock, while the AFL-CIO COPE-PCC has endorsed U.S. Congressman Paul Simon.

16. The AFL-CIO COPE-PCC has no control over decisions made by the IBEW-COPE concerning the selection of candidates to whom it will make campaign contributions or the amount of such contributions. The IBEW-COPE generally makes these decisions pursuant to requests for contributions made by the candidates themselves. When such a request is received, my Assistants for Legislative Affairs, Joseph Cavanagh and Rick Diegel, will check the candidate's record to determine whether he or she has experience in public service and to determine what his or her views are on issues affecting IBEW members and their families. Messrs. Cavanagh and Diegel also contact local union officials to solicit their opinion of the candidate. On the basis of this information, a recommendation will be submitted to either President Pillard or myself for final approval.

17. The IBEW-COPE utilizes the AFL-CIO COPE-PCC primarily as a source of information. For example, the IBEW-COPE refers to voting records of members of Congress maintained by the AFL-CIO COPE-PCC.

18. The IBEW-COPE also relies on other sources of information including reports put out by the Democratic Study Group, communications with various election campaign committees and the American Almanac.

19. The $114,548.75 received by the IBEW-COPE from the AFL-CIO COPE-PCC during 1981 reflects its share of funds collected

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through a joint fund-raising effort. IBEW-COPE receives no funds from AFL-CIO COPE-PCC other than funds that are the product of joint fund-raising.

Further the affiant sayeth not.

Ralph A. Leigon

Ralph A. Leigon

Signed and sworn before me this 27th day of January, 1984.

Deborah L. Branzell

Notary Public

DEBORAH L. BRANZELL, Notary Public
in and for the District of Columbia
My Commission Expires August 14, 1988

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LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
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SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS K. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. SOR
D. WILLIAM HEINE, JR.*
MARY E. VOGEL

*MEMBER OF CALIFORNIA BAR

AREA CODE 202
785-9300

MUR 1605
Weissenborn

May 11, 1984

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

Re: MUR 1605

Dear Mr. Steele:

This letter constitutes the response of the International Brotherhood of Electrical Workers-Committee on Political Education (IBEW-COPE) and Ralph A. Leigon to the Supplement to Complaint filed in this matter.

Nothing in the Supplement to Complaint provides any additional support for the allegation that the AFL-CIO and AFL-CIO COPE-PCC control the activities of the IBEW and IBEW-COPE. The Supplement to Complaint does not cite any evidence that the IBEW or IBEW-COPE is financed, maintained or controlled by the AFL-CIO. Although the Supplement recites the indicia of financing, maintaining or controlling, described in 11 C.F.R. § 110.3(a)(1)(iii), there is no factual support for the assertion that these indicia are satisfied here.

The Supplement purports to describe the IBEW's "entanglement with the AFL-CIO and the AFL-CIO COPE-PCC" (Supplement to Complaint at 8); that description, however, consists of little more than a statement that the IBEW is an affiliate of the AFL-CIO, which is true, and a recitation clearly insufficient to show maintenance or control, such as, for example, the IBEW's decision to publish an article written by an AFL-CIO official (Supplement to Complaint at 9).

Exhibit 4-a

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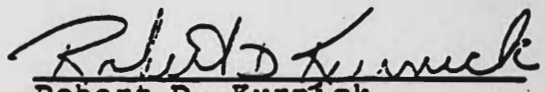
The Supplement also argues that various "facts" stated in the Complaint should be deemed admitted "[t]o the extent that IBEW-COPE has failed to respond" to them. (Supplement to Complaint at 8) These claims were not and are not admitted and can, in any event, hardly be characterized as "facts." They include, for example, the claim that "AFL-CIO Resolution #176 ensures affiliation of international unions such as IBEW with the AFL-CIO." Resolution #176, however, says nothing whatsoever about affiliation of international unions with the AFL-CIO. (Complaint at 35) Moreover, as IBEW-COPE explained in its response to the original Complaint, the IBEW is an autonomous organization and maintains the right to disaffiliate with organizations such as the AFL-CIO. (Response of IBEW-COPE and Ralph A. Leigon to Complaint at 4) No resolution adopted by the AFL-CIO could preclude the IBEW from exercising that right even if such a resolution existed.

Because neither the Complaint nor the Supplement offers any evidence that IBEW-COPE is affiliated, pursuant to Section 441a(a)(5) of the Federal Election Campaign Act of 1971, with AFL-CIO COPE-PCC, no reason exists to believe that Complainant has set forth a possible violation of the Act.

Respectfully submitted,



Robert D. Kurnick
SHERMAN, DUNN, COHEN
LEIFER & COUNTS, P.C.
1125 15th Street N.W.
Suite 801
Washington, DC 20005

Attorney for IBEW-COPE
and Ralph Leigon

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lawrence Gold, Esquire
Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1605
AFL-CIO COPE-PCC
Thomas R. Donahue

Dear Mr. Gold and Ms. McCormick:

On December 9, 1983, the Commission notified your clients, AFL-CIO COPE-PCC and Thomas R. Donahue, of a complaint alleging violations of certain sections of the Federal Election Campagin Act of 1971, as amended.

The Commission, on June , 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Counsel, UAW V-CAP
1757 N Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
UAW V-CAP
Donald J. Moll

Dear Mr. Reuther:

On December 9, 1983, the Commission notified your clients, UAW V-CAP and Donald J. Moll, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June , 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission had closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046460

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
AFT COPE
Robert G. Porter

Dear Mr. Oldaker:

On December 9, 1983, the Commission notified your clients, AFT COPE and Robert G. Porter, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June , 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lawrence J. Cohen, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
Suite 181
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1605
IBEW-COPE
Ralph A. Leigon

Dear Mr. Cohen:

On December 9, 1983, the Commission notified your clients, IBEW-COPE and Ralph A. Leigon, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June , 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction had been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Assiciate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James Edward Antosh
c/o Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1605

Dear Mr. Antosh:

The Federal Election Commission has reviewed the allegations of your complaint which was received on December 2, 1983, and determined that on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe that violations of the Federal Election Campaign Act of 1971, as amended ("the Act") have been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

Exhibit 5

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lawrence Gold, Esquire
Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1605
AFL-CIO COPE-PCC
Thomas R. Donahue

Dear Mr. Gold and Ms. McCormick:

On December 9, 1983, the Commission notified your clients, AFL-CIO COPE-PCC and Thomas R. Donahue, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

AW 7/11/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Counsel, UAW V-CAP
1757 N Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
UAW V-CAP
Donald J. Moll

Dear Mr. Reuther:

On December 9, 1983, the Commission notified your clients, UAW V-CAP and Donald J. Moll, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

AW 7/11/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lawrence J. Cohen, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
Suite 801
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1605
IBEW-COPE
Ralph A. Leigon

Dear Mr. Cohen:

On December 9, 1983, the Commission notified your clients, IBEW-COPE and Ralph A. Leigon, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

AW 7/11/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
AFT COPE
Robert G. Porter

Dear Mr. Oldaker:

On December 9, 1983, the Commission notified your clients, AFT COPE and Robert G. Porter, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 10, 1984, determined that on the basis of the information in the complaint and information supplied by all respondents in this matter, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

AW 7/11/84

8404046667

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael Ernest Avakian, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1605

Dear Mr. Avakian:

The Federal Election Commission has reviewed the allegations of your client's complaint which was received on December 2, 1983, and determined that on the basis of the information provided in the complaint and information provided by the respondents, there is no reason to believe that violations of the Federal Election Campaign Act of 1971, as amended ("the Act") have been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

RW 7/11/84

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1984

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1605

This matter is being circulated for placement on the July 10, 1984 executive session agenda. We request that this matter be considered on a late submission basis because the recommendations in this matter may impact on recently filed litigation which entails a request for expedited action by the court.

8404046469

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 6, 1984

SUBJECT: MUR 1605 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1984

Michael A. Avakian
Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road
Suite 400
North Springfield, Virginia 22151

RE: MUR 1605

Dear Mr. Avakian and Ms. Poindexter:

On June 26, 1984, the Commission declined to disqualify Commissioner Thomas E. Harris from participation in MUR 1605 as requested in your motion of April 26, 1984. Commission consideration of this matter will therefore continue pursuant to established procedures and you will be informed of the Commission's final determination in due course.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael A. Avakian
Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road
Suite 400
North Springfield, Virginia 22151

RE: MUR 1605

Dear Mr. Avakian and Ms. Poindexter:

On June 26, 1984, the Commission declined to disqualify Commissioner Thomas E. Harris from participation in MUR 1605 as requested in your motion of April 26, 1984. Commission consideration of this matter will therefore continue pursuant to established procedures and you will be informed of the Commission's final determination in due course.

Sincerely,

Charles N. Steele
General Counsel

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AW
6/26/84

Permanent doc file Docket

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 JUN 26 P3: 41

CONCURRING STATEMENT OF COMMISSIONER FRANK P. REICHE

IN MUR 1605

RE THE DISQUALIFICATION OF COMMISSIONER THOMAS E. HARRIS

While I wholeheartedly agree with the Commission's decision that Commissioner Thomas E. Harris should not be disqualified from participation in MUR 1605, I wish to state my reasons therefor and the general concern which I have with respect to the possible disqualification of FEC Commissioners, both now and in the future.

It is my view that the Commission may, in unusual circumstances, vote to disqualify a member, but should do so only where it is absolutely clear as a matter of law and/or public policy that it would be inappropriate for a Commissioner to participate in a given case. There is real danger in permitting this politically sensitive Commission to determine the qualification of its members on a case-by-case basis. This is particularly true where it is necessary to obtain the affirmative vote of four members in order to transact Commission business.

In this instance the alleged relationship of Commissioner Harris with the issues before the Commission is tenuous at best. The signing of the prior stipulation by Commissioner Harris in his capacity as Associate General Counsel for the AFL-CIO more than eleven years ago is no reflection upon his personal beliefs with respect to the issues involved in that case. He was, as he indicated, merely admitting to the accuracy of the facts contained in such stipulation for purposes of that litigation.

In addition, both the issues and parties in this case differ from those under consideration in the prior matter in which Commissioner Harris participated. The likelihood of his being called as a witness in the present matter is, as our

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Counsel noted, remote. If indeed there is an interest in determining the present relationship of the AFL-CIO with its affiliates and their PACs, appropriate questions should be addressed not to Commissioner Harris, but instead to those AFL-CIO officials currently involved in such matters. Thus, I see no grounds for disqualifying Commissioner Harris herein.

Dated: June 26, 1984

Frank P. Reiche

Frank P. Reiche, Commissioner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
AFL-CIO COPE-PCC,)
et al.

MUR 1605

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 26, 1984, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 1605:

1. Decline to disqualify Commissioner Thomas E. Harris from participation in proceedings related to MUR 1605.

2. Approve the letter attached to the General Counsel's report dated June 14, 1984.

Commissioners Aikens, Elliott, McDonald, McGarry, and Reiche voted affirmatively for the decision. Commissioner Harris was not present during consideration of this matter.

Attest:

6-26-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 20, 1984

SUBJECT: MUR 1605 - Memorandum to The Commission

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[x]	Other (see distribution below)	[ ]

CIRCULATE ON GREEN PAPER PLEASE

INFORMATION/SENSITIVE

ADD TO DOCUMENT CIRCULATED 6/14/84

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 JUN 20 P 3: 46

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 20, 1984

SENSITIVE

MEMORANDUM

EXECUTIVE SESSION

~~JUN 19 1984~~

JUN 26 1984

TO: The Commission

FROM: Charles N. Steele CNS (GMN)
General Counsel

SUBJECT: MUR 1605 - Answer to Motion to Disqualify Commissioner Harris From Further Proceedings

On June 14, 1984, the Office of General Counsel circulated the above-referenced document. That memorandum was objected to and placed on the June 26, 1984 executive session agenda. Please include the attached memorandum as part of the materials to be placed on the agenda in the consideration of this matter.

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1984

MEMORANDUM

TO: Commissioners

John C. Surina, Staff Director
Charles N. Steele, General Counsel

FROM: Thomas E. Harris, Commissioner TEH

SUBJECT: Request For Recusal in "RE: AFL-CIO COPE-PCC, et al."

Complainant has requested that I recuse myself in the above matter because of a stipulation of facts which I entered into as counsel in certain litigation some years ago. See complaint, p. 60, and Exhibit 6 thereto.

Attached is a memorandum on "Standards in Disqualification Cases," dated February 7, 1984, prepared at my request by General Counsel Steele.

I have decided to reject the request that I recuse myself. Among my reasons are the following:

1. A stipulation does not signify that signing counsel has personal knowledge as to the facts recited therein, but simply admits their accuracy for purposes of that litigation. Since Counsel for the complainant cannot but be aware of this distinction, doubt arises as to the good faith of the recusal request.

2. The stipulation was executed 10 years ago and dealt with activities, including particularly the relationship between the AFL-CIO and the IAM, in earlier years. The facts set forth in the stipulation, assuming them to be correct, can have little if any relevance to the present complaint which rests on alleged current relationships between the AFL-CIO and other organizations.

3. The complainant cites the stipulation in support of, not in opposition to, the complaint.

4. I think that it would be a bad precedent for a Commissioner to disqualify himself in response to so tenuously grounded a request.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN M. TEIR SMT

DATE: JUNE 20, 1984

SUBJECT: OBJECTION - MUR 1605 - ANSWER TO MOTION TO DISQUALIFY COMMISSIONER HARRIS FROM FURTHER PROCEEDINGS signed June 14, 1984

The above-named document was circulated to the Commission on Monday, June 18, 1984 at 11:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Harris	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Reiche	X (COMMENTS)

This matter will be placed on the Executive Session agenda for Tuesday, June 26, 1984.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM JCR

DATE: JUNE 18, 1984

SUBJECT: COMMENTS RE: MUR 1605 Answer to Motion to Disqualify Commissioner Harris from Further Proceedings

Attached is a copy of Commissioner Harris' vote sheet with comments regarding the above-captioned matter.

Attachment:
copy of vote sheet

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 15, 1984

SUBJECT: MUR 1605 - Answer to Motion to Disqualify Commissioner Harris from Further Proceedings

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[x]	Compliance	[x]
Sensitive	[x]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

AFL-CIO COPE-PCC, et al.) MUR 1605

84 JUN 15 P12: 48

ANSWER TO MOTION TO DISQUALIFY
COMMISSIONER HARRIS FROM FURTHER PROCEEDINGS

On May 2, 1984, counsel for the complainant in MUR 1605 filed a Motion To Disqualify Commissioner Harris From Further Proceedings in this matter. Accompanying this motion was an affidavit signed by the complainant and a memorandum of points and authorities. Complainant's motion follows a request contained in the complaint that Commissioner Thomas E. Harris disqualify himself from participation in the consideration of MUR 1605 and Commissioner Harris' subsequent letter to counsel dated March 1, 1984 (Attachment 1), stating his conclusion "that the complaint offers no grounds warranting my disqualification" and his decision not to withdraw from participation. (See also Attachment 2, Memorandum to Commissioner Harris from Charles N. Steele, General Counsel, "Standards in Disqualification Cases.")

In MUR 1605 the complainant argues that the separate segregated funds of the American Federation of Teachers, the International Brotherhood of Electrical Workers, and the United Auto Workers are affiliated with AFL-CIO COPE-PCC pursuant to 2 U.S.C. § 441a(a)(5), and that AFL-CIO COPE-PCC and the other named, assertedly affiliated, committees have made contributions in excess of the limitations set forth at 2 U.S.C. § 441a and have failed to list their affiliated unions' separate segregated funds on their statements of organization in violation of 2 U.S.C. § 433(b)(2).

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The factual bases for complainant's instant motion are Commissioner Harris' position as associate general counsel of the AFL-CIO from 1955 to 1975 and his signature in that capacity on a joint stipulation of fact filed in Seay v. McDonnell Douglas Corporation, et al., Nos. 67-1394-HP, 71-498-HP, (C.D. Cal. 1973). The complainant also asserts that Commissioner Harris could be called as a witness "regarding his knowledge of the facts set forth in the stipulation." The legal bases for complainant's motion are the provisions of 5 U.S.C. § 556(b)(3), Administrative Procedures Act, which require impartiality on the part of presiding employees and of employees participating in proceedings conducted pursuant to 5 U.S.C. § 557, and which provide for an agency determination "of personal bias or other disqualification of a presiding or participating employee" upon the filing of an affidavit alleging such bias or disqualification.1/

1/ 5 U.S.C. § 556(b)(3) reads in part:

> The functions of presiding employees and of employees participating in decisions in accordance with section 557 of this title shall be conducted in an impartial manner. A presiding or participating employee may at any time disqualify himself. On the filing in good faith of a timely and sufficient affidavit of personal bias or other disqualification of a presiding or participating employee, the agency shall determine the matter as part of the record and decision in the case.

It is clear from the case law involving disqualification of members of adjudicatory boards and commissions that courts recognize the authority of such an agency to determine the qualification or disqualification of a member. For example, in Amos Treat & Co. v. SEC, 306 F.2d 260, 265 (D.C. Cir. 1962) the court, in determining that a particular commissioner should have

(footnote continued)

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Administrative Procedures Act

At the outset it must be emphasized that Section 556 by its terms applies only to "hearings required by section . . . 554 of this title. . . ." 5 U.S.C. § 556(a). Section 554 applies to "every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing. . . ." 5 U.S.C. § 554(a). The Federal Election Campaign Act does not require that Commission consideration of enforcement matters "be determined on the record after opportunity for an agency hearing." 5 U.S.C. § 554(a). Therefore, such deliberations are not subject to the provisions of 5 U.S.C. § 556. See, e.g., U.S. Lines Inc. v. Federal Maritime Commission, 584 F.2d 519, 536 (D.C. Cir. 1978) (5 U.S.C. § 556 only applies when "Congress has clearly indicated that the 'hearing' required by statute must be a trial-type hearing on the record.") See also Hannah v. Larche, 363 U.S. 420 (1959).

In addition, the provisions of 5 U.S.C. § 556(b) cited above, which require impartiality on the part of presiding and participating employees refer specifically to decisions made in accordance with 5 U.S.C. § 557 which in turn applies only "when a hearing is required to be conducted in accordance with 5 U.S.C. § 556." 5 U.S.C.

1/ (footnote continued)

been disqualified from participating in a particular case, stated, "Nor is it a case where the agency had not been given an opportunity to pass in first instance upon the claimed disqualification of its own members." In American Cyanamid Company v. FTC, 363 F.2d 757, 764-65 (6th Cir. 1966), the court cited without comment the fact that the plaintiff had filed motions with the FTC to disqualify the commission chairman and that the commission had issued an interlocutory order denying these motions.

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§ 557(a). The provisions for agency determination of personal bias upon the filing of an affidavit, being in the same paragraph of Section 556(b) as the express limitation to adjudicatory hearings, are also inapplicable to the Commission. In summary, the Commission is not required by the Administrative Procedures Act to ensure the impartiality of commissioners in enforcement proceedings or to make determinations regarding the disqualification of a member upon the filing of an affidavit.

Authority and Duty of the Commission to Disqualify a Commissioner

Given the inapplicability of 5 U.S.C. § 556(b) to the Commission's proceedings, it must be determined whether or not the Commission otherwise has (1) the authority and (2) the responsibility to disqualify one of its members. These questions have not previously been before the Commission.

Neither the Federal Election Campaign Act nor the Commission's regulations address the issue of disqualification authority, nor has any discussion of such authority or lack thereof been found in the legislative history. It is therefore necessary to determine whether an analogous situation has arisen in another administrative agency with a similar Congressional mandate and to examine judicial reaction to such agency's action or inaction.

An agency with powers and procedures closely parallel to those of the Commission is the Equal Employment Opportunities Commission. In EEOC v. Sears, Roebuck and Co., 504 F. Supp. 241 (N.D. Ill. 1980), the court spelled out the powers of EEOC as

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involving the investigation of charges of discrimination, the promotion of voluntary compliance, and the institution of civil actions against employers or unions named in a charge. "The Commission's proceedings are non-binding and non-adjudicative. . . . (T)he Commission's responsibilities are only investigative." 504 F. Supp. at 254. EEOC procedures as outlined by the court require notice of the charge filed, an investigation, determination of reasonable cause to believe, conciliation and persuasion, and the institution of suit only if no acceptable conciliation agreement is reached. EEOC, like the Commission, would not be bound by the provisions of 5 U.S.C. § 556 because it is not required by statute to consider its enforcement matters on the record after an agency hearing has been held. However, in Air Transport Association of America v. Hernandez, 264 F. Supp. 227 (D.D.C. 1967) the court granted a preliminary injunction enjoining EEOC from disclosing an interpretive ruling which had been voted upon by a commissioner whose disqualification the plaintiff's counsel had sought in an appearance before the entire Commission prior to the vote. The EEOC chairman had refused to disqualify this commissioner despite her having been selected, shortly before the vote, for a position with an organization which had issued a policy statement on the issue involved in the ruling in question. The court found that "procedural due process under the Equal Employment Opportunities Section of the Civil Rights Act of 1964 requires the disqualification of a member of that Commission where there is

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not on its face the appearance of fairness in voting on issues before the Commission. This is especially true when it is understood that the Commission's primary purpose is conciliation and persuasion." 264 F. Supp. at 232.

The decision in Hernandez does not expressly acknowledge the authority of the EEOC to disqualify a member, but there is nothing in that decision which is critical of the request made by plaintiff's counsel to the Commission itself for the disqualification of the member in question. Further, the criticism the court levies against the commissioner's participation in the decision in question is not directed solely toward that particular commissioner, but also toward the commission as a whole.

To the extent that the authority of the EEOC cases are analogous, courts would probably grant to the Federal Election Commission similar authority to disqualify a commissioner if a commissioner's former position affected the appearance of fairness in the Commission's deliberations on an issue. Whether the Commission, like EEOC, also has an apparent, corresponding duty to consider the disqualification of a member in an enforcement matter is another question not so readily answered by reference to decisions regarding other administrative bodies.

The FEC is composed of six members chosen on the basis of evenly balanced political affiliation. 2 U.S.C. § 437c(c) requires the affirmative vote of four Commissioners for all decisions related to the conduct of enforcement, rule-making, the issuance of advisory opinions and the initiation of civil

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actions, and prohibits the delegation of any vote or any decision-making authority or duty. Given this carefully crafted statutory scheme with its built-in checks and balances, it is arguable whether the Commission has a duty to consider what are in effect challenges to this scheme, particularly when it is the appearance of, not present or actual, conflict of interest which is being alleged.

In a very recent case, Center for Auto Safety v. FTC, _____ F. Supp. _____, No. 84-0056 (D.D.C. April 25, 1984) (available June 7, 1984, on WESTLAW, Genfed, DCT database), the court addressed the refusal of the chairman of the FTC to recuse himself from "the so-called GM defects case," recusal having been requested because of his prior relationship with a consulting firm whose largest client was General Motors. The court stated

> In an executive agency, another official is always available in case of disqualification or recusal of the agency head to whom full authority may be delegated. . . . That is not so in a regulatory commission. If one member of such a commission is disqualified or recused, he cannot, under the law, be replaced . . . and the body may be left . . . unable to make an effective decision by virtue of an even split. For that reason, there may remain here, unlike in the judicial area, vestiges of a 'duty to sit.'2/

Although the disqualification of one FEC commissioner would not necessarily lead to an even split, the possibility of resulting inaction is a real one. Therefore, any consideration of the Commission's duties regarding disqualification of a member

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2/ The court, in a footnote, notes that before the amendment of 28 U.S.C. § 455 in 1975, "a judge was deemed to have a 'duty to sit' if a close question about his participation was raised.

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must also take into account its responsibility to prevent disruption of its statutory functions.

Procedural Due Process
Re. Prosecutorial Activities

Should the Commission decide that it has the responsibility as well as the authority to consider allegations of a conflict of interest on the part of an FEC commissioner, it must consider the standards to be applied in reaching its decision. The courts, in attempting to identify boundaries beyond which the real or apparent bias of agency decision-makers requires judicial intervention or reversal, have differentiated between agencies with judicial or "quasi-judicial" powers and agencies with prosecutorial powers and have applied less strict standards of fairness to the latter. A principal case in this regard is Marshall v. Jericho, Inc., 446 U.S. 238 (1980), in which the Supreme Court addressed the issue of the risk of bias in decisions taken by an assistant regional administrator of the Employment Standards Administration, U.S. Department of Labor, who had been charged with enforcement of the Fair Labor Standards Act, including the determination of violations and the assessment of penalties. Decisions of such an administrator were appealable to an administrative law judge. In this case the Court determined that the function of the regional administrator was like that of a prosecutor or civil plaintiff:

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> "He is no judge. He performs no judicial or quasi-judicial functions. He hears no witnesses and rules on no disputed factual or legal questions. . . . If the employer excepts to a penalty - as he has a statutory right to do - he is entitled to a de novo hearing before an administrative law judge. In that hearing the assistant regional administrator acts as the complaining party and bears the burden of proof on contested issues." 446 U.S. at 247.

The Court in Marshall determined that "the strict requirements of neutrality cannot be the same for administrative prosecutors as for judges, whose duty it is to make the final decision and whose impartiality serves as the ultimate guarantee of a fair and meaningful proceeding in our constitutional regime." 446 U.S. at 250.

In EEOC v. Sears, Roebuck and Co., 504 F. Supp. 241, the court, in ruling on defendant's motion to dismiss, applied the Marshall distinction to the issue of apparent conflicts of interest on the parts of attorneys employed by the Equal Employment Opportunities Commission with regard to a discrimination suit brought against Sears, Roebuck and Co. After outlining the EEOC's powers and procedures (see above), the court cited the language in Marshall regarding the role of a regional administrator with the Department of Labor and stated, "We believe these statements aptly describe the EEOC commissioners and their staff in their investigation of Title VII charges." 504 F. Supp. at 251, fn.21. The court found that "(c)ases involving conflicts of interest in a prior adjudication are inappropriate, since the EEOC is vested solely with investigatory

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powers." 504 F. Supp. at 250. The court refused to dismiss outright the EEOC's claims against Sears, despite acknowledged improprieties on the part of EEOC staff attorneys either directly involved in the case itself or serving as an assistant to one of the Commissioners.3/ The fact that the EEOC claims would be adjudicated for the first time in a federal district court spelled the difference between the court's reaction to apparent agency bias on the part of the EEOC and precedents such as American Cyanamid v. FTC, 363 F.2d 757 and Cinderella Career and Finishing Schools v. FTC, 425 F.2d 583 (D.C. Cir. 1970) where the courts refused to enforce agency actions resulting from adjudicatory proceedings in part because of prior investigatory involvement and statements made by the chairman of the Federal Trade Commission.

The court in Sears did, however, state that the activities of the EEOC attorneys at issue would be circumstances "taken into account in connection with any consideration given the administrative record." 504 F. Supp. at 268. The court relied extensively upon the public's interest in identifying discriminatory practices on the part of employers in its

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3/ The specific allegations of conflict of interest were based upon the membership on the board of the National Organization of Women Legal and Defense Fund of a supervising EEOC attorney involved in the Sears investigation and the membership on the board of N.O.W. of the special assistant to the EEOC chairman. The supervising attorney had also placed an advertisement in the NOW paper recruiting staff personnel. "The appearance of partiality on the part of the Commission is palpable." 504 F. Supp. at 251.

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determination not to dismiss the case in spite of the activities of EEOC employees involved, and stated that it didn't "wish to create the impression that de novo review will always render the conduct [of an agency] 'harmless.'" 504 F. Supp. at 275. And earlier the Supreme Court in Marshall v. Jericho, supra, expressly did not find that the partisanship of administrative prosecutors is unlimited by the Due Process Clause.

> "Prosecutors are also public officials; they too must serve the public interest. In appropriate circumstances the Court has made clear that traditions of prosecutorial discretion do not immunize from judicial scrutiny cases in which the enforcement decisions of an administrator were motivated by improper factors or were otherwise contrary to law. Moreover, the decision to enforce -or not to enforce - may itself result in significant burdens on a defendant or a statutory beneficiary, even if he is ultimately vindicated in an adjudication. A scheme injecting a personal interest, financial or otherwise, into the enforcement process may bring irrelevant or impermissible factors into the prosecutorial decision and in some contexts raise serious constitutional questions." 446 U.S. at 249 (citations omitted.)

In Marshall the court did not find it necessary to determine precisely the limits beyond which real or apparent conflicts of interest on the part of an administrator acting in a prosecutorial capacity encroach upon the due process rights of a person affected by administrative action; hence no guidelines are provided.

Prior Participation in Fact-finding

The complainant argues that Commissioner Harris should be disqualified because he was involved in developing facts set

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forth in the Seay stipulation which are also deemed "essential to the disposition" of MUR 1605, and that "(a)s a trier of fact, [he] would be required to make determinations regarding the same set of facts which he had previously advocated." The cases cited by the complaint in support of this argument, namely, Amos Treat & Co. v. SEC, 306 F.2d 260, and Trans World Airlines v. CAB, 254 F.2d 90 (D.C. Cir. 1962), both involved agencies required to hold adjudicatory proceedings. In Amos Treat the court reversed the lower court's decision not to issue an injunction enjoining agency action, and in Trans World Airlines the court vacated an agency order; in both cases the courts so ruled because of the prior involvement in a factual investigation of a person who later heard the same case as a commissioner.

This pattern of prior investigatory involvement was also present in American Cyanamid v. FTC, 363 F.2d 757 (6th Cir. 1966), a case concerning, in part, the fact that the chairman of the Federal Trade Commission had previously directed a Congressional investigation into the same facts and issues involving the same parties as those named as respondents in the case before the Commission. In American Cyanamid the court found that the chairman should have been disqualified and remanded the case for a de novo administrative hearing. However, the same individual was not deemed disqualified in another case that same year, namely Safeway Stores, Inc. v. FTC, 366 F.2d 795 (9th Cir. 1966), cert. denied, 386 U.S. 932 (1967). In this second case the FTC chairman in his earlier capacity as chief counsel for a

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U.S. Senate subcommittee had investigated the activities of the same manufacturers as those involved in Safeway. His participation had included asking questions of the president of one defendant company. However, the court found in Safeway nothing to indicate that the chairman had taken an earlier position as chief counsel inconsistent with his ability to judge the facts fairly as a member of the FTC. "We do not agree that an attorney's personal opinions on a factual controversy may be inferred from questions he puts in the performance of his professional duty." 366 F.2d at 801. The court distinguished Safeway from American Cyanamid by stating that the chairman had taken a "much more active part in 'the (latter) investigation' than he did in the hearings related to the case at bar." 366 F.2d at 802.

In Lead Industries Assoc., Inc., v. EPA and St. Joe Minerals Corp. v. EPA, 647 F.2d 1130 (D.C. Cir. 1980), cert. denied, 449 U.S. 1042 (1980), the court addressed the issue of bias on the part of an assistant administrator of the EPA who had supervised the writing of lead standards and recommended their adoption by the Administrator after having previously represented a group which had brought the action forcing the Administrator to list lead as a pollutant. The court found that there had been "no clear and convincing showing" that the assistant administrator "had an unalterably closed mind," 647 F.2d at 1180, and that he had prejudged the precise issue before the EPA. 647 F.2d at 1178. The court argued that prior cases requiring disqualification [Amos Treat Co. and American Cyanamid] had dealt

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with "the intimate involvement of the decision makers in the investigation of the same factual and legal issues" they were then called upon to adjudicate, making it inevitable for a 'disinterested observer' to conclude that they had 'in some measure adjudged the facts as well as the law . . . in advance of hearing [the case].'" 647 F.2d at 1176, citing Cinderella Career and Finishing Schools, Inc. v. FTC, 425 F.2d 583, 591 (D.C. Cir. 1970), quoting Gilligan, Will and Co. v. SEC, 267 F.2d 583, 591 (2d Cir.), cert. denied, 361 U.S. 896 (1959).

Legislative History

As noted above, the legislative history concerning the composition and responsibilities of the Commission does not address the issue of disqualification of commissioners for conflict of interest or other reasons. A discussion of conflict of interest does appear in the Conference Report which accompanied the Federal Election Campaign Act Amendments of 1976; however, this discussion is related only to the provisions of 2 U.S.C. § 437c(a)(3) which set forth qualifications to be sought in members, require members not to engage "in any other business, vocation, or employment" and provide a period for terminating or liquidating such activity following appointment to the Commission.

One discussion during the floor debate on the Senate bill in 1976 does shed some light on Congressional expectations regarding the attitudes or opinions to be brought to a decision by a commissioner. During the discussion of an amendment presented by Senator Mathias which would have added to the Commission two

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members not affiliated with a party, the following colloquy took place:

> Sen. Mathias: I do not believe that this is quite the situation of a Federal Judge who becomes nonpartisan and neutral, politically, once he ascends the bench. I think these people are being drawn from each party . . . because of their political experiences, because this is not an area of general jurisdiction, law in equity, admiralty, and all the rest.
>
> This is a very special area of jurisdiction dealing with election practices. Their political experience in life will necessarily color their decisions, and properly so. That is why we are choosing these people, because they have some political experience in life.
>
> . . .
>
> Sen. Griffin: I believe the comment of the Senator from Maryland is realistic, even though we did extract from the appointees their agreement that when they were confirmed they would be nonpartisan. I think the Senator makes a good point, that in this particular area it may be somewhat unrealistic to assume that it will not affect their decisions in political questions.
>
> Nevertheless it seems to me that should be the goal and the objective to the extent possible.
>
> Sen. Mathias: Oh, I agree. But I think we are dealing with two time frames.
>
> Sen. Griffin: Right.
>
> Sen. Mathias: One, the unpartisan way in which we hope they will act in the future; but that is necessarily going to be colored by their partisan experiences in the past.

(Congressional Record - Senate, March 18, 1976 - S. 3784).

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Congress did not, apparently, expect commissioners to shed totally their prior experience or knowledge when assuming their positions with the Commission.

Presumption of Fairness

One additional judicial principle must be cited, namely, that "an administrative official is presumed to be objective and 'capable of judging a particular controversy fairly on the basis of its own circumstances.'" United Steelworkers of America v. Marshall, 647 F.2d 1189, 1208 (D.C. Cir. 1980) quoting United States v. Morgan, 313 U.S. 409, 421 (1941). The law does not presume that a Commissioner is incapable of keeping his or her mind open and deciding impartially a matter as to which he or she may have some personal, factual knowledge.

Summary of Standards and Application to MUR 1605

Although the case law and legislative history discussed above do not provide exact guidelines, the Commission can glean from these sources the following general principles: (1) that 5 U.S.C. § 556 does not apply to Commission enforcement procedures; (2) that potential disruption of functions is a factor to be considered in determining a commission's responsibilities regarding disqualification of a member; (3) that administrators with prosecutorial responsibilities are held to a less rigorous standard regarding real or apparent conflicts of interest than are those involved in adjudicative proceedings, although a showing of personal interest or bias on the part of a person acting in a prosecutorial capacity may also violate due

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process at some unspecified point; (4) that courts presume fairness on the part of administrative decision-makers; and (5) that Congress desired impartiality on the part of FEC commissioners but recognized the reality that their past partisan experiences would play a role in their decisions. Finally, it appears that for a commissioner to be disqualified because of prior involvement as an attorney in a case involving certain facts which are, or may be, of issue in a matter before the Commission, it is necessary that that prior involvement have been of such magnitude, and the facts and issues involved so similar, that a "disinterested observer" could only find that the commissioner has prejudged the facts as well as the law in the matter before the Commission.

The Seay stipulation at issue in MUR 1605, was signed in February, 1973, by the parties in Seay v. McDonnell Douglas Corp., International Association of Machinists, et al., 371 F. Supp. 754 (C.D. Cal. 1973), a case involving an action brought against McDonnell Douglas Corporation and the IAM by non-union employees regarding alleged uses of compulsory agency fees for political purposes. Neither the AFL-CIO nor AFL-CIO COPE was a party in Seay; however, certain officers of the AFL-CIO were placed under subpoena for the taking of oral depositions, and the joint stipulation was entered into for purposes of setting out an agreement on facts which the plaintiff sought to develop.

Commissioner Harris' signature on the stipulation as associate general counsel of the AFL-CIO affirmed the concurrence

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of his client in the facts stipulated. These stipulated facts outlined the political activities of the AFL-CIO and its various departments and state and local central bodies, and also its relationship with its affiliated union, the IAM and the IAM's separate segregated fund, the Machinists Non-Partisan Political League ("MNPL").

This factual background shows that the complainant's allegation of Commissioner Harris' prior involvement with facts which the complainant argues are essential in MUR 1605 was as the associate general counsel for a non-party in Seay. This case did not address the same issues as are before the Commission in the present matter and did not involve either the complainant or the respondents in MUR 1605. In addition, the issues in MUR 1605 arise out of the 1976 amendments to the Federal Election Campaign Act and thus post-date by at least three years the date of the Seay stipulation.

In the Seay stipulation the AFL-CIO, by means of Commissioner Harris' signature, concurred in certain findings of fact; it is doubtful that such concurrence constitutes "advocacy" as stated by the complainant. The stipulation contains no application of these facts to any legal principles, nor does it express any finding or opinion beyond the facts themselves. The categories of facts stipulated do parallel those discussed by the complainant and respondents in MUR 1605; however, the stipulation involved the relationship between the AFL-CIO and the IAM as of 1973 while the present matter deals with a situation involving

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other unions ten years later. It cannot, therefore, be assumed that the very same facts involved in Seay are now before the Commission in MUR 1605. Even if they were the same, the issues and thus the application of the facts would be different in the present matter. For all of the above reasons, this Office has determined that Commissioner Harris' involvement with the facts set forth in the Seay stipulation would not lead a disinterested observer to conclude that he has prejudged the facts as well as the law in MUR 1605.4/

Given the differences in time, issues and possibly fact between Seay and MUR 1605, applications to MUR 1605 of the other, more general principles regarding conflicts of interest discussed above lead to the same conclusion. FEC commissioners, with their prosecutorial rather than adjudicatory functions, would apparently be permitted considerable leeway by the courts regarding prior knowledge brought to an enforcement matter, especially given a lapse of a decade and the involvement of different parties. The generally more tolerant judicial approach to agencies without adjudicatory powers would be enhanced by Congressional recognition that the political backgrounds of FEC commissioners, which were deemed desirable at the time of

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4/ In Center for Auto Safety v. FTC, (WESTLAW, Genfed, DCT), the court noted that the chairman of the FTC had recused himself from all commission decisions regarding General Motors "for two years following the date [the consulting firm] received its last payment from General Motors." The court went on to state, "Unless Miller were to be regarded as being tainted by those relationships on a permanent basis, the two-year hiatus would appear to be, absent other factors, a reasonable prophylactic measure."

appointment, would "color" their decisions. Therefore, it is doubtful that a court would find that Commissioner Harris' prior involvement in the Seay stipulation, and thus with the facts included in that document, would render his participation in MUR 1605 contrary to due process, especially given the judicial presumption of fairness on the part of administrative decision-makers.

The complainant also argues that Commissioner Harris, a signatory on the Seay stipulation, could be called as a witness in a judicial proceeding involving MUR 1605, "given the possible removal of the matter to federal district court pursuant to 2 U.S.C. § 437(q) [sic]." In support of this argument the complainant cites 28 U.S.C. § 455(B)(5)(iv) which applies by its terms only to federal judges and thus is inapplicable to Commission members.

Complainant's mere assertion that "there is a substantial possibility that Commissioner Harris will be called to testify regarding his knowledge of the stipulation" is insufficient to require that he be disqualified from participating in this matter. While the possibility exists of circumstances which would result in his being a witness, if the Commission were to investigate the case, this is a remote contingency at best. Indeed, if disqualification were required under such circumstances, presumably, any one of the Commissioners could be confronted with disqualification in any case where a complainant threatened to depose a particular Commissioner on the basis of

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alleged knowledge and association with a prior organization. To reach such a result would unwarrantly intrude upon and restrict the activities of the Commission which, as discussed above, requires votes of four Commissioners to take any action and which allows no delegation of that decisionmaking authority. Furthermore, as discussed above, there remains the substantial question of whether the Commissioners, or a Commission constituted in the fashion of the FEC, would have the duty to decide whether one of its Commissioners should be disqualified on a particular matter.

The Office of General Counsel recommends that the Commission decline to disqualify Commissioner Harris from participating in MUR 1605.

Recommendations

1) That the Commission decline to disqualify Commissioner Thomas E. Harris from participation in proceedings related to MUR 1605.

2) Approve the attached letter.

14 June 1984
Date

Charles N. Steele
General Counsel

Attachments
1. Letter from Thomas E. Harris to James Edward Antosh
2. Memorandum from Charles N. Steele, General Counsel, to Commissioner Harris
3. Letter to Michael A. Avakian and Martha M. Poindexter

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OGC Docket Copy 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

March 84 MAR 1 P2: 06

James Edward Antosh
c/o Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

SENSITIVE

Dear Mr. Antosh:

This is in regard to your complaint, received by the Commission on December 2, 1983, against the American Federation of Labor -- Congress of Industrial Unions Committee on Political Education -- Political Contribution Committee and Thomas Donahue, as treasurer, and others, which alleges violations of the Federal Election Campaign laws. In the complaint, you have requested that I disqualify myself from participation in the Commission's consideration of this matter.

I have carefully considered your request and concluded that the complaint offers no grounds warranting my disqualification. Accordingly, I shall not withdraw from participation in this matter. 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.

Sincerely,

Thomas E. Harris

Thomas E. Harris
Commissioner

Attachment 1

3404046703

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 7, 1984

MEMORANDUM

TO: Commissioner Harris

FROM: Charles N. Steele
General Counsel

SUBJECT: Standards In Disqualification Cases

You have requested my views on whether you must withdraw from consideration of MUR 1605. Complainant there contends that "the separate segregated funds of the international unions of the AFL-CIO are affiliated under 2 U.S.C. § 441(a)(5) [sic] with the AFL-CIO COPE-PCC." Complaint at 53. Section 441a(a)(5) of the Act requires that the contributions of "affiliated" organizations be considered to have been made by a single political committee. Complainant alleges that AFL-CIO political committees have made contributions in excess of the section 441a contribution limitations to seventeen named candidates and have failed to list their affiliated unions' separate segregated funds on their Statements of Organization in violation of 2 U.S.C. § 433(b)(2).

Complainant has requested that you disqualify yourself from any participation in the consideration, voting and decisionmaking of the case. Complainant contends that because of a stipulation signed by you as Associate General Counsel of the AFL-CIO in Seay v. McDonnell Douglas Corporation, Grand Lodge of International Association of Machinists, et al., Nos. 67-1394-HP, 71-498-HP (C.D.Ca. 1973), you should disqualify yourself from participation in the Commission's consideration of this matter. Complainant cites this document in the complaint as support for the contention that the AFL-CIO and respondent labor organizations are "affiliated." See, e.g., Complaint at 12, 13, 17, 18, 21, and 23. Complainant asserts that:

> Since 2 U.S.C. § 437g provides for removal of cases to federal district court, the possibility exists that Commissioner Harris could be called as a witness and have his deposition taken concerning his knowledge of the Seay stipulation which he signed and is attached as Exhibit #6 of this Complaint.

Complaint at 60.

Attachment 2

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It is my opinion that you need not accede to complainant's request that you disqualify yourself from any part in the consideration of this case. Complainant's mere assertion that you "could" be called as a witness to discuss the Seay stipulation is insufficient to require that you disqualify yourself from participation in this matter. While the possibility exists of circumstances which would result in your being a witness, if the Commission were to investigate the case, in these circumstances it is a remote contingency at best. Indeed, if disqualification were required under such circumstances then, presumably, any one of the Commissioners could be confronted with disqualification in any case where a complainant threatened to depose a particular Commissioner on the basis of alleged knowledge and association with a prior organization. To reach such a result would unwarrantly intrude upon and restrict the activities of a six member body such as the Commission which requires votes of four Commissioners to take any action and which allows no delegation of that decisionmaking authority.

While situations might well arise where a Commissioner's knowledge of events through prior participation in activities would call into question the ability to make a fair judgment, the present circumstances seem tenuous. The affidavit was signed, not as that of the individual designated by the AFL-CIO as the person most knowledgable about such matters, but rather, as the lawyer approving the admission of these facts for a particular case. While as an official of the organization you may well have had knowledge of some of the matters upon which the statement was found, any testimony you may have to offer in the current case may well be irrelevant. If complainant seeks to establish current connections between the AFL-CIO and other organizations, he should properly depose the appropriate AFL-CIO official and the officials of these organizations.

For the above reasons, I conclude that you may properly decline complainant's request that you disqualify yourself in this matter.1/

1/ Of interest, Laird v. Tatum, 408 U.S. 1 (1972), where Justice Rehnquist refused to disqualify himself in a matter on which he had expressed views as Assistant Attorney General. Respondents in Tatum moved that Justice Rehnquist disqualify himself on the grounds that he had discussed before a Senate subcommittee the district court opinion in Tatum, and had stated his belief that respondents' claim was nonjusticiable. Justice Rehnquist denied the motion, explaining in a lengthy memorandum his view that neither the applicable disqualification statute nor the past practice of Supreme Court Justices supported disqualification in such a case. Memorandum of Justice Rehnquist in Laird v. Tatum, 409 U.S. 824 (1972)

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Although you should decline complainant's request to disqualify, you may consider whether it is appropriate for you to recuse yourself in this case. It might be suggested that your prior association with the AFL-CIO in Seay has resulted in a prejudgment of the facts or a lack of impartiality in MUR 1605. The question of recusal is, of course, one addressed to the judgment of the individual, and requires you to assess whether you believe that your prior activities and associations would inhibit you in making a fair judgment of the issues involved in this case on the facts put forward.

Parties to an administrative hearing have the right to a fair hearing before an impartial decisionmaker. Hortonville Joint School District No. 1 v. Hortonville Education Association, 426 U.S. 482, 493 (1976). See also In re Murchison, 349 U.S. 133, 136 (1955). Accordingly, if it is clear from the record that a hearing has not been conducted in a fair and impartial manner, the aggrieved party is entitled to a new hearing. In NLRB v. Phelps, 136 F.2d 562, 564 (5th Cir. 1943), the Fifth Circuit concluded that "Once partiality appears, and particularly when, though challenged, it is unrelieved against, it taints and vitiates all of the proceedings and no judgment then may stand." See also American General Insurance v. FTC, 589 F.2d 462, 465 (9th Cir. 1979) (FTC decision set aside because one Commissioner had previously participated in the case as counsel). Similarly, the D.C. Circuit has set aside an agency determination "despite the fact that [a Commissioner's] vote was not necessary for a majority":

> Litigants are entitled to an impartial tribunal whether it consists of one man or twenty and there is no way which we know of whereby the influence of one upon the others can be quantitatively measured.

Cinderella Career and Finishing Schools v. FTC, 425 F.2d 583, 592 (D.C.Cir. 1970) ("Cinderella") citing Berkshire Employees Association v. NLRB, 121 F.2d 235, 239 (3rd Cir. 1941). See also TWA v. CAB, 254 F.2d 90, 91 (D.C. Cir. 1958).

No statute, though, prescribes grounds upon which a Commissioner should recuse himself in any case. The Administrative Procedure Act is of little assistance as it simply provides for disqualification and not recusal in cases where there is "personal bias." 5 U.S.C. § 556(b)." The term "personal bias", however, is defined nowhere in the Act.

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As noted, however, the courts have found that disqualification is required only where a prejudgment of adjudicative facts occurs by virtue of activities undertaken by an individual prior to his appointment to an administrative agency. Thus, in American Cyanamid v. FTC, 363 F.2d 757 (6th Cir. 1966), a case contesting the legality of drug prices, the Sixth Circuit held the Chairman of the Federal Trade Commission disqualified from participating in the determination of factual issues he had previously investigated in his capacity as Staff Director and Chief Counsel of a Senate subcommittee. The issues were the same and the charge was undenied that he or his staff had written a letter expressing factual conclusions about the named companies. The court found that "a 'strong conviction' or a 'crystallized point of view' on questions of law and policy are not grounds for disqualification." But the court found with respect to Dixon's previous positions that "any opinions so formed were conclusions as to facts, and not merely an 'underlying philosophy' or a 'crystallized point of view' on questions of law or policy." 363 F.2d at 764, 765.

Four years later, in Cinderella, supra, the D.C. Circuit similarly held that one who prejudges adjudicative facts that are in dispute may be disqualified. Cinderella was charged with misrepresentation and false advertising. A hearing examiner recommended dismissal of all charges, but the FTC issued a cease and desist order on six of the thirteen charges. The D.C. Circuit reversed on two grounds, the first for insufficient consideration of the evidence and the examiner's report, and the second for disqualification of Chairman Dixon who, while the examiner's report was before him, made a speech that mixed facts about the case with examples of obvious fraud. The court held that the speech alone was sufficient basis for remanding the case to the Commission. It also discussed similar misbehavior of Dixon in Cyanamid. The court firmly held that "it is appalling to witness such insensitivity to the requirements of due process ... we are constrained to this harshness of language because of Mr. Dixon's flagrant disregard of prior decisions." 425 F.2d at 591.

In an adjudicative proceeding, it appears that an administrative official must satisfy the following standard of conduct laid down by the D.C. Circuit in Cinderella:

> The test for disqualification [is] ... whether 'a disinterested observer may conclude that [the agency] has in

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> some measure adjudged the facts as well as the law of a particular case in advance of hearing it.'
>
> . . .
>
> [A]n administrative hearing 'must be attended, not only with every element of fairness, but with the very appearance of complete fairness'...

425 F.2d at 591. Accord, Texaco, Inc. v. FTC, 336 F.2d 754 (1964), vacated and remanded on other grounds, 381 U.S. 739 (1965).2/

The FEC, however, in ruling on enforcement matters does not operate as an adjudicatory agency, but rather, a prosecutorial agency which attempts to settle apparent violations of the Act through an informal conciliation process. And if the conciliation process fails, the matter is then brought before the United States District Court for the District of Columbia for adjudication. 2 U.S.C. § 437g(a)(6).

It is clear, though, that "an administrative official is presumed to be objective and 'capable of judging a particular controversy fairly on the basis of its own circumstances.'" United Steelworkers of America v. Marshall, 647 F.2d 1189, 1208 (D.C. Cir. 1980) quoting United States v. Morgan, 313 U.S. 409, 421 (1941). The law does not presume that a Commissioner is incapable of keeping his mind open and deciding impartially a matter as to which he may have some personal factual knowledge. In my opinion, your prior association with the AFL-CIO in Seay is not sufficient grounds to overcome this presumption of administrative objectivity.

It is a difficult and delicate duty for a Commissioner to conclude whether or not a recusal is appropriate. There is no fixed rule to rely upon. At bottom, the matter is one of conscience. Based on the foregoing analysis of the facts set forward by complainant, I see no reason that you should recuse yourself.

2/ It is the Cinderella test which is applied in administrative adjudications and not the less stringent test found in Ass'n of National Advertisers v. FTC, 627 F.2d 1151, 1170-1171, (1979), cert. denied, 447 U.S. 921 (1980) (an agency official must be disqualified from rulemaking "only when there has been a clear and convincing showing that the agency member has an unalterably closed mind on matters critical to the disposition of the proceeding").

3404046708

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael A. Avakian
Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road
Suite 400
North Springfield, Virginia 22151

RE: MUR 1605

Dear Mr. Avakian and Ms. Poindexter:

On June , 1984, the Commission declined to disqualify Commissioner Thomas E. Harris from participation in MUR 1605 as requested in your motion of April 26, 1984. Commission consideration of this matter will therefore continue pursuant to established procedures and you will be informed of the Commission's final determination in due course.

Sincerely,

Charles N. Steele
General Counsel

Attachment 3

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BCC # 3149

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

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Owen Bieber

MUR 1605
Weissenborn

'84 MAY 14 P2:55

May 14, 1984

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

Re: FEC MUR 1605

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue and the American Federation of Labor and Congress of Industrial Organizations Committee on Political Education Political Contributions Committee ("AFL-CIO COPE PCC") to the supplementary complaint filed in the above-referenced matter.

We emphasize at the outset that the supplementary complaint does not contravert the legal principles set out in our initial response in this matter dated January 27, 1984. We therefore rest on our showing in Section I of that response (pp. 2-18) that the language and legislative history of §441a(a)(5) of the Act demonstrate that Congress in enacting that section did not intend to subject the AFL-CIO's separate segregated fund and the separate segregated funds of national and international unions affiliated with the AFL-CIO to a single contribution limit at least as long as the relationship between the AFL-CIO and affiliated national and international unions remains as it was in 1976 and that the complaint in this matter should therefore be dismissed.

Section I of the supplementary complaint describes certain alleged activities on the part of the AFL-CIO and affiliated national and international unions, in large part documented by unsubstantiated newspaper articles, which purportedly demonstrate that "AFL-CIO affiliated labor unions are presently working together under the coordination of the AFL-CIO and AFL-CIO COPE personnel". (Supplementary Complaint, hereinafter "Supp. Compl.", at 2). Our response to section I is set forth below. Since section II of the supplementary complaint is not directed to the AFL-CIO but rather constitutes a reply to the IBEW-COPE's January 27, 1984, response to the initial complaint, we do not address the issues raised in section II. As we now show, section I of the supplementary complaint, even if assumed to be accurate, offers no support for complainant's argument that

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the AFL-CIO COPE PCC is affiliated within the meaning of 2 U.S.C. §441a(a)(5) with the United Autoworkers Voluntary Community Action Program ("UAW-V-CAP"), the American Federation of Teachers Committee on Political Education ("AFT COPE"), or the International Brotherhood of Electrical Workers Committee On Political Education ("IBEW-COPE").

A. In section I-A of the supplementary complaint, complainant argues that the AFL-CIO COPE has "taken an active role in coordinating the activities of affiliated international unions". (Supp. Compl. at 2). In support of this argument, complainant offers: 1) a magazine article describing an alleged COPE strategy to ask AFL-CIO affiliated international unions to help with COPE phone banks and voter registration/get-out-the-vote drives; 2) a newspaper article describing AFL-CIO COPE Director John Perkins talking to representatives of AFL-CIO affiliated unions in Iowa; 3) a letter from AFL-CIO President Lane Kirkland to AFL-CIO Local Central Body Officers; 4) a newspaper article concerning delegate committees; 5) a newspaper article describing a speech by COPE Director John Perkins in which he urged union leaders to take an active role in supporting Walter Mondale's presidential candidacy and to help elect Mondale delegates to the Democratic National Convention; and 6) an excerpt from what appears to be an AFSCME publication describing AFSCME efforts to "coordinate" with the AFL-CIO.

Much of the foregoing does not even bear on complainant's argument that COPE "coordinates" with AFL-CIO affiliated national and international unions. For example, President Kirkland's letter to officers of AFL-CIO Local Central Bodies, which are component local bodies of the AFL-CIO and are not part of any national or international union, not only fails to demonstrate AFL-CIO coordination with affiliated national and international unions but is also irrelevant since the antiproliferation rules themselves reflect that Congress fully understood the difference in the relationship between the AFL-CIO and its own state and local bodies and the AFL-CIO and its member national and international unions.

Complainant's remaining allegations merely describe cooperative AFL-CIO and member national and international unions internal political education and voter registration/get-out-the-vote activities aimed at AFL-CIO members and their families. As we showed in our initial response in this matter (pp. 6-7), the 1976 Congress expressly recognized and reaffirmed the AFL-CIO's statutory right to undertake such internal cooperative programs. And in framing the antiproliferation rules, Congress made it plain that, notwithstanding the AFL-CIO's exercise of that right, those rules were intended to permit the AFL-CIO and each of its affiliated national and international unions to establish separate political committees with separate contribution limits. Accordingly, complainant's reliance on allegations of AFL-CIO COPE's coordination of internal political education programs to support his affiliation argument cannot be squared with Congress' intent in drafting the antiproliferation provisions of the Act.

B. In Section I-B of the supplementary complaint, complainant proffers a number of "examples" of alleged "AFL-CIO coordinated local activities and rallies". These examples include: 1) an undocumented statement that AFSCME provided telephones to the AFL-CIO to assist in the AFL-CIO's voter education program in New Hampshire; 2) a quote from a publication of the National Association of Letter Carriers alerting members that AFL-CIO local central bodies might need volunteers to man their phone banks; 3) an article from a publication of

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the American Postal Workers Union urging APWU Members and their families to attend COPE rallies for Walter Mondale;[1] and 4) a system of video news bulletins allegedly sponsored by the Labor Institute of Public Affairs.

This showing is irrelevant for the same reasons stated in Section A above; viz., that the 1976 Congress reaffirmed the AFL-CIO's statutory right to engage in coordinated internal political education and get-out-the-vote activities with its member unions and made it plain that the AFL-CIO's exercise of that right would not subject its separate segregated fund and the separate segregated funds of affiliated national and international unions to a single contribution limit.

C. In section I-C of the supplementary complaint, complainant alleges that AFL-CIO COPE provides "a vast array of general political action materials" to AFL-CIO affiliated unions and that various international unions have published essentially identical material supporting the presidential candidacy of Walter Mondale in their in-house newspapers.

As we stated in our initial response, (pp. 25-26) many AFL-CIO affiliated national and international unions solicit and serve as collecting agents for AFL-CIO members and their families' voluntary contributions to AFL-CIO COPE PCC. It is therefore in the AFL-CIO's interest to provide these unions with materials dealing with fundraising techniques and to also provide materials explaining how members' voluntary contributions to COPE are used. Neither the fact that these unions solicit contributions for COPE from their members and their families and serve as collecting agents for those contributions, which they are expressly permitted to do by the Act and the commission's regulations, nor the fact that COPE provides fundraising materials for such unions to use in those activities, demonstrates that those unions' separate segregated funds are affiliated with AFL-CIO COPE PCC.

Finally, complainant's reliance on evidence that several AFL-CIO affiliated unions published nearly identical political materials in their internal newspapers is based on the same misunderstanding that is reflected throughout the first section of the supplementary complaint, viz., that AFL-CIO coordination with its affiliated national and international unions with regard to internal communications aimed at AFL-CIO members and their families demonstrates that those unions' separate segregated funds are affiliated within the meaning of §441a(a)(5) of the Act with AFL-CIO COPE PCC. Again, this argument of complainant's is clearly refuted by the legislative history of the antiproliferation rules which shows that the 1976 Congress fully understood and affirmed the AFL-CIO's right to engage in coordinated internal political education activities with its member unions and determined that the exercise of that right should not preclude the AFL-CIO and its affiliated national and international unions from sponsoring separate political committees with separate contribution limits.

1/ This article suggests incorrectly that the COPE rallies in question were open to the general public. That is not the case. Each of the rallies described in the article was held in conjunction with a regularly scheduled COPE conference and participation was limited to AFL-CIO members and their families.

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For the reasons set forth above and in our previous response dated January 27, 1984, respondents respectfully request that the Commission find no reason to believe that either the initial or the supplementary complaint in this matter sets forth any violation of the Federal Election Campaign Act and that it therefore dismiss the complaint in MUR 1605.

Sincerely,

Laurence Gold

Laurence Gold

Margaret E. McCormick

Margaret E. McCormick

Attorneys for Respondents AFL-CIO
COPE-PCC and Thomas R. Donahue

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American Federation of Labor and
Congress of Industrial Organizations
815 16TH STREET, N.W.
WASHINGTON, D.C. 20006 21

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

DELIVER TO Seventh FLOOR/ Office of
General Counsel

& cc #3137

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AREA CODE 202
785-9300

May 11, 1984

'84 MAY 11 P3:17

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

Re: MUR 1605

Dear Mr. Steele:

This letter constitutes the response of the International Brotherhood of Electrical Workers-Committee on Political Education (IBEW-COPE) and Ralph A. Leigon to the Supplement to Complaint filed in this matter.

Nothing in the Supplement to Complaint provides any additional support for the allegation that the AFL-CIO and AFL-CIO COPE-PCC control the activities of the IBEW and IBEW-COPE. The Supplement to Complaint does not cite any evidence that the IBEW or IBEW-COPE is financed, maintained or controlled by the AFL-CIO. Although the Supplement recites the indicia of financing, maintaining or controlling, described in 11 C.F.R. § 110.3(a)(1)(iii), there is no factual support for the assertion that these indicia are satisfied here.

The Supplement purports to describe the IBEW's "entanglement with the AFL-CIO and the AFL-CIO COPE-PCC" (Supplement to Complaint at 8); that description, however, consists of little more than a statement that the IBEW is an affiliate of the AFL-CIO, which is true, and a recitation clearly insufficient to show maintenance or control, such as, for example, the IBEW's decision to publish an article written by an AFL-CIO official (Supplement to Complaint at 9).

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The Supplement also argues that various "facts" stated in the Complaint should be deemed admitted "[t]o the extent that IBEW-COPE has failed to respond" to them. (Supplement to Complaint at 8) These claims were not and are not admitted and can, in any event, hardly be characterized as "facts." They include, for example, the claim that "AFL-CIO Resolution #176 ensures affiliation of international unions such as IBEW with the AFL-CIO." Resolution #176, however, says nothing whatsoever about affiliation of international unions with the AFL-CIO. (Complaint at 35) Moreover, as IBEW-COPE explained in its response to the original Complaint, the IBEW is an autonomous organization and maintains the right to disaffiliate with organizations such as the AFL-CIO. (Response of IBEW-COPE and Ralph A. Leigon to Complaint at 4) No resolution adopted by the AFL-CIO could preclude the IBEW from exercising that right even if such a resolution existed.

Because neither the Complaint nor the Supplement offers any evidence that IBEW-COPE is affiliated, pursuant to Section 441a(a)(5) of the Federal Election Campaign Act of 1971, with AFL-CIO COPE-PCC, no reason exists to believe that Complainant has set forth a possible violation of the Act.

Respectfully submitted,

Robert D. Kurnick

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Attorney for IBEW-COPE
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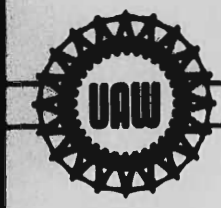

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

May 10, 1984

84 MAY 10 P1:30

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

Re: MUR 1605

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Dear Mr. Steele:

This letter is submitted on behalf of Respondents UAW V-CAP and Donald J. Moll in response to the supplemental complaint filed by the National Right to Work Committee on April 6, 1984 in connection with the above referenced case.

Respondents submit that the arguments and materials contained in the supplemental complaint are either redundant or irrelevant to the present case. In addition, the only reference to the UAW in the supplemental complaint is the assertion on page 3 that AFL-CIO COPE director John Perkins "addressed members of the Auto Workers", along with members of various other unions. The simple answer is that the Commission's regulations specifically provide that the members of a local union shall be considered 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." 11 C.F.R. §114.1(e) This regulation is based on the clear legislative history of the FECA, 120 Cong. Rec. H. 10330 (October 10, 1974) (remarks of Rep. Hays), as well as the Supreme Court's decision in United States v. CIO, 335 U.S. 106 (1948), and has been specifically reaffirmed by the Commission in MUR 354 (1972). Thus, it is apparent that communications by the AFL-CIO with the members of its constituent unions qualify as internal membership communications, which are perfectly lawful under the FECA. In any event, as the Commission specifically found in MUR 354 (1972), the fact that the AFL-CIO may communicate with or solicit contributions from the members of its constituent unions does not have any bearing on whether those unions should be considered "affiliated" with the AFL-CIO for purposes of the contribution limitations in the FECA.

Accordingly, for the reasons set forth in their previous statement, Respondents UAW V-CAP and Donald J. Moll submit that the Commission should find no reason to believe that any violation of the FECA has occurred, and therefore dismiss the NRWC's complaint forthwith.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Anne Weissenborn

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May 2, 1984

MUR 1605
Weissenborn

MAY 2 P4:28

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

Re: MUR 1605

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Teachers Committee on Political Education and Robert G. Porter to the supplementary Complaint filed in the above-entitled action.

Respondents contend that the arguments advanced and information proffered in the supplementary Complaint are redundant and extraneous, and do not necessitate further comment from Respondents.

Additionally, Respondents reiterate their contentions, as set forth in detail in their initial response to MUR 1605, that Complainant's argument is legally and factually incorrect in that (1) the Commission has ruled on two separate occassions, based on factual allegations similiar to those asserted by Complainant, that the AFL-CIO (and COPE-PCC) and the international unions (and their PACs) are not affiliated pursuant to Section 441a(a)(5); (2) when enacted in 1976, the antiproliferation provisions were not intended to and should not presently subject AFL-CIO COPE-PCC and the PACs of member unions to a single contribution limit; (3) a determination by the Commission that the AFL-CIO COPE-PCC and the PACs of member unions are not subject to a single contribution limit would be consistent with the congressional purpose for enacting Section 441a(a)(5); and (4) the AFT COPE is not affiliated, pursuant to Section 441a(a)(5) with the AFL-CIO COPE-PCC; nor does Complainant offer any evidence of such affiliation.

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Accordingly, we request that the Commission find no reason to believe that either the initial or supplementary Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended 2 U.S.C. $431 et seq., and 26 U.S.C. $ 9001 et seq.,

Respectfully submitted,

By: William C. Oldaker

By: Leslie J. Kerman

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Attorneys for AFT-COPE and
Robert G. Porter

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Anne A. Weissenborn, Esquire
Federal Election Commission
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Ca# 3013

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 APR 30 P3: 58

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR CONGRESS OF INDUSTRIAL ORGANIZATIONS- COMMITTEE ON POLITICAL EDUCATION- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), et.al.	Weissenborn MUR No. 1605

84 APR 30 P4: 18

MOTION TO DISQUALIFY COMMISSIONER HARRIS
FROM FURTHER PROCEEDINGS

Comes now complainant, pursuant to 5 U.S.C. §556(b)(3) and respectfully requests the Commission, for the reasons of bias, prejudice and interest stated in the accompanying affidavit and in the attached Memorandum of Points and Authorities in Support of Motion to Disqualify, to remove Commissioner Thomas E. Harris from any further participation in the proceedings of the above styled case and to notify complainant of the results of the vote and reasons in support thereof.

Respectfully submitted,

Michael E. Avakian
Martha M. Poindexter
CENTER ON NATIONAL LABOR POLICY
5211 Port Royal Road, Suite 400
No. Springfield, Virginia 22151
(703)321-9180

April 26, 1984

Of Counsel:
H. Richard Mayberry, Jr.
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 822-9622

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re:	)	
	)	
AMERICAN FEDERATION OF LABOR	)	
CONGRESS OF INDUSTRIAL ORGANIZATIONS	)	MUR NO. 1605
COMMITTEE ON POLITICAL EDUCATION	)	
POLITICAL CONTRIBUTIONS COMMITTEE	)	
("AFL-CIO COPE-PCC"), et.al.	)	
	)	
	)	

MEMORANDUM OF POINTS AND AUTHORITIES SUPPLEMENTING COMPLAINANT'S AFFIDAVIT AND SUPPORTING MOTION FOR DISQUALIFICATION OF COMMISSIONER THOMAS E. HARRIS FROM FURTHER PROCEEDINGS

I. INTRODUCTION

Complainant requests that Commissioner Thomas E. Harris be disqualified from any further proceedings in the case before the Commission based on complainant's belief in the Commissioner's possible bias in favor of a respondent in this case, his previous participation in the advocacy of disputed evidentiary facts involved in the instant MUR, and the possibility that he may be called as a witness concerning those facts.

Complainant bases his belief on the following: Commissioner Harris was associate general counsel to the AFL-CIO, the connected organization of a respondent in this case, from 1955 to 1975. In that capacity, he signed a stipulation in an analogous case

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which contains evidentiary facts which are crucial to the determination of this case. See Seay v. McDonnell Douglas Corporation, 427 F.2d 966 (9th Cir. 1970), and Exhibit # 6 to Complaint [hereinafter cited as Seay stipulation] (copy attached).

The principal issue in the instant case involves the coordination of political activities by AFL-CIO COPE-PCC and AFL-CIO international union affiliates' separate segregated funds. The Seay stipulation recites facts regarding the political activities of AFL-CIO COPE and its coordination with an affiliated international union. There is a substantial possibility that Commissioner Harris will be called to testify before the Commission and possibly in federal court regarding his knowledge of the facts set forth in the stipulation.

Complainant has duly filed an affidavit and motion on the pending issues. They state facts sufficient to raise questions in the minds of reasonable men about Commissioner Thomas E. Harris' impartiality. They also state facts that give the appearance of partiality and impropriety if he continues in the consideration of the case.

This matter has been called to Commissioner Harris' attention, and he has declined to recuse himself from consideration of the case. See attached letter.

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II.

THE UNITED STATES CODE REQUIRES THE DISQUALIFICATION OF COMMISSIONER HARRIS FOR PERSONAL BIAS

Section 556 (b)(3) of title 5 provides in pertinent part that "[t]he functions of presiding employees and of employees participating in decisions in accordance with section 557 of this title shall be conducted in an impartial manner." It provides further that "[o]n the filing in good faith of a timely and sufficient affidavit of personal bias or other disqualification of a presiding or participating employee, the agency shall determine the matter as a part of the record and decision in the case."

The Federal Election Commission is an administrative agency with quasi-judicial functions. Congress conferred upon the Commission such powers as conducting investigations and hearings, making factual determinations and initiating civil actions. See 2 U.S.C. §437d (a). Section 437d(a) of the Federal Election Campaign Act invokes the adjudicatory procedures of sections 556 and 557 of title 5. Commissioner Harris is a "presiding or participating employee "within the meaning of 5 U.S.C. §556 (b)(3). Consequently, the Commission must consider the facts stated in the instant motion and affidavit and make a determination as to the disqualification of Commissioner Harris.

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A. THE STANDARDS FOR DETERMINING DISQUALIFICATION OF FEDERAL JUDGES APPLY TO ADMINISTRATIVE OFFICERS AND CALL FOR DISQUALIFICATION IN THIS CASE

The Administrative Procedure Act standards for determining the disqualification of administrative officers are derived from case law. It is clear from the case law that the same standards concerning bias, prejudice, interest and disqualification are applied to members of administrative boards when acting in a "quasi-judicial" capacity as are applied to judges. Long Beach Federal Savings & Loan Association v. Federal Home Loan Bank Board, 189 F.Supp. 589(S.D. Cal. 1960)(28 U.S.C. §455, dealing with the disqualification of federal judges, was applied to Administrative Board members), rev'd on other grounds, 295 F.2d 403(9th Cir. 1960)[hereinafter cited as Long Beach]; Trans World Airlines v. CAB, 254 F.2d 90(D.C. Cir. 1958), (stating that Congress contemplated adjudicatory proceedings in conferring quasi-judicial functions upon the CAB), Inland Steel Co. v. NLRB, 109 F.2d (7th Cir. 1940)(court applied standards for judicial disqualification to administrative trial examiner).

Tumey v. State of Ohio, 273 U.S. 510(1927), is the leading case dealing with the disqualification of judicial and quasi-judicial officers. Tumey and its progeny have propounded the doctrine that the right to an impartial judge or quasi-judicial officer, free from bias, prejudice or other ground of disqualification, is a fundamental right, protected by the Due Process

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clauses of the Fifth and Fourteenth Amendments. See Long Beach, at 610. Since a hearing conducted by a biased tribunal or officer is a denial of due process, and nullifies such proceedings, "the requirements for an unbiased and disinterested tribunal apply more strictly to an administrative adjudication than to a judicial one." Id., at 612.

The determination of this disqualification motion affects not only the parties in this proceeding, but it also affects the regulatory integrity of American democracy which the Congress reposed in the Commission and the intention that the Commission be immune from special interests. Commissioner Harris' participation in the case may lead to nullification of any subsequent order of the Commission.

B. THERE IS A REASONABLE QUESTION AS TO THE IMPARTIALITY OF COMMISSIONER HARRIS IN THIS PROCEEDING

Commissioner Harris' participation in hearing the instant case would present the appearance of impartiality. The United States Court of Appeals for the District of Columbia Circuit has stated that an administrative hearing "must be attended, not only with every element of fairness but with the very appearance of complete fairness." Texaco, Inc. v. FTC, 336 F.2d 754, 760(D.C. Cir. 1964), vacated and remanded on other grounds, 381 U.S. 739 (1965)(quoting Amos Treat & Co. v. SEC, 306 F.2d 260, 267 (D.C. Cir. 1962)). To ensure "the appearance of complete fairness,"

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an objective rather than a subjective standard must be used in determining whether disqualification is appropriate.

The test for disqualification is whether "a disinterested observer may conclude that [the agency] has in some measure adjudged the facts as well as the law in advance of hearing it." Cinderella Career and Finishing Schools, Inc. v. FTC, 425 F.2d 583, 591(D.C. Cir. 1970)(quoting Gilligan Well & Co. v. SEC, 267 F.2d 461,469(2d Cir. 1959)), cert. denied, 361 U.S. 896 (1959).

While acting as AFL-CIO Associate General Counsel, Commissioner Harris took a position in federal court regarding disputed evidentiary facts. The principal issue in this case involves the coordination of political activities by AFL-CIO COPE-PCC and AFL-CIO international affiliates' separate segregated funds. As counsel to the AFL-CIO, Commissioner Harris signed a stipulation in an analogous case which for AFL-CIO COPE enumerates facts regarding the political activities of AFL-CIO COPE and its coordination with an affiliated international union.[1] See Seay v. McDonnell Douglas Corporation, 427 F.2d 966(9th Cir. 1970) and Seay stipulation. The facts recited in the stipulation

[1]Rule 11 of the Federal Rules of Civil Procedure certifies the validity of Mr. Harris' statement: "The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay." Fed. R. Civ. P. 7(b)(2) provides the requisite applicability to the instant consideration: "The rules applicable to captions, signing, and other matters or form of pleadings apply to all motions and other papers provided by these rules." These Rules were enforceable during the relevant periods of time in the case.

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are crucial to the issue before the Commission in the instant case. Consequently, as confirmed by the attached affidavit and letter, a reasonable question is raised as to Commissioner Harris' impartiality toward a party, as well as a possible predetermination of factual issues in dispute.

C. COMMISSIONER HARRIS WAS PREVIOUSLY INVOLVED IN ADVOCACY AND DEVELOPMENT OF DISPUTED EVIDENTIARY FACTS

The Amos Treat and Trans World Airlines decisions cited by the Supreme Court independently stand for the proposition that members of an agency who are to render an adjudicative decision in a case should not previously have been involved in the investigation or advocacy of the underlying facts. Amos Treat & Co. v. SEC, 306 F.2d 260(D.C. Cir. 1962), Trans World Airlines v. CAB, 254 F.2d 90(D.C. Cir. 1958)(emphasis added). Although the quasi-judicial officers in these cases had been involved in the investigation or advocacy in the same case, their principles are applicable to the instant case.

As an advocate for the AFL-CIO, Commissioner Harris was involved in developing facts which are essential to the disposition of this MUR. It is uncontested that he has rendered advice to AFL-CIO COPE and that in his position as AFL-CIO associate general counsel, he conferred with AFL-CIO COPE officers concerning policy positions and litigation on a regular basis.

The Federal Election Commission is a factfinding body and the Commissioners in this proceeding must make factual determinations

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upon which their order is based. As a trier of fact in this proceeding, Commissioner Harris would be required to make determinations regarding the same set of facts which he had previously advocated for a respondent in this case.

Thus, he must be disqualified from considering this case on this independent ground.

D. COMMISSIONER HARRIS MAY BE CALLED AS A WITNESS

28 U.S.C. §455(B)(5)(iv), which deals with the disqualification of federal judges, is applicable to the case before the Commission. It mandates disqualification of a judge where "[h]e or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person; [i]s to the judges's knowledge likely to be a material witness in the proceeding." The facts detailed in the Seay stipulation are material to the principal issue in this case. Since 2 U.S.C. §437(q) provides for removal of cases to federal district court, there is a substantial possibility that Commissioner Harris will be called to testify regarding his knowledge of the stipulation. Therefore Commissioner Harris must be disqualified from any further participation in the instant case.

II.
CONCLUSION

Title 5, Section 556(b)(3) of the United States Code provides for the disqualification of an administrative officer.

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This action was filed on December 2, 1983 and it is complainant's understanding that briefs have been submitted in the case and that it is under consideration by the Commission. It is specifically requested that the motion be placed on the agenda for the next scheduled meeting of the Commission, May 1, 1984, that a vote be taken on the Motion, and that complainant be advised of the results and the reasons therefore within thirty days.

To preserve the appearance of impartiality as stated above, Commissioner Thomas E. Harris should be disqualified from any further participation in this case. Failure of the Commission to act expeditiously on this motion will permit Commissioner Harris to continue in the dialogue of the case and will irreversibly taint the process.

Respectfully submitted,

Michael E. Avakian
Martha M. Poindexter
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5211 Port Royal Road, Suite 400
No. Springfield, Virginia 22151
(703)321-9180

April 26, 1984

Of Counsel:
H. Richard Mayberry, Jr.
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

3404046473 2

UNITED STATES OF AMERICA
BEFORE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR - CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE ON POLITICAL EDUCATION - POLITICAL CONTRIBUTIONS COMMITTEE ("AFL-CIO COPE-PCC"), et. al.,	)	(MUR) No. 1605

COMPLAINANT'S AFFIDAVIT OF PREJUDICE AND BIAS IN SUPPORT OF MOTION TO DISQUALIFY COMMISSIONER HARRIS FROM FURTHER PROCEEDING

I, James Edward Antosh, of 13 Gilpin, Shawnee, Oklahoma 74801, complainant in this case, do hereby affirm and swear that to the best of my information and belief, and for the numerous facts specifically stated in the incorporated and attached Memorandum of Points and Authorities in Support of Motion to Disqualify, it is reasonable for me to believe that Commissioner Thomas E. Harris has an extrajudicial bias in favor of the respondents in this case. Commissioner Harris was associate general counsel of the American Federation of Labor - Congress of Industrial Organizations, the connected organization of a respondent in this case, from 1955 to 1975. In that capacity, he signed a stipulation in an analagous case involving identical issues as are before the Commission in this case. Since 2 U.S.C. §437(g) provides for removal of cases to federal district court, the possibility exists that Commissioner Harris could be called as a witness concerning his knowledge of the stipulation. Consequently his refusal to specify the reasons why he will not

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voluntarily recuse himself also leads me to believe an extra-judicial bias exists, impartiality in this case maybe called into question.

Therefore, Commissioner Thomas E. Harris should proceed no further, but should disqualify himself. His disqualification is mandated by federal law.

James Edward Antosh

Sworn before me this 10th day of April 1984.

Denise K. Clinton
Notary Public
My commission expires Sept. 17, 1986

CERTIFICATE OF COUNSEL

James Edward Antosh, my client and the complainant in the above styled case, has sworn to the above in good faith and I am acting in good faith in stating that I agree that there are sufficient facts and circumstances included in the attached memorandum to support a reasonable conclusion that Commissioner Thomas E. Harris has or appears to have the prejudice to which complainant has sworn.

Respectfully submitted,

Michael E. Avakian

Michael E. Avakian
CENTER ON NATIONAL LABOR POLICY
5211 Port Royal Rd., Ste. 400
North Springfield, Va. 22151
(703) 321-9180
Counsel for Complainant

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1200 Hilton Center
900 Wilshire Boulevard
Los Angeles, California 90017

Attorneys for Plaintiffs

FEB 26 1973

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GEORGE L. SEAY, et al, Plaintiffs, vs. McDONNELL DOUGLAS CORPORATION, GRAND LODGE INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL DISTRICT LODGE 1578, INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL DISTRICT LODGE 720, INTERNATIONAL ASSOCIATION OF MACHINISTS, Defendants.	No. 67-1394-HP No. 71-498-HP STIPULATION

WHEREAS, the plaintiffs have given notice of the taking of the depositions of certain officers of the American Federation of Labor and Congress of Industrial Organizations and have served upon each of them a Subpoena Duces Tecum calling for the taking of their depositions.

WHEREAS, an agreement has been reached with respect to the principal facts which plaintiffs are seeking to develop.

NOW, THEREFORE, the plaintiffs and the defendants

EXHIBIT

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agree as follows:

1. The defendant INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS (IAM) is a union affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO);

2. The Grand Lodge of the IAM pays a per capita tax to the AFL-CIO. The per capita tax so paid has been as follows for the fiscal years ending June 30, 1961 through June 30, 1972, and these payments have been credited to the General Fund of the AFL-CIO:

Fiscal Year Ending June 30	Per Capita	Assessments
1961	$389,220.90	$90,288.18
1962	440,336.05	56,293.56
1963	541,376.43	
1964	550,635.89	
1965	548,474.24	
1966	567,021.21	
1967	640,739.75	
1968	673,425.13	
1969	689,635.66	
1970	849,630.18	
1971	781,684.90	
1972	930,347.90	

3. The Grand Lodge of IAM has made additional payments to the AFL-CIO for the support of its Committee on Political Education, (hereinafter COPE) and such payments have been as follows for each of the years indicated:

1963	$19,367.04
1964	32,180.00
1966	58,150.00
1968	40,955.00

4. The Machinists Non-Partisan Political League (hereinafter MNPL) has made the following payments to the AFL-CIO for the support of AFL-CIO COPE for the indicated years:

	Individual Contribution Fund	Educational Fund
1964	$ 2,500.00	$
1965	200.00	
1966	30,000.00	30,000.00
1967	10,571.30	1,000.00
1968	57,511.14	31,000.00
1969	30,155.01	1,468.70

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	Individual Contribution Fund	Educational Fund
1970	$ 66,790.88	$ 5,000.00
1971	21,705.67	12,200.26
Totals	$225,440.62	$74,678.02

5. Some of the local and district lodges of the IAM are affiliated with state and local AFL-CIO central bodies and make payments thereto; and, pursuant to the provisions of the constitutions of such state and local bodies, portions of such payments are earmarked for political activities by the State COPE Committees and by some of the local COPE Committees. The amounts of such payments are not reported to the national AFL-CIO offices.

6. The AFL-CIO is a labor federation. It has many functions which are set out in Article II of its Constitution, a number of which include political and legislative activities, including the advocacy of legislation which it deems to be in the interest of organized labor and the election of candidates favorable to its legislative policies. One of its largest departments, the Committee on Political Education, is devoted exclusively to such matters. In addition to the activities carried on by COPE, the President and the Secretary-Treasurer and some other representatives and employees of the AFL-CIO devote a portion of their time to furthering the political and legislative objectives of the organization and in pursuing activities designed to secure maximum support for these objectives by affiliated unions, and state and local AFL-CIO councils and committees, including their involvement in and planning and preparing for political activities.

7. Each successive president of the IAM has been a vice president of the AFL-CIO and as such a member of the Executive Council of the AFL-CIO from at least 1961 to the present, and in this capacity has participated in the determination of the political policies and procedures of the Federation.

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8. While on occasion it has disagreed with some candidate endorsements by the AFL-CIO the IAM has generally been in accord with the political policies of the national AFL-CIO as well as its recommendations with respect to candidates for public office.

9. With the exception of 1972 the officers of the IAM and its Machinists Non-Partisan Political League have generally cooperated with AFL-CIO COPE in carrying out the political and legislative activities and objectives of AFL-CIO COPE.

10. National COPE seeks to coordinate the political activities of the national and international unions affiliated with the AFL-CIO and of state and local AFL-CIO central bodies. COPE's national staff is headquartered on the 6th floor of the AFL-CIO building in Washington, D. C. The Administrative Committee of COPE is headed by the President of the AFL-CIO, and consists of the members of the AFL-CIO Executive Council. The operations of COPE are under the immediate direction of Alexander E. Barkan, its national director, Joseph M. Rourke, Deputy Director, and John Perkins, Assistant Director. The headquarters staff includes a research director and an assistant research director, a national field coordinator, a data processing director, a publications director, and various other staff assistants. COPE currently has 10 area directors and field representatives stationed in various areas of the country, and having responsibility for COPE activities in specific states. Included among the 10 field staff are field coordinators for minority groups and women.

11. The President of the IAM is a member of the Administrative Committee of the AFL-CIO COPE. The Secretary-Treasurer of the IAM, the Director of the MNPL, and at least one other IAM Grand Lodge Representative, serve as members of the Operating Committee of COPE.

12. With the exception of the year 1972 the AFL-CIO COPE and the Machinists Non-Partisan Political League (MNPL) have

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closely coordinated their political activities and functions and have cooperated in carrying on joint political functions and activities with other politically active unions. Prior to 1972 the IAM cooperated in the data processing program of COPE by supplying IAM members names and addresses and use of the IAM computer to assist COPE.

13. There are attached to this Stipulation and made a part hereof Appendices A, B and C the following: Appendix A - Volume II, Proceedings of the AFL-CIO Seventh Constitutional Convention, Executive Council Reports; Appendix B - Volume II Proceedings of the AFL-CIO, Eighth Annual Convention, Executive Council Reports; Appendix C - Report of the AFL-CIO Executive Council, Ninth Convention. Attached as Appendix D is the interim financial report of the AFL-CIO for the period January 1 - June 30, 1972.

14. With minor exceptions the expenses of COPE, including salaries of the COPE staff personnel, travel expenses, office space, office supplies, telephone and telegraph, printing, and general overhead expenses are paid by the AFL-CIO out of the general fund of the AFL-CIO, a fund which is derived principally from per capita taxes received from affiliated national and international unions including the International Association of Machinists.

15. In addition to the expenditures of COPE referred to in the foregoing paragraph some of the other departments of the AFL-CIO including the public relations department, the publications department, the research department, the education department, the civil rights department and the legislative department carry out some functions and activities which are integrated with the political and legislative activities of the AFL-CIO and COPE. No records or accounts are maintained by AFL-CIO in a manner which would permit a proportionate allocation of the expenses of these various departments to the political and legislative activities and

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functions of AFL-CIO and COPE.

16. The official newspaper of the AFL-CIO, the AFL-CIO News, and some of the printed materials prepared and distributed by the Educational Department and other departments of the AFL-CIO seek to influence the reader toward political and ideological positions favored and supported by AFL-CIO and COPE. Copies of editions of the AFL-CIO News dated May 6, 1972, May 20, 1972, July 8, 1972 and November 11, 1972, are attached hereto as Appendices E-1, E-2, E-3 and E-4 respectively.

17. AFL-CIO and COPE officials seek to maintain close liaison with political party officials in various states and in various congressional districts, and COPE officials sometimes participate in the process of selecting candidates, campaign planning and policy decisions respecting the mechanics and strategy of the election campaigns of candidates for national, state and local offices. Through coordination with affiliated international unions and their state and local representatives COPE assists in providing financial, organizational and manpower resources for the campaigns of such candidates. In congressional and senatorial election years COPE divides the marginal congressional districts and key Senate races and approximately 10 of the major national and international unions affiliated with AFL-CIO generally accept special responsibility for specific congressional districts or Senate races. These affiliated unions, in turn, assign staff representatives to these strategic areas. In order to provide these staff representatives with necessary training in political strategy and techniques COPE conducts political seminars and conferences at various locations throughout the country at various times during the year. Such conferences and seminars are held in off-years as well as in election years in order to insure the existence of a large corps of politically trained union staff personnel available for assignment to actual campaign operations.

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18. A portion of COPE Educational Fund monies, derived ultimately from membership dues are frequently used for the preparation, printing and dissemination of political brochures and other materials which support particular candidates for federal office. Such funds are also used for the purpose of making direct cash contributions to candidates for non-federal offices, such as state gubernatorial races. Attached hereto as Appendices E, F, G, H, and I, are copies of reports filed by COPE with the Clerk of the House of Representatives for the years 1967 through 1971 showing cash contributions and other expenditures relative to the campaigns of various candidates for public office. Attached as Appendix J are copies of reports filed by COPE with the United States General Accounting Office under the Fair Elections Act of 1971.

19. One of COPE's major operational tools is voter registration. By using its computerized voter identification program, COPE seeks to determine whether union members are registered and to which political party the union member belongs. The use of this program greatly facilitates the registration of union members and their families. COPE registration drives are now carried on in various states according to the laws of such state, throughout the year, utilizing staff personnel made available by affiliated unions, including salaried staff personnel of the IAM.

20. A report on COPE activity in 1972 was published as a special supplement to the AFL-CIO News of November 18, 1972, a copy of which is attached hereto as Appendix K.

21. Attached hereto as Appendix L is a reprint of an article entitled Political Activities of Labor, by Alexander F. Lerhan which appeared in Issues in Industrial Society, Vol. 1, No. 2, 1969, published by New York State School of Industrial and Labor Relations at Cornell.

22. Copies of The Federationist, official monthly magazine of the AFL-CIO for April, June and August 1973 are attached

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hereto as Appendices M, N, and O. Appendices P and Q, are copies of the publication entitled Memo From COPE dated January 3 and May 8, 1972.

23. The following paragraph appears in Theodore H. White's book, The Making of the President 1968, and the quotation attributed therein to Lane Kirkland, Secretary-Treasurer of the AFL-CIO is substantially correct.

> "In a sense, the challenge of Wallace had been a challenge to the leadership of labor itself. Their own membership polls had, as early as midsummer, shown Wallace picking up 25 percent of the labor vote in Pennsylvania, 32 percent in Connecticut, in Maryland even higher. By September, in Flint, Michigan, at the large Buick plant there, a poll of the 8,000 autoworkers in Local 599 showed Wallace outstripping both other candidates with 49 percent of the total; in Norfolk, Virginia, the Wallace challenge within the union was the springboard in an attempt to overthrow the local's internal leadership; in Pennsylvania, in Baltimore, in Gary, steelworkers were breaking to Wallace. Totally dismayed by the early confusion in Humphrey's headquarters in Washington, the AFL/CIO leadership considered its support of the Democrat and its drive against Wallace almost a mission of its own. 'We had to do what we did,' said Lane Kirkland, executive assistant of the AFL/CIO's president, 'because the Party was bankrupt intellectually and financially. I reached the point where I said I'd never go into Democratic headquarters. I'd go in feeling good and come out feeling terrible. The only useful thing they did was television, in the last couple of weeks; and beyond that they didn't do a goo-damned thing except cry.'"

We concur in the foregoing stipulation

C. Albert Woll
Woll and Meyers
710 Power Building
Washington, D. C. 20005

Thomas E. Harris
General Counsel
AFL-CIO
815 16th Street, N.W.
Washington, D. C. 20006

Patrick F. Marx
Attorney for Defendants

Leonard W. Cotton

Joseph F. Cunningham
Attorneys for Plaintiffs

8404046742

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 1984

James Edward Antosh
c/o Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

Dear Mr. Antosh:

This is in regard to your complaint, received by the Commission on December 2, 1983, against the American Federation of Labor -- Congress of Industrial Unions Committee on Political Education -- Political Contribution Committee and Thomas Donahue, as treasurer, and others, which alleges violations of the Federal Election Campaign laws. In the complaint, you have requested that I disqualify myself from participation in the Commission's consideration of this matter.

I have carefully considered your request and concluded that the complaint offers no grounds warranting my disqualification. Accordingly, I shall not withdraw from participation in this matter. 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.

Sincerely,

Thomas E. Harris

Thomas E. Harris
Commissioner

8404046743

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, ,984

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer and
Counts, P.C.
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1605
International Brotherhood of
Electrical Workers - Committee on
Political Education
Ralph A. Leigon, Treasurer

Dear Mr. Kurnick:

This is in reference to your letter of April 27, 1984, requesting an extension of time until May 18 to respond to the supplemental complaint filed in MUR 1605. Because of the necessity of moving this matter forward as expeditiously as possible, we are able to grant an extension only until May 11, 1984. We will therefore anticipate receiving your response on or before that date.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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GCC #201

LAW OFFICES
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JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
D. WILLIAM HEINE, JR.*
MARY E. VOGEL

*MEMBER OF CALIFORNIA BAR

AREA CODE 202
785-9300

27 P3:08

April 27, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20465

Re: FEC MUR 1605

Dear Mr. Steele:

This office represents Ralph A. Leigon and the International Brotherhood of Electrical Workers-Committee on Political Education which are respondents in the above-captioned Matter Under Review. I am writing to request an extension of time to May 18, 1984, to respond to the Supplement to Complaint in this case.

Because of several matters pending in this office I will be unable to prepare a response before May 18. I have just returned from a trip out of town to attend depositions. In the next two weeks I must prepare a brief to be filed with the United States Court of Appeals for the Third Circuit and also prepare responses in two other FEC Matters Under Review. Consequently, it will be impossible to prepare an adequate response before May 18.

Accordingly, I am requesting an extension of time until that date, in which to file a response in this case.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D. Kurnick

Robert D. Kurnick

RDK:ljl

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 30, 1984

Lawrence Gold, Special Counsel
Margaret E. McCormick, Staff Counsel
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1605
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer

Dear Mr. Gold and Ms. McCormick:

This is in reference to your letter of April 19, 1984, requesting an extension of time until May 18 to respond to the supplemental complaint filed in MUR 1605. Because of the necessity of moving this matter forward as expeditiously as possible, we are able to grant an extension only until May 11, 1984. We will therefore anticipate receiving your response on or before that date.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Assistant General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 30, 1984

Alan V. Reuther
Assistant General Counsel
United Automobile Workers
1757 N Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
UAW V-CAP

Dear Mr. Reuther:

This is in reference to your letter of April 17, 1984, requesting an extension of time until May 18 to respond to the supplemental complaint filed in MUR 1605. Because of the necessity of moving this matter forward as expeditiously as possible, we are able to grant an extension only until May 11, 1984. We will therefore anticipate receiving your response on or before that date.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Assistant General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Assistant General Counsel
United Automobile Workers
1757 N Street, N.W.
Washington, D.C. 20036

RE: MUR 1605
UAW V-CAP

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Assistant General Counsel

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AW 4/27/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lawrence Gold, Special Counsel
Margaret E. McCormick, Staff Counsel
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1605
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer

Dear Mr. Gold and Ms. McCormick:

This is in reference to your letter of April 19, 1984, requesting an extension of time until May 18 to respond to the supplemental complaint filed in MUR 1605. Because of the necessity of moving this matter forward as expeditiously as possible, we are able to grant an extension only until May 11, 1984. We will therefore anticipate receiving your response on or before that date.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Assistant General Counsel

8404046749

AW 4/27/84

GCC #2285

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RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
D. WILLIAM HEINE, JR.*
MARY E. VOGEL

*MEMBER OF CALIFORNIA BAR

AREA CODE 202
785-9300

RECEIVED
GENERAL COUNSEL
84 APR 27 P 3: 08

April 27, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20465

Re: FEC MUR 1605

Dear Mr. Steele:

This office represents Ralph A. Leigon and the International Brotherhood of Electrical Workers-Committee on Political Education which are respondents in the above-captioned Matter Under Review. I am writing to request an extension of time to May 18, 1984, to respond to the Supplement to Complaint in this case.

Because of several matters pending in this office I will be unable to prepare a response before May 18. I have just returned from a trip out of town to attend depositions. In the next two weeks I must prepare a brief to be filed with the United States Court of Appeals for the Third Circuit and also prepare responses in two other FEC Matters Under Review. Consequently, it will be impossible to prepare an adequate response before May 18.

Accordingly, I am requesting an extension of time until that date, in which to file a response in this case.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D. Kurnick

Robert D. Kurnick

RDK:ljl

3404046750

LAW OFFICES
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1125 FIFTEENTH STREET, N.W.
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WASHINGTON, D.C. 20005

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Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20465

BY HA

BCC #2272

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

APR 27 A 9:47

In Re: AMERICAN FEDERATION OF LABOR CONGRESS OF INDUSTRIAL ORGANIZATIONS- COMMITTEE ON POLITICAL EDUCATION- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), et.al.	MUR No. 1605

MOTION TO DISQUALIFY COMMISSIONER HARRIS
FROM FURTHER PROCEEDINGS

Comes now complainant, pursuant to 5 U.S.C. §556(b)(3) and respectfully requests the Commission, for the reasons of bias, prejudice and interest stated in the accompanying affidavit and in the attached Memorandum of Points and Authorities in Support of Motion to Disqualify, to remove Commissioner Thomas E. Harris from any further participation in the proceedings of the above styled case and to notify complainant of the results of the vote and reasons in support thereof.

Respectfully submitted,

Michael E. Avakian
Martha M. Poindexter
CENTER ON NATIONAL LABOR POLICY
5211 Port Royal Road, Suite 400
No. Springfield, Virginia 22151
(703)321-9180

April 26, 1984

Of Counsel:
H. Richard Mayberry, Jr.
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 822-9622

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE ON POLITICAL EDUCATION POLITICAL CONTRIBUTIONS COMMITTEE ("AFL-CIO COPE-PCC"), et.al.	)	MUR NO. 1605

MEMORANDUM OF POINTS AND
AUTHORITIES SUPPLEMENTING
COMPLAINANT'S AFFIDAVIT AND
SUPPORTING MOTION FOR DISQUALIFICATION
OF COMMISSIONER THOMAS E. HARRIS
FROM FURTHER PROCEEDINGS

I.
INTRODUCTION

Complainant requests that Commissioner Thomas E. Harris be disqualified from any further proceedings in the case before the Commission based on complainant's belief in the Commissioner's possible bias in favor of a respondent in this case, his previous participation in the advocacy of disputed evidentiary facts involved in the instant MUR, and the possibility that he may be called as a witness concerning those facts.

Complainant bases his belief on the following: Commissioner Harris was associate general counsel to the AFL-CIO, the connected organization of a respondent in this case, from 1955 to 1975. In that capacity, he signed a stipulation in an analogous case

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which contains evidentiary facts which are crucial to the determination of this case. See Seay v. McDonnell Douglas Corporation, 427 F.2d 966 (9th Cir. 1970), and Exhibit # 6 to Complaint [hereinafter cited as Seay stipulation] (copy attached).

The principal issue in the instant case involves the coordination of political activities by AFL-CIO COPE-PCC and AFL-CIO international union affiliates' separate segregated funds. The Seay stipulation recites facts regarding the political activities of AFL-CIO COPE and its coordination with an affiliated international union. There is a substantial possibility that Commissioner Harris will be called to testify before the Commission and possibly in federal court regarding his knowledge of the facts set forth in the stipulation.

Complainant has duly filed an affidavit and motion on the pending issues. They state facts sufficient to raise questions in the minds of reasonable men about Commissioner Thomas E. Harris' impartiality. They also state facts that give the appearance of partiality and impropriety if he continues in the consideration of the case.

This matter has been called to Commissioner Harris' attention, and he has declined to recuse himself from consideration of the case. See attached letter.

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II.

THE UNITED STATES CODE REQUIRES THE DISQUALIFICATION OF COMMISSIONER HARRIS FOR PERSONAL BIAS

Section 556 (b)(3) of title 5 provides in pertinent part that "[t]he functions of presiding employees and of employees participating in decisions in accordance with section 557 of this title shall be conducted in an impartial manner." It provides further that "[o]n the filing in good faith of a timely and sufficient affidavit of personal bias or other disqualification of a presiding or participating employee, the agency shall determine the matter as a part of the record and decision in the case."

The Federal Election Commission is an administrative agency with quasi-judicial functions. Congress conferred upon the Commission such powers as conducting investigations and hearings, making factual determinations and initiating civil actions. See 2 U.S.C. §437d (a). Section 437d(a) of the Federal Election Campaign Act invokes the adjudicatory procedures of sections 556 and 557 of title 5. Commissioner Harris is a "presiding or participating employee "within the meaning of 5 U.S.C. §556 (b)(3). Consequently, the Commission must consider the facts stated in the instant motion and affidavit and make a determination as to the disqualification of Commissioner Harris.

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A. THE STANDARDS FOR DETERMINING DISQUALIFICATION OF FEDERAL JUDGES APPLY TO ADMINISTRATIVE OFFICERS AND CALL FOR DISQUALIFICATION IN THIS CASE

The Administrative Procedure Act standards for determining the disqualification of administrative officers are derived from case law. It is clear from the case law that the same standards concerning bias, prejudice, interest and disqualification are applied to members of administrative boards when acting in a "quasi-judicial" capacity as are applied to judges. Long Beach Federal Savings & Loan Association v. Federal Home Loan Bank Board, 189 F.Supp. 589(S.D. Cal. 1960)(28 U.S.C. §455, dealing with the disqualification of federal judges, was applied to Administrative Board members), rev'd on other grounds, 295 F.2d 403(9th Cir. 1960)[hereinafter cited as Long Beach]; Trans World Airlines v. CAB, 254 F.2d 90(D.C. Cir. 1958), (stating that Congress contemplated adjudicatory proceedings in conferring quasi-judicial functions upon the CAB), Inland Steel Co. v. NLRB, 109 F.2d (7th Cir. 1940)(court applied standards for judicial disqualification to administrative trial examiner).

Tumey v. State of Ohio, 273 U.S. 510(1927), is the leading case dealing with the disqualification of judicial and quasi-judicial officers. Tumey and its progeny have propounded the doctrine that the right to an impartial judge or quasi-judicial officer, free from bias, prejudice or other ground of disqualification, is a fundamental right, protected by the Due Process

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clauses of the Fifth and Fourteenth Amendments. See Long Beach, at 610. Since a hearing conducted by a biased tribunal or officer is a denial of due process, and nullifies such proceedings, "the requirements for an unbiased and disinterested tribunal apply more strictly to an administrative adjudication than to a judicial one." Id., at 612.

The determination of this disqualification motion affects not only the parties in this proceeding, but it also affects the regulatory integrity of American democracy which the Congress reposed in the Commission and the intention that the Commission be immune from special interests. Commissioner Harris' participation in the case may lead to nullification of any subsequent order of the Commission.

B. THERE IS A REASONABLE QUESTION AS TO THE IMPARTIALITY OF COMMISSIONER HARRIS IN THIS PROCEEDING

Commissioner Harris' participation in hearing the instant case would present the appearance of impartiality. The United States Court of Appeals for the District of Columbia Circuit has stated that an administrative hearing "must be attended, not only with every element of fairness but with the very appearance of complete fairness." Texaco, Inc. v. FTC, 336 F.2d 754, 760(D.C. Cir. 1964), vacated and remanded on other grounds, 381 U.S. 739 (1965)(quoting Amos Treat & Co. v. SEC, 306 F.2d 260, 267 (D.C. Cir. 1962)). To ensure "the appearance of complete fairness,"

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an objective rather than a subjective standard must be used in determining whether disqualification is appropriate.

The test for disqualification is whether "a disinterested observer may conclude that [the agency] has in some measure adjudged the facts as well as the law in advance of hearing it." Cinderella Career and Finishing Schools, Inc. v. FTC, 425 F.2d 583, 591(D.C. Cir. 1970)(quoting Gilligan Well & Co. v. SEC, 267 F.2d 461,469(2d Cir. 1959)), cert. denied, 361 U.S. 896 (1959).

While acting as AFL-CIO Associate General Counsel, Commissioner Harris took a position in federal court regarding disputed evidentiary facts. The principal issue in this case involves the coordination of political activities by AFL-CIO COPE-PCC and AFL-CIO international affiliates' separate segregated funds. As counsel to the AFL-CIO, Commissioner Harris signed a stipulation in an analogous case which for AFL-CIO COPE enumerates facts regarding the political activities of AFL-CIO COPE and its coordination with an affiliated international union.[1] See Seay v. McDonnell Douglas Corporation, 427 F.2d 966(9th Cir. 1970) and Seay stipulation. The facts recited in the stipulation

[1]Rule 11 of the Federal Rules of Civil Procedure certifies the validity of Mr. Harris' statement: "The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay." Fed. R. Civ. P. 7(b)(2) provides the requisite applicability to the instant consideration: "The rules applicable to captions, signing, and other matters or form of pleadings apply to all motions and other papers provided by these rules." These Rules were enforceable during the relevant periods of time in the case.

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are crucial to the issue before the Commission in the instant case. Consequently, as confirmed by the attached affidavit and letter, a reasonable question is raised as to Commissioner Harris' impartiality toward a party, as well as a possible pre-determination of factual issues in dispute.

C. COMMISSIONER HARRIS WAS PREVIOUSLY INVOLVED IN ADVOCACY AND DEVELOPMENT OF DISPUTED EVIDENTIARY FACTS

The Amos Treat and Trans World Airlines decisions cited by the Supreme Court independently stand for the proposition that members of an agency who are to render an adjudicative decision in a case should not previously have been involved in the investigation or advocacy of the underlying facts. Amos Treat & Co. v. SEC, 306 F.2d 260(D.C. Cir. 1962), Trans World Airlines v. CAB, 254 F.2d 90(D.C. Cir. 1958)(emphasis added). Although the quasi-judicial officers in these cases had been involved in the investigation or advocacy in the same case, their principles are applicable to the instant case.

As an advocate for the AFL-CIO, Commissioner Harris was involved in developing facts which are essential to the disposition of this MUR. It is uncontested that he has rendered advice to AFL-CIO COPE and that in his position as AFL-CIO associate general counsel, he conferred with AFL-CIO COPE officers concerning policy positions and litigation on a regular basis.

The Federal Election Commission is a factfinding body and the Commissioners in this proceeding must make factual determinations

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upon which their order is based. As a trier of fact in this proceeding, Commissioner Harris would be required to make determinations regarding the same set of facts which he had previously advocated for a respondent in this case.

Thus, he must be disqualified from considering this case on this independent ground.

D. COMMISSIONER HARRIS MAY BE CALLED AS A WITNESS

28 U.S.C. §455(B)(5)(iv), which deals with the disqualification of federal judges, is applicable to the case before the Commission. It mandates disqualification of a judge where "[h]e or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person; [i]s to the judges's knowledge likely to be a material witness in the proceeding." The facts detailed in the Seay stipulation are material to the principal issue in this case. Since 2 U.S.C. §437(q) provides for removal of cases to federal district court, there is a substantial possibility that Commissioner Harris will be called to testify regarding his knowledge of the stipulation. Therefore Commissioner Harris must be disqualified from any further participation in the instant case.

II.
CONCLUSION

Title 5, Section 556(b)(3) of the United States Code provides for the disqualification of an administrative officer.

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This action was filed on December 2, 1983 and it is complainant's understanding that briefs have been submitted in the case and that it is under consideration by the Commission. It is specifically requested that the motion be placed on the agenda for the next scheduled meeting of the Commission, May 1, 1984, that a vote be taken on the Motion, and that complainant be advised of the results and the reasons therefore within thirty days.

To preserve the appearance of impartiality as stated above, Commissioner Thomas E. Harris should be disqualified from any further participation in this case. Failure of the Commission to act expeditiously on this motion will permit Commissioner Harris to continue in the dialogue of the case and will irreversibly taint the process.

Respectfully submitted,

Michael E. Avakian
Martha M. Poindexter
CENTER ON NATIONAL LABOR POLICY
5211 Port Royal Road, Suite 400
No. Springfield, Virginia 22151
(703)321-9180

April 26, 1984

Of Counsel:
H. Richard Mayberry, Jr.
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

3 4 0 4 0 4 6 4 7 6 1

UNITED STATES OF AMERICA
BEFORE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR - CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE ON POLITICAL EDUCATION - POLITICAL CONTRIBUTIONS COMMITTEE ("AFL-CIO COPE-PCC"), et. al.,	)	(MUR) No. 1605

COMPLAINANT'S AFFIDAVIT OF PREJUDICE AND BIAS IN SUPPORT OF MOTION TO DISQUALIFY COMMISSIONER HARRIS FROM FURTHER PROCEEDING

I, James Edward Antosh, of 13 Gilpin, Shawnee, Oklahoma 74801, complainant in this case, do hereby affirm and swear that to the best of my information and belief, and for the numerous facts specifically stated in the incorporated and attached Memorandum of Points and Authorities in Support of Motion to Disqualify, it is reasonable for me to believe that Commissioner Thomas E. Harris has an extrajudicial bias in favor of the respondents in this case. Commissioner Harris was associate general counsel of the American Federation of Labor - Congress of Industrial Organizations, the connected organization of a respondent in this case, from 1955 to 1975. In that capacity, he signed a stipulation in an analagous case involving identical issues as are before the Commission in this case. Since 2 U.S.C. §437(g) provides for removal of cases to federal district court, the possibility exists that Commissioner Harris could be called as a witness concerning his knowledge of the stipulation. Consequently his refusal to specify the reasons why he will not

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voluntarily recuse himself also leads me to believe an extra-judicial bias exists, impartiality in this case maybe called into question.

Therefore, Commissioner Thomas E. Harris should proceed no further, but should disqualify himself. His disqualification is mandated by federal law.

James Edward Antosh

Sworn before me this 10th day of April 1984.

Denise K. Almon
Notary Public
My commission expires Sept. 17, 1986

CERTIFICATE OF COUNSEL

James Edward Antosh, my client and the complainant in the above styled case, has sworn to the above in good faith and I am acting in good faith in stating that I agree that there are sufficient facts and circumstances included in the attached memorandum to support a reasonable conclusion that Commissioner Thomas E. Harris has or appears to have the prejudice to which complainant has sworn.

Respectfully submitted,

Michael E. Avakian

Michael E. Avakian
CENTER ON NATIONAL LABOR POLICY
5211 Port Royal Rd., Ste. 400
North Springfield, Va. 22151
(703) 321-9180
Counsel for Complainant

3 4 0 4 0 4 6 4 7 6 3

John L. Kilcullen
CALL, LANE, POWELL & KILCULLEN
1250 Connecticut Avenue, N.W.
Washington, D. C. 20036
(202) 659-1600

Jonathan C. Gibson
GIBSON & KENNERSON
1212 Home Tower - 707 Broadway
San Diego, California 92101

Joseph H. Cummins
CUMMINS, WHITE & BREIDENBACH
1200 Hilton Center
900 Wilshire Boulevard
Los Angeles, California 90017

Attorneys for Plaintiffs

FEB 26 1973

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GEORGE L. SEAY, et al, Plaintiffs, vs. McDONNELL DOUGLAS CORPORATION, GRAND LODGE INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL DISTRICT LODGE 1578, INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL DISTRICT LODGE 720, INTERNATIONAL ASSOCIATION OF MACHINISTS, Defendants.	No. 67-1394-HP No. 71-498-HP STIPULATION

WHEREAS, the plaintiffs have given notice of the taking of the depositions of certain officers of the American Federation of Labor and Congress of Industrial Organizations and have served upon each of them a Subpoena Duces Tecum calling for the taking of their depositions.

WHEREAS, an agreement has been reached with respect to the principal facts which plaintiffs are seeking to develop.

NOW, THEREFORE, the plaintiffs and the defendants

EXHIBIT

6

agree as follows:

1. The defendant INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS (IAM) is a union affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO);

2. The Grand Lodge of the IAM pays a per capita tax to the AFL-CIO. The per capita tax so paid has been as follows for the fiscal years ending June 30, 1961 through June 30, 1972, and these payments have been credited to the General Fund of the AFL-CIO:

Fiscal Year Ending June 30	Per Capita	Assessments
1961	$389,220.90	$90,288.18
1962	440,336.05	56,293.56
1963	541,376.43	
1964	550,635.89	
1965	549,474.24	
1966	567,021.21	
1967	640,739.75	
1968	673,425.13	
1969	689,635.66	
1970	849,630.18	
1971	781,684.90	
1972	930,347.90	

3. The Grand Lodge of IAM has made additional payments to the AFL-CIO for the support of its Committee on Political Education, (hereinafter COPE) and such payments have been as follows for each of the years indicated:

1963	$19,367.04
1964	32,180.00
1966	58,150.00
1968	40,955.00

4. The Machinists Non-Partisan Political League (hereinafter MNPL) has made the following payments to the AFL-CIO for the support of AFL-CIO COPE for the indicated years:

	Individual Contribution Fund	Educational Fund
1964	$ 2,500.00	$
1965	200.00	
1966	30,000.00	10,000.00
1967	20,571.30	7,000.00
1968	57,511.14	35,000.00
1969	30,155.83	5,468.76

	Individual Contribution Fund	Educational Fund
1970	$ 66,790.88	$ 5,000.00
1971	21,705.47	12,209.26
Totals	$229,440.62	$74,678.02

5. Some of the local and district lodges of the IAM are affiliated with state and local AFL-CIO central bodies and make payments thereto; and, pursuant to the provisions of the constitutions of such state and local bodies, portions of such payments are earmarked for political activities by the State COPE Committees and by some of the local COPE Committees. The amounts of such payments are not reported to the national AFL-CIO offices.

6. The AFL-CIO is a labor federation. It has many functions which are set out in Article II of its Constitution, a number of which include political and legislative activities, including the advocacy of legislation which it deems to be in the interest of organized labor and the election of candidates favorable to its legislative policies. One of its largest departments, the Committee on Political Education, is devoted exclusively to such matters. In addition to the activities carried on by COPE, the President and the Secretary-Treasurer and some other representatives and employees of the AFL-CIO devote a portion of their time to furthering the political and legislative objectives of the organization and in pursuing activities designed to secure maximum support for these objectives by affiliated unions, and state and local AFL-CIO councils and committees, including their involvement in and planning and preparing for political activities.

7. Each successive president of the IAM has been a vice president of the AFL-CIO and as such a member of the Executive Council of the AFL-CIO from at least 1961 to the present, and in this capacity has participated in the determination of the political policies and procedures of the Federation.

8. While on occasion it has disagreed with some candidate endorsements by the AFL-CIO the IAM has generally been in accord with the political policies of the national AFL-CIO as well as its recommendations with respect to candidates for public office.

9. With the exception of 1972 the officers of the IAM and its Machinists Non-Partisan Political League have generally cooperated with AFL-CIO COPE in carrying out the political and legislative activities and objectives of AFL-CIO COPE.

10. National COPE seeks to coordinate the political activities of the national and international unions affiliated with the AFL-CIO and of state and local AFL-CIO central bodies. COPE's national staff is headquartered on the 6th floor of the AFL-CIO building in Washington, D. C. The Administrative Committee of COPE is headed by the President of the AFL-CIO, and consists of the members of the AFL-CIO Executive Council. The operations of COPE are under the immediate direction of Alexander E. Barkan, its national director, Joseph M. Rourke, Deputy Director, and John Perkins, Assistant Director. The headquarters staff includes a research director and an assistant research director, a national field coordinator, a data processing director, a publications director, and various other staff assistants. COPE currently has 18 area directors and field representatives stationed in various areas of the country, and having responsibility for COPE activities in specific states. Included among the 18 field staff are field coordinators for minority groups and women.

11. The President of the IAM is a member of the Administrative Committee of the AFL-CIO COPE. The Secretary-Treasurer of the IAM, the Director of the MNPL, and at least one other IAM Grand Lodge Representative, serve as members of the Operating Committee of COPE.

12. With the exception of the year 1972 the AFL-CIO COPE and the Machinists Non-Partisan Political League (MNPL) have

closely coordinated their political activities and functions and have cooperated in carrying on joint political functions and activities with other politically active unions. Prior to 1972 the IAM cooperated in the data processing program of COPE by supplying IAM members names and addresses and use of the IAM computer to assist COPE.

13. There are attached to this Stipulation and made a part hereof Appendices A, B and C the following: Appendix A - Volume II, Proceedings of the AFL-CIO Seventh Constitutional Convention, Executive Council Reports; Appendix B - Volume II Proceedings of the AFL-CIO, Eighth Annual Convention, Executive Council Reports; Appendix C - Report of the AFL-CIO Executive Council, Ninth Convention. Attached as Appendix D is the interim financial report of the AFL-CIO for the period January 1 - June 30, 1972.

14. With minor exceptions the expenses of COPE, including salaries of the COPE staff personnel, travel expenses, office space, office supplies, telephone and telegraph, printing, and general overhead expenses are paid by the AFL-CIO out of the general fund of the AFL-CIO, a fund which is derived principally from per capita taxes received from affiliated national and international unions including the International Association of Machinists.

15. In addition to the expenditures of COPE referred to in the foregoing paragraph some of the other departments of the AFL-CIO including the public relations department, the publications department, the research department, the education department, the civil rights department and the legislative department carry out some functions and activities which are integrated with the political and legislative activities of the AFL-CIO and COPE. No records or accounts are maintained by AFL-CIO in a manner which would permit a proportionate allocation of the expenses of these various departments to the political and legislative activities and

functions of AFL-CIO and COPE.

16. The official newspaper of the AFL-CIO, the AFL-CIO News, and some of the printed materials prepared and distributed by the Educational Department and other departments of the AFL-CIO seek to influence the reader toward political and ideological positions favored and supported by AFL-CIO and COPE. Copies of editions of the AFL-CIO News dated May 6, 1972, May 20, 1972, July 8, 1972 and November 18, 1972, are attached hereto as Appendices E-1, E-2, E-3 and E-4 respectively.

17. AFL-CIO and COPE officials seek to maintain close liaison with political party officials in various states and in various congressional districts, and COPE officials sometimes participate in the process of selecting candidates, campaign planning and policy decisions respecting the mechanics and strategy of the election campaigns of candidates for national, state and local offices. Through coordination with affiliated international unions and their state and local representatives COPE assists in providing financial, organizational and manpower resources for the campaigns of such candidates. In congressional and senatorial election years COPE divides the marginal congressional districts and key Senate races and approximately 10 of the major national and international unions affiliated with AFL-CIO generally accept special responsibility for specific congressional districts or Senate races. These affiliated unions, in turn, assign staff representatives to these strategic areas. In order to provide these staff representatives with necessary training in political strategy and techniques COPE conducts political seminars and conferences at various locations throughout the country at various times during the year. Such conferences and seminars are held in off-years as well as in election years in order to insure the existence of a large corps of politically trained union staff personnel available for assignment to actual campaign operations.

18. A portion of COPE Educational Fund monies, derived ultimately from membership dues are frequently used for the preparation, printing and dissemination of political brochures and other materials which support particular candidates for federal office. Such funds are also used for the purpose of making direct cash contributions to candidates for non-federal offices, such as state gubernatorial races. Attached hereto as Appendices E, F, G, H, and I, are copies of reports filed by COPE with the Clerk of the House of Representatives for the years 1967 through 1971 showing cash contributions and other expenditures relative to the campaigns of various candidates for public office. Attached as Appendix J are copies of reports filed by COPE with the United States General Accounting Office under the Fair Elections Act of 1971.

19. One of COPE's major operational tools is voter registration. By using its computerized voter identification program, COPE seeks to determine whether union members are registered and to which political party the union member belongs. The use of this program greatly facilitates the registration of union members and their families. COPE registration drives are now carried on in various states according to the laws of such state, throughout the year, utilizing staff personnel made available by affiliated unions, including salaried staff personnel of the IAM.

20. A report on COPE activity in 1972 was published as a special supplement to the AFL-CIO News of November 18, 1972, a copy of which is attached hereto as Appendix K.

21. Attached hereto as Appendix L is a reprint of an article entitled Political Activities of Labor, by Alexander E. Barkan which appeared in Issues In Industrial Society, Vol. 1, No. 2, 1969, published by New York State School of Industrial and Labor Relations at Cornell.

22. Copies of The Federationist, official monthly magazine of the AFL-CIO for April, June and August 1972 are attached

hereto as Appendices M, N, and O. Appendices P and Q, are copies of the publication entitled Memo From COPE dated January 3 and May 8, 1972.

23. The following paragraph appears in Theodore H. White's book, The Making of the President 1968, and the quotation attributed therein to Lane Kirkland, Secretary-Treasurer of the AFL-CIO is substantially correct.

> "In a sense, the challenge of Wallace had been a challenge to the leadership of labor itself. Their own membership polls had, as early as midsummer, shown Wallace picking up 25 percent of the labor vote in Pennsylvania, 32 percent in Connecticut, in Maryland even higher. By September, in Flint, Michigan, at the large Buick plant there, a poll of the 8,000 autoworkers in Local 599 showed Wallace outstripping both other candidates with 49 percent of the total; in Norfolk, Virginia, the Wallace challenge within the union was the springboard in an attempt to overthrow the local's internal leadership; in Pennsylvania, in Baltimore, in Gary, steelworkers were breaking to Wallace. Totally dismayed by the early confusion in Humphrey's headquarters in Washington, the AFL/CIO leadership considered its support of the Democrat and its drive against Wallace almost a mission of its own. 'We had to do what we did,' said Lane Kirkland, executive assistant of the AFL/CIO's president, 'because the Party was bankrupt intellectually and financially. I reached the point where I said I'd never go into Democratic headquarters. I'd go in feeling good and come out feeling terrible. The only useful thing they did was television, in the last couple of weeks; and beyond that they didn't do a god-damned thing except cry.'"

We concur in the foregoing stipulation

J. Albert Woll
Woll and Mayer
736 Bowen Building
Washington, D. C. 20005

Thomas E. Harris
Thomas E. Harris
General Counsel
AFL-CIO
815 16th Street, N.W.
Washington, D. C. 20006

Alfred M. Klein
Attorney for Defendants

Jonathan C. Gibson
Jonathan C. Gibson

Joseph M. Cummins
Attorneys for Plaintiffs

3404046477 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 1984

James Edward Antosh
c/o Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

Dear Mr. Antosh:

This is in regard to your complaint, received by the Commission on December 2, 1983, against the American Federation of Labor -- Congress of Industrial Unions Committee on Political Education -- Political Contribution Committee and Thomas Donahue, as treasurer, and others, which alleges violations of the Federal Election Campaign laws. In the complaint, you have requested that I disqualify myself from participation in the Commission's consideration of this matter.

I have carefully considered your request and concluded that the complaint offers no grounds warranting my disqualification. Accordingly, I shall not withdraw from participation in this matter. 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.

Sincerely,

Thomas E. Harris

Thomas E. Harris
Commissioner

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8 4 0 4 0 4 6 4 7 7 3

From:

The Center On National Labor Policy, Inc.
5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151

To:

Commissioner Lee Ann Elliott
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RETURN RECEIPT REQUESTED

CERTIFIED

P 482 432 578

MAIL

8 4 0 4 0 4 6 4 7 7 4

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
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3. ARTICLE ADDRESSED TO:
Commissioner Lee Ann Elliott
Federal Election Commission
1325 K street N.W.
Washington, D.C. 20463

4. TYPE OF SERVICE:
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- ☒ CERTIFIED ☐ COD
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P482 432 578

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I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY

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6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/SUSAN M. TEIR SMT

DATE: APRIL 25, 1984

SUBJECT: MUR 1605 - GENERAL COUNSEL'S REPORT signed April 23, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, April 24, 1984.

There were no objections to the General Counsel's Report at the time of the deadline.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: April 24, 1984

SUBJECT: MUR 1605 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[X]	Litigation	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of)
)
AFL-CIO COPE-PCC, et al.) MUR 1605

84 APR 24 A10: 08

GENERAL COUNSEL'S REPORT

On December 5, 1983, James E. Antosh filed a complaint with the Commission alleging that AFL-CIO COPE-PCC, the United Auto Workers Voluntary Community Action Program (UAW UCAP), the American Federation of Teachers Committee on Political Education (AFT-COPE) and the International Brotherhood of Electrical Workers Committee and Political Education (IBEW COPE) are affiliated pursuant to 2 U.S.C. § 441a(a)(5) and thus share a single contribution limitation. Each of these respondents requested and were granted thirty-day extensions of time in which to respond to this complaint. All responses were received at the end of the extension period. A report to the Commission was then drafted [illegible].

On April 9, 1984, the complainant filed a supplement to the original complaint which cites additional evidence in support of his allegations. All respondents have been sent copies of this supplement and have been given fifteen days within which to respond. The report prepared by this office, amended to reflect the additional information furnished by the complainant and responses thereto, will be forwarded to the Commission shortly after expiration of the response time.

Charles N. Steele
General Counsel

April 23, 1984
Date

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

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RECEIVED AT THE FEC
Gcoff 2208
84 APR 20 AM 11:59

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

April 17, 1984

MUR 1605
Weissenborn

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1605

Dear Mr. Gross:

Because I will be out of town during the next several weeks, on behalf of the UAW V-CAP I am hereby requesting an extension of time until May 18 in which to respond to the supplemental complaint filed by the charging party in connection with the above referenced case. I would appreciate it if you would advise me as quickly as possible whether this request for extension will be granted.

Sincerely,

Alan Reuther njk

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Anne Weissenborn

9 4 0 4 0 4 6 4 7 7 8

OBILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS
of AMERICA (UAW)
WASHINGTON OFFICE
1757 N STREET, N.W.
WASHINGTON, D. C. 20036

WASHINGTON, DC 20036
PM
18 APR
1984

NATIONAL
CONSUMERS WEEK
APRIL 22 - 29, 1984

Anne Weissenborn
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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Gaff 2238

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons, S. Frank Raftery, Glenn E. Watts, Angelo Fosco, Lloyd McBride, Wm. W. Winpisinger, Wayne E. Glenn, John J. Sweeney, Barbara Hutchinson, Gerald W. McEntee, Patrick J. Campbell

Thomas W. Gleason, Murray H. Finley, Sol C. Chaikin, Charles H. Pillard, Kenneth T. Blaylock, William H. Wynn, Robert F. Goss, Frank Drozak, Richard I. Kilroy, William H. Bywater, Kenneth J. Brown

Frederick O'Neal, Albert Shanker, Edward T. Hanley, J. C. Turner, Alvin E. Heaps, John DeConcini, Joyce D. Miller, James U. Hatfield, Vincent R. Sombrotto, Marvin J. Boede, Owen Bieber

April 19, 1984

MUR 1605
Wassenberg

PM 12:23

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D.C. 20643

Re: FEC MUR 1605

Dear Mr. Steele:

The purpose of this letter is to request an extension from May 1, 1984 to and including May 18, 1984 for respondents Thomas R. Donahue and the AFL-CIO Committee On Political Education Political Contributions Committee to respond to the supplemental complaint filed in the above-referenced matter.

The reason for this request is that both of the undersigned are required to be out of the city on business next week and will therefore be unable to do the necessary preparation to respond to the supplemental complaint without the requested extension.

Accordingly, we respectfully request an extension of time in which to file the reply of respondents Thomas R. Donahue and AFL-CIO COPE Political Contributions Committee from May 1, 1984 to and including May 18, 1984.

Sincerely,

Laurence Gold
Special Counsel

Margaret E. McCormick
Staff Counsel

3 4 0 4 0 4 5 1 7 8 0

American Federation of Labor and Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

By Messenger

Mr. Charles Steele
General Counsel
FEC
1325 K St., N.W.
7th Floor

8 0 0 4 0 4 6 4 7 8 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1984

Laurence J. Cohen, Esquire
Robert O. Kurnick, Esquire
Mary Vogel, Esquire
Sherman, Dunn, Cohen, Leifer
& Counts, P.C.
1125 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1605

Dear Mr. Cohen:

On December 9, 1983, your client, International Brotherhood of Electrical Workers--Committee on Political Education, was notified that the Federal Election Commission received a complaint from James E. Antosh alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. Your client was also given a copy of the complaint and informed that any response to the complaint should be submitted within fifteen days of receipt of the notification.

On April 6, 1984, the Commission received an additional submission from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this submission. As this submission is considered an amendment to the original complaint, you are afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

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3 4 0 4 0 4 6 4 7 8 3

MUR 1405 WEISSENBORN

PS Form 3811, July 1982

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TOTAL $____

3. ARTICLE ADDRESSED TO: Laurence J. Cohen, Esq
Robt O. Kurnick, Esquire
Mary Vogel, Esq
1125 15th St NW
Wash. DC 20005

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☒ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 943337

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

L Ladd

5. DATE OF DELIVERY: APR 13 1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

APR 13 1984

RETURN RECEIPT

GPO: 1982-379-609

4/10/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1984

Alan V. Reuther, Esquire
1757 N. Street, N.W.
Washington; D.C. 20036

Re: MUR 1605

Dear Mr. Reuther:

On December 9, 1983, your client, United Auto Workers Voluntary Community Action Program, was notified that the Federal Election Commission received a complaint from James E. Antosh alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. Your client was also given a copy of the complaint and informed that any response to the complaint should be submitted within fifteen days of receipt of the notification.

On April 6, 1984, the Commission received an additional submission from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this submission. As this submission is considered an amendment to the original complaint, you are afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

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MUR 1605 WEISSENBORN

PS Form 3811, July 1982

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2. ☐ RESTRICTED DELIVERY ..... ____¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:
Alan V. Reuther, Esq
1757 N. Street NW
Wash DC 20036

4. TYPE OF SERVICE:
- ☐ REGISTERED
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ARTICLE NUMBER
943338

(Always obtain signature of addressee or agent)

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SIGNATURE ☐ Addressee ☒ Authorized agent
Alan Reuther

5. DATE OF DELIVERY
4/13/84

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6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1983-370-000

3 4 0 4 0 4 6 4 7 8 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody & Green
1140 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1605

Dear Mr. Oldaker:

On December 9, 1983, your client, American Federation of Teachers Committee on Political Education Teachers Committee on Political Education, was notified that the Federal Election Commission received a complaint from James E. Antosh alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. Your client was also given a copy of the complaint and informed that any response to the complaint should be submitted within fifteen days of receipt of the notification.

On April 6, 1984, the Commission received an additional submission from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this submission. As this submission is considered an amendment to the original complaint, you are afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

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3 4 0 4 0 4 6 4 7 8 7

MUR 1105 Weissenborn

PS Form 3811, July 1982

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2. ☐ RESTRICTED DELIVERY ..... ___ $
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO:
Wm C. Oldaker, Esq
Epstein, Becker, Borsody & Green
1140 19th St NW
Wash DC 20036

4. TYPE OF SERVICE:
- ☐ REGISTERED
- ☐ INSURED
- ☒ CERTIFIED
- ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER: 943339

(Always obtain signature of addressee or agent)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1984

Lawrence Gold, Esquire
Margaret E. McCormick, Esquire
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1605

Dear Mr. Gold:

On December 9, 1983, your client, AFL-CIO COPE-PCC, was notified that the Federal Election Commission received a complaint from James E. Antosh alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. Your client was also given a copy of the complaint and informed that any response to the complaint should be submitted within fifteen days of receipt of the notification.

On April 6, 1984, the Commission received an additional submission from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this submission. As this submission is considered an amendment to the original complaint, you are afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

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MUR 1605 Weissenborn

PS Form 3811, July 1982

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Margaret E. McCormick, Esq
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4/10/84

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Cott 2043

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
'84 APR 6 A11:01

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE ON POLITICAL EDUCATION POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC) and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC, and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP), and Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP, and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE), and Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE), and Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE	Matter Under Review (MUR) NO. 1605 Supplement to COMPLAINT Filed December 2, 1983

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Comes now Complainant James Edward Antosh and respectfully presents the following supplemental material in support of his complaint filed in this matter on December 2, 1983.

The POLITICAL ALLIANCE OF AFL-CIO AFFILIATES AND AFL-CIO COPE IS PERVASIVE

There can now be little question that AFL-CIO affiliated labor unions are presently working together under the coordination of the AFL-CIO and AFL-CIO COPE personnel. The evidence demonstrates central control at the highest levels of the organizations involved, mutual mass political rallies, joint fund raising and political organizing activity, and identical political announcements. Each of these points are addressed seriatim below and support the complaint that respondents are affiliated organizations within the contemplation of 2 U.S.C. §441a(a)(5).

A separate Reply to the Response to the Complaint of IBEW-COPE is also set out at Part II.

I.
A. THE ROLE OF AFL-CIO COPE AND COORDINATED AFFILIATED UNION ACTIVITIES

AFL-CIO COPE has taken an active role in coordinating the activities of affiliated international unions. As reflected in the October 10, 1983 edition of Businessweek, AFL-CIO COPE has "drafted an elaborate national strategy...COPE working with State labor bodies in most cities will assign the various unions such

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tasks as running phone banks and voter registration drives in states where each union is strongest." To ensure this operational control, AFL-CIO COPE presented "minutely detailed marching orders" to several union representatives in Des Moines, Iowa. It is reported that AFL-CIO COPE director John Perkins addressed members of the Auto Workers, Operating Engineers, Ironworkers, Restaurant Workers, Machinists, Plumbers, Telephone, and Grain Millers unions at the meeting. Iowa State AFL-CIO official Mark Smith also "outlined the basic mechanics of the operation, handed out computerized mailing lists, a "cue card" spelling out what to say when they call to recruit volunteers and lists of training meeting sites." The Washington Post, December 14, 1983 at A6. Exhibit #40.

The effect of this AFL-CIO dominated effort reaches beyond candidate support and into the delegate selection process, as reflected in the original complaint. In fact, in a letter dated November 16, 1983, AFL-CIO president Lane Kirkland reminded officers of local central bodies that the AFL-CIO endorsement prohibited them from "(a) seeking to became a delegate to the 1984 Democratic Convention except as a Mondale delegate: (b) any action by an AFL-CIO state or local central body that in any way assists any person, who is not running as a Mondale delegate, to become a delegate to that convention." Exhibit #41. Finally, Mr. Kirklands' letter ends with the statement that "[a]ny exceptions must be cleared in advance with COPE Director John Perkins." It should be noted, that the letter was issued under the names of the thirty International union presidents comprising the AFL-CIO Executive

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Council. Furthermore, union involvement in circumvention of the affiliation rule is happening as complainant predicted. Special "delegate committees" have been set up by AFL-CIO unions to funnel money to their designated presidential candidate with the intent of avoiding federal election spending limits. See Exhibit #42.

Mr. Perkins has been visiting labor leaders around the country "defending the federation's decision to take an active role in the primary process...and by urging unions to campaign at all levels from precincts on up, to make sure that New Jersey and other states send delegates firmly pledged to Mondale to the Democratic nominating convention in San Francisco." The Christian Science Monitor, January 17, 1984. Exhibit #43.

From the affiliated union perspective, there is no question that a mutual understanding relating to political action exists. The American Federation of State, County and Municipal Employees boasts in a report on their recent political action conference:

> A major goal of the conference was to coordinate AFSCME's efforts with those of the Mondale campaign and of the AFL-CIO. Conferees attended workshops on delegate selection, on PEOPLE fundraising, on campaign public relations, and on campaign reporting, they heard comments from AFL-CIO Committee on Political Education Dir. John Perkins and from directors of the Mondale campaign. And they laid specific plans for fundraisers, delegate strategy, and other campaign direct action.

Public Employee, January 1984 at 16. Exhibit #44.

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B. AFL-CIO COORDINATED LOCAL ACTIVITY AND RALLIES

In New Hampshire, the AFL-CIO established a voter contact program. Various unions including AFSCME contributed numerous phones. Public Employee, March 1984 at 3. The AFL-CIO headquarters in Washington mailed follow-up letters to the persons contacted by the program. The Boston Globe, January 30, 1984 at 7.

The National Association of Letter Carriers has urged its members to take joint action with the AFL-CIO; that "[i]n addition to a candidate's phone bank, the AFL-CIO central labor council usually has a phone bank in operation-and they also need volunteers to make phone calls." NALC Capital Notes, February 1984 at 2.

The American Postal Workers Union has used its official publications to promote nationwide AFL-CIO COPE rallies and to urge their "members and families to participate in the COPE sponsored 'Mondale Rallies.'" APWU News Service, February 3, 1984. Exhibit #45. Also The Machinist, February 1984 at 12.

Moreover, the AFL-CIO Labor Institute of Public Affairs in Washington, D.C. has created a system of video news bulletins and advisorys which are express mailed daily to affiliated unions for local broadcast. See "Movement Is Going Electronic", The Sunday Pennsylvanian, September 18, 1983; The Washington Post, February 18, 1982. Consequently, the AFL-CIO affiliated unions can issue what may otherwise appear to be sophisticated and timely public statements of their own about the political campaign.

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C. AFL-CIO PUBLICATIONS AND ANNOUNCEMENTS OF POLITICAL SUPPORT

As provided the Commission in the original Complaint here, AFL-CIO COPE provides affiliated unions with a vast array of general political action materials. Of particular interest in their library of support material is COPE Publication 5C, Do It! Organizing a Local Union COPE COMMITTEE, which provides the rudiments for setting up a local union committee and where to get political information. "National COPE, your state COPE, your local council COPE and your international union all have materials on issues and candidates' records...if you need a hand, National COPE provides 'do-it-yourself' suggestions...Okay, let's go over the responsibilities of a local union COPE committee, and keep in mind National COPE has materials you can get to give you more detail on the how-to of the COPE operation." Exhibit #46. Similarily, COPE Publication No. 271c answers the question "Just What is COPE, Anyway" in the following manner: "COPE is the political education and political action arm of the AFL-CIO. Your own union cooperates with it." Exhibit, #47.

Also presenting evidence of coordinated political activity are the various affiliated unions publishing the identical political message in support of Walter Mondale in their newsletters. See Exhibits, #48, January 1984, IBEW Journal; #49, February 1984, TWU Express; #50, January, 1984, ILGWU Justice; #51, January/ February, 1984, OCAW Union News; #52, March 1984, The Ironworker.

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II.
REPLY TO IBEW-COPE RESPONSE TO COMPLAINANT'S REASON TO BELIEVE A POSSIBLE FECA VIOLATION EXISTS

The International Brotherhood of Electrical Workers Committee on Political Education responds to the instant Complaint essentially stating that it is an autonomous entity not controlled or maintained by the AFL-CIO or AFL-CIO COPE-PCC. In support of its contention, IBEW-COPE states that its existence and creation predated the formation of the AFL-CIO, Brief at 3, and that the "IBEW Constitution does not require membership or affiliation with the AFL-CIO." Brief at 4.

In Part II of its brief, IBEW-COPE attempts to demonstrate that only IBEW officers control IBEW-COPE, that "it is not obligated to lobby on issues deemed important to the AFL-CIO COPE-PCC," that it is not bound by AFL-CIO COPE-PCC positions on a particular issue, and "has supported legislation and policies either not endorsed by the AFL-CIO COPE-PCC or for which the COPE-PCC has adopted a contrary position." Brief at 5.

Thus, IBEW-COPE points out a few situations where it supported a federal candidate for election in which AFL-CIO COPE-PCC either made no endorsement or took a contrary position. Brief at 6. Moreover, IBEW-COPE alleges that "[n]either the AFL-CIO or COPE-PCC enter into this decision-making process." Brief at 7.

To the extent that IBEW-COPE has failed to respond to the facts stated in the complaint, the following points should be deemed admissions:

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1. That AFL-CIO COPE seeks to coordinate the political activities of member unions such as the IBEW. Complaint at 12.

2. That IBEW turns over its membership lists to AFL-CIO COPE for political processing. Complaint at 17.

3. That IBEW promotes the AFL-CIO COPE at its National Conventions and other forums. Complaint at 25.

4. That AFL-CIO Resolution #176 ensures affiliation of international unions such as IBEW with the AFL-CIO. Complaint at 35.

5. That the IBEW president will help settle delegate endorsements as a member of the AFL-CIO Executive Council. Complaint at 37.

IBEW-COPE's other contentions miss the mark under the Campaign Act insofar as they view control as the primary test of affiliation. However, as set forth in the complaint, actual control is only one indication of maintenance and control.

11 C.F.R. §110.3(a)(iii) provides for discretionary affiliation, and includes, but is not limited to provisions of by-laws, power to influence decisions, similar patterns of contributions and transfer of funds. The disaffiliation from the Canadian Labour Congress in 1981 as stated in the Legion affidavit is not relevant, since the affiliated status of connected organizations is based on both past and present conduct. Consequently, IBEW and IBEW-COPE are indeed affiliated until they choose to divorce themselves from entanglements with the AFL-CIO and the AFL-CIO COPE-PCC. See Advisory Opinion 1983-28. In fact, their brief presents

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an admission of AFL-CIO political support and encouragement as demonstrated and alleged by complainant: "While the AFL-CIO encourages its affiliates to support presidential candidates endorsed by the Federation, they are not required to do so." Brief at 6. IBEW has seen fit to abide.

Moreover, the fact that few unions have ever disaffiliated from the AFL-CIO demonstrates the difficulty in doing so, or in the alternative, a high degree of benefits encouraging the maintenance of the association.

In this regard the IBEW continues to promote and publish AFL-CIO COPE materials to its members. The February 1984 edition of IBEW JOURNAL presents an article entitled Mondale For President written by AFL-CIO COPE Director John Perkins. He eloquently details what "we" can do for Walter Mondale. Exhibit #53[1]. The IBEW-Journal of March 1984 published another article entitled Mondale For President by AFL-CIO Director John Perkins. This time, Mr. Perkins explains why unions should continue to work together to elect Walter Mondale. Exhibit #54.[2]

This shows that AFL-CIO COPE can indeed influence the political activities of member unions by utilizing free space in the members official publications.

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[1]The identical article also appears in its entirety in the March 1984 edition of The Ironworker. Published with the article is an AFL-CIO COPE political message. See Exhibit #54.

[2]Al Goodfader of the AFL-CIO has made similar pitches for Walter Mondale in the Operating Engineer, February 1984; International Woodworker, January 20, 1984; and The Ironworker, February 1984.

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The response that AFL-CIO control over IBEW-COPE is absent because one state senate race and two federal races in 1982 reflect a different choice, is not credible as reflected in the fact that these are narrow exceptions with AFL-CIO COPE-PCC and fail to account for the permissive nature of state endorsements permitted by the AFL-CIO. See Exhibit #9, AFL-CIO RULES Governing Committees on Political Education of State and Local Central Bodies. IBEW-COPE cannot seriously contend that disagreement with AFL-CIO COPE-PCC on only "several occasions" over the years demonstrates independence. See Leigon Affidavit ¶14; Memo at 5.

Moreover, IBEW-COPE ignores the support and nature of its joint activities with AFL-CIO COPE-PCC such as common publications, maintenance of membership lists, and simultaneous promotion of AFL-CIO COPE at IBEW Conventions. See Exhibit #15. All these factors reduce the credibility of Respondent's arguments.

As for the effect of joint fundraising, the Respondents ignore the fact that a shared collection system is an indication of affiliation. Considering the regularity of their joint efforts, the indication is strongly in favor of affiliation. The Respondent also points to Commission regulation's permitting joint fundraising, but these provide the exceptions apart from the general affiliation

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rules and not the general rule to consider when affiliation is in question.

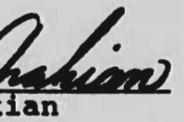
Consequently, complainant's allegations have not been rebutted.

CONCLUSION

As stated above and in the Complaint filed on December 2, 1983, the Commission has sufficient evidence to conclude that their is reason to believe the Federal Election Campaign Act has been violated.

Respectfully submitted,

James Edward Antosh



Michael E. Avakian
Center on National Labor Policy
5211 Port Royal Road, Suite 400
No. Springfield, VA 22151
(703)321-9180

Counsel for Complainant

Of Counsel:
H. Richard Mayberry, Jr.
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 822-9622

April 6, 1984

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VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)
) ss.
State of Oklahoma)

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 28th day of March 1984.

Denise K. Almon
Notary Public

My Commission expires:
Sept. 17, 1986

3404046 1801

In Iowa Chill, Warming to Mondale

Labor Activists Place Old Differences Aside In '84 Organizing Push

By Kathy Sawyer
Washington Post Staff Writer

DES MOINES—In the last presidential race, union activists Chuck Gifford and Jerry Addy would cross snow-covered streets to avoid each other, muttering a few dirty names. One's union was working for President Carter, the other's for Sen. Edward M. Kennedy (D-Mass.).

Last Saturday, the United Auto Workers member sat down in unprecedented semi-harmony in the same hall with the Operating Engineers member and about 200 other union officials from across the state. Snowplow drivers, ironworkers, restaurant workers, machinists, plumbers, telephone company workers and grain millers—all had agreed to check their ancient rivalries at the door.

They were there, in the first state to begin its presidential delegation-selection process, to receive minutely detailed marching orders for a massive mobilization of the state's union members, earlier than ever before and united for the first time behind one candidate: Walter F. Mondale.

"The eyes of the national labor movement are on you here," John Perkins, director of the Committee on Political Education, the AFL-CIO's political arm, told the gathering. He warned them that if their performance doesn't measure up, their influence will suffer not just in national politics but they'll be scorned as a "paper tiger" in their back yards as well.

The labor federation's battle plan for the state—bolstered by national staff and money—calls for rank-and-file union members to be contacted up to seven times each in coming weeks—by phone, mail and in person where they work. The name of the game is to identify and turn out Mondale supporters to the precinct caucuses on Feb. 20, the first step in choosing Iowa's 58 delegates to the Democratic National Convention.

Mark Smith, an official of the state labor federation, told the group that it is a key level in a program that works "like a pyramid scam . . . . If one person breaks the chain, the whole thing goes to hell." Smith outlined the basic mechanics of the operation, handed out computerized mailing lists, a "cue card" spelling out what to say when they call to recruit volunteers and lists of training meeting sites.

Smith's refinements went as far as instructing them that when they recruit a volunteer to serve as union precinct coordinator, "put a red 'u' in the left margin." The lists of newly recruited volunteers have to be turned in by Dec. 22, he said, and the same printout would be used in the next phase, "so don't leave 'em where the dog can get 'em."

State labor leaders are recruiting thousands of precinct captains, union coordinators for wards and towns, and others. They plan to recruit up to 1,200 volunteers to "caucus schools."

Also last weekend, the American Federation of State, County and Municipal Employes and several other unions were gearing up phone banks, with a total of 189 phones across the state.

"Once they're up, we'll be making 57,000 phone call attempts a week," said Will Robinson of AFCSME, Mondale's state labor liaison.

While AFCSME workers worked the phones at the Des Moines local, personalized form letters ("Dear Marcella") marched steadily out of a bank of four automated word-processing machines up the hall: "One letter to every member coming off in continuous feed, presorted by zip code, post-dated for after the Christmas rush," Robinson said.

Listening to the soft whir and tick of the equipment, he smiled.

"Ah, the sound of soft money," he said, referring to the fact that labor's "educational" communications to its membership do not count against its candidate's campaign spending limits.

There is still some bitter infighting within the ranks of labor here, reportedly most heated between the building trades and the state federation, primarily over who is calling the shots as the operation procedes.

But the main ingredient missing from their victory formula, by all accounts, is intensity.

There is no Carter-Kennedy fight or Iranian hostage crisis, which cranked up the folks to slog through the frigid snowbanks in 1980. The union officials clapped and cheered when Perkins mentioned Rep. Tom Harkin (D-Iowa), the Democratic Senate candidate, but remained silent at the sound of Mondale's name. Said George Brown of the Iowa State Education Association, "There seems to be a reluctance among the people to get really hyped about it . . . . Mondale *is* like an old shoe." But, he added, "he's a damn *comfortable* old shoe."

Polls currently show Mondale running well ahead of Sens. John Glenn (D-Ohio) and Alan Cranston (D-Calif.), and he looks nearly unbeatable if his backers in organized labor perform as advertised.

The caucus system is tailor-made for the sort of organizational shoe leather that labor can marshal. It requires "hand-holding," getting a candidate's supporters to turn out, blizzard or not, and sit through hours of meetings.

The state AFL-CIO claims 100,000 members in the state. The UAW has an additional 44,000, though a staggering one-third have been laid off since 1980. Four years ago, they report, they turned out 8,000 to 10,000 members for the caucuses.

EXHIBIT
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American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT
THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons
S. Frank Rafferty
Glenn E. Watts
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Vincent R. Sombrotto
Marvin J. Boede

Rudolph O'Neal
Albert Shanker
Frank T. Hanley
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Alvin E. Heaps
John J. O'Donnell
Robert F. Gass
Charles A. Fraser
Barbara Hutchinson
George W. McEntee
Patrick J. Campbell

November 16, 1983

To Principal Officers of Local Central Bodies:

Dear Trade Unionist:

The purpose of this letter is to underline the point that the AFL-CIO's endorsement of Walter Mondale for the Democratic Party's Presidential nomination precludes: (a) any officer of an AFL-CIO state or local central body, while holding such office, from seeking to become a delegate to the 1984 Democratic Convention except as a Mondale delegate; (b) any action by an AFL-CIO state or local central body that in any way assists any person, who is not running as a Mondale delegate, to become a delegate to that Convention.

Any exceptions must be cleared in advance with COPE Director John Perkins.

Sincerely and fraternally,

Lane Kirkland

President

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EXHIBIT
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THE WASHINGTON POST

March 29, 1984

Delegate Units Help Mondale Raise Spending

By Thomas B. Edsall
Washington Post Staff Writer

Backers of Walter F. Mondale have found a way around federal spending restrictions that threatened to curtail his campaigning in the crucial big-state showdowns against Sen. Gary Hart (D-Colo.) in the next two months.

The new technique uses special "delegate committees" to channel hundreds of thousands of dollars, including large union contributions, in support of the former vice president's campaign.

The delegate committees collect much of their money from political action committees (PACs). The Mondale campaign has refused to accept PAC money.

The major donors in initial reports to the Federal Election Commission have been the United Automobile Workers, which gave $12,000 in six separate contributions of $2,000 each; the American Federation of Teachers, which gave $6,000; the American Federation of State, County and Municipal Employes, which gave $6,000, and the Carpenters Legislative Improvement Committee.

In addition, Richard Dennis, whom Mondale officials described as a "wealthy commodities dealer" in Chicago, gave $4,000 in amounts of $250 to $900 to 10 different delegate committees in Illinois.

Mondale, who spent large amounts of money early in the campaign against a $24.4 million federal spending ceiling, can spend only $5.5 million to $6 million for all the primaries and caucuses after Tuesday's New York primary, according to aides. Hart will be able to spend an estimated $15 million after New York.

The use of delegate committees provides a new mechanism to add cash to the Mondale drive, and none of it will apply against the federal spending limit, according to aides.

In New York alone, Mondale officials say they expect delegate committees to raise $150,000 in addition to about $500,000 that will be spent by the official Mondale camaign.

In Florida and Illinois, at least $70,000 was raised by

See MONEY, A13, Col. 1

MONEY, From A1

late February, according to reports filed at the FEC. Over half of it, $36,000, is from PACs. The figure far understates the total, however, because it does not include money raised and spent in the final two weeks of the campaign in those two states.

"There is a flock of these things in New York and other places," Tim Finchem, Mondale's finance director, said, referring to delegate committees that have not yet filed with the FEC. As of yesterday, a total of 54 such committees had filed organization papers with the commission.

"We are supportive of it," Finchem said.

Finchem and David Ifshin, the legal counsel to the Mondale campaign, said they have advised slates of Mondale delegates across the country how to form separate fund-raising committees.

Ifshin contended that the FEC regulations permit delegate committees to raise unlimited amounts of money, and that the cash does not count against the presiden-

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tial spending limits. "We have been the pioneers in delegate expenditures," Ifshin said.

The only significant restriction on the delegate committees, Ifshin said, is that they cannot spend money on radio, television or other media activities supporting the Mondale campaign. They can, he argued, spend money on phone banks, vote canvassing, bumper stickers, lawn signs, and other non-media political work.

Ifshin said Mondale has told aides to discourage delegate committees from accepting PAC money. The committees are legally autonomous, however, and can accept any money as long as they comply with FEC regulations.

In New York, Mondale's state campaign manager, William Hennessy, noted: "Mondale says he can't take any PAC money, but these delegate committees can—and they are taking PAC money."

Finchem contended that the delegate committees are not a hidden way around federal spending limitations. He said the campaign has budgeted specific amounts for each state and, since it does not directly control the way delegate committees spend their money, the budgets are not based on assumptions of support from the delegate committees.

As of Feb. 29, the Mondale delegate committee reporting the largest amount of money raised was the 20th District Delegates for Mondale in Illinois. It had raised $10,337, including $5,000 from the Carpenters and $2,000 from the UAW.

In Illinois, the largest expenditure was the payment of over $20,000 by 12 separate delegate committees to Progress Printing in Chicago for brochures and other campaign literature.

The regulation of candidates seeking to become delegates to the presidential conventions always has been one of the most complex terrains for the FEC. Under the law, they are participating in federal elections, but as individuals they are not "federal candidates" since they are not seeking federal position.

The FEC has ruled that when delegates form a committee, they must report what they raise and spend, although individuals running for delegate without joining committees do not face the requirement.

Delegate committees are not the same as "independent" committees, such as the National Conservative Political Action Committee, which plans to spend as much as $5 million in support of President Reagan.

Independent committees can spend unlimited amounts, but must remain completely separate from the campaign they are supporting, and no consultation between the two is allowed.

According to Ifshin, the Mondale campaign can consult and provide legal advice to Mondale delegate committees. Until the explosion of Mondale delegate committees, no presidential campaign had attempted to make use of them as vehicles to raise and spend large amounts of money.

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THE CHRISTIAN SCIENCE MONITOR

TUESDAY, JANUARY 17, 1984

AFL-CIO is urged to make all-out effort for Mondale

Atlantic City, N.J.

The AFL-CIO must undertake the strongest political effort ever made by organized labor to ensure the presidential nomination of Walter Mondale by the Democrats or, says John Perkins, the federation's political-action director, labor will lose credibility at every level of government. Mr. Perkins spoke here Sunday.

Mondale

Perkins, head of the AFL-CIO's Committee on Political Education, is visiting state labor leaders around the country, writes Monitor contributor Ed Townsend, defending the federation's decision to take an active role in the primary process for the first time by actively supporting Mr. Mondale and by urging unions to campaign at all levels from precincts on up, to make sure that New Jersey and other states send delegates firmly pledged to Mondale to the Democratic nominating convention in San Francisco.

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EXHIBIT

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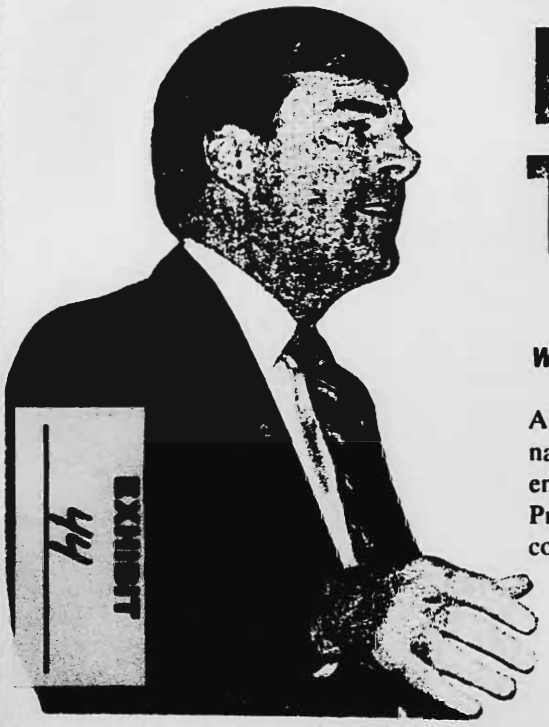
AFSCME Conferees Kick Off Drive To Elect Mondale



"Our purpose is to put together the best grass-roots political effort of any union in or out of the AFL-CIO," AFSCME Pres. Gerald W. McEntee tells the union conferees. "The overriding priority for this union is the replacement of Ronald Reagan with Walter Mondale," President McEntee said.

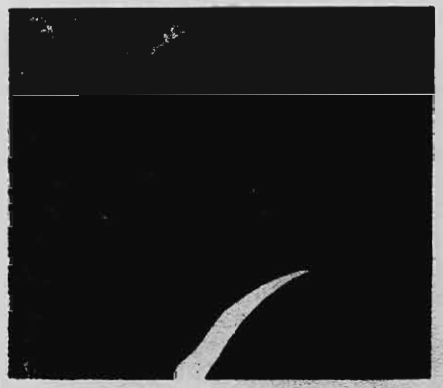
WASHINGTON, D.C.

AFSCME activists from across the nation gathered here following labor's endorsement of Walter Mondale for President to lay the groundwork for a coordinated labor drive aimed at ensuring the nomination and election of their candidate.

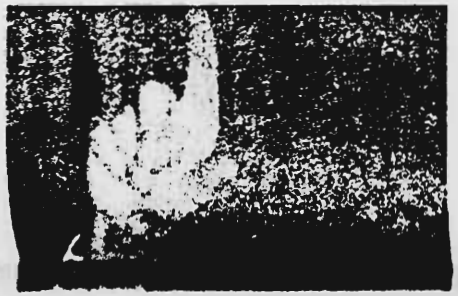
"The credibility of AFSCME and the labor movement is on the line," AFSCME political director Jerry Clark told the conferees. But, he told them, "AFSCME led in the effort to get the endorsement for Mondale, and we intend to remain in the lead in the drive for his election."

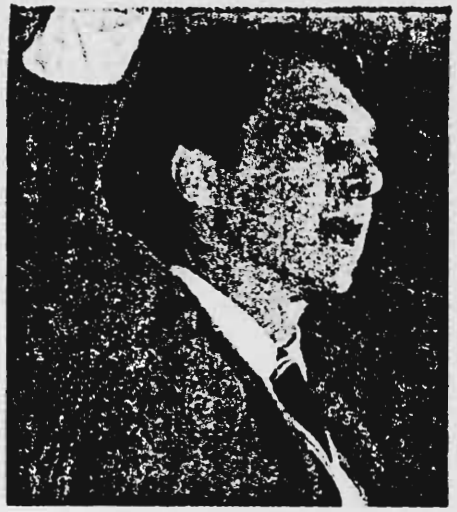
A major goal of the conference was to coordinate AFSCME's efforts with those of the Mondale campaign and of the AFL-CIO. Conferees attended workshops on delegate selection, on PEOPLE fundraising, on campaign public relations, and on campaign reporting. They heard comments from AFL-CIO Committee on Political Education Dir. John Perkins and from directors of the Mondale campaign. And they laid specific plans for fundraisers, delegate strategy, and other campaign direct action.

They departed here prepared, in Perkins' words, "to send Ronald Reagan back to the ranch."

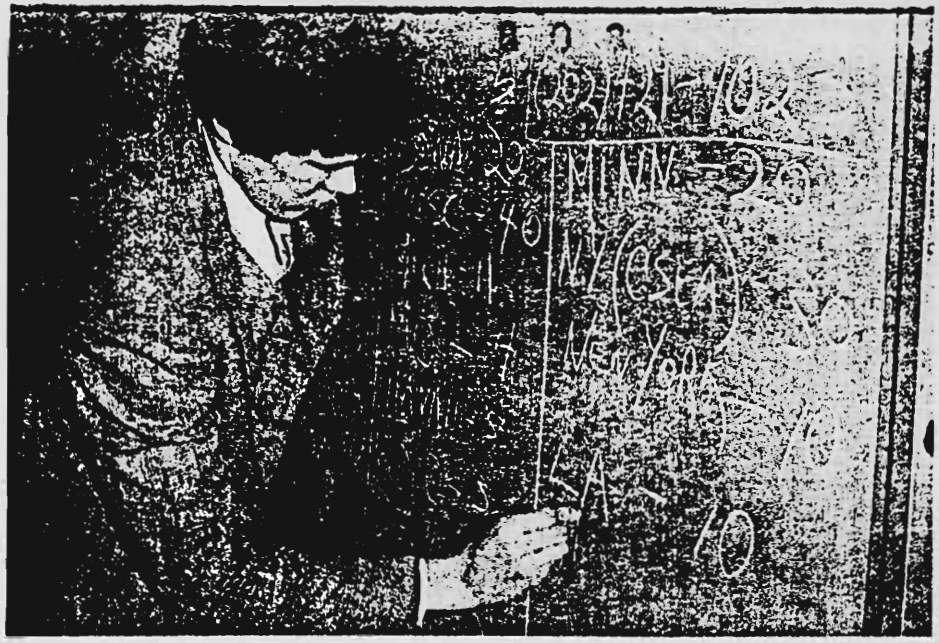


"This is going to be the best-run, largest political campaign we've ever handled," says Frank Cowan, assistant to the AFSCME president. "We are going to show just how effective AFSCME—and all of labor—can be."





"We need AFSCME's help with our unprecedented America for Mondale project," Curt Wiley, deputy finance director of the Mondale campaign, tells the AFSCME conferees. He outlined plans for hundreds of citizens' parties scheduled as fund-raisers for the campaign.



AFSCME PEOPLE staffer John Dowling, Jr., records the number of fundraisers planned by AFSCME in each state.

"Labor unity—it feels damn good!" John Perkins, director of the AFL-CIO Committee on Political Education, tells AFSCME leaders. He added that labor's endorsement of Walter Mondale "is not, in any respect, a rejection, a repudiation, or even a criticism of the other candidates for the Democratic nomination. We commend them all," he said, "but we recommend Walter Mondale as the stand-out candidate in a good field."

"AFSCME led in the effort to get the endorsement for Mondale," AFSCME Political Director Jerry Clark tells the conferees, "and we intend to remain in the lead in the drive for his election."

"At the end of Walter Mondale's first term in 1988, he wants to be able to ask public employees how they are doing, and hear them say, "We've got dignity; we've got respect; and we've got the tools to do the job," Paul Jenson tells the AFSCME group. Jenson, who called AFSCME "the first and the best," is labor liaison for the Mondale campaign.

"We need a first-ballot victory for Walter Mondale," AFSCME Secretary-Treasurer William Lucy says to the AFSCME group. He added that "the Mondale campaign knows that AFSCME is out front. We must look to the long run—to November 1984. In the end, we will be victorious."

COLA EDGES UP IN 3rd MONTH OF PERIOD

The Consumer Price Index (CPI-W) rose .1 point to 301.5 in December up from 301.4 in November. This translates into an estimated ¼ cent an hour. After three months of the current six-month adjustment period, the estimated accumulated postal worker COLA is 2¼ cents per hour —$1.80 per pay period or $46.80 per year.

TOTAL COLA $1,518

The total COLA paid to date under the 1981 Agreement is $1,518. This includes the most recent payment of $395, effective last November.

RETIREES & COLA

The 1983 COLA for postal retirees and FECA recipients is 3.3%. While current law requires that this amount be reflected in the annuity checks of June, 1984, it is anticipated that Congress may vote to delay payment of the 1983 COLA for retirees until January 1985.

Additionally, while retirees under the age of 62 as of March 1, 1984 are now supposed to receive a 3.6% increase, it is expected that this too may be changed by Congress during the fight over the Federal Budget. Watch for more information in upcoming issues of the News Service.

AMERICAN POSTAL WORKERS UNION

NEWS SERVICE

MOE BILLER, President
PATRICK J. NILAN, Editor
Affiliated With AFL-CIO
817 14th Street NW Washington DC 20005

Volume XIV, No. 2 February 3, 1984

AFL-CIO COPE SCHEDULES MONDALE POLITICAL RALLIES THROUGHOUT U.S.A.

The AFL-CIO Committee On Political Education has scheduled a series of political rallies throughout the country in support of Labor's endorsed candidate Walter F. Mondale for the Democratic Presidential nomination. The AFL-CIO, the American Postal Workers Union and practically every other affiliated labor organization has endorsed the candidacy of former Vice President Walter "Fritz" Mondale and are urging their members and families to participate in the COPE sponsored "Mondale Rallies."

The political activities are scheduled in conjunction with the AFL-CIO 1984 Regional Conferences. The first one was held in Seattle, Washington on January 27. A second was scheduled for Boston, Mass., on February 4.

The COPE political rallies are open to the general public in addition to organized labor. Postal and federal workers and retirees **do not violate the Hatch Act** by attending such political affairs.

Information follows on future COPE meetings where **Vice President Fritz Mondale** will appear and speak:

Des Moines, Iowa: Saturday, Des Moines Technical H torium, 4PM-6PM.

Miami, Florida: Saturday, March 3 at the Bayfront Auditorium, one block from the Everglades Hotel, 1:30PM-3:30PM.

EXHIBIT 45

OTHER MONDALE RALLIES

Additional political rallies sponsored by AFL-CIO COPE and supported by APWU and more than 100 labor unions are scheduled with **tentative** dates in **Chicago, Illinois,** on March 10; **New York City, New York,** on March 23; and **Houston, Texas,** on April 28. Details, including rally locations with firm dates and times will be announced as soon as available.

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AFL-CIO COMMITTEE ON POLITICAL EDUCATION
815 16th Street, N.W.
Washington, D.C. 20006

GEORGE MEANY
Chairman

LANE KIRKLAND
Secretary-Treasurer

Cope Publication No. 5C

PE and the COPE Political Contributions Committee are independent litical committees, created by the AFL-CIO. These Committees do not for or accept authorization from any candidate and no candidate is ponsible for their activities. A copy of our report is filed with the deral Election Commission and is available from the Federal Election mmission, Washington, D.C.

Do It!

Organizing a local union COPE Committee

This material has been prepared for existing local union COPES and to help form COPE committees in locals not yet in the COPE program.

A functioning local union COPE ensures full participation in the city, county, congressional district and state COPE programs on registration, $2 drive, facts on issues and candidates, and "get out the vote" on Election Day.

The local union COPE contributes importantly to the political life of the community and to the democratic process. It assures that labor's viewpoint will be heard and heeded by candidates.

All local unions that have not yet done so are urged to establish their Committee on Political Education, and to coordinate the local's program with the city, county, congressional district and state AFL-CIO COPEs.

EXHIBIT
46

Did you ever try to go it alone, one-on-one with the boss? It's a mismatch. We all know that. That's why local unions have a collective bargaining committee . . . to speak with unity for workers to management.

But there's another kind of bargaining committee . . . to help do your *political* collective bargaining. We call it a COPE committee. COPE . . . it stands for the AFL-CIO Committee on Political Education . . . and your local can't fully serve its members without a COPE committee any more than it can without a collective bargaining committee.

What's so important about a COPE committee? Well, what's so important about politics? Politics reaches into the lives of every single one of us . . . hundreds of ways.

The actions of office-holders create or cost jobs . . . hold inflation down or send it soaring . . . affect the kind of health care you get and the price you pay for it. . . .

They determine the quality of schools your children attend; the fairness of the tax structure; the extent of workmens compensation if you're hurt on the job . . . and unemployment comp if you're out of a job.

So, a local union COPE committee is important. It gives workers a little more say in the political decision-making process.

It's Simple . . . Do It!

Okay, how do you organize a local union COPE committee? It's simple. Just make the decision, and go ahead and do it . . . and then choose its members.

What kind of members? Active ones who'll work at it. You want a committee drawn from every department of your plant or every job site where your local union members work . . . so you'll be able to reach every member.

How large a COPE committee? Large enough to do all that it has to do without overburdening its members. Remember, it's an all-year, every-year responsibility. If it winds up with just a few people doing all the work, it'll grind to a halt before it has a chance to get going.

Be sure to include shop stewards, grievance committee members and others the members recognize and have confidence in.

Okay, you get a COPE committee going. What does it do? How does it work? What are its responsibilities? Let's put together a list.

1

One . . . registration. The goal? Every member and every voting-age member of his or her family registered to vote.

How? By working with your local central council's community-wide registration program; by providing lists for it when needed; by volunteering to help staff its COPE workrooms; by participating in its decisions; by talking up registration at the job site and union hall . . . by getting deputized as registrars if the law permits, so you can directly register your own members; by distributing to your members registration-by-mail forms where state law allows.

2

Two . . . information. Learn the facts on local and national issues, then get the facts around to your members. How?

National COPE, your state COPE, your local council COPE and your own international union all have materials on issues and candidates' records. Get it into the hands of members.

But you know what? The best materials are the ones you do yourselves. Members like to get the word from their own locals, materials signed by officers they know. They respond to it better. This has been tried and proved over and over again.

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So don't be afraid to do it. There's a wealth of talent for this kind of thing . . . right there, in *your* local union. Incidentally, if you need a hand, National COPE provides "do-it-yourself" suggestions.

We suggest COPE committee members subscribe to COPE Memo, National COPE's regular newsletter. It's loaded with the basic facts you'll need.

3

Three . . . voting. On election day, get out the vote of every one of your registered members. How? Again, by working with your local central council. . . .

And providing bodies for its election day operation in its COPE workrooms, or its car pools, or at the polls as a poll-watcher . . . or any one of the dozens of election day activities that contribute to victory.

Remember, though, the most important thing is double-checking *your own* members. Get them out to vote—every single one of them.

4

Four . . . money. One of the most important things you can do in your own local is collect those two dollar contributions for COPE. That's not much to ask a member for . . . two dollars. National COPE needs those funds . . . badly . . . to help elect the candidates we support. They're not getting it from the fat-cats or the corporations . . . but you can bet their opponents are.

How do you get COPE dollars? The best way is to go straight up to every member and ask for two dollars for COPE, face to face. Most members will give if they're told why it's important. They'll have questions about COPE and about how the money will be used, and they deserve answers from you.

(Timing is important in going after COPE contributions. There's no better day than pay day to make your try.)

Remember, though, face to face with every member . . . that's the key to successful COPE collections.

Every penny members contribute to COPE goes directly into the campaigns of candidates committed to goals workers share—jobs, an end to inflation, health care as a right for all Americans, tax justice . . . other important programs.

COPE carefully considers where the money is needed most . . . what pro-worker candidates will use it best . . . which ones have the tightest races on their hands so that the money given to COPE by members will have maximum effect. These are candidates *you* endorse.

Oh . . . it could be your members will be approached by the boss or his representative for contributions to *their* corporate political fund. A lot of firms have one. One thing's sure . . . their funds go to *their* kind of candidate. COPE funds go to *our* kind of candidate . . . and there's a world of difference. If you're doing your job among members, the likelihood is they'll tell the boss: "Thanks, but no thanks. I already gave . . . to my union COPE."

Okay, let's go over the responsibilities of a local union COPE committee, and keep in mind National COPE has materials you can get to give you more detail on the how-to of the COPE operation.

► One . . . get members registered.

► Two . . . information on issues and candidates' records. Get it around to your members. Talk up the COPE-endorsed candidates on the job, at union meetings, in your neighborhoods . . . anywhere you and the members get together.

► Three . . . get out your members' vote on election day.

► Four . . . collect those two dollar contributions for COPE. Don't be bashful about asking. The work you're doing is important. You can be proud of it . . . *all of it.*

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The impact of your committee

Maybe you're wondering what can come of all this activity we're talking about. Take a look at the make-up of the Congress or of a lot of state legislatures. There are plenty of men and women in offices at all levels the local union COPE committees helped elect. They're doing their best for workers and their families.

Incidentally, one of the things you should do is write to these office-holders on the issues, and you should visit them when they're in their home district. You know, nudge 'em a little.

So . . . what you'll be doing with your COPE committee is good . . . it's good for yourself, your family, your union brothers and sisters, your community and your country.

After all, everyone benefits from a COPE committee.

We hope you agree. If you do, take the hint from the title of this brochure, "DO IT."

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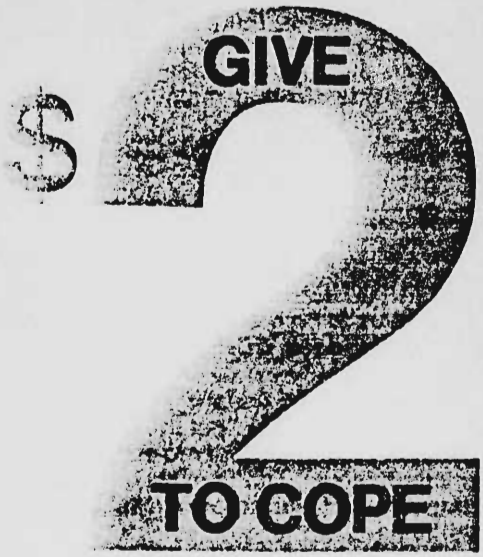
YOUR QUESTION:
What's such a big deal about 1976, anyway?

OUR RESPONSE: We think every election year is important. And 1976 is a bit more so. Workers have a lot of good friends in Congress. Many of them were elected in 1974 from areas that are traditionally conservative. And when they go to bat for workers on critical issues, they take a lot of heat from home. They're going to need all the help we can give them this year.

On top of that, this is a presidential year. Take a look at all the unemployment, and the high prices and a lot of recent presidential decisions that help the well-to-do but hurt working people. Wouldn't you agree that electing a friendly, pro-worker President makes 1976 a little bit more than "just another election year"?



AFL-CIO COMMITTEE ON POLITICAL EDUCATION
GEORGE MEANY, Chairman LANE KIRKLAND, Sec'y.-Treas.
815 Sixteenth Street, N.W., Washington, D.C. 20006
COPE Publication No. 271C

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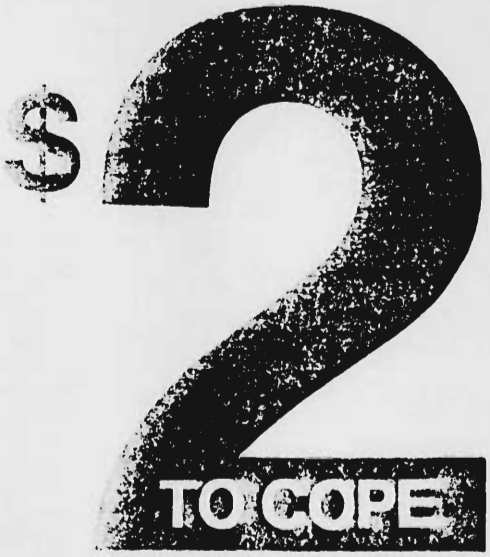
KEY QUESTIONS ON GIVING



(READING TIME: 1 minute, 25 seconds)

COPE and the COPE Political Contributions Committee are independent political committees, created by the AFL-CIO. These Committees do not ask for or accept authorization from any candidate and no candidate is responsible for their activities. A copy of our report is filed with the Federal Election Commission and is available from the Federal Election Commission, Washington, D.C.

EXHIBIT
47

Sometime soon, you're going to be asked by your local union COPE committee, or by a local union officer, steward or business agent, to contribute $2 to COPE, the AFL-CIO Committee on Political Education.

Following are some questions you might want answered when you're asked to give, along with responses we'd like you to consider.

YOUR QUESTION:
Just what is COPE, anyway?

OUR RESPONSE: COPE is the political education and political action arm of the AFL-CIO. Your own union cooperates with it. Its responsibility is to involve union members and their voting-age family members in political decisions through registration and get-out-the-vote programs—and to help elect candidates for the U.S. House and Senate who'll support measures helpful to working people.

YOUR QUESTION:
Say I give $2. What's COPE gonna do with it?

OUR RESPONSE: Your $2 goes to candidates who've been endorsed by State COPEs, in which your own union is represented. It helps these candidates in their campaigns. And when they're elected, they enact programs that help you.

YOUR QUESTION:
Programs like what?

OUR RESPONSE: Programs to create jobs in times of high unemployment—like public works, needed community facilities, housing. Other programs like health care as a matter of right for all Americans; ones that would create tax justice by closing the loopholes that let business, industry and wealthy individuals off the hook while you and other working people pay your full share of taxes; proposals to provide better education for your children, fairer prices.

YOUR QUESTION:
Fine, but what good is my measly $2?

OUR RESPONSE: Plenty of good, because it's combined with other $2 contributions from thousands of union members. That lets COPE provide aid that really counts to endorsed candidates.

YOUR QUESTION:
There seems to be plenty of political money around. Why does COPE have to get into the act?

OUR RESPONSE: We "get into the act" because there is *not* a lot of money around for our candidates. The really big political money comes from corporate leaders, rich individuals and the political arms of business, industry and the medical profession. *That* political money goes to candidates who *oppose* programs that help working Americans.

For Democratic ★★★★★★★★ Presidential Nomination

...the stand-out in an excellent field

(Endorsed by IBEW and AFL-CIO)

WALTER MONDALE U.S. Senator 1964-76; Vice President of U.S. 1977-81
(As Senator: 93 percent "right" on AFL-CIO voting record)

Where He Stands

★ JOBS—Full employment law with teeth in it to assure useful jobs for all who want to work

★ TRADE—Content law to require certain portion of U.S.-made parts in foreign-made products sold here; fair trade benefitting U.S. workers and products as much as trading partners

★ BASIC INDUSTRIES—Crash program to revive declining basic industries on which nation's strength, millions of jobs depend

★ EDUCATION — Sharply-increased federal aid to upgrade public schools; college education loan guarantees to qualified children of workers, needy

★ HUMAN RIGHTS — Equal rights for women, minorities in all aspects of our economic and political life

★ TAXES—Tax law changes to make corporations and wealthy individuals pay their fair share, as workers always have

★ QUALITY OF LIFE—Stepped up housing programs, highway-bridge repair, modernization/extension of transportation systems, stronger environmental protections

VOTE MONDALE

Democratic primary/caucuses in your state

MONDALE FOR PRESIDENT

EXHIBIT
48

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Roll Back Reaganism

MONDALE

EXHIBIT 49

For Democratic Presidential Nomination

....the stand-out in an excellent field

(Endorsed by our union and AFL-CIO)

WALTER MONDALE U.S. Senator 1964-76; Vice President of U.S. 1977-81 (As Senator: 93 percent "right" on AFL-CIO voting record)

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Where He Stands

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★ **TAXES**—Tax law changes to make corporations and wealthy individuals pay their fair share, as workers always have

★ **QUALITY OF LIFE**—Stepped up housing programs, highway-bridge repair, modernization/extension of transportation systems, stronger environmental protections

VOTE MONDALE

Democratic primary/caucuses in your state

Nomination Now—Election in November

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Roll Back Reaganism

MONDALE

Photo left: ILGer Barbara Donaldson of La Crosse, Minnesota, a member of Local 379 across border in Wisconsin, chats with Mondale at recent labor rally. Center: the candidate with ILGers outside Malden Mills in Lawrence, Massachusetts, before receiving endorsement of Governor Michael Dukakis.

For Democratic Presidential Nomination

Endorsed by ILGWU and AFL-CIO

WALTER MONDALE U.S. Senator 1964-76; Vice President of U.S. 1977-81 (As Senator: 93 percent "right" on AFL-CIO voting record)

EXHIBIT 50

Where He Stands

★ JOBS—Full employment law with teeth in it to assure useful jobs for all who want to work

★ TRADE—Content law to require certain portion of U.S.-made parts in foreign-made products sold here; fair trade benefitting U.S. workers and products as much as trading partners

★ BASIC INDUSTRIES—Crash program to revive declining basic industries on which nation's strength, millions of jobs depend

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★ QUALITY OF LIFE—Stepped up housing programs, highway-bridge repair, modernization/extension of transportation systems, stronger environmental protections

VOTE MONDALE

Democratic primary/caucuses in your state

(See next issue of Justice for listing of some 20 states and dates in February and March.)

nination Now—Election in November

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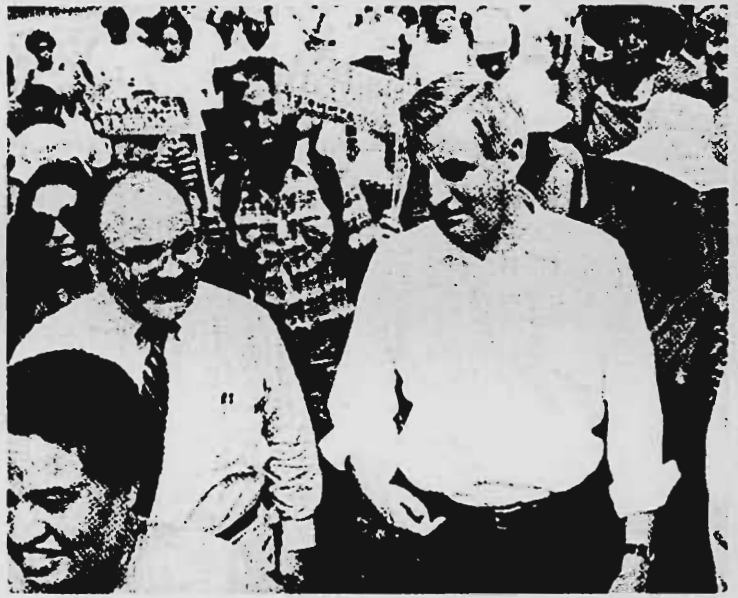
Roll Back Reaganism

MONDALE



For Democratic Presidential Nomination

.... the stand-out in an excellent field

(Endorsed by our union and AFL-CIO)

WALTER MONDALE U.S. Senator 1964-76; Vice President of U.S. 1977-81 (As Senator: 93 percent "right" on AFL-CIO voting record)

EXHIBIT

57

Where He Stands

★ **JOBS**—Full employment law with teeth in it to assure useful jobs for all who want to work

★ **TRADE**—Content law to require certain portion of U.S.-made parts in foreign-made products sold here; fair trade benefitting U.S. workers and products as much as trading partners

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★ **QUALITY OF LIFE**—Stepped up housing programs, highway-bridge repair, modernization/extension of transportation systems, stronger environmental protections

VOTE MONDALE

Democratic primary/caucuses in your state

Nomination Now—Election in November

MONDALE FOR PRESIDENT

Endorsed and supported by OCAW and the AFL-CIO

1984

THE CHOICE IS YOURS

by John Perkins
National Director, AFL-CIO
Committee on Political Education

Right now, and for the months immediately ahead, nothing we can do is more important or has more far-reaching consequences than our campaign to help Walter Mondale win the Democratic Presidential nomination.

The endorsement is a deeply serious effort in a very serious and important process which we hope ultimately will result in election to the Presidency in 1984 of the candidate we honestly feel can best serve this nation and its people, and in defeat of an incumbent President who we sincerely believe has served the nation and its people unfairly, unfeelingly, unwisely and unwell.

The journey to those two goals begins, like the journey of a thousand miles, with the first step, which was the endorsement of Walter Mondale.

Let me mention a couple of things that our endorsement is not:

We are not engaged in any macho exercise in political muscle-flexing. We've been around a long time. Our credentials are solid. We don't have to posture.

We are not trying to capture control of the Democratic Party. We have no more wish to control a political party than to be controlled by one.

Our staff is certainly not an adjunct of the campaign of the candidate himself. He's running his own show among Democratic voters at-large, without any kibitzing from us, and we're running ours among our members, without any kibitzing from the candidate or his campaign staff.

The AFL-CIO's endorsement of Mondale is not, in any respect, a rejection, a repudiation or even a criticism of the other candidates for the Democratic nomination.

All are good men. All, to differing degrees, have records of decent concern for the well-being of working Americans and needy Americans.

We commend all of them, but we recommended Walter Mondale as the stand-out candidate in a good field. Look at his credentials and his record over his twelve years as a United States Senator and his four years as Vice President of the United States:

As a Senator, he voted 93 percent "right" for working people, their families and their unions on the official AFL-CIO voting record.

As Vice President, he was a strong

More than 3,000 New England union members gathered at a labor rally recently to cheer Walter Mondale's call for a return to fairness in American government. The Local 7 Ironworker hard-hat and spudwrench banner is visible upper left. The rally wrapped up the AFL-CIO regional conference in Boston.

EXHIBIT
52

voice within his administration for issues of critical importance to workers.

There isn't a working family in the United States who hasn't benefitted from one or more of the things Walter Mondale fought for and accomplished in the areas of health care, education, nutrition, child care, civil rights, women's issues, job safety and health, job-creating measures, transportation, minimum wage, Davis-Bacon protection of the standards and wages of building and construction workers, public employee rights, unemployment compensation, workmen's compensation, environmental protection, and energy independence.

While Walter Mondale always was and remains his own man, we can never forget that his mentor was one of the most decent and concerned human beings who ever graced the political stage.

Walter Mondale was Hubert Humphrey's political protege and then his close political ally and personal friend and confidant because they shared a vision of a caring nation.

What Walter Mondale has fought against tells as much about him as a man and a candidate as what he fought for.

He has fought against special tax privilege for corporations and wealthy individuals;

Against th ealmost boundless power of big oil;

Against the rape of our public lands by private interests;

Against the nay-sayers and doom-criers and union-busters of the right wing who saw nothing good in the Presidencies of Franklin Roosevelt, Harry Truman, John Kennedy, and Lyndon Johnson, and nothing but good in those of Millard Fillmore, William McKinley, Calvin Coolidge and Herbert Hoover.

That's Mondale past. Mondale's future is the important thing we have to consider now. There is every sign and token that he is as close to us today as he has been throughout his many years in politics.

He's for a full-employment law—with teeth in it—and for jobs for all who want to work. There is no chance that he would brush off 10 percent unemployment as nothing but an inconvenient statistic.

He's for rebuilding America's stricken basic industries. He knows, as we know, that they are not only the source of millions of jobs, but the foundation of our economic strength and our military strength. If they crumble, there goes the rest of it.

He's for fair trade that is as beneficial to American workers and American-made products as it is to the countries we trade with. He will not stand by expounding empty dogmas about "free trade" while a raging flood of imports drowns the jobs of millions of American workers.

He's for better education, better health and better nutrition programs. He's commited to job-creating step-ups in housing programs, highway and bridge repair, to modernization and extension of our transportation systems. These are issues that govern millions of jobs and affect the health, welfare and jobs of millions of us.

He is with us—with working people and needy people and small business people—and he understands and supports the aspirations of just-plain-people everywhere.

Some pundits and even candidates are seeking to label Walter Mondale as a captive of "special interests"—meaning us—and that is pure, unadulterated hogwash. In the vocabulary of politics, "special interests" mean exclusive interests, and there is nothing exclusive about the concerns of the labor movement. What we want for ourselves—jobs and justice, decent health care, decent housing, better education, better nutrition, fair wages, fair taxation—we want for all our fellow citizens, bar none.

We have a "special interest" in all the people of the United States, an interest that is not shared by the present administration and its supporters who are accusing us of their own faults.

Reaganism: A Price Too High

THE STATISTICS OF PAIN

The statistics on this page sum up—but by no means tell the whole story of—the cost in pain of the Reagan Recession and the Reagan cuts in important people-helping programs. It is a cost not nearly offset by the present period of partial recovery—a recovery which many economists fear might collapse in early 1985 under the weight of record-high Reagan deficits.

Millions of working and needy Americans have paid and are still paying a staggering price for Reaganism: In jobs lost, in health care withheld, in nutrition denied, in higher education forestalled or abandoned, in job training aborted, in homes foreclosed.

Their story—by the numbers—follows. (Figures from AFL-CIO Dept. of Economic Research, Congressional Budget Office, Children's Defense Fund, U.S. agencies.)

Workers...Victimized

- Number of individual workers suffering one or more episodes of unemployment 1981 through 1983: 30 million (minimum figure).
- Number of individual workers suffering joblessness by year: 1981, 23 million; 1982, 27 million; 1983, 27 million.
- Average mean duration of unemployment, 1981-83 respectively: 14 weeks, 16 weeks, 20 weeks.
- Average gross weekly earnings lost per year by jobless workers: 1981, $3,315; 1982, $4,005; 1983, $5,620.
- Over-all gross weekly earnings of workers lost per year through unemployment: 1981 loss $76.2 billion; 1982 loss $108.1 billion; 1983 loss $151.7 billion.
- Total gross weekly earnings lost through unemployment 1981 through 1983: $336.1 billion.
- Value of lost production 1981-83 respectively (as result of unemployment above 1979 level): $180 billion, $390 billion, $380 billion.
- Total value lost production 1981-83: $950 billion.
- Loss to U.S. Treasury through unemployment, 1981-1983 (over 1979) respectively: $54 billion, $117 billion, $114 billion.
- Total loss to Treasury through unemployment 1981-83: $285 billion (enough to substantially reduce record Reagan deficits).
- Number of persons losing some or all health coverage as result of unemployment: 10.7 million.
- Mortgage foreclosures during Reagan Recession (actual or in foreclosure process): 116,000 in 1981; 160,000 in 1982; 178,000 in 1983 (highest levels since tracking of statistic started in 1953)
- Business failures during Reagan Recession 16,794 in 1981; 25,364 in 1982; 30,794 in 1983 (highest since 31,822 in 1931 and four times 1970 rate of 7,564) Total business failures 1981-83: 72,934
- Rate of business failure In 1979, 28 per 10,000, in 1982, 89 per 10,000

The Needy...Needier

- Needy persons losing *all* food stamp aid: 1 million.
- Number of working poor, others, losing *some* food stamp aid: 4 million.
- Increase in number Americans living in poverty: 6 million (1981-82 alone). Rate of poverty now highest in 17 years—15% of all Americans.
- Cuts in Aid to Families with Dependent Children program (AFDC): $4.8 billion (13 %); 725,000 families affected, 1.5 million children.
- Children of needy families losing Medicaid protection: 700,000 (1982 alone).
- Children of needy families losing services at community health centers: 290,000.
- Cuts in child nutrition programs: 28 %.
- Number of children from low-income homes losing free or reduced-price school lunches: 1.1 million.
- Number of children from low-income homes losing free or reduced-price school breakfasts: 900,000.
- Cutback in higher education loan program: 27%.
- Number of young persons affected by cutbacks in low-interest loans for higher education: 700,000-plus.
- Cuts in other student financial aid programs: 13%.
- Medicaid/Medicare cuts: 5%.
- Other health program cuts: 22%.
- Cuts in job-training for disadvantaged: 35% ($7.4 billion).
- Funds cut from retirement programs over-all—social security, civil service pensions, veterans' benefits: $26 billion.
- Funds cut from income security programs over-all—food stamps, unemployment insurance, housing aid, AFDC: $27 billion.
- Funds cut from health programs over-all: $18.5 billion.
- Funds cut from education and social service programs over-all: $13.7 billion.
- Funds cut from employment and training programs over-all: $25 billion.
- **Total funds cut from people-helping programs under Reagan (1981-84): $110.2 billion.**

NOTE: The $110.2 billion cuts in people-helping programs represents only that portion of Reagan-proposed slashes that Congress agreed to. They were not really deep enough for his taste. Had all Reagan cuts been adopted as proposed, the $110.2 billion figure would balloon to the $140-$150 billion range over the same time period.

Turn It Around—Register/Vote

AFL-CIO COPE • Washington, D.C. 20006

Reprinted from the AFL-CIO News

MONDALE FOR PRESIDENT

by John Perkins
National Director, AFL-CIO, Committee on Political Education

The AFL-CIO's decision to try to enlarge labor's political role through early endorsement of a candidate in the nominating process sprang from our disappointment with the impact we've had on the process in recent Presidential years.

In 1972, and again in 1976, we urged union members to run as delegates to the Democratic Convention on all the major candidate slates, and this didn't work so well. We tried getting our people to run uncommitted and that didn't work so well, either.

In 1976 and 1980 we were faced as well with the problem of international unions coming out with endorsements of their own, working at cross-purposes in behalf of four or five candidates for the nomination.

That meant that labor people, labor efforts, labor money and other labor resources were fighting one another and in most cancelling one another out.

After the 1980 campaign and the election of Ronald Reagan, we decided we ought to come up with a new approach. President Kirkland appointed a committee of the Executive Council to explore the feasibility of an early endorsement in the Presidential nominating process.

The committee reported that, yes, it would be feasible, provided that our affiliated international unions agreed not to get out front with endorsements of their own and provided that a consensus of at least two-thirds of the AFL-CIO General Board supported any recommendation of endorsement.

As it turned out, those conditions were met, and the timing was such that we had the added authority of the AFL-CIO Convention.

But earlier in this process, I recall President Kirkland saying to the Executive Council: "We've tried everything else. Why don't we try unity?"

We're trying. It feels very good.

We are well

EXHIBIT

53

risks, at least in the minds of some of our critics, some of our friends, and some of ourselves.

Number one, there is the risk of underperformance; of being less effective than we hope to be. If that happens, the news media and, for that matter, a lot of our foes would have a field day talking about labor as a political paper tiger.

Well, so what? I say that win or lose, we'll be able to hold our heads high when it's over. We'll do our job, and we'll do it well.

Risk number two is the perception that will be fostered, again by the media and by many of our political opponents, that the labor movement is out to take over the Democratic Party, or the party out to absorb the labor movement.

As I said earlier, that's nonsense.

We have no ambition to take over the Democratic Party. We've got our hands full being a labor movement and doing our best to represent the interests of our members.

There is no indication, and no inclination that I can see, that the Democratic Party wants to swallow us up. And I think if any party ever tried, we'd stick in their throats like the wrong part of the artichoke.

Finally, and most important of all, there is the risk of divisions within our ranks and recriminations if things don't work out exactly as we'd like.

All I can say is that we walked into this whole undertaking with our eyes open. Leaders of our unions undertook a great deal of study and discussion before they agreed that we should have the option of early endorsement and to exercise it, if union members supported that action.

The support that our unions found among their members was overwhelming. With only a very few exceptions, representing a tiny fraction of AFL-CIO membership, there was agreement that, yes, there was reason to endorse a candidate, to do so early, and to do it in behalf of Walter Mondale.

I don't mean to suggest that union members are unanimous in their preference. It would be foolish to expect that. Among free men and women, with minds of their own, you are going to find the whole spectrum of political views.

But we're not writing off a single one of them. We'll go into every local, and we will seek the support of all our members—male, female, black, Hispanic, white, young or old—for the candidate we've endorsed, because we believe Walter Mondale is the best candidate for all workers and trade unionists and for the future of our country.

We believe union members will give Walter Mondale their support. A media poll just after our endorsement found that 35 percent of our members say they are influenced by a labor endorsement. The media interpreted this to mean support is thin, but as poll results go, it's a tremendous vote of confidence. As a rule, 95 percent of voters automatically deny paying attention to anybody's endorsement.

I say that if we have that much for openers, once we reach them with campaign material and letters and on-the-job discussion, that nucleus will balloon dramatically.

The media also belittled the soundings taken by our affiliated unions to seek out the sentiments of their members about the endorsement. The media claimed it was unrepresentative because "only" one-third of members recalled their union asking how they felt—that would be nearly five million of them.

Let me point out that the same media swallows whole a Gallup poll or a Harris poll that samples fewer than 2,000 Americans. They take it as gospel truth that the findings reflect and define the feelings on any issue of the whole population. A survey that reaches five million Americans is perhaps a thousand times larger than any other in the history of opinion research.

Therefore, we're not about to let the media deride our capabilities or minimize our efforts either to ascertain how our members feel or to persuade them to support our candidate.

Every politically active union member should walk tall and walk proud in this crucial undertaking. We have taken the first step toward the ultimate and critical objective: to send Ronald Reagan back to the ranch and to send our friend Walter Mondale to the White House.

IBEW Member Sworn In On City Council

Earl F. J. "Joe" St. Aubin, 43, a 20-year member of IBEW Local 68, Denver, Colorado, was sworn into office on January 5, 1984, for a two-year term on the Northglenn, Colorado, City Council. He was also named the council's parliamentarian and alternate representative to the Colorado Municipal League. He is shown here being sworn in by Adams County District Judge Philip Roan.

AFL-CIO Asks Appeals Court to Overturn Decision on Service Contract Act

The AFL-CIO and participating unions have asked a federal appeals court to overturn a recent district court decision on the Service Contract Act, the prevailing wage law for service work done under federal contract.

The appeal was filed in the Court of Appeals for the District of Columbia Circuit on January 30 by the AFL-CIO, its Building & Construction Trades Department and seven affiliated unions—the Carpenters, International Brotherhood of Electrical Workers, Laborers, Machinists, Seafarers, Service Employees and Transport Workers. The AFL-CIO intends to press for an expedited hearing on the ruling, which has been put into effect.

The federation is keenly disappointed in the district court decision, which upheld the Secretary of Labor's amendments to the Service Contract Act.

These amendments cruelly cut back on the protections the act is intended to afford service contract workers who, Congress recognized, "are among the most unskilled, the weakest and the poorest of our citizens."

District court decisions are not the last word. The Court of Appeals' Nov. 29, 1983, decision in *ILGWU v. Donovan* reversed a lower court decision and invalidated another effort by the Administration to benefit employers by dismantling worker protection. That decision strengthens AFL-CIO resolve to continue its effort to bring a measure of fairness and decency to the government's dealings with those who do its laundry, sweep its buildings, cook its food, cut its forests and perform a hundred other hard, demanding and necessary jobs.

—AFL-CIO News

	MEMBERSHIP IN L.U.
Rivet, Vincent J.	1
Merill, James C.	2
Campanell, Frank S.	3
Otto, Robert	3
Furst, Lavern W.	11
Tarvin, Robert L.	11
Haley, Edgar J.	17
Colley, Jack C.	24
Hendricksen, Bernard	25
Byrd, Irwin J.	26
Ciernick, Edward S.	26
Boyte, Dudley B.	34
Brown, Harold A.	46
Pearman, Lynden S.	52
Dyer, Cecil D.	58
Hinsberger, Clayton L.	58
Mays, Edward A.	58
Ayers, Thurman	59
Rio, Lynn K.	68
Thorpe, Ernest	70
Hubman, George F.	76
Kembel, Fred W.	77
Wenrich, Jr., John	98
Williams, William	105
Granlund, Lester	110
Lester, Walter	120
Leopold, Otto	125
Kornstein, Leon	134
Gilmer, Jr., Lotus	136
Musal, Clarence	145
Lazarz, Steve	160
Izbicki, Anthony	163
Carney, William	176
Belland, Nathaniel	211
Kreidler, Jr., George	212
Schriver, Clarence	234
Crick, Alvin	295
Stephens, Edward	311
Gray, Henry	313
Blackburn, James	318
Daly, Terence	323
White, Charles	359
Schultin, William	367
Staul, Emmitt	428
Sidor, Joseph	441
Picotte, James	442
Hooks, Ferell	446
Radecsky, George	456
Wood, Kenneth	474
Lawrence, James	558
Hill, Jr., James	605
Hester, Marion	613
Richardson, Charles	613
Williamson, Layman	637
Noesges, Harold	704
Sisson, John	733
Conner, John	760
Samson, Clayton	763
Netherlin, Lewis	769
Grady, Francis	841
Montgomery, T. V.	861
Abbott, Robert	916
Gilliam, Theddeus	934
Hibbert, Jack	999
Spears, Bryant	1001
Reyes, Johnny	1109
Appleton, Fannie	1245
Kostick, Charles	1253
Artale, Peter	1260
Batyski, Kenneth	1597

BIRTH DATE NOT CHANGED

Request for change in the International Office of the following was denied:

	MEMBERSHIP IN L.U.
Nash, Hashida J.	617

THE NEXT REGULAR MEETING

This regular meeting of the International Executive Council was held in the Officers' Conference Room in the Headquarters Building, Washington, D.C. The meeting adjourned Friday, December 9, 1983, at 5:00 p.m.

The next regular meeting will commence at 9:00 a.m., Monday, March 5, 1984, in Washington, D.C.

FOR THE INTERNATIONAL EXECUTIVE COUNCIL
James F. Mullaney, Secretary
International Executive Council

MONDALE FOR PRESIDENT

by John Perkins

National Director, AFL-CIO
Committee on Political Education

Right now, and for the months immediately ahead, nothing we can do is more important or has more far-reaching consequences than our campaign to help Walter Mondale win the Democratic Presidential nomination.

The endorsement is a deeply serious effort in a very serious and important process which we hope ultimately will result in election to the Presidency in 1984 of the candidate we honestly feel can best serve this nation and its people, and in defeat of an incumbent President who we sincerely believe has served the nation and its people unfairly, unfeelingly, unwisely and unwell.

The journey to those two goals begins, like the journey of a thousand miles, with the first step, which was the endorsement of Walter Mondale.

Let me mention a couple of things that our endorsement is not:

We are not engaged in any macho exercise in political muscle-flexing. We've been around a long time. Our credentials are solid. We don't have to posture.

We are not trying to capture control of the Democratic Party. We have no more wish to control a political party than to be controlled by one.

Our work is certainly not an adjunct of the campaign of the candidate himself. He's running his own show among Democratic voters at-large, without any kibitzing from us, and we're running ours, among our members, without any kibitzing from the candidate or his campaign staff.

The AFL-CIO's endorsement of Mondale is not, in any respect, a rejection, a repudiation or even a criticism of the other candidates for the Democratic nomination.

All are good men. All, to differing degrees, have records of decent concern for the well-being of working Americans and needy Americans.

We commend all of them, but we recommend Walter Mondale as the standout candidate in a good field. Look at his credentials and his record over his twelve years as a United States Senator and his four years as Vice President of the United States:

As a Senator, he voted 93 percent "right" for working people, their families and their unions on the official AFL-CIO voting record.

As Vice President, he was a strong voice within his administration for issues of critical importance to workers.

There isn't a working family in the United States who hasn't benefitted from one or more of the things Walter Mondale fought for and accomplished in the areas of health care, education, nutrition, child care, civil rights, women's issues, job safety and health, job-creating measures, transportation, minimum wage, Davis-Bacon protection of the standards and wages of building and construction workers, public employee rights, unemployment compensation, workmen's compensation, environmental protection, and energy independence.

While Walter Mondale always was and remains his own man, we can never forget that his mentor was one of the most decent and concerned humans who ever graced the political stage.

Walter Mondale was Hubert Humphrey's political protege and then his close political ally and personal friend and confidant because they shared a vision of a caring nation.

What Walter Mondale has fought against tells as much about him as a man and a candidate as what he fought for.

He has fought against special tax privilege for corporations and wealthy individuals;

Against the almost boundless power of big oil;

Against the rape of our public lands by private interests;

Against [illegible] riers and union [illegible] who saw nothi[illegible] es of Franklin Roosevelt, Harry Truman, John Kennedy, and Lyndon Johnson, and nothing but good in those of Millard Fillmore, William McKinley, Calvin Coolidge and Herbert Hoover.

EXHIBIT 54

That's Mondale past. Mondale future is the important thing we have to consider now. There is every sign and token that he is as close to us today as he has been throughout his many years in politics.

He's for a full-employment law—with teeth in it—and for jobs for all who want to work. There is no chance that he would brush off 10 percent unemployment as nothing but an inconvenient statistic.

He's for rebuilding America's stricken basic industries. He knows, as we know, that they are not only the source of millions of jobs, but the foundation of our economic strength and our military strength. If they crumble, there goes the rest of it.

He's for fair trade that is as beneficial to American workers and American-made products as it is to the countries we trade with. He will not stand by expounding empty dogmas about "free trade" while a raging flood of imports drowns the jobs of millions of American workers.

He's for better education, better health and better nutrition programs. He's committed to job-creating step-ups in housing programs, highway and bridge repair, to modernization and extension of our transportation systems. These are issues that govern millions of jobs and affect the health, welfare and jobs of millions of us.

He is with us—with working people and needy people and small business people—and he understands and supports the aspirations of just-plain-people everywhere.

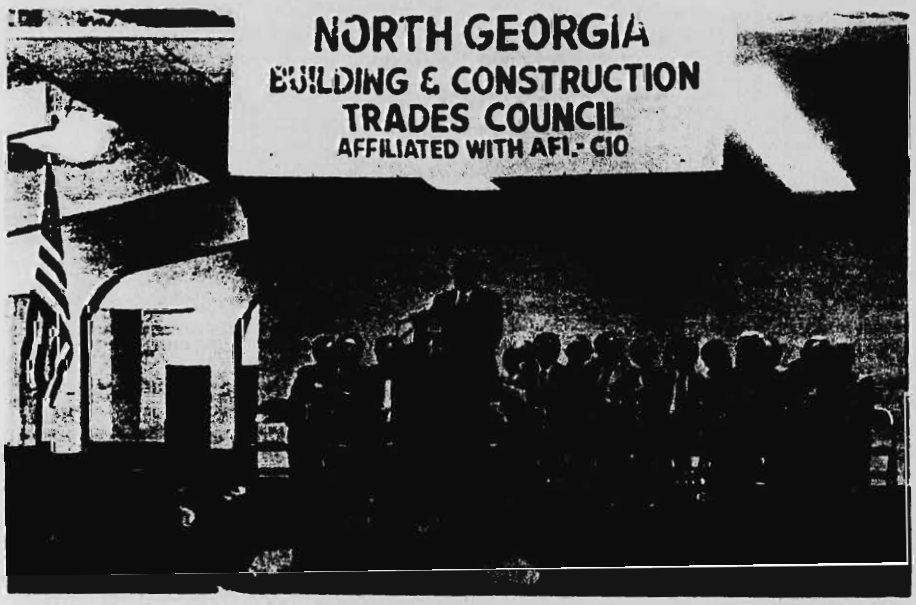
Some pundits and even some candidates are seeking to label Walter Mondale as a captive of "special interests"—

(Continued on Page 64)

Local	Surname	Amount
Pens.(1249)	Bolivar, L. N.	2,000.00
Pens.(1259)	Brink, Jr., B. A.	2,000.00
Pens.(1319)	Moriarty, C.	2,000.00
Pens.(1330)	Foge, E.	2,000.00
Pens.(1352)	Stempowski, H. A.	2,000.00
Pens.(1393)	Sutherlin, W. R.	2,000.00
Pens.(1425)	Huy, H.	2,000.00
Pens.(1501)	Saylor, F. R.	1,000.00
Pens.(1547)	Silvers, C. W.	2,000.00
Pens.(1703)	Purvis, W. E.	2,000.00
Pens.(1880)	Homerding, H. B.	2,000.00
Pens.(1982)	Hanson, H. R.	2,000.00
Pens.(2017)	Metzger, H. M.	2,000.00
Pens.(I.O.)	Anderson, R. H.	2,000.00
Pens.(I.O.)	Swanson, W. V.	2,000.00
Pens.(I.O.)	Smith, M. C.	2,000.00
Pens.(I.O.)	Sohn, H. E.	1,500.00
Pens.(I.O.)	Sansom, C. C.	2,500.00
Pens.(I.O.)	Strauss, J.	2,000.00
Pens.(I.O.)	Cotton, K. M.	2,000.00
Pens.(I.O.)	Daudelin, R.	2,000.00
Pens.(I.O.)	Dornell, E. J.	2,000.00
Pens.(I.O.)	Elliott, C. H.	2,000.00
Pens.(I.O.)	Finley, S. R.	2,000.00
Pens.(I.O.)	Flynn, J. F.	2,000.00
Pens.(I.O.)	Gallas, J. F.	2,000.00
Pens.(I.O.)	Glass, G. L.	2,000.00
Pens.(I.O.)	Held, R. E.	2,000.00
Pens.(I.O.)	Hakkanen, E.	2,000.00
Pens.(I.O.)	Hallman, C.	2,000.00
Pens.(I.O.)	Hennequin, E. W.	2,000.00
Pens.(I.O.)	Hunt, L. A.	1,500.00
Pens.(I.O.)	Jaeger, A.	2,000.00
Pens.(I.O.)	Kirwan, J. J.	2,000.00
Pens.(I.O.)	Klein, R. C.	2,000.00
Pens.(I.O.)	Lee, W. A.	2,000.00
Pens.(I.O.)	Lilley, S. H.	2,000.00
Pens.(I.O.)	Marce, Jr., J. A.	2,000.00
Pens.(I.O.)	McClure, J. T.	2,000.00
Pens.(I.O.)	Miles, J.	2,000.00
Pens.(I.O.)	Minks, O. L.	2,000.00
Pens.(I.O.)	Ott, W. S.	2,000.00
Pens.(I.O.)	Porucznick, A.	2,000.00
Pens.(I.O.)	Richie, B.	2,000.00
Pens.(I.O.)	Riddell, J. G.	2,000.00
Pens.(I.O.)	Selby, R. D.	2,000.00
Pens.(I.O.)	Strong, T. M.	2,000.00
Pens.(I.O.)	Venard, C. J.	2,000.00
Pens.(I.O.)	Vollmer, R. C.	2,000.00
Pens.(I.O.)	Weaver, O. B.	2,000.00
Pens.(I.O.)	Yngsdahl, D. B.	2,000.00
Pens.(I.O.)	Yount, A. C.	2,000.00
Total Payments		$710,099.99

International Brotherhood of Electrical Workers—Pension and Death Payment Report

	IBEW PENSION BENEFIT FUND	ELECTRICAL WORKERS' BENEFIT ASSOCIATION	NATIONAL ELECTRICAL BENEFIT FUND
NUMBER ADMITTED TO PENSION LAST MONTH	469		395
TOTAL NUMBER ON PENSION	76,465		34,370
TOTAL PENSION PAYMENTS LAST MONTHS	$ 4,310,995.15		$ 6,585,967.78
TOTAL PENSION PAYMENTS LAST 12 MONTHS	$51,371,855.01		$73,109,180.14
DEATH BENEFITS PAID LAST MONTH	$ 98,861.16	$ 893,199.98	
DEATH BENEFITS PAID LAST 12 MONTHS	$ 1,276,173.96	$10,466,218.77	



IBEW Director of Organizing Michael Lucas is shown addressing a meeting where more than 1,500 union construction workers attended an organizing rally held in November 1983 by the North Georgia Building & Construction Trades Council to approve a one-cent-per-member dues assessment for Project Phoenix. NGBCTC Business Agent Charlie Key reported Project Phoenix is a special building trades effort to "recapture traditional union work in the construction industry, and organize the untapped source of new jobs generated by non-union builders." Project Phoenix will be conducted on four fronts: public relations, litigation, political education and organizing. Two keynote speakers at the rally were IBEW Organizing Director Michael Lucas and Atlanta Mayor, The Honorable Andrew Young. Brother Lucas stressed the need for greater unity among building trades unions, and pledged support for the program for international construction unions. Mayor Young urged the rank-and-file union members to organize their "political strength" to nominate Walter Mondale as the Democratic presidential candidate, and to defeat Ronald Reagan. He also attacked right-wing groups which "blame labor and working people for the problems of our nation." Other prominent Georgia labor leaders also spoke at the rally.

MONDALE FOR PRESIDENT

(Continued from Page 9)

meaning us—and that is pure, unadulterated hogwash. In the vocabulary of politics, "special interests" mean exclusive interests, and there is nothing exclusive about the concerns of the labor movement. What we want for ourselves—jobs and justice, decent health care, decent housing, better education, better nutrition, fair wages, fair taxation—we want for all our fellow citizens, bar none.

We have a "special interest" in all the people of the United States, an interest that is not shared by the present administration and its supporters who are accusing us of their own faults.

WORK SAFELY WEAR YOUR HARD HAT!

GCC#1505

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

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J. C. Turner
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John DeConcini
Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

January 27, 1984

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

Re: FEC MUR 1605

'84 JAN 27 P4:55

8 4 0 0 4 0 4 5 1 8 2 9

Dear Mr. Steele:

Pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6, Respondents, American Federation of Labor and Congress of Industrial Organizations Committee On Political Education Political Contributions Committee ("AFL-CIO COPE-PCC") and Thomas R. Donahue, Treasurer of AFL-CIO COPE-PCC, respectfully request, for the reasons stated below, that the Federal Election Commission take no action against them with respect to the matters alleged in the complaint filed by James Edward Antosh, FEC MUR 1605.

In essence, the complaint in this matter alleges that "[t]he relationship between the AFL-CIO (and COPE-PCC) and the international unions UAW, AFT, and IBEW (and their PACs) is so close *** that it constitutes 'discretionary' affiliation." (Complaint at 29.) As we show in part II of this response, the complainant's argument fails on the facts.

Before turning to the factual infirmities of the complaint however, we demonstrate its even more fundamental legal infirmities. The complainant barely mentions Congress' detailed directions for the proper application of the Federal Election Campaign Act's antiproliferation rules to corporate and labor organization separate segregated funds, this Commission's regulations which properly

incorporate Congress' directions verbatim (11 C.F.R. §§100.5(g), 110.3)) or this Commission's actions based on its regulations and the underlying statutory materials rejecting earlier complaints whose substance is identical to this complaint. This failure to address the law was unavoidable because Congress' determinations dictate the conclusion that the complaint is completely without substance and must be dismissed as we now show.

I. THE FECA'S ANTIPROLIFERATION RULES ARE NOT INTENDED TO SUBJECT THE AFL-CIO'S SEPARATE SEGREGATED FUND AND THE SEPARATE SEGREGATED FUNDS OF INTERNATIONAL UNIONS AFFILIATED WITH THE AFL-CIO TO A SINGLE CONTRIBUTION LIMIT.

Often Congress, like the Delphic oracle, is content to speak in terse generalities leaving questions concerning the proper application of its words to specific situations to the process of administrative and judicial elucidation. That is not true with regard to 2 U.S.C. §441a(a)(5), the antiproliferation provision added to the Act by the 1976 FECA amendments. Rather, the legislative history of those amendments demonstrates that Congress, in framing and enacting §441a(a)(5), gave close consideration to the nature and extent of business and labor political activity affecting federal elections. And, the legislative history shows too that, on the basis of that consideration, Congress spelled out in detail its considered decision to continue the status quo in a particular respect: under §441a(a)(5), as before its enactment, a corporation or national union having a separate segregated fund is entitled to affiliate with a trade association or labor federation, structured along the lines of the Chamber of Commerce or AFL-CIO, without subjecting the affiliated organizations to a single contribution limit.

1. The Conference Report on the 1976 FECA amendments, in introducing its explanation of §441a(a)(5), states:

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> The antiproliferation rules established by the conference substitute are intended to prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limits of the conference substitute. [Legislative History of Federal Election Campaign Act Amendments of 1976 (G.P.O. 1977) at 1052, (hereinafter Leg. Hist.).

Given the focus on corporations and labor organizations, we begin by describing both the reason for this focus and Congress' understanding of how corporations and labor organizations were then organized and of the nature of business and labor activities affecting elections.

(a) Congress focused on corporate and labor organization separate segregated funds in drafting §441a(a)(5) because such funds dominated the field and because of the strongly-held view that the Commission's SUNPAC decision (FEC Advisory Opinion 1975-23) had created an inequity that required legislative correction to restore a fair balance between business and labor. Rep. Thompson, Chairman of the House Administration Committee's Elections Subcommittee, spelled out both these points in his floor explanation of the bill reported out by that Committee:

> The Commission's misinterpretation of existing law [A.O. 1975-23] has many undesirable facets. But the two most glaring problems created by the erroneous decision are: First, the proliferation of political action committees — PACs; and second, the coercion inherent in the solicitation of employees by employers.
>
> First, with respect to proliferation, the Congressional Record of March 29, 1976, lists the most recent PACs, and shows the exponential growth in political action committees funded by both the business community and labor unions. ***
>
> The exponential growth of corporate PACs was occasioned by the SUNPAC advisory opinion, which purportedly legitimized extensive solicitation by the PACs of corporate employees. Unions reacted to the corporate PACs proliferation by encouraging locals to set up PACs, and we are now witnessing the seesaw effect of the wholly unnecessary and unjustifiable imbalance created by the Federal Election Commission.
>
> * * *

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> This bill corrects these two Commission-created problems. First, it reestablishes the congressional determined balance between the interests of the business community and its stockholders, and the interests of the labor community and its membership. And I must say here that it seems ludicrous for the Congress to have to reestablish existing law just because an unelected six-member panel decided to "repeal" the law. Second, it places some rational organizational framework on the proliferation of PACs by both business and labor, thus avoiding the anonymity of multi-PACs, and lessening the chances for Watergate-type laundering and other abuses. This reaffirmation of congressional policy provides not only a means of correcting the Commission's most glaring mistake, but produces several affirmative and salutary results. [Leg. Hist. at 942; see also remarks of Rep. Abzug, Leg. Hist. at 971.]

And Rep. Brademas, who was also a member of the House Administration Committee, summed up the point of §441a(a)(5) by returning to the themes stated by Rep. Thompson:

> What the conference committee has done is to restore the rules which governed Federal elections from 1971 until the Commission's Sun Oil decision last December.
>
> We have, moreover, done so in a manner that is fair and evenhanded.
>
> * * *
>
> If the word fairness implies a balancing of rights, this bill represents an equitable balance between the rights of corporations and labor unions. [Leg. Hist. at 1083.]

(b) In determining how to control "the exponential growth in political action committees funded by both the business community and labor organizations" and to do so in a way that "represents an equitable balance between the rights of corporations and labor unions", Congress had before it and took into account a wealth of information on the nature and extent of business and labor activity affecting federal elections.

(i) Congress understood first that most international and national unions are affiliated with the AFL-CIO and that many corporations are affiliated with a trade association such as the Chamber of Commerce or the National Association of Manufacturers. This understanding is illustrated by the explanation of the

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antiproliferation rules contained in the Senate bill given by Senator Cannon, the Chairman of the Senate Rules Committee and the bill's floor manager:

> The proposed rule to curtail the vertical proliferation of political committee contributions would not preclude a national union through its political committee, such as, for example, the boilermakers, from making a maximum contribution to a candidate through its national political committee in the event that COPE, the political committee of the AFL-CIO, with which the boilermakers are affiliated, has already made its maximum contribution to that candidate
>
> * * *
>
> To use another example, if the national political committee of the National Association of Manufacturers had made its maximum contribution to a candidate, the political committee of a national corporation which is affiliated with NAM would not be precluded from making a maximum contribution to that candidate. [Leg. Hist. at 350; emphasis added.]

And, as the foregoing demonstrates, Congress was well aware that the AFL-CIO as well as many of its member national unions had formed separate segregated funds ("PACs") which made contributions to federal candidates and that the same was true of many trade associations and their member corporations. Proponents of the antiproliferation provision in both the Senate and the House, for example, relied on a Common Cause study inserted into the Congressional Record by Senator Clark listing every corporate, trade association and labor organization separate segregated fund that had registered with the FEC since 1975, the name of its sponsoring organization, and the amount of money that each committee had collected for the 1976 election campaign. (See Leg. Hist. at 366.) That study listed the separate segregated funds of the AFL-CIO, AFT, IBEW and UAW and labeled each of the labor organizations that had formed a separate segregated fund as "AFL-CIO affiliated" or "independent". (Id.)

(ii) Congress understood too that the use of corporate and labor organization treasury money for internal communications and voter registration and get-out-the-vote activities aimed at shareholders and union members and their families

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respectively is excluded from the statutory definition of "contribution and expenditure," that corporations and labor organizations, trade associations and labor federations freely make such communications and engage in such activities in connection with federal elections, and that doing so is consistent with law. Precisely because of that understanding, in 1976 Senator Packwood sponsored an amendment eventually adopted as a proviso to §431(9)(B)(iii), that both recognized that freedom and placed one narrow limit on its exercise — a requirement to report the cost of certain communications "expressly advocating the election or defeat of a clearly identified candidate."

In support of his amendment, Senator Packwood stated that "under the present law and under this bill, corporations are free to use corporate money to appeal to their shareholders or to their corporate officers and administrative personnel, and unions are free to use union money to communicate with their members," and that "the reason I am asking for this amendment is that we are all aware that corporate money and union money is used to solicit shareholders, to solicit administrative personnel in corporations or union members in unions to vote for or against particular candidates." (Leg. Hist. at 386-387.) Likewise, Rep. Wiggins, the sponsor of a similar amendment in the House, introduced that amendment by explaining that the FECA permits:

> corporations and labor unions [to] use their treasury funds to communicate with their stockholders and executive officers and their families and with their members and their families on any subject. *** [and] to conduct nonpartisan registration and get-out-the-vote campaigns aimed at stockholders and executive officers and their families and union members and their families. [Leg. Hist. at 949.]

(iii) Congress also understood that the AFL-CIO, in particular, has a statutory right to, and does, undertake cooperative programs with its member national and international unions of internal communications on political subjects and voter registration and get-out-the-vote activities aimed at AFL-CIO members

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and their families. Rep. Wayne Hays, the Chairman of the House Administration Committee, stated during the 1974 debate on the exemptions in 2 U.S.C. §441b(b):

> Thus, the bill exempts communications by membership organizations to their members and by corporations to their stockholders from the definition of expenditure. That exemption, of course, includes communications by a federated organization to its members on behalf of its affiliates utilizing its own or its affiliates' resources and personnel *** [Legislative History of Federal Election Campaign Act Amendments of 1974 (G.P.O. 1977) at 1108.]

The 1976 House Report reaffirmed that right, stating:

> The present law permits the AFL-CIO to solicit all AFL-CIO union members to make voluntary contributions to COPE, its political committee. [Leg. Hist. at 808.]

As Senator Packwood stated during a colloquy with Senator Cannon concerning the Packwood amendment: "The AFL-CIO *** today, who spend[s] a million dollars of union dues [on internal communications] *** do[es] not have to report it." (Leg. Hist. at 396.) And, Rep. Moore gave the following example during the House debate on the Wiggins amendment:

> [I]f we look at the 1968 Presidential election according to Washington Post reporters ... 4.6 million voters were registered by COPE; 55 million pieces of literature were distributed by them; another 60 million were passed out at local union halls; 638 city phone banks were established with 8,055 telephones and 24,611 people manning them; canvassers numbered over 72,000 people and on election day some 94,000 people were working at the expense of COPE all for the benefit of a particular candidate. [Leg. Hist. at 952; see also remarks of Senator Dole, Leg. Hist at 1114.]

(iv) Finally, Congress understood that trade associations have a right, cognate to the right of a labor federation just described, to engage in internal activity directed at the stockholders and executive and administrative personnel of member corporations. Thus, Senator Cannon explained the provision of the "conference bill [which] adopted the House provisions giving trade associations rights to solicit stockholders and executive or administrative personnel of member corporations" by stating:

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The conference report, at page 63, states as follows:

> The conference substitute follows the House amendment with regard to the solicitation by a trade association of stockholders and executive or administrative personnel (and their families) of a member corporation of such trade association. The conference substitute contains the provision of the Senate bill permitting a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by such organizations, to solicit contributions to such a fund from members of such organization, cooperative, or corporation without capital stock. In light of the fact subsection (b)(4)(D) governs solicitations by a trade association of the stockholders and executive or administrative personnel of a member organization, then the term "membership organization" in subsection (b)(4)(C) is not intended to include a trade association which is made up of corporations.
>
> A question has come up as to the purpose of the phrase "the term 'membership organization' in subsection (b)(4)(C) is not intended to include a trade association which is made up of corporations."
>
> First of all, this language was included to preclude a trade association, which is also a membership organization, and which desires to solicit the stockholders and employees of a member corporation, from avoiding the limitations of 321(b)(4)(D), which limit such solicitation to stockholders and executive or administrative personnel of the membership corporation, and further provides that the member corporation must consent to such solicitation and only give its consent to one trade association in a calendar year.
>
> Second, it applies only to trade associations with corporate members and is intended to regulate the solicitation of the stockholders and executive or administrative personnel of such corporate members. A trade association which is a membership organization may, of course, solicit its other members, such as individuals, partnerships, et cetera under 321(b)(4)(C). [Leg. Hist. at 1091.]

(c) The proposal as to how to control the proliferation of political committees — particularly those established by corporations, labor organizations, trade associations and labor federations — that was to become §441a(a)(5) was introduced by House Administration Committee Chairman Wayne Hays during the Committee's March 8, 1976 markup session on the FECA amendments bill. Rep. Hays explained that his proposal would "enact the following rules":

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First, all of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of the limitations stated in Section 320. According to the Supreme Court there appear to be approximately 1,000,000 separate corporations. Buckley v. Valeo slip opinion page 23, note 31.

Second, all of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of the limitations stated in Section 320. There are at the maximum 120 international unions.

Third, all the political committee set up by the AFL-CIO and all its state and local central bodies would be treated as a single political committee for the purposes of the limitations stated in Section 320.

Fourth, all the political committees established by the Chamber of Commerce and its state and local Chambers would be treated as a single political committee for the purposes of the limitations stated in Section 320.

Fifth, the antiproliferation rule just stated would also apply in the case of multiple committees established by a group of persons.

Sixth, there is an exception to the foregoing rule which permits the national political parties and each of their State political parties to set up a political committee and provides that the contributions of such political committees (a total of 51 for each such party) would be treated separately for the purposes of the limitations stated in Section 320.

Finally, there is a provision which permits political committees which have engaged in a joint fund raising effort to divide the money so collected between the committees which participate in the effort. [Transcript of Hearings before the Committee on House Administration, Committee Business, March 8, 1976, Attachment A to the Federal Election Commission's Memorandum of Law In Support of Motion To Amend, April 17, 1979 Order Entered In Walther v. FEC, Civ. Act. Nos. 78-2097, 78-2193 (D.D.C. 1979), at 41 (hereinafter referred to as "March 8, 1976 Tr.").]

The immediate response to the Chairman's request for questions was Rep. Mathis' question "What does it mean?" Rep. Hays replied as follows:

Chairman Hays. It applies across the board, Mr. Mathis, and any corporation which is a corporation with subsidiaries, that the subsidiaries may well have PACs, but for the purposes of this section, the total amount the parent corporation and all its subsidiaries can contribute is $5,000. Then it says, second,

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that an international union can set up a PAC and all of its local unions, state unions, etc., would be treated as a single political committee. In other words, the total they could contribute would be $5,000. Then the AFL-CIO which is a voluntary conglomerate and all its state and central bodies would be treated as a single political committee and they could give up to $5,000 in any fragments they wanted to.

Let me take two examples. Let us take the example of — well, I have a list here which I think is interesting of the top 100 largest corporations. 30 of them have political action committees. The first one underlined is Texaco of New York. So I will just take it. It is the first of the top 100. Texaco of New York has apparently branches in many States. At least there are Texaco stations in Ohio. They could form a PAC, solicit voluntary contributions and could give either by State or national but all put together no more than $5,000 to my candidate.

Take the second one, U.S. Steel Workers of America. They have the headquarters in Pittsburgh, District 6 is in my district and its headquarters are in Wheeling. There is another district up in Canton. I think it is 11. They do have a PAC. In the past, District 11 has given me $500 as has District 6. The international has given me as much as a thousand. But suppose they had a lot of money, all three of those put together couldn't give me more than $5,000. Then you have the AFL-CIO COPE, which is the National Association, they could give you $5,000 and that's it.

The local COPE in Ohio, couldn't give me anything if the National Association had given me $5,000.

In all fairness, if it is weighted in any direction, it seems to me it is weighted towards the corporations because of the top hundred corporations last year, 76 of them were involved in political giving. I guarantee that is more than the number of unions involved. [March 8, 1976 Tr. at 43; emphasis added.]

After a brief discussion as to whether the foregoing rules apply only if the parent has "control," Rep. Mathis asked Rep. Hays:

Mr. Mathis. *** A corporation which has an active political action committee also belonging to a trade association could they give twice by joining a number of trade associations and therby escape the $5,000 limitation? ***

Chairman Hays. I'll have to answer that this way, Mr. Mathis: As I view it if the National Association of Manufacturers had a PAC and any corporation contributed to it, then the NAM could contribute $5,000 and the corporation could, exactly the same as the steel workers could and COPE, UAW-CIO can. But those are the exceptions.

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> Now, if you try to legislate this down to the narrowest degree, I don't know where you will wind up. The American Medical Association has a PAC called American PAC. Under this legislation they can give $5,000 but I don't perceive this would prohibit the local physician in my hospital, if he were so inclined, which I don't think he is, he doesn't part with dough that easily, to give a thousand dollars on his own and meet the requirements. It could happen.
>
> Mr. Brademas. It would prohibit your Ohio State Medical Action Committee or Steubenville Medical Association Action Committee from giving $5,000?
>
> Chairman Hays. Yes. [March 8, 1976 Tr. at 47-48; emphasis added.]

Rep. Hays summed up the discussions that day concerning the proposal's effect on unions by stating:

> Chairman Hays. I'll go down the road once again. Any international union or combination of locals thereof can give $5,000. So if you have the steel workers, plasterers union and auto workers, they can give you $5,000 each. [March 8, 1976 Tr. at 50.]

On March 9, 1976, Rep. Hays introduced the statutory language, that was eventually enacted without any change relevant here in §441a(a)(5), and then stated its import and engaged in a colloquy with Rep. Frenzel, who spoke for the minority:

> Chairman Hays. I think that [the draft statutory language] does what we said yesterday we wanted to do. I will only take a minute to explain it. It simply says all subsidiaries of unions and corporations will be limited in the aggregate in the contribution limit of $5,000.
>
> Section (B) is legal language for saying, if the national committee of a party makes a contribution it doesn't affect the State political committee of a party to make a contribution. For example, a single political committee established, financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single committee.
>
> That is what we were trying to get at yesterday, to allow the 50 State committees from being exempted from being counted in from any contributions made by the national committee.
>
> The last part, starting with "... in any case," simply reiterates if they have more than one segregated fund, all such segregated funds shall be treated as one for the purpose of the contribution limitation.

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Any questions?

Mr. Frenzel. Mr. Chairman.

Chairman Hays. Mr. Frenzel.

Mr. Frenzel. I raised the question yesterday and got this response from the Chairman. I don't think it is the best policy but I will say it is fair and I think our side will accept it.

Chairman Hays. I am glad to hear you say that, Mr. Frenzel, the Chair did its utmost to make it fair to both sides. *** [Transcript of Hearings Before the Committee on House Administration, Committee Business, March 9, 1976, Attachment A to the Federal Election Commission's Memorandum of Law In Support of Motion To Amend April 17, 1979 Order Entered in Walther v. FEC, Civ. Act. Nos. 78-2097, 78-2193 (D.D.C. 1979) at 9-10 (hereinafter referred to as "March 9, 1976 Tr.".]

Just prior to the committee vote agreeing to the statutory language proposed by Rep. Hays, the following discussion took place:

Mr. Brademas. I am a little fuzzy on this part of the amendment in which in the last sentence of your amendment you indicate in any case in which a corporation or labor organization establishes or finances or maintains or controls more than one separate segregated fund, all such funds shall be treated as a single segregated fund —

Chairman Hays. The aggregate amount the Steel Workers can contribute by locals or state organizations is $5,000.

Mr. Brademas. Except that, to finish my question, suppose you have a case in which a corporation or labor organization doesn't establish or finance or maintain or control the fund of a subsidiary, either of the corporation or of the union. ...

I think what this amendment does, I just want to be sure we all understand what we are doing, is it can permit two contributions up to $5,000? That may or may not be a good thing.

Chairman Hays. No, it doesn't do that except in the case of COPE which is specifically exempted. The language says in any case in which a corporation, subsidiaries, divisions, departments or local units, or labor organizations or any of its subsidiaries, departments, etc.

Mr. Brademas. Suppose you have a corporation or a union and you have a subsidiary or a local union. The subsidiary or the local union is not controlled or established or financed or maintained, is it not then the case, Mr. Chairman, that two funds are permitted?

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Chairman Hays. No. If you read the language of the amendment. [March 9, 1976 Tr. at 13.]

Thereafter, the House Committee Report explained the point of §441a(a)(5) by tracking Rep. Hays' original explanation of his antiproliferation proposal:

> To prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limits of H.R. 12406, the bill establishes the following rules:
>
> All of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All of the political committees set up by the AFL-CIO and all its State and local central bodies would be treated as a single political committee for the purpose of H.R. 12406's contribution limitations;
>
> All the political committees established by the Chamber of Commerce and its State and local Chambers would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> The anti-proliferation rules just stated would also apply in the case of multiple committees established by a group of persons.
>
> There is an exception to the foregoing rules by which a political committee set up by a national political party, and a political committee set up by each State political party, are to be treated separately for the purposes of H.R. 12406's contribution limitations. However, all political committees set up by a national political party would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations. Moreover, all political committees set up by a State political party or by country or city parties in that State would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations.
>
> Political committees which have engaged in a joint fundraising effort may divide the money so collected between the committees which participate in the effort. [Leg. Hist. at 806.]

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Precisely because the antiproliferation provision stated a position both the majority and minority regarded to be "fair," no floor amendments were offered and the only floor statement on §441a(a)(5) is that of Rep. Hays:

> Item 22: Locals of a union, subsidiaries of a corporation, and other similarly structured groups — and this is important; there has been a lot of flack about this, but it is pretty clear if you understand it — would be treated as part of the parent with respect to the $5,000 limitation on contributions to any one candidate or political committee.
>
> In other words, if an international union contributed $5,000 to a candidate, no local union could contribute anything. If the international contributed $1,000, its local unions could contribute up to an additional $4,000, but the maximum applies to the whole bag. Of course, this applies to corporation taxes [PACs] as well. If what we call the national PAC or the medi PAC contributes $2,000 to your campaign, your local State PAC can contribute another $3,000, but the $5,000 is the overall limit on them. [Leg. Hist. at 903.]

The House bill language (amended only to deal with transfers between candidate campaign committees) and the House Committee Report's explanation of that statutory language were adopted in the Conference Report. (Leg. Hist. at 1009, 1049, 1052.) The Conference Report, in turn, was adopted by Congress without further discussion of §441a(a)(5).

(d) The sum of the matter is this. Rep. Hays, the sponsor of §441a(a)(5), stated in the clearest possible terms — with the concurrence of both the majority and minority — that the provision, while sharply limiting the rights of business and labor in other ways, would continue the AFL-CIO's right to establish and maintain a separate segregated fund and the right of national unions with such funds to be affiliated with the AFL-CIO without subjecting the AFL-CIO fund and the affiliated national union funds to a single contribution limit. See p. 9, supra. Rep. Hays made it equally clear that the same permission was continued for trade associations and affiliated corporations.

Moreover, the legislative history makes the reasons for that result plain.

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First, Congress was well aware that the great majority of national unions are affiliated with the AFL-CIO and that both those unions and the AFL-CIO have separate segregated funds.

Congress was equally aware that the AFL-CIO carries on a wide-ranging program, in cooperation with its affiliated unions, of internal political communication, registration and get-out-the-vote activity aimed at AFL-CIO union members; indeed, as pointed out above, in 1976 Congress continued the statutory permission to engage in such activity subject only to a limited reporting obligation. Congress was also aware that there are 100 corporations for every national union and that antiproliferation rules limiting each parent corporation and its subsidiary to one separate segregated fund and each national union and its locals to one such fund place organized labor at some disadvantage. See p. 9, supra. And, Congress' overall purpose in enacting §441a(a)(5) was not simply to prevent proliferation as such but to prevent proliferation in a manner that "represents an equitable balance between the rights of corporations and labor unions." See p. 4, supra. Given the structure of the labor movement, only rules that recognized that national union affiliation with a labor federation (such as the AFL-CIO) do not subject the affiliated unions' separate segregated funds and the AFL-CIO's separate segregated fund to a single contribution limit could accomplish that purpose; an opposite rule would have skewed the balance wholly against labor.

Second, the legislative debates and the House and Conference Reports are uniform in two respects. The 1976 Congress regarded the core of the proliferation problem to be the practice whereby national organizations — whether business, professional or labor — and their state and local counterparts establish numerous separate segregated funds and the related practice whereby parent corporations and their subsidiaries establish numerous such funds. In contrast, there is not a word in the legislative history condemning as an evil the practice — well-known to

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Congress — whereby national unions and corporations which have established separate segregated funds, affiliate with a national labor federation or a trade association which has established such a fund. For, Congress recognized that such a condemnation would have the inevitable consequence of requiring labor federations and trade associations to cease the types of political activity Congress had deliberately decided to permit.

Congress' purpose in this regard is spelled out in the set of five interrelated rules stated first by Rep. Hays and then stated again in the House Committee Report and the Conference Report. (Those rules were in fact agreed on before §441a(a)(5) was drafted and the statutory language was an effort to capture the essence of that agreement. See p. 9, supra.)

Those rules show that Congress started from the premise that trade associations and labor federations are entities in their own right that are separate from the association's member corporations and the federation's member national and international unions and are to be treated as such in determining whether the association or federation is entitled to establish a separate segregated fund. Trade associations and labor federations, as Congress knew, are membership organizations composed of a group of corporations and a group of labor organizations. If Congress had intended to make that fact a basis for precluding a trade association or a labor federation from establishing a separate segregated fund, then rules 1 (limiting corporate separate segregated funds), 2 (limiting labor organization funds) and 5 (limiting funds created by a group of persons) would fully carry out Congress' intent and rules 3 (limiting labor federation funds) and 4 (limiting trade association funds) would be, at best, superfluous.

Rules 3 and 4 also show Congress intended to permit a corporation that has a separate segregated fund to be affiliated with a trade association that has such a fund and a national union that has a separate segregated fund to be affiliated with

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a labor federation that has such a fund without subjecting all the affiliated organization's funds to a single contribution limit. That much is demonstrated by Congress' phrasing of the third and fourth rules as follows:

> 3. All of the political committees set up by the AFL-CIO and all its state and local central bodies are treated as a single political committee.
>
> 4. All the political committees established by the Chamber of Commerce and its state and local Chambers are treated as a single political committee. [Leg. Hist. at 1052; emphasis added.]

If Congress had intended a broader antiproliferation rule subjecting a trade association or labor federation and all its affiliates to a single limit, the natural way to express that intent is not what Congress wrote, but:

> 3. All the political committees set up by the AFL-CIO and its affiliates are treated as a single political committee.
>
> 4. All of the political committees established by the Chamber of Commerce and its members are treated as a single political committee.

Finally, the fifth rule, by its terms, does not apply to a situation in which the tie between two separate entities, each of which has established its own separate segregated fund, is an affiliation like that between a labor federation and a national union (or a trade association and a corporation) and thereby overrides the third and fourth rules but only to a situation in which there is joint action establishing multiple separate segregated funds by several entities working together:

> 5. The anti-proliferation rules stated also apply in the case of multiple committees established by a group of persons.

(d) There is one caveat to our argument thus far that is important in theory but not in this case. We have stressed that Congress, in drafting and enacting §441a(a)(5), based on its review of the situation in 1976 made a deliberate choice to maintain the status quo in one respect and not to subject the separate segregated

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funds of a labor federation, such as AFL-CIO, and of its affiliated national unions such as the AFT, IBEW and UAW, to a single contribution limit. That agreement suggests its own limit; if the status quo no longer obtains — if, for example, the relationship between the AFL-CIO and its affiliated national unions is significantly changed — the detailed antiproliferation rules geared to the situation in 1976 would not govern.

But, the complainant here has made no showing of any significant change in the AFL-CIO's relationship with its affiliated national unions or in the nature of the AFL-CIO's activities affecting federal elections. On the contrary, the complainant places his reliance on the structural rules of the AFL-CIO which, as the attached 1975 and 1983 AFL-CIO Constitutions show, have not been changed in any relevant respect during the past eight years, and on the AFL-CIO's cooperative program of internal communications on political subjects, voter registration and get-out-the-vote drives aimed at AFL-CIO union members, which, as we have shown, was fully canvassed by the 1976 Congress and approved at the same time Congress determined not to subject the AFL-CIO and its affiliated national unions to a single contributions limit. That being so, the complaint is plainly invalid and must be dismissed.

II. THE COMPLAINANT'S ATTEMPT TO SHOW AFL-CIO CONTROL OF THE ACTIVITIES OF THE NATIONAL UNIONS AFFILIATED WITH THE AFL-CIO IS AN UTTER FAILURE.

While we believe that our showing thus far is dispositive, we conclude by demonstrating that here, as in In Re Federal Election Commission Act Litigation, (2 Fed. Elec. Camp. Fin. Guide (CCH) ¶9082 (D.D.C. June 15, 1979)) there is "not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO." (Id. at 50663.)

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(A) The AFL-CIO Has No Control Over Its Affiliated National and International Unions. Complainant argues that "[AFL-CIO] affiliated organizations have no real appreciable autonomy." (Complaint at 9.) But today, as in 1976, the AFL-CIO Constitution, as interpreted and applied, guarantees the autonomy of affiliated national unions by declaring that the AFL-CIO's principles and objects include "safeguard[ing] the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.[1/] (Article II, §11 of the Constitution of the American Federation of Labor and Congress of Industrial Organizations, as amended by the Fifteenth Constitutional Convention of the AFL-CIO, October 3-6, 1983 (hereinafter "1983 Constitution") at 4, (Attachment 1); see also Constitution of the American Federation of Labor and Congress of Industrial Organizations, as amended by the Eleventh Constitutional Convention of the AFL-CIO, October 2-7, 1975 (hereinafter "1975 Constitution") at 4 (Attachment 2).

Thus, the AFL-CIO does not have the authority to intervene in an affiliated national union's internal affairs. If the AFL-CIO should seek to do so in violation of its own Constitution, there is, indeed, no means of carrying out such an effort for the AFL-CIO has no power to discipline an affiliated national union's officers or to impose a trusteeship or receivership over a national union.

The ties between the AFL-CIO and its affiliated national unions are, in fact, so gossamer that those unions may at any time and in any way they choose disaffiliate from the AFL-CIO. In a well-known example, the United Mine Workers

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1/ The same provision guarantees that local unions affiliated with AFL-CIO State and Local Central Bodies shall be autonomous. Complainant's argument (complaint at 15) that such locals are governed by the AFL-CIO Rules Governing Committees on Political Education of State and Local Central Bodies is erroneous. Those rules, as the title evidences, regulate the activities of Committees on Political Education sponsored by AFL-CIO State Federations and Local Central Bodies. They do not regulate the activities of local unions affiliated with those State and Local bodies.

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left the AFL by the force of a handwritten note stating "Green, We disaffiliate. Lewis."

Both in theory and in fact then each affiliated national union is entirely free to take any position that union chooses on political issues generally and on the support of candidates in particular without regard to the position of the AFL-CIO or of any other affiliated national union. The complaint shows nothing to belie that statement and the supporting illustrations are numerous. For example, the statement of the AFL-CIO Executive Council declaring that the AFL-CIO would remain neutral during the 1972 Presidential election provides, in pertinent part:

> Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.
>
> * * *
>
> Affiliates are, of course, free to endorse and support any candidate of their choice. [See Attachment 3.]

Following the Executive Council's adoption of the above resolution, on July 19, 1972 former AFL-CIO President George Meany sent a letter to all AFL-CIO state and local central bodies quoting the Executive Council's resolution and explaining that:

> the term "affiliates" in this policy statement refers only to national and international unions. Your attention is called to Rule 4 of Rules Governing Local Central Bodies which states that as a chartered organization of the AFL-CIO they shall conform their activities on national affairs to the policies of the AFL-CIO. Rule 4 of Rules Governing State Central Bodies provides that policies are not to be inconsistent with the objects or policies of the AFL-CIO. [See Attachment 4.]

President Meany's recognition that national unions are free to do as they please but AFL-CIO state and local central bodies are compelled to follow the AFL-CIO Executive Council's decision was subsequently affirmed by both the Executive Council and the AFL-CIO Convention in the context of a disciplinary proceeding brought against the officers of the Colorado State Federation of the AFL-CIO, the

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Colorado Labor Council, for disobeying the Executive Council's instruction to remain neutral and instead endorsing George McGovern. The Report adopted by the Convention underlined this distinction:

> *** Article XIII of the AFL-CIO Constitution provides for the establishment of "central bodies subordinate to the Federation *** upon a city, state or other regional basis." That article further provides that the AFL-CIO Executive Council "shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers." The Executive Council has fulfilled that mandate. The Rules Governing AFL-CIO State Central Bodies it has issued regulate their affairs in great detail. And Rule 4 of those Rules provides:
>
> > State central bodies, as chartered organizations of the AFL-CIO, shall conform their activities on national affairs to the policies of the AFL-CIO. ***
>
> This rule articulates the basic premise of Article XIII of the AFL-CIO Constitution — that state and city central bodies are an integral part of the Federation itself and as such are subject to direct and continuing control by the AFL-CIO Executive Council and President, between conventions, and, as a matter of final resort, by this Convention. This, of course, is in direct contrast to the relationship between the Federation and the national and international unions which are affiliated with it, each of whom are guaranteed their internal autonomy by Article II, Section 11 of the AFL-CIO Constitution. [Proceedings and Executive Council Reports of the AFL-CIO, 1973 at 193, 194; emphasis added. (See Attachment 5.)]

A number of AFL-CIO affiliated international unions in fact demonstrated their autonomy by endorsing a Presidential candidate in 1972. Senator McGovern was endorsed, for example, by 18 AFL-CIO affiliated international unions and at least 3 internationals endorsed incumbent President Richard Nixon.

The complete freedom of AFL-CIO affiliated national and international unions to do as they please on political matters without regard to the position of the AFL-CIO is also shown by the following statement by AFL-CIO President Lane Kirkland in connection with the AFL-CIO's 1984 endorsement of Presidential candidate Walter Mondale:

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> KIRKLAND: I would point out, the state federations and city central bodies are subordinate bodies of the AFL-CIO and are, therefore, bound by all of the strictures and inhibitions that the AFL-CIO itself might be bound by. The international unions are autonomous and are not subordinate to the Federation. Any one who has the slightest experience and knowledge of the structure of the American trade union movement, I think, has a pretty good grasp of that. [Transcript of President Lane Kirkland's Press Conference, Tuesday, February 22, 1983, Bal Harbour, Florida. [Attachment 6.]

It is, we submit, of great significance too that the complainant presents no evidence whatsoever that the AFL-CIO has any control over the contribution decisions made by affiliated national union separate segregated funds. The complainant has not done so because the AFL-CIO does not, in fact, have any voice or vote in the making of those decisions.

Complainant's efforts to prove AFL-CIO "structural control" rest in large part on his lack of "knowledge of the structure of the American trade union movement." Thus, contrary to the complaint, the AFL-CIO does not have the authority to discipline or remove an officer or official of its affiliated national unions because that individual is convicted of a crime or for any other reason. The AFL-CIO Constitution provides that the Executive Council may institute disciplinary actions against and remove "any Executive Officer of the Federation or other member of the Executive Council subject to ratification by the AFL-CIO Convention" (1983 Constitution at 26) and that the Council may discipline and if necessary remove officers of AFL-CIO State and Local Bodies (1983 Constitution at 36.) As already stated, there is no such grant of authority to discipline officers of affiliated national unions.2/

2/ President Kirkland's request that Walter Kupau take a leave of absence pending the resolution of criminal charges against him referred to his role as the President of the Hawaii AFL-CIO and had nothing to do with any position that he held in the Carpenters Union, as the news article on which complainant relies clearly evidences.

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The complainant in his 62-page document which is plainly the product of a review of every official document published by the AFL-CIO (see pp. 6-8, 11 -15), has been able to find only two provisions in the AFL-CIO Constitution that either require affiliated national unions to refrain from taking a certain action or to seek the approval of the AFL-CIO prior to taking an action. The first is a provision in Article XX, Section 15(4) which states that:

> No affiliate shall support or render assistance to [an] action determined to be in violation of [Article XX]. [1983 Constitution at 52.]

And the second is Article VIII, Section 14 which states that

> No affiliated national or international union *** shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the Convention. [1983 Constitution at 27.]

Both of these provisions are related to one of the fundamental purposes of the merger between the AFL and the CIO: to prevent jurisdictional disputes and "raiding by any affiliate of the established collective bargaining relationship of any other affiliate." (Agreement for the Merger of the American Federation of Labor and the Congress of Industrial Organizations, 1983 Constitution at 56.) This purpose is furthered by Article XX of the AFL-CIO Constitution which creates an internal mechanism for the resolution of such disputes and which includes the prohibition quoted above and which provides, as a last resort, certain limited sanctions (such as withholding AFL-CIO services from an affiliate or barring that affiliate from further use of Article XX proceedings). In addition, and also to preserve the jurisdictional integrity of each affiliate as well as to prevent confusion, the AFL-CIO Constitution requires that name changes by affiliated national unions and the jurisdiction claimed by newly-merged affiliated national unions must be approved by the Executive Council.

The significance of these provisions to the question presented here is the narrowness of the authority that is granted — which belies complainant's argument

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— and the complete lack of support that authority provides for complainant's theory that the AFL-CIO controls the political activities of affiliated national unions.

The complainant's decision to raise the subject of mergers of national unions is self-defeating for two other reasons. Article III, Section 10 of the AFL-CIO Constitution underlines the Constitution's general guarantee of autonomy by specifically prohibiting any AFL-CIO action to require affiliated national unions to merge:

> Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdiction through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation. [1983 Constitution at 9.]

Moreover, since 1975 by reason of voluntary mergers the number of AFL-CIO affiliated unions had declined from 110 to 95. That, of course, works a corresponding reduction in the total number of separate segregated funds that AFL-CIO affiliated national unions may establish. This trend is incompatible with the complainant's theory that the AFL-CIO's purpose is to evade the Act's contribution limit by creating a myriad of separate segregated funds.

B. The AFL-CIO Does Not "Maintain" The Separate Segregated Funds Of Its Member Unions. The complaint alleges that the AFL-CIO has "maintained" the separate segregated funds of its member unions, including UAW-V-CAP, IBEW-COPE and AFT-COPE by: publishing pamphlets and other materials dealing with check-off and other methods used by labor organizations to solicit voluntary contributions to their separate segregated funds; and sponsoring a workshop on the FECA at which the AFL-CIO's legal counsel discussed the Act's requirements.3/

3/ Various aspects of complainant's argument rest on FEC MUR 253, a compliance action involving the American Medical Association and various state medical associations. This reliance is totally misplaced. The issue in that MUR was whether the state medical associations named therein were "local units" of the American Medical Association rather than as claimed

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The AFL-CIO prepares and publishes its materials dealing with solicitation techniques and the FECA requirements on soliciting voluntary contributions and sponsors workshops on the FECA primarily in its own interest. Many AFL-CIO affiliates serve as collecting agents for contributions to AFL-CIO COPE-PCC under the joint fundraising arrangement specifically permitted by §441a(a)(5).4/

3/ continued:
separate autonomous organizations. Congress' primary concern in drafting the antiproliferation rules was to end the practice whereby a single national organization could structure itself in such a way that both it and its state and local units each sponsored a political action committee with a separate contribution limit. To prevent this from happening, Congress designed §441a(a)(5) to bring all of the political committees of a national organization and its state and local units under the same contribution limit regardless of the exact nature of the relationship between the national and local entities. See p. 9-10, supra.

In contrast, Congress did not intend to prevent corporations and the trade associations with which those corporations are affiliated from each establishing a separate segregated fund entitled to a separate contribution limit or to prevent national and international unions and the AFL-CIO from each establishing such funds entitled to a separate contribution limit.

In light of the careful distinction reflected in the statutory language and the legislative history of the antiproliferation provision between, on the one hand, the relationship of a national organization and its component organizations and, on the other hand, the relationship of a national organization and a federation or association of other such organizations, it is clear that whatever the tests may be for affiliation under the former type of relationship they have no material bearing on the latter.

4/ The complaint argues that the AFL-CIO COPE-PCC's "affiliation" with UAW-V-CAP, IBEW-COPE and AFT-COPE is "documented" by the transfer of joint fundraising proceeds between those committees and COPE-PCC and by the fact that those committees serve as "collecting agents" for contributions to COPE-PCC. (Complaint at 46.) This argument is refuted both by the statute and the Commission's regulations.

The Act expressly states that the antiproliferation provisions of §441a(a)(5):

> ... shall [not] limit transfers between political committees of funds raised through joint fundraising efforts. [2 U.S.C. §441a(a)(5)(A).]

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Therefore, the AFL-CIO has an obligation to use its best efforts to ensure that those organizations comply with the Act and the regulations and fulfilling that obligation cannot possibly be a basis for imposing a single contribution limit.

C. AFL-CIO Coordination of Internal Political Education Activities Aimed At AFL-CIO Members and Their Families With Its Affiliated Unions Does Not Make AFL-CIO COPE-PCC "Affiliated" With These Unions Separate Segregated Funds. The complaint alleges that AFL-CIO COPE-PCC coordinates the political activities of AFL-CIO affiliated unions and that such coordination makes the AFL-CIO COPE-PCC "affiliated" with the separate segregated funds of UAW-V-CAP, AFT-COPE and IBEW-COPE. Without exception, the examples of coordinated political activities raised in the complaint deal with internal communications and voter registration/get-out-the-vote activities aimed at AFL-CIO members and their families.

As we have emphasized, pp. 6-7, supra, the AFL-CIO has a statutory right to make internal communications and to engage in voter registration/get-out-the-vote activities aimed at its members and their families. Moreover, the AFL-CIO may do so using its own resources or the resources and personnel of affiliated national and international unions. And the 1976 Congress was aware that the AFL-CIO both had the right to and did engage in coordinated internal political education and

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4/ continued:

And the Commission's regulations specifically exclude from consideration as evidence of affiliation:

> (E) ... the transfer of funds between the committees which jointly raised the funds so transferred. [11 C.F.R. 110.3(a)(1)(iii)(E).]

Likewise, the Commission's regulations expressly authorize the collection of voluntary contributions from members of the AFL-CIO to AFL-CIO COPE-PCC by local, national and international unions affiliated with the AFL-CIO. See 11 C.F.R. §102.6(b)(1)(iv).

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registration/get-out-the-vote activities. Furthermore, as we have also shown, Congress did not intend for the antiproliferation provision of the Act to prevent the AFL-CIO and its member unions or trade associations and their corporate members from having separate segregated funds with separate contribution limits. The complainant's reliance on this activity cannot be squared with Congress' intent in drafting and enacting the antiproliferation rules.

IV. CONCLUSION. For the above-stated reasons, we respectfully request that the Commission take no action with respect to the matters alleged in the complaint filed by James Edward Antosh, FEC MUR 1605, and that it dismiss that complaint.

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ATTACHMENT 2

AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

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CONSTITUTION

of the

American Federation of Labor and Congress of Industrial Organizations

As amended by the Eleventh Constitutional Convention of the AFL-CIO, October 2-7, 1975

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American Federation of Labor and Congress of Industrial Organizations

GEORGE MEANY, *President*

LANE KIRKLAND, *Secretary-Treasurer*

815 16th St., N.W.

WASHINGTON, D. C. 20006

AFL-CIO Publication No. 1

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CONSTITUTION OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

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PREAMBLE

The establishment of this Federation through the merger of the American Federation of Labor and the Congress of Industrial Organizations is an expression of the hopes and aspirations of the working people of America.

We seek the fulfillment of these hopes and aspirations through democratic processes within the framework of our constitutional government and consistent with our institutions and traditions.

At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship, we shall responsibly serve the interests of all the American people.

We pledge ourselves to the more effective organization of working men and women; to the securing to them of full recognition and enjoyment of the rights to which they are justly entitled; to the achievement of ever higher standards of living and working conditions; to the attainment of security for all the people; to the enjoyment of the leisure which their skills make possible; and to the strengthening and extension of our way of life and the fundamental freedoms which are the basis of our democratic society.

We shall combat resolutely the forces which seek to undermine the democratic institutions of our nation and to enslave the human soul. We shall

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strive always to win full respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I
NAME

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

ARTICLE II
OBJECTS AND PRINCIPLES

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.

2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.

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8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to

perform their rightful part in the political life of the local, state and national communities.

ARTICLE III

AFFILIATES

Section 1. The Federation shall be composed of (1) affiliated national and international unions and organizing committees, (2) directly affiliated local unions (such as Local Trade Unions, Federal Labor Unions, and Local Industrial Unions) and national councils thereof, (3) state and local central bodies (such as State and Territorial Federations, City Central Labor Unions and Industrial Union Councils), and (4) trade and industrial departments.

Sec. 2. Each national and international union and each federal labor union affiliated with the American Federation of Labor at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation and each national and international union, organizing committee and local industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation shall retain its charter or certificate, which shall become and be a charter or certificate of this Federation and, by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations, shall be an

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affiliate of this Federation and subject to its rules and regulations.

Sec. 3. Each such affiliate shall retain and enjoy the same organizing jurisdiction in this Federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In cases of conflicting and duplicating jurisdictions involving such affiliates the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 4. The integrity of each such affiliate of this Federation shall be maintained and preserved. Each such affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate. When a complaint has been filed with the President by an affiliate alleging a violation of this section by another affiliate, that has not been settled under the provisions of the No-Raiding Agreement referred to in Article XVII, the President shall endeavor, by consultation with the appropriate officers of both affiliates, to settle the matter by voluntary agreement between such affiliates. In the event no such voluntary agreement is reached within a reasonable time the President shall report to the Executive Council with such recommendations as he may deem appropriate. Upon such report being

submitted, the Executive Council shall consider the same, shall hear the appropriate officers of the affiliates involved, and shall make such decision as it believes to be necessary and proper to carry out the provisions of this section. In the event an affiliate shall fail to comply with such decision, the Executive Council shall submit the matter to the convention for such action as the convention may deem appropriate under the provisions of this constitution. *(See Article XX, Page 45)*

Sec. 5. State and Territorial Federations of Labor and Local Central Bodies affiliated with the American Federation of Labor at the time of the adoption of this Constitution, and State and Local Industrial Union Councils affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, shall become and be affiliates of this Federation and shall, as such, continue to exist as state, territorial and local central bodies, each representing the respective federal labor unions or local industrial unions now affiliated to such central body and such local unions now affiliated to such central body as are affiliated with a national or international union or organizing committee affiliated with this Federation. Provided, however: That a merger of these state, territorial and local central bodies, heretofore affiliated with the American Federation of Labor or the Congress of Industrial Organizations, shall be effected within two years after the adoption of this constitution, through the process of negotiation and

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agreement under the guidance of the President of this Federation and its Executive Council.

Sec. 6. Existing departments of the American Federation of Labor at the time of the adoption of this constitution shall continue as trade departments of this Federation with the rights of and subject to the rules governing trade and industrial departments provided in Article XI.

Sec. 7. The Executive Council shall have power to issue charters or certificates of affiliation to organizations desiring to affiliate with this Federation. This power may be delegated to the President. Subject to the provisions of Sections 2 and 3 of this Article, charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 8. Except as otherwise provided in this constitution no national or international union chartered by or affiliated with this Federation may be suspended from membership in the Federation except by a majority roll-call vote at the convention.

No such national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds majority roll-call vote at the convention.

Sec. 9. No organization officered, controlled or dominated by communists, fascists, or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any fascist organization, or other totalitarian movement, shall be permitted as an affiliate of this Federation or any of its state or local central bodies.

Sec. 10. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation.

ARTICLE IV

CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive

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Council which shall give at least 90 days' notice of the time and place designated.

Sec. 3. (a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of national and international unions representing a majority of the total membership of the Federation, as evidenced by the records of the Secretary-Treasurer to the last convention.

(b) In the event a special convention has been called all affiliated organizations shall be given at least 30 days' notice, together with a statement of the particular subject or subjects to be considered at such convention.

(c) Representation to special conventions shall be on the same basis and subject to like qualifications and procedure governing regular conventions.

(d) A special convention shall be clothed with like authority and power conferred upon regular conventions, its decisions shall be equally binding and it shall be governed by the same procedure applicable to regular conventions; however, such special conventions shall be limited solely to the subject or subjects specifically and definitely indicated in the call for such special convention.

Sec. 4. Each national or international union and organizing committee shall be entitled to the number of delegates indicated in the following scale:

Less than	4,000 members	.....	1 delegate
Over	4,000 "	.....	2 delegates

Over	8,000	members	3	delegates
"	12,000	"	4	"
"	25,000	"	5	"
"	50,000	"	6	"
"	75,000	"	7	"
"	125,000	"	8	"
"	175,000	"	9	"

plus one additional delegate for each 75,000 members over 175,000.

Each directly affiliated local union and each national trade and industrial department shall be entitled to one delegate. Each industrial union council and each state or local central body shall be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

Sec. 5. Delegates to a regular convention of the Federation shall be elected or otherwise designated by the affiliate at least 30 days prior to the convention, except in cases in which the convention of the affiliate meets within this 30-day period. The names of the delegates shall be forwarded to the Secretary-Treasurer of the Federation immediately after their selection.

Sec. 6. No organization that has seceded or has been suspended or expelled by this Federation, the American Federation of Labor, or the Congress of Industrial Organizations, or by any national or international union or organizing committee affiliated with this Federation shall, while under such pen-

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alty, be allowed representation or recognition in the Federation, or in any subordinate body thereof, or in any national or international union or organizing committee affiliated with this Federation, under the penalty of the suspension of the body violating this section. No affiliate which, at the opening date of the convention, is in arrears to the Federation for per capita tax or assessments for two months or more, shall be entitled to recognition or representation in the convention.

Sec. 7. No organization shall be entitled to representation unless such organization has applied for and obtained a certificate of affiliation at least one month prior to the convention, and no person shall be recognized as a delegate who is not a member in good standing of the organization he is selected to represent.

Sec. 8. The number of members of each national and international union, organizing committee and directly affiliated local unions for the purpose of selecting delegates and for roll-call votes at the convention shall be the average monthly number on which per capita tax is paid for the 24-month period prior to and including the second month preceding the month of the opening date of the convention. Where affiliation has occurred during this 24-month period, the average shall be computed from the month of affiliation, and the number of members shall be deemed to be one twenty-fourth of such average for each month for which per capita tax has been paid. The Secretary-Treasurer shall

prepare for the use of the convention and submit to it a printed list showing the number of votes and the number of delegates to which each affiliate is entitled.

Sec. 9. The President shall appoint, in consultation with the Executive Council, prior to the opening date of the convention and subject to the approval of the convention, such committees as are necessary to conduct the affairs of the convention. Such committees may meet before the opening date of the convention and shall proceed to consider all resolutions, appeals, reports, and constitutional amendments submitted to the convention, and shall report thereon to the convention.

Sec. 10. (a) All resolutions, petitions, memorials and appeals to be considered by any convention of the Federation must be received by the Secretary-Treasurer at headquarters in Washington, D. C., 30 days immediately preceding the opening of the convention; except in instances where such matters have been acted upon and approved at a regular convention of a national or international union, or state central body, or national trade and industrial department held during this 30-day period in which event such proposals shall be received up to the opening date of the convention.

(b) All resolutions, petitions, memorials and appeals received or submitted after the time stipulated above or during the convention shall be referred to the Executive Council, and the Executive Council shall refer all such proposal or proposals

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to the convention with the understanding that consideration of such proposal or proposals is dependent upon the unanimous consent of the convention.

(c) Any or all proposals emanating from directly affiliated local unions shall be referred to the Executive Council for consideration and disposition. The Executive Council shall in turn advise the convention of the disposition made of such proposal or proposals.

(d) Proposals emanating from state central bodies to receive consideration of a convention must first have received the approval of the previous convention of the state central body involved. In the case of local central bodies any proposal or proposals to be considered must have first received the approval of such central labor body at a regularly constituted meeting of such organization.

(e) Each resolution, memorial, petition, or appeal properly received for consideration by the convention, as soon as practical after receipt thereof, shall be classified by the President as to nature, contents and subject matter and referred by him to an appropriate committee, which committee shall make a report thereon to the convention prior to consideration of any such matter by the convention. He shall cause to be distributed copies of such resolutions, petitions, memorials or appeals to the delegates of the convention at the opening session thereof or as soon thereafter as practical, but before any such matters are considered by the convention.

Sec. 11. Not less than 60 days prior to the opening of each regular convention, the Secretary-Treasurer shall furnish each affiliate with credential blanks in duplicate, which must be attested as required on the blanks. The duplicates shall be retained by the delegate, and the original sent to the Secretary-Treasurer. Subject to the provisions of Section 5 of this Article, no credentials shall be accepted later than 20 days prior to the opening date of the convention.

Sec. 12. Prior to the opening date of the convention, the Executive Council shall meet and constitute itself or a subcommittee as the Credentials Committee for the convention. Appeals from its decisions may be made to the floor of the convention. The convention shall not be constituted for business until after the Credentials Committee shall have examined and reported on credentials of all delegates present at the scheduled time on the opening date of the convention.

Sec. 13. All members of the Executive Council who are not elected as delegates shall be ex-officio delegates to the convention with all the rights and privileges of elected delegates, but without vote.

Sec. 14. Fraternal delegates attending conventions of the Federation shall be entitled to all the rights of delegates but shall not be entitled to vote.

Sec. 15. At the opening of the convention the President shall take the chair and call the convention to order, and preside during its sessions.

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Sec. 16. One-fourth of the delegates seated at any convention shall constitute a quorum for the transaction of business.

Sec. 17. Questions may be decided by division or a show of hands, but a call of the roll may be demanded by 30 percent of the delegates present. Upon such roll-call each delegate representing affiliated national or international unions, organizing committees and directly affiliated local unions shall be entitled to cast one vote for every member whom he represents. Each state and local central body and national trade and industrial department shall be entitled to one vote.

Sec. 18. The rules and order of business governing the preceding convention shall be enforced from the opening of any convention of the Federation until new rules have been adopted by action of the convention.

Sec. 19. Unless otherwise specified, any action taken by the convention shall take effect immediately upon adoption.

ARTICLE V

OFFICERS

Section 1. The officers shall consist of a President and a Secretary-Treasurer, who shall be the Executive Officers, and 33 Vice Presidents.

Sec. 2. Each officer shall be a member of an affiliated organization.

Sec. 3. The officers shall be elected by the convention, by written ballot, with each affiliate having the number of votes to which it is entitled on a roll call vote, as provided in Article IV. Nominations shall take place on the third and election on the fourth day of the convention. The Executive Officers shall be elected by majority vote. In the event that more than two candidates are nominated for President or Secretary-Treasurer, and no one candidate receives a majority of the votes cast, all except the two candidates receiving the highest votes shall be eliminated from the list of candidates and a second vote taken. The Vice Presidents shall be elected by plurality vote, and the 33 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote will be taken only among the candidates whose tie prevented the election of 33 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Each ballot must, to be valid, be voted for 33 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting. The ballot shall be signed by the delegate voting, and shall show the affiliation and the voting strength of the delegate. If an affiliate votes by bloc, the ballot shall be signed by the chairman of the delegation and shall show the affiliate and its voting strength. Each candidate may designate an observer who may be present during the tabulation of the signed ballots. The results of the election, including each delegate's vote or, in case of a bloc vote, each

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affiliate's vote shall become an official part of the Convention record.

Sec. 4. Each officer elected at the convention shall take office immediately upon his election and shall serve until his successor is elected at the next regular convention.

Sec. 5. In the event of a vacancy in the office of either the President or the Secretary-Treasurer by reason of death, resignation or otherwise, the remaining executive officer shall perform the duties of the vacant office until a successor is elected. It shall be the duty of such executive officer to issue, within ten days of the date of the vacancy, a call for a meeting of the Executive Council of this Federation, upon ten days' notice, for the purpose of electing an executive officer to fill said vacancy for the unexpired term.

Sec. 6. In the event of a vacancy in the office of Vice President by reason of death, resignation or otherwise, the Executive Council shall have the power to fill the vacancy by majority vote of all its members for the period of the unexpired term.

Sec. 7. The national headquarters of the Federation shall be maintained by the Executive Officers at Washington, D. C.

Sec. 8. The Executive Officers shall, by virtue of their office, hold title to the real estate of the Federation as trustees for the Federation.

Sec. 9. The President and Secretary-Treasurer

of the Federation or either of them may retire after having served five years as an Executive Officer of the Federation, and either having reached age 65 years or having served a total of 20 years. Time served as an officer of any organization affiliated with the Federation, or with the American Federation of Labor or the Congress of Industrial Organizations, shall be included in determining length of service hereunder. In the event of retirement such officers shall have the title of President Emeritus, or Secretary-Treasurer Emeritus and shall render service to the Federation in an advisory and consultative status. They shall be compensated for such service by the Federation for life in an annual amount, payable weekly, equal to 60 percent of either the highest annual salary received by them respectively as an Executive Officer or thereafter paid to the corresponding Executive Officer of this Federation, whichever is greater. If after attaining eligibility for retirement such Executive Officer shall die, either before or after retirement, his surviving widow shall be paid an annual annuity for life, payable in weekly installments, of 30 percent of either the highest annual salary received by such Executive Officer, as an Executive Officer, or thereafter paid to the corresponding Executive Officer of this Federation, whichever is greater. The Executive Council is authorized and directed to enter into a legal and binding agreement with the President and with the Secretary-Treasurer to make these retirement compensation and annuity benefits payable to the Federation for their intended duration, pursuant to the terms and conditions of this Section.

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Sec. 10. No individual shall be eligible to serve either as an Executive Officer or as a member of the Executive Council who is a member of the Communist Party, any fascist organization, or other totalitarian movement, or who consistently pursues policies and activities directed toward the achievement of the program or the purposes of the Communist Party, any fascist organization or other totalitarian movement.

ARTICLE VI

DUTIES OF THE PRESIDENT

Section 1. The President shall function as the chief executive officer of the Federation. He shall exercise supervision of the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council, and General Board. He shall call meetings of the Executive Council at least three times each year.

Sec. 2. The President shall have authority to interpret the constitution between meetings of the Executive Council and his interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council or a convention.

Sec. 3. The President shall receive for his services a salary of $90,000 per annum, payable weekly.

Sec. 4. The appointment and compensation, direction, suspension and removal of organizers, representatives, agents and employees of the Federation shall be under the direction of the President.

Sec. 5. The President shall make a report of the administration of his office and of the affairs of the Federation to the convention through the report of the Executive Council.

ARTICLE VII

DUTIES OF THE SECRETARY-TREASURER

Section 1. The Secretary-Treasurer shall be the chief financial officer of the Federation and shall receive and collect all moneys due the Federation which moneys shall be paid out only on the approval of the President.

Sec. 2. The Secretary-Treasurer shall be in charge of and preserve all moneys, properties, securities and other evidences of investment, books, documents, files and effects of the Federation which shall at all times be subject to the inspection of the President and Executive Council.

Sec. 3. The Secretary-Treasurer shall issue the call for and act as secretary at conventions, and shall cause the proceedings of all conventions and

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all sessions of the Executive Council and General Board to be recorded.

Sec. 4. It shall be the duty of each national and international union, organizing committee, each trade and industrial department, state and local central bodies and each directly affiliated local union, to furnish the Secretary-Treasurer a copy of all official reports issued by such affiliated organizations together with a statement of their membership in good standing and to furnish such additional statistical data in their possession relating to the membership as may be called for by the Secretary-Treasurer of this Federation.

Sec. 5. The Secretary-Treasurer shall give a bond for the faithful performance of his duties in such amount as may be determined by the Executive Council and shall report to the biennial convention of the Federation through the report of the Executive Council, and for his services he shall receive $60,000 per annum, payable weekly.

Sec. 6. The Secretary-Treasurer shall print quarterly, as a separate document, a financial statement of the Federation and forward a copy thereof to all affiliated national and international unions, organizing committees, directly affiliated local unions and state and local central bodies.

Sec. 7. The Secretary-Treasurer shall be required, from time to time, but no less than semi-annually, to provide for an audit of all books, accounts, records and financial transactions of the

Federation by an independent public accountant. Such audits shall be furnished to the Executive Council and a biennial audit shall be furnished to the Convention.

Sec. 8. The Secretary-Treasurer shall, under the direction and instructions of the Executive Council, invest the surplus funds of the Federation in sound securities or deposit the same in a bank or banks.

ARTICLE VIII

EXECUTIVE COUNCIL

Section 1. The Executive Council shall consist of the President, the Vice Presidents and the Secretary-Treasurer.

Sec. 2. The Executive Council shall be the governing body of this Federation between conventions. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the conventions and to enforce the provisions contained in this constitution. Between conventions it shall have the power to direct the affairs of the Federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the Federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose.

Sec. 3. The Executive Council shall meet upon the

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call of the President at least three times within each year at a time and place designated by the President.

Sec. 4. It shall be the duty of the Executive Council to watch legislative measures directly affecting the interests of working people, and to initiate, wherever necessary, such legislative action as the convention may direct.

Sec. 5. The Executive Council shall prepare and present to the convention in printed form a statement of all matters of interest to the convention and of the activities of the Federation between conventions.

Sec. 6. The Executive Council shall have power to make rules to govern matters consistent with this constitution and shall report accordingly to the Federation.

Sec. 7. It is a basic principle of this Federation that it must be and remain free from any and all corrupt influences and from the undermining efforts of communist, fascist or other totalitarian agencies who are opposed to the basic principles of our democracy and of free and democratic trade unionism. The Executive Council, when requested to do so by the President or by any other member of the Executive Council, shall have the power to conduct an investigation, directly or through an appropriate standing or special committee appointed by the President, of any situation in which there is reason to believe that any affiliate is dominated, controlled

or substantially influenced in the conduct of its affairs by any corrupt influence, or that the policies or activities of any affiliate are consistently directed toward the advocacy, support, advancement or achievement of the program or of the purposes of the Communist Party, any fascist organization or other totalitarian movement. Upon the completion of such an investigation, including a hearing if requested, the Executive Council shall have the authority to make recommendations or give directions to the affiliate involved and shall have the further authority, upon a two-thirds vote, to suspend any affiliate found guilty of a violation of this section. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 8. Subject to the provisions of Article III, Section 7, the Executive Council shall use every possible means to assist affiliated unions in the organization of the unorganized and to organize new national and international unions, organizing committees, and directly affiliated local unions.

Until such time as it is feasible to form a new national or international union composed of directly affiliated local unions or to affiliate such unions with an existing affiliated national or international union within whose jurisdiction they might properly come, the Executive Council may group such directly affiliated local unions, in a particular craft

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or industry, into national councils or organizing committees which shall be under the direct supervision and control of the Executive Council and the President.

Sec. 9. In carrying out the provisions of this Article the Executive Council shall recognize that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization and that all workers whatever their race, color, creed or national origin are entitled to share in the full benefits of trade union organization.

Sec. 10. A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

Sec. 11. The Executive Council shall have the power to file charges and conduct hearings on such charges against any Executive Officer of the Federation or other member of the Executive Council on the ground that such person is guilty of malfeasance or maladministration, and to make a report to the convention recommending appropriate action. The Executive Council must serve such officer with a copy of the written charges a reasonable time before the hearing.

Sec. 12. The Executive Council shall have the further power to refuse to seat or to remove from office any member of the Executive Council, or to remove from office any officer, who is found by the Council, by a two-thirds vote after notice and hearing, to be ineligible to serve under the provisions

of Article V, Section 10. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 13. In any case in which an affiliate has been suspended from membership in the Federation by the convention, or by a two-thirds vote of the Executive Council in the cases set forth in Section 7 of this Article, and in which it is shown that the cause for such suspension no longer exists, the Executive Council shall have the power, upon a two-thirds vote, to terminate such suspension.

Sec. 14. No affiliated national or international union or organizing committee shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the convention.

Sec. 15. The Executive Council shall be authorized to reimburse members of the Council for necessary expenses in performing their duties for the Federation.

ARTICLE IX

GENERAL BOARD

Section 1. The General Board of the Federation shall consist of all of the members of the Executive Council of the Federation and the president or

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other principal officer of each of the affiliated national or international unions and each trade and industrial department.

Section 2. The General Board shall meet upon the call of the President of the Federation or of the Executive Council.

Sec. 3. The General Board shall decide all policy questions referred to it by the Executive Officers or by the Executive Council.

Sec. 4. Questions coming before the General Board shall be decided in accordance with the applicable provisions of Section 17 of Article IV of this Constitution with the president or other principal officer of each affiliated national or international union casting the vote of such union and with the president or other principal officer of each department casting the one vote of such department. The number of members of each national or international union on a roll-call vote of the General Board shall be deemed to be the number of members represented at the last preceding convention except in the case where affiliation has occurred subsequent to such convention or within a 24-month period prior to and including the second month preceding such convention. In such cases the number of members of such affiliate shall be deemed to be one twenty-fourth of the average membership for which per capita tax was paid for each month, prior to the meeting of the General Board, for which such tax was paid.

ARTICLE X

DEPARTMENT OF ORGANIZATION

Section 1. The organizing work of this Federation as set forth in Article VIII, Section 8, shall be conducted by the Department of Organization under the general supervision of the President. The Department of Organization shall be provided the staff and resources necessary to conduct such activities.

Sec. 2. The Department of Organization shall be headed by a Director of Organization who shall be appointed by the President subject to the approval of the Executive Council.

ARTICLE XI

TRADE AND INDUSTRIAL DEPARTMENTS

Section 1. The Trade and Industrial Departments shall be subordinate to the Federation and shall consist of the following: Building and Construction Trades Department; Metal Trades Department; Union Label and Service Trades Department; Maritime Trades Department; Railway Employees Department; and a department of industrial organizations to be known as Industrial Union Department, and such other departments as may be established by the Executive Council or the Convention. Each department is to manage and finance its own affairs and may establish local councils or railway system federations of departments. Affiliation to the departments in the Federation shall

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be open to all appropriate affiliated national and international unions and organizing committees.

Sec. 2. To be entitled to representation in any department, international unions and organizing committees eligible to join it must first be and remain in affiliation to the Federation.

Sec. 3. To be entitled to representation in local councils or railway system federations of Departments, local unions are required to be part of affiliated national and international unions and organizing committees affiliated to departments or to be directly affiliated to the Federation.

Sec. 4. The fundamental laws and procedure of each department are to conform to and be administered in the same manner as the laws and procedure governing the Federation. No department, local council or railway system federation of the same shall enact laws, rules or regulations in conflict with the laws and procedure of the Federation, and in the event of change of laws, rules, regulations and procedures of the latter, departments, local councils and railway system federations are to change their laws, rules, and regulations to conform thereto.

Sec. 5. Each department is to be considered an official method of the Federation for transacting the portion of its business indicated by the name of the department, in consequence of which affiliated and eligible organizations should be part of

their respective departments and should comply with the actions and decisions of such departments, subject to appeal therefrom to the Executive Council and the conventions of the Federation. An organization affiliated with one or more departments shall pay per capita tax to each such department upon the number of members whose occupation comes under such department.

Sec. 6. The officers of the various departments shall submit a quarterly report to the Executive Council of the Federation of the work done by their department and its general conditions.

Sec. 7. At all regular meetings of the Executive Council of the Federation, there shall be present, during some period of the Council meeting, the executive officer or officers of each department, to take up with the Council matters that may be of mutual interest.

Sec. 8. Departments of the Federation shall have their headquarters in Washington, D. C., and in the headquarters of the Federation unless permitted to locate elsewhere.

ARTICLE XII

COMMITTEE AND STAFF DEPARTMENTS

Section 1. The President of the Federation shall appoint the following standing committees and such other committees as may from time to time be

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necessary. The President with the approval of the Executive Council may combine standing committees. The committees, under the direction of the President, and subject to the authority of the Executive Council and the convention, shall carry out their functions as described herein:

(a) The Committee on Legislation shall undertake to carry out the policies and programs of the Federation in the Congress and in the legislatures of state and local governments;

(b) The Committee on Civil Rights shall be vested with the duty and responsibility to assist the Executive Council to bring about at the earliest possible date the effective implementation of the principle stated in this constitution of nondiscrimination in relation to any member because of race, creed, color, sex, national origin or ancestry.

(c) The Committee on Political Education shall be vested with the duty and responsibility to assist the Executive Council in meeting the need for sound political education and in bringing about the effective implementation of the objectives stated in this constitution of encouraging workers to register and vote, to exercise their full rights and responsibilities of citizenship and to perform their rightful part in the political life of the city, state, and national communities;

(d) The Committee on Ethical Practices shall be vested with the duty and responsibility to assist the Executive Council in carrying out the constitutional determination of the Federation to keep the Federation free from any taint of corruption or communism, in accordance with the provisions of this constitution;

(e) The Committee on International Affairs shall be concerned with international developments facing our nation and the Federation's relationships with the international trade union movement;

(f) The Committee on Education shall promote the widest possible understanding among union members of the aims of the Federation, shall assist affiliated unions in developing their own educational programs and shall implement the Federation's interest in providing the nation with the highest standard of education at all levels;

(g) The Committee on Social Security shall have the responsibility of providing guidance and information in the fields of social insurance and welfare;

(h) The Committee on Economic Policy shall undertake to recommend programs and policies toward the end of promoting prosperity, full employment and full utilization of our resources;

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(i) The Committee on Community Services shall stimulate the active participation by members and affiliated unions in the affairs of their communities and the development of sound relationships with social agencies in such communities;

(j) The Committee on Housing shall advise on all matters relating to housing programs and policies;

(k) The Committee on Research shall have the responsibility of reviewing and appraising the research activities of the Federation to the end that adequate research facilities are available to the Federation;

(l) The Committee on Public Relations shall review and appraise the needs of the Federation in keeping the general public informed of the goals and policies of the Federation, the extent to which these needs are being met and shall make recommendations in this field;

(m) The Committee on Safety and Occupational Health shall be vested with the responsibility of recommending and promoting ways in which the work places of our nation can be made safe and healthful;

(n) The Committee on Veterans Affairs shall keep all affiliates informed of the rights and benefits available to veterans under federal and state laws and shall propose measures to protect such rights and benefits;

(o) The Committee on Organization, in consultation with the Executive Officers and the Director of Organization, shall develop programs and policies to assure a more effective and adequate effort in meeting the challenge of organizing the unorganized and shall report such programs and policies to the Executive Council for its consideration. This section shall in no way affect the jurisdiction of any national or international union of the AFL-CIO.

(p) All other committees shall have the function vested in them by the President, the Executive Council, or the convention, consistent with this constitution.

Sec. 2. Staff departments shall be established where appropriate under the direction of the President to function in the fields of activity described above and in such other fields as may be determined by the President, the Executive Council or the convention.

Sec. 3. The Committees and staff departments shall have adequate staff which shall be under the general direction of the President of the Federation.

ARTICLE XIII

STATE AND LOCAL CENTRAL BODIES

Section 1. Central bodies subordinate to the Federation may be established upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and international

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unions and organizing committees affiliated with the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies as the Executive Council may determine are eligible for affiliation.

Sec. 2. It shall be the duty of all national and international unions and organizing committees affiliated with the Federation to instruct their local unions to join affiliated central labor bodies in their vicinity where such exist. Similar instructions shall be given by the Federation to all local unions affiliated directly to it.

Sec. 3. The Executive Council of the Federation shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against central labor bodies, or their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Executive Council and to the convention, but shall provide that decisions appealed from shall re-

main in full force and effect pending any appeal.

Sec. 4. Upon the dissolution, suspension or revocation of the charter of any state or local central body, all funds and property of any character shall revert to the Federation to be held in trust until such time that the suspended or defunct organization may be reorganized and be able to confine its activities and actions to conform with the constitution and laws of this Federation. It shall be the duty of the officers of a state or local central body which has been dissolved or whose charter has been suspended or revoked, or which has been placed under trusteeship under Section 3 of this Section, to deliver all funds and property to the President of the Federation or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Federation shall reimburse itself from the funds and property recovered.

Sec. 5. Merger of existing state and local central bodies of the American Federation of Labor and the Congress of Industrial Organizations shall be accomplished as provided in Article III, Section 5. Pending such merger state and local central bodies of both the American Federation of Labor and the Congress of Industrial Organizations shall be permitted to exist as state and local central bodies representing the respective local unions or organizations now affiliated to such central bodies.

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ARTICLE XIV

LOCAL UNIONS DIRECTLY AFFILIATED TO THE FEDERATION, ORGANIZING COMMITTEES AND NATIONAL COUNCILS

Section 1. Subject to the provisions of Article III, Section 7, the Federation is authorized to issue charters and certificates of affiliation to organizing committees and directly affiliated local unions.

Sec. 2. The Executive Council of the Federation shall issue rules governing the conduct, activities, affairs, finances and property of organizing committees, national councils, and directly affiliated local unions, and governing the suspension, expulsion and termination of such organizations. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against such organizations, or their officers. They shall provide for notice and hearing in all cases in which such action is taken with respect to directly affiliated local unions, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such local unions and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Executive Council and to the convention, but shall provide that decisions appealed from shall remain in full force and effect pending any appeal.

Upon the dissolution, suspension or revocation of the charter of any such organizations, all funds

and property of any character shall revert to the Federation, which shall to the extent appropriate hold such funds and property in trust until such time that the suspended or defunct organization may be reorganized and be able to confine its activities and actions to conform with the constitution and laws of this Federation. It shall be the duty of the officers of any such organization which has been dissolved or whose charter has been suspended or revoked to deliver all funds and property to the President of the Federation or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Federation shall reimburse itself from the funds and property recovered.

Sec. 3. It shall be the duty of the Executive Council to combine directly affiliated local unions in related fields into national or international unions, organizing committees or national councils when such action appears to be appropriate. Any local union directly affiliated to the Federation or a group of such local unions may request the Executive Council to authorize such combination.

When directly affiliated local unions are grouped into an organizing committee they shall become locals of the organizing committee. The organizing

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committee shall have the same status as a national or international union under this constitution except that it shall be under the direct supervision and control of this Federation, as provided herein.

When directly affiliated local unions are grouped into a national council they shall remain local unions directly affiliated with this Federation.

Sec. 4. The per capita payment to the Federation by local unions directly affiliated to it shall be determined by the Executive Council and shall not be less than $1.50 per month.

Sec. 5. Local Trade and Federal Labor Unions and Local Industrial Unions which are affiliated with this Federation pursuant to Article III, Section 2, of this constitution shall be for all purposes local unions directly affiliated to the Federation under this and all other sections of the constitution.

Sec. 6. The Defense Fund for Local Trade and Federal Labor Unions of the American Federation of Labor, created under its constitution, shall be continued as a defense fund for local unions directly affiliated with this Federation, subject to the rules provided for in Section 2 of this Article and subject to such provisions concerning contributions by and the eligibility of Local Industrial Unions formerly affiliated with the Congress of Industrial Organizations as may be determined by the Executive Council.

ARTICLE XV

PER CAPITA TAX AND ASSESSMENTS

Section 1. A per capita tax shall be paid upon the full paid up membership of each affiliated national or international union, organizing committee and directly affiliated local union.

Sec. 2. Each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 13 cents per member per month.

Sec. 3. Directly affiliated local unions shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of not less than $1.50 per member per month, as provided for in the rules governing the organization and activities of such directly affiliated local unions. Each directly affiliated local union shall also pay to the Federation a portion, to be fixed by the Executive Council, of the initiation fee received by such union from its members, but such payment to the Federation shall in no case be less than $1.50 per member.

Sec. 4. Revenue may also be derived from assessments when and as ordered by a majority vote of a convention. The Executive Council may also declare an assessment of not to exceed 4 cents per member per month on all affiliated unions for a period not to exceed six months in any one year when the interests of the Federation require and when funds available from per capita tax are insufficient to meet the needs of the Federation.

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Sec. 5. Any affiliated organization which does not pay its per capita tax on or before the fifteenth of each month, and assessment or assessments when due and payable, shall be notified of that fact by the Secretary-Treasurer of the Federation. Any affiliated organization three months in arrears in payment of per capita tax or assessments automatically becomes suspended from membership in the Federation and can be reinstated only after such arrearages are paid in full.

Sec. 6. Each affiliate, upon the issuance of a certificate of affiliation, shall pay to the Federation the sum of $15.00.

Sec. 7. Each state and local central body affiliated with the Federation shall pay to the Federation an annual fee of $20.00.

Sec. 8. The Executive Council may exonerate any national or international union, organizing committee and directly affiliated local union from the payment of per capita tax or assessments due to the Federation for any month upon a proper showing that, in the opinion of the Executive Council, good cause therefor exists. Exonerated members shall be regarded, for the purposes of this constitution, as paid up members for the period of exoneration.

ARTICLE XVI

AMENDMENTS

This constitution can be amended or altered only by the convention, by a two-thirds vote of those

present and voting, either by a show of hands, or, if a roll-call is properly demanded as provided in this constitution, by such roll-call.

ARTICLE XVII

EXISTING AGREEMENTS

Section 1. The agreement for the merger of the American Federation of Labor and the Congress of Industrial Organizations, as approved by the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations and the conventions of both federations is incorporated herein and made a part of this constitution.

Sec. 2. The AFL-CIO No-Raiding Agreement shall be preserved and, with the consent of the signatories, shall be extended for a period of two years from its present expiration date and amended to make it effective as between all unions signatory to it irrespective of their former affiliation. The CIO Organizational Disputes Agreement shall be maintained in force for its term as between the unions which have adhered to it. The AFL Internal Disputes Plan shall be maintained in force for its term with respect to the unions which have adhered to it. A Joint Committee shall be established by the Executive Council to formulate the means for incorporating these three agreements into a combined no-raiding and organizational and jurisdictional disputes agreement which can be effective as between all of the unions becoming signatory to it irrespective of their former affiliation and for the

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purpose of extending, by voluntary agreement, such provisions to all affiliates of this Federation.

ARTICLE XVIII

INITIAL CONVENTION

Section 1. The provisions of this constitution shall govern the initial convention of the Federation except as otherwise provided in this Article.

Sec. 2. The initial convention shall be called, and the time and place determined, by the Joint AFL-CIO Unity Committee, subject to the approval of the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations, and the conventions of the two federations.

Sec. 3. The Joint AFL-CIO Unity Committee shall act as the credentials committee for the initial convention and shall be empowered to accredit as delegates to such convention all of the delegates who have been duly accredited to the conventions of the American Federation of Labor and the Congress of Industrial Organizations which approved this constitution. Where the total number of such delegates of any affiliated organization is less than the number of delegates to which such organization is entitled under Article IV, Section 4, the Joint AFL-CIO Unity Committee shall be empowered to accredit additional delegates from such organization up to such number.

Sec. 4. Delegations representing national and international unions, organizing committees and di-

rectly affiliated local unions shall each be entitled to a total number of votes based upon the membership represented by such delegation at the conventions of the American Federation of Labor and the Congress of Industrial Organizations approving this constitution. State and local central bodies and national departments shall each be represented by one delegate and shall each be entitled to one vote.

Sec. 5. The Joint AFL-CIO Unity Committee shall report to the convention, designate temporary officers for the convention, appoint all convention committees, and take such other action with respect to the conduct of the convention as may become necessary by virtue of the fact that it is an initial convention.

ARTICLE XIX

EFFECTIVE DATE

This constitution and the Merger Agreement between the American Federation of Labor and the Congress of Industrial Organizations shall become effective upon approval by the separate conventions of the American Federation of Labor and the Congress of Industrial Organizations and shall govern the affairs of the Federation beginning with the first convention of the Federation.

ARTICLE XX

SETTLEMENT OF INTERNAL DISPUTES

Section 1. The principles set forth in this Article shall be applicable to all affiliates of this Federation,

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and to their local unions and other subordinate bodies.

Sec. 2. Each affiliate shall respect the established collective bargaining relationship of every other affiliate. No affiliate shall organize or attempt to represent employes as to whom an established collective bargaining relationship exists with any other affiliate. For purposes of this Article, the term, "established collective bargaining relationship" means any situation in which an affiliate, or any local or other subordinate body thereof, has either (a) been recognized by the employer (including any governmental agency) as the collective bargaining representative for the employes involved for a period of one year or more, or (b) been certified by the National Labor Relations Board or other federal or state agency as the collective bargaining representative for the employes.

Sec. 3. Each affiliate shall respect the established work relationship of every other affiliate. For purposes of this Article, an "established work relationship" shall be deemed to exist as to any work of the kind which the members of an organization have customarily performed at a particular plant or work site, whether their employer is the plant operator, a contractor, or other employer. No affiliate shall by agreement or collusion with any employer or by the exercise of economic pressure seek to obtain work for its members as to which an established work relationship exists with any other affiliate, except with the consent of such affiliate. This section shall not be applicable to work in the railroad industry.

Sec. 4. In the event that any affiliate believes that such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality or to the constitutional objectives of the AFL-CIO or injurious to accepted trade union work standards to enforce the principles which would apply in the absence of such circumstances, such organization shall nevertheless observe such principles unless and until its claim is upheld in the manner prescribed in Section 17 of this Article.

Sec. 5. No affiliate shall, in connection with any organizational campaign, circulate or cause to be circulated any charge or report which is designed to bring or has the effect of bringing another affiliate into public disrepute or of otherwise adversely affecting the reputation of such affiliate or the Federation.

Sec. 6. Dispute settlements and determinations under this Article shall not determine the general work or trade jurisdiction of any affiliate but shall be limited to the settlement or determination of the specific dispute on the basis of the facts and considerations involved in that dispute.

Sec. 7. The President shall establish procedural rules for the handling of complaints under this Article so that all affiliates involved in or affected by a dispute will have notice thereof, will have an opportunity for the voluntary settlement of the dispute, and, in the event of a failure to reach a voluntary settlement, will have a full and fair hearing

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before an Impartial Umpire. The rules shall be such as to insure a speedy and early disposition of all complaints arising under this Article.

Sec. 8. The President shall establish a panel of mediators composed of persons from within the labor movement. The members shall serve at the pleasure of the President. Any affiliate which claims that another affiliate has violated this Article may, by its principal officer, file a complaint with the President. Upon receipt of such complaint the President shall designate a mediator or mediators, selected by him from the mediation panel, and direct that all affiliates involved or affected meet with such mediator or mediators in an effort to effect a settlement.

Sec. 9. A panel of Impartial Umpires composed of prominent and respected persons shall be established. The members of the panel shall be selected by the President with the approval of the Executive Council. If voluntary settlement of a dispute is not reached within fourteen days after the appointment of a mediator or mediators, a hearing shall be held before an Impartial Umpire selected from such panel. Impartial Umpires shall be assigned on a rotating basis, subject to their availability to conduct hearings. The terms of employment of the members of the panel shall be established by the President, with the approval of the Executive Council.

Sec. 10. The Impartial Umpire shall make a determination, after hearing, based upon the principles set forth in this Article. He shall make such deter-

mination within a time specified by the President, unless an extension of time is agreed to by the parties. The President shall transmit copies of the determination to all affiliates involved. He shall, at the same time, request any affiliate which the Impartial Umpire has found to be in violation of this Article to inform him as to what steps it intends to take to comply with such determination. Any response received, or the fact that no response has been received within a time fixed by the President, shall be communicated to the other parties to the dispute.

Sec. 11. The President may extend any time limit if, in his judgment, such extension will more readily effectuate an early settlement or determination of a dispute. Whenever, in the judgment of the President, pressing reasons require an accelerated settlement or determination, he may shorten or eliminate the mediation process or refer the dispute directly to an Impartial Umpire.

Sec. 12. If no appeal is filed from a determination of the Umpire within five days as provided below the determination shall automatically go into full force and effect. Any affiliate which is adversely affected by a determination of the Umpire, and which contends that the determination is not compatible with this Constitution, or not supported by facts, or is otherwise arbitrary or capricious, may file an appeal with the President within five days after it receives the Umpire's determination. Any such appeal shall be referred by the President to a subcommittee of the Executive Council.

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Sec. 13. The subcommittee of the Executive Council may disallow the appeal, in which event the determination of the Umpire shall be final, and subject to no further appeal and shall go into full force and effect; or the subcommittee may refer the appeal to the Executive Council, in which event the determination of the Umpire shall be automatically stayed pending disposition of the appeal by the Executive Council. The determination of the Umpire shall be sustained unless it is set aside or altered by vote of a majority of all of the members of the Executive Council. The decision of the Executive Council where an appeal is granted shall be final, and shall be effective as of the date therein specified.

Sec. 14. Any affected affiliate may file a complaint with the President that another affiliate has not complied with an effective determination of the Impartial Umpire or of the Executive Council on appeal. Upon receipt of such a complaint the President shall immediately convene a meeting of the subcommittee of the Executive Council referred to above. If non-compliance with the determination is found at such meeting, notice of such non-compliance shall be issued by the President to each affiliated national or international union and department.

Sec. 15. Immediately upon the issuance of such notification, the following shall apply:

(1) The non-complying affiliate shall not be entitled to file any complaint or appear in a complaining capacity in any proceeding under this

Article until such non-compliance is remedied or excused as provided in Section 16;

(2) The Federation shall, upon request, supply every appropriate assistance and aid to any organization resisting the action determined to be in violation of this Article;

(3) The Federation shall appropriately publicize the fact that the affiliate is not in compliance with the Constitution;

(4) No affiliate shall support or render assistance to the action determined to be in violation of this Article.

In addition, the Executive Council is authorized, in its discretion, to:

(1) Deny to such an affiliate the use of any or all of the services or facilities of the Federation;

(2) Deny to such an affiliate any protection under any of the provisions or policy determinations of the Federation;

(3) Apply any other authority vested in the Executive Council under this Constitution.

Sec. 16. Any affiliate which has been found to be in non-compliance and which has been deprived of its rights under this Article may apply for restoration of such rights. Notice of such application shall be given to all of the affiliates involved in the determination or determinations as to which there is non-compliance. If such affiliates consent, the President shall be authorized to restore the rights of the non-complying affiliate after it states its intention in writing to comply thenceforth with the provisions of this Article. If any affiliate involved in the cases

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of non-compliance opposes the application, the rights of the non-complying affiliate shall be restored only under the following conditions:

(a) The non-complying affiliate states its intention, in writing, to comply thenceforth with the provisions of this Article;

(b) The non-complying affiliate has undertaken whatever measures may be necessary and practicable to remedy the situation;

(c) The application for restoration of rights is approved by two-thirds vote of the Executive Council, or by a majority vote of the convention.

Sec. 17. Any affiliate which claims justification under Section 4, for action, which would, in the absence of such justification violate the provisions of this Article, shall process its claim, prior to taking action, under the provisions of this Section. Such claim shall set forth the basis upon which the claim is made and the action which the affiliate proposes to take. The claim shall thereafter be processed as provided in this Article except that the determination as to whether the facts justify the proposed action shall not be made by the Impartial Umpire. The Impartial Umpire shall determine whether the proposed action would violate the provisions of this Article in the absence of justification, shall find the facts with respect to the claim of the justification, and submit a report to the Executive Council. The Executive Council shall determine on the report of the Impartial Umpire whether the proposed action would violate the provisions of this Article in the

absence of justification; and, if it concludes by majority vote that the proposed action would so violate it shall find such justification only by a vote of two-thirds of the membership of the Council.

Sec. 18. The President shall be authorized to delegate to such person or persons as he may designate any of his powers or functions under this Article except the authority granted by Sections 12, 14, and 16.

Sec. 19. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between all of the affiliates involved in or affected by the dispute, the provisions of such agreement shall be complied with prior to the invocation of the procedures provided in this Article. If such agreement provides for final and binding arbitration, and an affiliate party to such agreement claims that another such affiliate has not complied with a decision under that agreement, it may file a complaint under the provisions of Section 14 of this Article and the procedures provided in this Article in the case of non-compliance shall be applicable. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between affiliates but involves or affects an affiliate not a party to such an agreement, the affiliate not a party to such agreement may invoke the procedures provided in this Article for the settlement and determination of such dispute.

Sec. 20. The provisions of this Article with re-

spect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached hereunder.

Sec. 21. The provisions of this Article shall take effect on January 1, 1962. Upon such effective date, the provisions of Article III, Section 4, of this Constitution, except the first sentence thereof, shall be of no further force and effect. However any dispute which has become subject to a formal complaint under such provision prior to January 1, 1962, shall be disposed of under the procedures and principles theretofore applicable and not under the procedures or principles set forth in this Article, except that any recommendation of the Impartial Umpire issued subsequent to January 1, 1962, shall be subject to the provisions of Sections 14 through 16 of this Article.

Sec. 22. Notwithstanding any other provision of this Constitution this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a show of hands, or, if a roll call is properly demanded as provided in this Constitution, by such roll call.

AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Signed February 9, 1955

1. AGREEMENT TO MERGE

The American Federation of Labor and the Congress of Industrial Organizations agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union. They further agree upon the following principles and procedures to accomplish this end.

2. PRINCIPLES OF MERGER

(a) It is recognized, as a fundamental basis for the merger of the AFL and CIO, that each national and international union, federal labor union, local industrial union and organizing committee (hereinafter referred to as affiliated union) holding a charter or certificate of affiliation granted by either federation shall retain its charter or certificate and become, by virtue of the merger, an affiliate of the merged federation.

(b) It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved. In order to effectuate this principle, the Constitution of the merged federation shall contain a constitutional declaration for respect by each affiliate of the established bargaining relationship of every other affiliate and against raiding by any affiliate of the

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established collective bargaining relationship of any other affiliate. The merged federation shall provide appropriate machinery to implement this constitutional declaration.

(c) The parties further agree that, subject to the foregoing, each affiliated union shall have the same organizing jurisdiction in the merged federation as it had in its respective prior organization.

(d) The parties recognize that the above provisions may result in conflicting and duplicating organizations and jurisdictions. Where such is the case, affiliates of the merged federation will be encouraged to eliminate conflicts and duplications through the process of agreement, merger, or other means, by voluntary agreement in consultation with the appropriate officials of the merged federation.

(e) The merged federation shall be based upon a constitutional recognition that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization.

(f) The merged federation shall constitutionally recognize the right of all workers, without regard to race, creed, color or national origin to share in the full benefits of trade union organization in the merged federation. The merged federation shall establish appropriate internal machinery to bring about, at the earliest possible date, the effective implementation of this principle of non-discrimination.

(g) The merged federation shall constitutionally affirm its determination to protect the American trade union movement from any and all corrupt

influence and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and of free and democratic trade unionism.

The merged federation shall establish appropriate internal machinery with authority effectively to implement this constitutional determination to keep the merged federation free from any taint of corruption or communism.

3. GOVERNMENT AND STRUCTURE OF THE MERGED FEDERATION

(a) There shall be established within the merged federation a Department to be known as the Council of Industrial Organizations. Such Department shall have the status of, and, in general, be comparable to, the existing Departments of the American Federation of Labor, which Departments shall be continued within the merged federation. This Department shall be open to all industrial unions within the merged federation. All other Departments in the merged federation shall be open to all appropriate unions.

(b) The executive officers of the merged federation shall be a President and a Secretary-Treasurer, who shall be elected at the regular conventions of the merged federation. Initially, the President and Secretary-Treasurer shall be elected from the unions now affiliated with the American Federation of Labor.

(c) The Department of Organization of the merged federation shall be headed by a Director

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of Organization who shall be appointed by the President, after consultation with the Executive Committee, subject to the approval of the Executive Council.

Initially, the Director of Organization shall be selected from a union now affiliated with the Congress of Industrial Organizations. The Department of Organization shall be provided the staff and resources necessary to conduct organizational activities in cooperation with the various affiliated unions, in the common effort to organize the unorganized into collective bargaining units which experience has shown to be the most effective and appropriate for the protection of such workers.

(d) The Convention of the merged federation shall be its supreme governing body. The convention shall meet regularly every two years. The delegates of affiliated unions to such convention shall vote the per capita membership of the unions which they represent. State and local central bodies shall be entitled to one vote each at conventions.

(e) In addition to the officers set forth in paragraph (b), there shall be twenty-seven Vice Presidents, to be elected at the regular conventions of the merged federation. The Vice Presidents shall, with the executive officers, constitute the Executive Council. The Executive Council shall meet not less than three times each year. It shall be authorized and empowered to take such action and render such decisions as will be necessary to carry out fully and adequately the decisions and instructions of the conventions and between conventions shall have the power to direct the affairs of the federation and to

take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose. At the first convention of the merged federation, seventeen of the Vice Presidents shall be elected from unions now affiliated with the American Federation of Labor and ten shall be elected from unions now affiliated with the Congress of Industrial Organizations.

(f) There shall be an Executive Committee which shall consist of the Executive Officers and six of the Vice Presidents to be selected by the Executive Council. The Executive Committee shall meet bi-monthly and shall advise and consult with the executive officers on policy matters. Initially, three of the Vice Presidents constituting the Executive Committee shall be selected from unions now affiliated with the AFL and three of the Vice Presidents shall be selected from unions now affiliated with the CIO.

(g) There shall be a body known as the General Board which shall consist of the members of the Executive Council and the President or other principal officer of each of the national or international unions affiliated with the merged federation. The General Board shall meet at least once each year and shall decide all policy questions referred to it by the executive officers, and the Executive Council. The rules of the convention as to voting shall govern the General Board.

(h) The constitution of the merged federation

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shall provide for standing committees of the federation in appropriate fields of action. These committees shall have appropriate staffs and due recognition shall be given to unions now affiliated with the AFL and the CIO in determining the chairmanships of, and in staffing, such committees.

(i) The constitution shall provide for state and local central bodies of the merged federation. In addition, the constitution shall permit the Council of Industrial Organizations to maintain subordinate councils, as now provided for departments of the American Federation of Labor. Existing state and local bodies of the AFL and CIO shall be merged as provided for in paragraph 6(g) of this Agreement.

4. FINANCES

(a) The merged federation shall succeed to all the assets of the American Federation of Labor and shall assume all of its liabilities and contractual obligations. The merged federation shall succeed to that part of the net assets of the Congress of Industrial Organizations which bears the same relationship to the membership of the Congress of Industrial Organizations (as measured by per capita tax paid as of the date of the 1954 Congress of Industrial Organizations Convention) as the net assets of the American Federation of Labor as of the date of merger bear to the membership of the American Federation of Labor (similarly measured as of the date of the 1954 American Federation of Labor Convention). The Council of Industrial Organizations be established within the merged federation shall succeed to the balance of the assets of the Congress of Industrial Organizations, after all of its liabilities, both accrued and potential, have been provided for. The term assets shall include real estate held in trust for the respective federations.

(b) The per capita tax payable to the merged federation by national, international unions and organizing committees shall be 4 cents per member per month. The per capita tax of federal labor unions and local industrial unions shall be not less than 80 cents per member per month. The Council of Industrial Organizations, acting as a department of the merged federation, shall establish its own per capita tax, as shall all other departments of the merged federation.

5. EXISTING AGREEMENTS

The AFL-CIO No-Raiding Agreement shall be preserved and, with the consent of the signatories, shall be extended for a period of two years from its present expiration date and amended to make it effective as between all unions signatory to it irrespective of their former affiliation.

The CIO Organizational Disputes Agreement shall be maintained in force as between the unions which have adhered to it. The AFL Internal Disputes Plan shall be maintained in force with respect to the unions which have adhered to it. A Joint Committee shall be established to formulate the means for incorporating these three agreements

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into a combined no-raiding [illegible] organizational and jurisdictional disputes agreement which can be effective as between all of the unions becoming signatory to it irrespective of their former affiliation and for the purpose of extending, by voluntary agreement, such provisions to all affiliates of the merged federation.

6. METHODS OF MERGER

The merger shall be effected by the following procedure:

(a) This agreement shall be submitted for approval to the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations.

(b) Upon approval by them, a proposed constitution for the merged federation, reflecting the provisions of the merger agreement and containing such other necessary and appropriate provisions as may be agreed to, shall be drafted by the Joint AFL-CIO Unity Committee. The proposed constitution of the merged federation shall, consistent with the merger agreement, preserve the essential features of the present AFL and CIO constitutions and the basic rights and obligations of the affiliates of both federations.

(c) The proposed Constitution shall be submitted for approval to the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations.

(d) Upo[illegible]pproval by them, this Agreement and the proposed Constitution, and such other agreements as are necessary to accomplish the merger shall be submitted to separate conventions of the American Federation of Labor and the Congress of Industrial Organizations.

(e) Upon approval by the separate conventions of the two federations of the Merger Agreement and the proposed Constitution of the merged federation, a joint convention shall be held. Such joint convention shall constitute the first regular biennial convention of the merged federation.

(f) Initially, the headquarters and field staff of the AFL and the CIO shall be retained as the staff of the merged federation. A special committee shall be established of the present executive officers of the AFL and the CIO which shall, in conjunction with the executive officers of the merged federation, make just, fair and equitable provision for the integration of the staffs of the AFL and the CIO into a single staff for the merged federation.

(g) Merger of existing state and local central bodies of the AFL and CIO shall be accomplished within two years after the date of the merger of the two national federations by the process of negotiation and agreement under the guidance of the officers of the merged federation. Pending the conclusion of such agreements state and local central bodies of both of the AFL and CIO shall be permitted to continue to exist as state and local central bodies representing the respective local unions now affiliated to such central bodies.

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ATTACHMENT 3

Action by the AFL-CIO Executive Council
July 19, 1972

Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.

Those circumstances call, rather, for the maximum concentration of effort upon the election of Senators and Representatives whose records commend them to the working people of America.

Affiliates are, of course, free to endorse and support any candidate of their choice.

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ATTACHMENT 4

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

GEORGE MEANY, PRESIDENT
LANE KIRKLAND, SECRETARY-TREASURER

JOSEPH CURRAN
ALEXANDER FLEMING
JOSEPH D. KEENAN
JACOB S. POTOFSKY
JOSEPH A. BEIRNE
RICHARD F. WALSH
LEE W. MINTON
WILLIAM H. BOLLOCK
HARRY F. POLLER
PAUL HALL
A. F. WHITNEY
MATTHEW F. WHARTON
PAUL JENNINGS
PETER FORNARIOTO
MAX GREENBERG
JOHN F. SHERMAN
MATTHEW GUINAN
R. L. BERRIER
JOHN F. DONNER
PETER FORD
THOMAS W. GLEASON
LEONARD SIMKIN
FREDERICK O'NEAL
FLOYD E. SMITH
ALEXANDER J. ROHAN
JERRY WURF
S. FRANK RAFFERTY
AL H. CHESSER
JAMES T. HOUSEWRIGHT
GEORGE HARDY
MARTIN J. WARD
WILLIAM SIDELL

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 637-5000

July 21, 1972

To All State and Local Central Bodies:

Dear Sirs and Brothers:

At its July 19 meeting, the AFL-CIO Executive Council adopted the following policy with regard to the forthcoming national election:

> "Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.
>
> "Those circumstances call, rather, for the maximum concentration of effort upon the election of Senators and Representatives whose records commend them to the working people of America.
>
> "Affiliates are, of course, free to endorse and support any candidate of their choice."

The term "affiliates" in this policy statement refers only to national and international unions. Your attention is called to Rule 4 of Rules Governing Local Central Bodies which states that as a chartered organization of the AFL-CIO they shall conform their activities on national affairs to the policies of the AFL-CIO. Rule 4 of Rules Governing State Central Bodies provides that policies are not to be inconsistent with the objects or policies of the AFL-CIO.

Fraternally yours,

George Meany

President

opeiu#2
aflcio

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ATTACHMENT 5

Waterbury, Conn.

Westchester County, N.Y.

Western Md., Md.

Whatcom County, Wash.

Worcester, Mass.

Yakima & East Klickitat Counties, Wash.

York-Adams County, Pa.

Directly Affiliated Local Unions

No. 19806, Milwaukee, Wis.	4,572
No. 23578, Watertown, Mass.	134
No. 24111, Milwaukee, Wis.	23

Voting "No" Were:

Typographical Union	81,329

PRESIDENT MEANY: The Chair recognizes Chairman Burke of the Committee on Appeals.

REPORT OF THE APPEALS COMMITTEE

Appeal of the Colorado Labor Council, AFL-CIO, its President and Secretary-Treasurer

COMMITTEE CHAIRMAN BURKE: Mr. President, fellow delegates: This will be the report of the Committee on Appeals, consisting of John E. Mara, Boot and Shoe Workers', who is our Secretary; Hal C. Davis, American Federation of Musicians; Francis Filbey, American Postal Workers Union; and William A. Gillen, Insurance Workers International Union, who are members of the Committee.

This is a report in reference to the appeal of the Colorado Labor Council, AFL-CIO, and its President and Secretary-Treasurer.

Our Committee met on October 17 initially and has held a couple meetings since. We have reached a decision and we are prepared to present to this convention for your consideration our report on the appeal before us. (Text of the report follows. Appendixes to the report start on Page 213).

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Report of the Appeals Committee

In Re: Appeal of the Colorado Labor Council, AFL-CIO, and its President and Secretary-Treasurer

Pursuant to Article XIII Section 3 of the AFL-CIO Constitution, the Colorado Labor Council, AFL-CIO, under date of March 6, 1973, notified the Secretary-Treasurer of the AFL-CIO of its appeal to the AFL-CIO Convention from the AFL-CIO Executive Council's decision, dated March 2, 1973, affirming the disciplinary action taken against the Colorado Council and its officers, by the President of the AFL-CIO. Pursuant to Article IV Sections 9 and 10 of the AFL-CIO Constitution, this appeal was referred to the Appeals Committee of the Convention.

Upon due notice to the Colorado Council and its officers, the Appeals Committee held a hearing on October 17, 1973. At that hearing the Executive Council submitted to the Committee the documents set out in Appendices 1, 2, 4 attached to this report.

The representative of the Colorado Council and its suspended officers was given a full opportunity to present such material and argument in support of their appeal as he deemed appropriate. The documents he submitted are attached hereto in Appendices No. 3, 5, 6, 7.

This unanimous report is submitted by the Appeals Committee to the Convention of the AFL-CIO on the basis of all of the evidence presented to it and the arguments made before it.

The Issue

On September 19, 1972, AFL-CIO President George Meany, issued a decision and order: suspending the charter of the Colorado Labor Council, AFL-CIO; suspending from office its President, Herrick S. Roth, its Secretary-Treasurer, A. Toffoli, and all members of its Executive Board; and appointing Daniel J. Healy as trustee to take charge of and conduct the business of that Council during the period of suspension. The Colorado Council and Mr. Roth and Mr. Toffoli, took a timely appeal to the AFL-CIO Executive Council. As already noted, the Executive Council affirmed President Meany's decision and order, and, a timely appeal was thereupon taken to this Convention. The issue before the Appeals Committee and this Convention is, therefore, whether the discipline imposed is in accord with the AFL-CIO Constitution.

The Facts

The relevant facts are undisputed. They are stated in chronological order.

On July 19, 1972, the AFL-CIO Executive Council adopted the following statement:

> "Under the circumstances, the AFL-CIO will refrain from endorsing either candidate for the office of President of the United States.
>
> "Those circumstances call, rather for the maximum concentration of effort upon the election of Senators and Representatives whose records commend them to the working people of America.
>
> "Affiliates are, of course, free to endorse and support any candidate of their choice."

In a letter dated July 21, 1972, AFL-CIO President Meany advised all of the Federation's state and local central bodies, including the Colorado Labor Council, of the Executive Council's action. This letter set forth the text of the Executive Council's statement; explained that the "term 'affiliates' in this policy statement refers only to national and international unions," and noted that state and local central bodies are required to "conform their activities on national affairs to the policies of the AFL-CIO."

In the August 1972 issue of "Labor Language," the official publication of the Colorado Council, Herrick Roth, the then president of that Council, urged the Council's Committee on Political Education (COPE) to endorse Senator George McGovern for President of the United States.

On August 7, 1972, the Executive Board of the Colorado Council, and that Council's COPE, adopted a resolution endorsing Senator McGovern for President. At its August 7, 1972 meeting, Colorado COPE also adopted a motion that its endorsement resolution be submitted to AFL-CIO President Meany for a ruling as to its legality under Rule 4 of the Rules Governing AFL-CIO State Central Bodies.

On August 8, 1972, AFL-CIO President Meany sent the following telegram to the Colorado Council, and to Mr. Roth and Mr. Toffoli:

> "It is reported in the press that the Colorado Labor Council, AFL-CIO, Committee on Political Education has endorsed the candidacy of George McGovern. * * *
>
> "If the press reports of the action of the Colorado Labor Council, AFL-CIO, Committee on Political Education are correct, the Council is in violation of the AFL-CIO Constitution and Rules Governing State Central Bodies and

you are hereby directed to take immediate steps to rescind that action and to so advise this office."

Also on August 8, 1972, Mr. Roth wrote AFL-CIO President Meany enclosing a copy: of the August 7 endorsement resolution; of the motion submitting the resolution to the President of the AFL-CIO for his ruling; and of a "Digest" of the Colorado Council Executive Board and COPE meetings.

On August 14, 1972, the President of the AFL-CIO sent the following telegram to Mr. Roth:

> "I have received your two letters of August 8, 1972, together with the enclosures. Your letters and enclosure make it clear that the Colorado Labor Council, AFL-CIO, is in violation of the AFL-CIO Constitution and Rules Governing State Central Bodies. The Council is again accordingly hereby directed immediately to rescind its resolution endorsing the McGovern ticket. Unless this action is taken by Monday, August 21, I shall have no alternative to instituting disciplinary proceedings against the Council and its officers under the AFL-CIO Constitution and Rules Governing State Central Bodies."

On August 17, 1972, the Executive Board of the Colorado Council rejected the directive to rescind its endorsement of Senator McGovern, and reaffirmed that endorsement.

On August 21, 1972, AFL-CIO President Meany issued a Notice of Hearing, under Article XIII of the AFL-CIO Constitution and Rule 25 of the Rules Governing AFL-CIO State Central Bodies, to the Colorado Council and its then president and secretary-treaurer, advising that a hearing would be held to determine whether the following charges were well founded: that the Council and its officers violated Rule 4 of the Rules Governing AFL-CIO State Central Bodies, and "engag[ed] in a course of conduct which is detrimental to the best interests of the AFL-CIO," in that, despite the AFL-CIO Executive Council statement of July 19, 1972 and President Meany's communications of July 21, August 8, and August 14, 1972, the Council and Colorado COPE, at the active insistence of Mr. Roth and Mr. Toffoli, had endorsed a candidate for President of the United States, and refused to rescind that endorsement. The notice designated Paul Hall, President, Seafarers International Union of North America, AFL-CIO; John W. Schmitt, President, Wisconsin State AFL-CIO; and Victor Bussie, President, Louisiana AFL-CIO; as Hearing Officers.

The hearing was held in Denver on August 30, 1972. Seafarers' President Hall acted as chairman. The documents on which the Notice of Hearing were based were introduced into the record by the Chairman. Mr. Roth and Mr. Toffoli testified,

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introduced documents, and stated their views (which were supplemented by the statements of as many of the members of the Council's Executive Board as chose to speak).

The Hearing Officers issued their report on September 15, 1972. In essence, that report found the facts as stated above and concluded that the course of conduct followed by the Colorado Council and its then officers did violate Rule 4 of the Rules Governing AFL-CIO State Central Bodies and was "detrimental to the best interests of the AFL-CIO."

On September 19, 1972 AFL-CIO President Meany issued his decision and order in which he "approve[d] of, accept[ed] and adopt[ed] the report of the hearing officers;" concluded that the Colorado Council and Mr. Roth and Mr. Toffoli had committed the violations charged; and, under Rule 25 of the Rules Governing AFL-CIO State Central Bodies, decreed the suspension of the Council's charter and of its officers, and the appointment of a trustee. The September 19, 1972 decision and order concluded by noting that Rule 25 provided: first, that the Colorado Council had a right to appeal to the AFL-CIO Executive Council; and, second, that the decision would "remain in full force and effect unless or until reversed or changed upon appeal."

On thereafter, the duly appointed trustee, Daniel J. Healy, continuously attempted to carry into effect the order imposing the trusteeship. Mr. Roth refused to comply.

Without availing itself of its right to appeal to the AFL-CIO Executive Council, on September 25, 1972, the Colorado Council filed suit in the United States District Court for the District of Colorado to enjoin effectuation of AFL-CIO President Meany's decision and order. That suit, after first yielding a preliminary injunction in favor of the Colorado Council, resulted in a decision and order by the United States Court of Appeals for the Tenth Circuit dismissing the Council's complaint on the ground that the federal courts did not have jurisdiction to grant the Council the relief it sought.

On October 13, 1972, the Colorado Council, and Mr. Roth and Mr. Toffoli, filed their appeal to the AFL-CIO Executive Council. That appeal was heard on February 22, 1973, at the Executive Council's next regular meeting. The Executive Council considered the documents submitted by AFL-CIO President Meany, and the documents, statements, and arguments presented by the Colorado Council's former President Roth and former Secretary-Treasurer Toffoli.

On March 2, 1973, the Executive Council issued its unanimous decision affirming AFL-CIO President Meany's decision and order. In that decision the Council stated that

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President Meany's interpretation of the Council's July 19, 1972 statement "was in fact the interpretation that had been intended by this Council."

On July 5, 1973, Trustee Healy resumed his attempt to institute the trusteeship of the Colorado Council. Mr. Roth again refused to accept the mandate of the President of the AFL-CIO as affirmed by the AFL-CIO Executive Council and actively sought to frustrate the effectuation of that trusteeship.

The Appeals Committee's Conclusions

The conclusions which follow from the foregoing facts are as compelling and indisputable as the facts themselves. These conclusions are:

First, that State Central Bodies are required to conform their activities on national affairs to the policies of the AFL-CIO.

Second, that the AFL-CIO Executive Council's statement of July 19, 1972, and the explanatory covering letter which accompanied that statement when it was circulated to AFL-CIO State and Local Central Bodies on July 21, 1972, made it perfectly plain that the policy of the AFL-CIO on the 1972 election for President of the United States was to "refrain from endorsing either candidate for [that] office."

And third, that the discipline imposed on the Colorado Council and its former officers for their willful and deliberate refusal to abide by AFL-CIO policy was a proper and appropiate remedy for the wrong committed, both at the time it was imposed, and at the present time.

We discuss each of these conclusions in turn.

First, Article XIII of the AFL-CIO Constitution provides for the establishment of "central bodies subordinate to the Federation * * * upon a city, state or other regional basis." That article further provides that the AFL-CIO Executive Council "shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers." The Executive Council has fulfilled that mandate. The Rules Governing AFL-CIO State Central Bodies it has issued regulate their affairs in great detail. And Rule 4 of those Rules provides:

> "State central bodies, as chartered organizations of the AFL-CIO, shall conform their activities on national af-

fairs to be policies of the AFL-CIO. The functions and responsibilities of state central bodies within their respective states shall be:

"(a) To assist in furthering the appropriate objects and policies of the AFL-CIO, or of organizations affiliated with the AFL-CIO, (provided such objects or policies are not inconsistent with the objects or policies of the AFL-CIO; * * *"

This rule articulates the basic premise of Article XIII of the AFLCIO Constitution—that state and city central bodies are an integral part of the Federation itself and as such are subject to direct and continuing control, by the AFL-CIO Executive Council and President, between conventions, and, as a matter of final resort, by this Convention. This, of course, is in direct contrast to the relationship between the Federation and the national and international unions which are affiliated with it, each of whom are guaranteed their internal autonomy by Article II Section 11 of the AFL-CIO Constitution.

The language of Rule 4 sets out the obligation of AFL-CIO state and local central bodies to follow the Federation's policies on "national affairs" in language too plain to be misunderstood. It is equally clear that the Federation's policy position on the endorsement, if any, of a candidate for President of the United States is a "national affairs" matter. Indeed, Article VIII Section 4(d) of the Bylaws and Rules of Colorado's COPE (which follows the language of the model bylaws for state and local COPEs issued by National COPE) states:

"4. Endorsements, if any, shall be made pursuant to the following rules:

* * * *

"(d) Endorsement of candidates for President and Vice-President shall be made by the national AFL-CIO. The Colorado COPE shall follow the endorsement of the National AFL-CIO."

The national and international unions who created the AFL-CIO, and who sustain it, have the right to engage in political activity through the vehicle of the Federation and as provided in its Constitution and Rules. The right necessarily implies the power to determine the rules which govern when the AFL-CIO engages in political action. Above all, since the Federation must act through one or more spokesmen, that right necessarily entails the right to choose who that spokesman

will be. As we have seen, the choice which has been adopted by the AFL-CIO, is that the Federation itself and not a subordinate body has the sole authority to determine policy on endorsing candidates for President of the United States. Unless that rule is enforced, every AFL-CIO national and international unicn, and every one of their members, is injured, regardless of their short term interest in the subject of a particular case, which, in the present instance, happens to be whether the AFL-CIO should have endorsed any candidate for President of the United States in the 1972 election. If the decision of the AFL-CIO Executive Council, rendered pursuant to the Constitution and Rules of the AFL-CIO, may be nullified by the decisions of any subordinate group, or officers of a subordinate group, then the rights of all the Federation's affiliated national and international unions and their members to associate on a nationwide basis and to combine their total strength in the AFL-CIO is totally nullified.

The AFL-CIO rules in this regard do not work to still the voices of the officers of the Colorado Council or any other individual. In 1972 Mr. Roth and Mr. Toffoli, as individuals, or as officers or members of autonomous AFL-CIO national and international unions, were free to endorse any candidate for President of the United States they chose to support. They also had the right to join with other likeminded individuals, in or out of the trade union movement, for the same purpose. A number of AFL-CIO union members and officers took just those steps. No one has argued that they were not perfectly within their rights in doing so. Rule 4's sole effect is to restrict the actions of the officers of AFL-CIO state central bodies, insofar as they seek to make an unauthorized use of the name and property of a subordinate body of the AFL-CIO, and to misuse their offices by violating the limitation imposed upon them by the AFL-CIO Constitution and Rules.

Second, the Colorado Council and its former officers have insisted that the last sentence of the Executive Council's statement of July 19, 1972 ("Affiliates are, of course, free to endorse and support any candidate of their choice.") granted the Council the authority to endorse a candidate for President of the United States. However, in a letter dated July 21, 1972 AFL-CIO President Meany explained that the "term 'affiliates' in this policy statement refers only to national and international unions. And the Executive Council has squarely ruled that this interpretation "was in fact the interpretation that had been intended by this Council." Moreover, the Council has explained at length the considerations which demonstrate that this is the only fair reading of its July 19, 1972 statement. That discussion is contained in Appendix No. 4 (See pp 233-235) attached to this report. For the added convenience of the

delegates we set out the pertinent portion in the margin.[1] So far as the Appeals Committee is concerned that discussion says all that needs to be said on this matter.

---

[1]"The main argument advanced by Roth and Toffoli in justification of their course is that the AFL-CIO Executive Council statement said that 'affiliates' were free to endorse and that the Colorado Labor Council is an affiliate as that term is used in Article III of the AFL-CIO Constitution.

"However, the word 'affiliate' is employed, both in general usage and in the AFL-CIO Constitution, in various ways. It is sometimes used, as in Article XX for example, to mean only national and international unions, while in other places in the Constitution 'affiliates' may, depending on the context, mean all types of affiliates or only certain particular types. While state and local central bodies are certainly affiliates, as are trade and industrial departments and directly affiliated local unions, it does not automatically follow that when this Council used the term 'affiliates' it means to include each of these disparate types of organizations. In ordinary usage within the AFL-CIO, the term 'affiliate' is most usually understood to refer simply to autonomous national and international unions and not to the various types of subordinate bodies chartered by the AFL-CIO. We do not suppose that anyone would, for instance, have understood the Council statement as authorizing the various subordinate trade and industrial departments of the AFL-CIO to make their own endorsements for president, even though they are 'affiliates' of the AFL-CIO.

"Moreover, the phraseology of the July 19 statement that 'affiliates are, of course, free to endorse' indicated that only international unions were referred to, for those unions have always and 'of course' been free to endorse, whereas any grant of such authorization to AFL-CIO subordinate bodies would not have been 'of course' but a radical departure from past practice.

"If, however, the Executive Council statement of July 19 be regarded as ambiguous, the person empowered to resolve that ambiguity, at least in the first instance, was President Meany. Since he participated in the adoption of the Council statement, he would be presumed to know what the Council meant by the word 'affiliates,' and the interpretation he set forth in his letter to the state and local central bodies was in fact the interpretation that had been intended by this Council. Moreover, the AFL-CIO Constitution, Article IV, Section 2, explicity gives the President of the AFL-CIO authority to interpret the Constituion, subject to review by the Executive Council, and the President crtainly has the same authority to interpret AFL-CIO documents of lesser standing, such as Council statements. Finally, when this Council met on August 28 and 29, 1972, it let stand its statement of July 19, with the interpretation President Meany had placed upon it, although the Council had been petitioned by several state and local central bodies to permit those bodies to make endorsements for President in view of the policy of nutrality which had been adopted for the AFL-CIO. Certainly there was no room for doubt after that as to what this Council had meant by its July 19 statement.

"Moreover, any interpretation other than the one given the statement would not only conflict with past AFL-CIO practice but would be destructive of the political effectiveness of the organization.

* * *

"The model bylaw provisions [issued by National COPE] reflect the practice of many years standing, that endorsements in presidential races, if any, are made by the national AFL-CIO and in state and local races, by, respectively, the appropriate state and local central bodies.

We would be remiss, however, if we did not note that on the basis of the evidence before us we have concluded that the Colorado Council's defense in this regard is not made in good faith. The Council first sought AFL-CIO President Meany's ruling as to the legality of its endorsement and when that ruling was adverse to it, the Council disregarded that ruling. The Council's refusal to comply forced the initiation of disciplinary proceedings which resulted in the imposition of a trusteeship, and again since the ruling was adverse to it, the Council disregarded that ruling. The Colorado Council then appealed from the discipline imposed to the AFL-CIO Executive Council and when the Executive Council issued a decision affirming both Presdent Meany's interpretation of the July 19, 1972 statement and his trusteeship order, since the ruling was adverse to it, the Council disregarded that ruling. Moreover, the Colorado Council, before filing its appeal to the AFL-CIO Executive Council went to court in an effort to strip the Executive Council of the effective power to issue a binding ruling. Finally, even after the adverse rulings by AFL-CIO President Meany, by the AFL-CIO Executive Council, and by the courts, the Colorado Council and its former officers have continued to this day their obdurate refusal to comply with the orders which have been entered against them.

Third, Article XIII Section 3 of the AFL-CIO Constitution and Rule 25 of the Rules Governing AFL-CIO State Central Bodies specifically provide the sanction of "suspension * * * of such bodies or their officers" upon the finding of a violation of the Federation's Constitution and Rules. In its decision the Executive Council stated:

> "The political effectiveness of the AFL-CIO depends upon its speaking with one voice, and when its governing body determines that, because of lack of any consensus within the organization or for whatever other reason, the AFL-CIO shall remain neutral, that determination is binding on the AFL-CIO's subordinate state and local central bodies. Any other rule would be destructive of the AFL-CIO's political effectiveness."

This Committee agrees with that assessment. Moreover, as already stated, the Committee has come to the firm conclusion that the violation committed here was willful and deliberate. This being so there can be no doubt that the suspensions ordered were the appropriate remedy. The passage of time has done nothing to lessen the need for effectuation of these suspensions and imposition of a trusteeship. An organization

"Any ambiguity in the Council statement of July 19 was properly resolved in favor of the continuance of this established practice. Obviously, any intention to depart from it, and to override the model COPE bylaws, would have been spelled out in the statement."

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which fails to redress calculated attempts to nullify its basic norms invites, and deserves, future efforts directed to the same end. It quickly becomes an anarchy rather than an association bound by, and working under, the rule of law.

The foregoing concludes the body of the Committee's report. As a final word, however, we wish to bring to the Convention's attention the point that the Colorado Council and its former officers have violated not only Rule 4 of the Rules Governing AFL-CIO State Central Bodies, but Article XIII Section 3 of the AFL-CIO Constitution as well, which grants the right to "appeal to the Executive Council and to the Convention" provided "that decisions appealed from shall remain in full force and effect pending any appeal." There is a substantial argument that in light of the latter violation the suspension of the Colorado Council and its former officers should be affirmed by this Convention without considering the merits of the controversy concerning the legality of the political endorsement that was made. It is only because of the importance of that underlying issue that the Committee did not recommend affirmance on the ground that the Colorado Council and its former officers have forfeited their right to be heard by the Convention by refusing to comply with the orders that have been entered against them.

The Appeals Committee's Recommendations

On the basis of the foregoing the Appeals Committee recommends: that the Convention deny the appeal of the Colorado Labor Council, AFL-CIO, and its suspended officers; that the Convention affirm the decision and order of AFL-CIO President George Meany dated September 19, 1972 and the decision and order of the AFL-CIO Executive Council dated March 2, 1973; and that the Convention authorize the Federation's officers to take every step necessary and appropriate; first, to compel full compliance with those decisions and orders, and second, to establish a state central body in Colorado that conducts its affairs in full harmony and conformity with AFL-CIO policy.

Respectfully submitted,

Walter J. Burke, Secretary-Treasurer, United Steelworkers of America, Chairman; John E. Mara, President and Secretary-Treasurer, Boot and Shoe Workers' Union, Secretary; Hal C. Davis, President, American Federation of Musicians; Francis S. Filby, President, American Postal Workers Union; William A. Gillen, President, Insurance Workers International Union.

ATTACHMENT 6

TRANSCRIPT OF:

PRESIDENT LANE KIRKLAND'S PRESS CONFERENCE

TUESDAY, FEBRUARY 22, 1983

BAL HARBOUR, FLORIDA

KIRKLAND: The Executive Council today elected three new members: William Sweeter, president of the International Union of Electrical, Radio and Machine Workers, who replaces the late David Fitzmaurice; Marvin J. Boede, president of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, replacing the late Martin Ward; and Patrick J. Campbell, president of the United Brotherhood of Carpenters and Joiners of America, who will take his seat at the conclusion of this Council meeting with the retirement of William Konyha. Each of the three new members of the Council is from the same union as the Council member he replaces.

The Council today approved a statement on Social Security. It spent about an hour with Senator Alan Cranston; approved resolutions on Poland, South Africa, Suriname, the world Economic Summit meeting, and the Middle East; heard a report on the international labor developments from Irving Brown, who's the director of International Affairs for the AFL-CIO.

President Kirkland has no prepared statement. He's ready for any of your questions. Thank you.

KIRKLAND: I do have one comment I would like to make in connection with the Council statement on Poland. I would like to draw your attention to the case of one particular individual whose wife sent a cable to me, his name is Edmund Baluka. He has been in an isolation cell in Sczezyn, Poland, since the 7th of January. Mr. Baluka has refused to sign a loyalty oath or to request voluntary exile. According to the communication I received from his wife, Francoise, Mr. Baluka has been on a hunger strike since January 23rd. He is in very bad health, and, indeed, we don't really know whether he's still alive, nor do we know how many others are suffering similar treatment at the hands of the Jaruzelski regime. As we note in our statement, a regime capable of such behavior does not deserve to be underwritten and reinforced by the savings of American workers in the hands of American bankers.

Any questions?

REPORTER: Mr. Kirkland, Senator Cranston came up this morning, and one of the things he told us was he seems to be a little confused about this endorsement process as to what labor officials or members of the AFL-CIO affiliated unions, central bodies, state councils can and cannot do in view of the neutrality stance of the AFL-CIO until this endorsement can be sought. I understand you recently have reminded state federation leaders of this stance. What can you or the Political Works Committee do to give this clarification of these candidates?

KIRKLAND: I would point out, the state federations and city central bodies are subordinate bodies of the AFL-CIO and are, therefore, bound by all of the strictures and inhibitions that the AFL-CIO itself might be bound by. The international unions are autonomous and are not subordinate to the Federation. Any one who has the slightest experience and knowledge of the structure of the American trade union movement, I think, has a pretty good grasp of that.

We have an understanding and an agreement amongst the affiliates -- a voluntary understanding -- that they will refrain from premature endorsements of candidates until such time as we have an opportunity to meet together in an appropriate forum and consider collectively whether or not the national Federation and its subordinate bodies can be placed in a position to work actively on behalf of one of the candidates in the primaries. Clearly, the national and international unions are free to do that and have done that frequently in the past. I know of no primary campaign where trade unions have not been active, within my experience.

The question is whether we do it in unity or separately and in division and in conflict with each other. The desire of the leadership of the trade union movement is to do our best to pursue a procedure that will maximize the possibilities of our being united in this campaign with a sufficient degree of consensus to authorize the Federation to act and to mobilize its affiliates, its subordinate bodies -- the state feds and the city central bodies -- behind the cause of a candidate. That is going to be the procedure.

We have decided that we will schedule a meeting of our General Board in December where that question will be faced and the decision made.

REPORTER: Mr. Kirkland, I wonder if I could get a somewhat more detailed answer to a question that was asked yesterday and it's about the appearance of Raymond Donovan here. He's arriving this evening; he's working the edges of the crowd. I wonder if you could give me your opinion of this kind of activity by Donovan and of the AFL-CIO members who will be meeting with him? Could you tell us how you feel about Donovan's presence?

KIRKLAND: He is the Secretary of Labor. It's quite normal that people should meet with him, discuss problems that are under his purview. I have no problem with that. It's a free country. He is the guest of Vice-President Gleason, and I have no further comment about it.

REPORTER: But he said that when the economy turns around, blue-collar workers will come back to Ronald Reagan. And that's one of the reasons why he's here: To try to exploit that or try to explore that. Do you agree with that philosophy?

KIRKLAND: I presume one of his duties is to politic in behalf of the Administration that hired him. I don't see anything exceptional in that effort.

REPORTER: Mr. Kirkland, he's also going to meet with Bill Wynn, who is the head of one of your very largest affiliates, even though the Executive Council as a whole is not meeting with him. Don't you see a contradiction?

KIRKLAND: No, I do not.

REPORTER: You don't think that he's offering any kind of an olive branch? I mean, how can you understand what he's about if you don't -- how can you turn him around if you don't meet with him, if that's what you're trying to do? You're trying to get him to . . .

KIRKLAND: I'm not trying to do anything. He is down here as the guest of Vice-President Gleason, and I think that's right and proper, if that's the desire of Vice-President Gleason, and I'm sure he's quite welcome.

REPORTER: Mr. Kirkland, you used the term "right and proper" and "normal" in referring to Secretary Donovan's meeting with members of the Executive Council. Wouldn't those same terms apply to meeting with the Council, of being received by the Council with you as the president?

KIRKLAND: That would be, yes.

REPORTER: Well, then, why isn't it? Isn't it abnormal? Isn't it unusual? Isn't it discourteous or uncivil not to receive the Secretary of Labor?

KIRKLAND: No, it is not.

REPORTER: Last Friday, Speaker O'Neill and other members of the House leadership went on record supporting the inclusion of new federal employees in the Social Security system. And they gave assurances that if that were to happen, the long-term integrity of the Civil Service Retirement System would not be affected. Are you willing to accept those guarantees?

KIRKLAND: Our position -- the position that I stated as a member of the Commission on Social Security and the one that I testified on behalf of when I appeared before the House Ways and Means Committee not too long ago -- is to support the recommendations of the Commission with one exception, an exception and a reservation that I stated from

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ATTACHMENT J

day one of my service on that Commission. That had to do with mandatory coverage of federal employees as a part of a series of recommendations designed to address the financial problems of the Social Security system. I stated those reservations on two essential grounds.

One, I felt that it was unfortunate that the issue of whether or not federal employees ought to be covered in some fashion under Social Security should be addressed in the context of an effort to resolve the financial problems of the Social Security system. That kind of a context would not be one that would be most likely to inspire confidence amongst federal workers that their interests were really being given proper consideration, irrespective of the merits. It was my feeling that the issue should be addressed separately on its merits.

Secondly, I felt that it was unfair and unreasonable to expect federal employees to embrace a proposition that was so ill-defined -- to buy, as I said at the time, a pig in a poke. And at no time did the Commission spell out the details of the alternative system that would be provided for federal employees.

It was then, and is still, our view that they should not be expected to embrace coverage until they see the exact contents and the dimensions of the substitute supplemental program that would be put in place once new employees are covered by Old Age and Survivors Insurance.

That's still our position. It's our view that this question should be separated out, should not be a part of a consensus package that's enacted, and that the question should be dealt with separately and on its merits. Action should not be taken and support should not be expected of workers until the details of the program that's contemplated are made known. It seems to me that's very simple, reasonable and logical.

REPORTER: Mr. Kirkland, can you explain for us why, in your view, you think it's more appropriate for the nation's largest labor union to welcome the Secretary of State and not the Labor Secretary?

KIRKLAND: I invited the Secretary of State. We have had the Secretary of Labor here. We do not always invite the Secretary of Labor to every meeting of the Executive Council. It is not the past practice, and it will not be the future practice, irrespective of who is Secretary of Labor. He has no inherent right. He is not a member of the Executive Council. He is invited from time to time.

REPORTER: To follow up, if he comes knocking on your door in a figurative sense and says, "Look, we'll have a drink and talk it over," will you be willing to?

KIRKLAND: I will be perfectly happy to meet with the gentleman at any time that he wishes.

REPORTER: Mr. Kirkland, how would you compare the presentation made this morning by Senator Cranston with those speeches made to this organization earlier?

KIRKLAND: I draw no invidious comparisons. He made a very excellent presentation. I think he gave a fine account of himself, as did the other candidates who appeared before us thus far -- that's Senators Glenn and Hart, who met with the Council last August.

REPORTER: Senator Cranston's depicting himself as the Number Two choice of most of the members. Do you agree with that?

KIRKLAND: I wouldn't venture to make a judgment or advance an opinion on that. I don't know.

REPORTER: Mr. Kirkland, do you expect to invite Dale Bumpers, Reubin Askew or others to the meeting?

KIRKLAND: We invited Reubin Askew to this meeting. He accepted. Unfortunately, we couldn't resolve the question of dates. He had only one day available on his calendar which was not suitable, so we have postponed his appearance until the May meeting. If there are other candidates who emerge, we will, of course, afford them the same opportunity.

REPORTER: One of the points that Senator Cranston raised was that the Federation, in making an endorsement, would look at, among other things, electability. He said that by the time your meeting is scheduled, he is, and in December, there will be no primaries and no other major shifts to indicate any rise in popularity in his candidacy. How can you judge the electability of the man or any of the candidates before there's any opportunity to put the question before the voters in some primaries, other than a public opinion poll?

KIRKLAND: I don't know how you ascertain with any complete confidence the electability of anyone until an election. Unfortunately, we're not privileged to wait until the election to make a decision. It has to depend upon impressions, opinions, and soundings as to the degree of support amongst the people we represent that a candidate's been able to develop..

REPORTER: Mr. Kirkland, how important would you think most of these various contenders would figure in, in the whole endorsement process, on votes on things like labor law reform, situs picketing?

KIRKLAND: Very important. Of course, that's the basis of our entire political approach: the records of candidates on issues of significance to American workers and their positions on emerging issues that will be faced in the future.

REPORTER: Well, would you figure what you would consider to be a wrong vote on any one of these issues -- now we have domestic content . . . ?

KIRKLAND: We are not and never have been a single-issue group. We look at the entire broad, picture and the long record of the candidates.

REPORTER: If we could get back to Social Security for a minute, does it embarrass you that Mr. Greenspan and other members of the Commission have said repeatedly that because this is a fragile compromise, accommodating many different interests, for any particular interest to pull out or ask for exceptions from the agreement would be to jeopardize the whole thing? Do you feel uncomfortable that you might be playing the role of wrecker of the compromise?

KIRKLAND: I'm not easily embarrassed or even easily made uncomfortable advocating a position of the trade union movement. My point of view was stated clearly and repeatedly throughout the deliberations of that Commission and was stated as a condition of my support for the consensus recommendations. I have no reason to be embarrassed about that or to be uncomfortable.

REPORTER: Mr. Kirkland, how do you evaluate the endorsement of the AFL-CIO, both in the primaries and in the election, in terms of its influence on the outcome?

KIRKLAND: Well, I hope that it will have a major effect on the outcome. If we did not feel that it might or that our role in American political life was not important, then it would hardly be worth the effort that we put into it.

I'm under no illusion that we can, or ought to, dominate American political life. I do know that if we are not active and forceful and vigorous in the pursuit of our objectives through the very important channel in a democracy that is political action, that others will dominate that process. And we don't think that the others are proper repositories for the fate of American workers without there being an adequate input of the views and interests and positions of American workers. I don't suggest that the opinions, views, and influence of others will not be present and will not be a very important part of it.

The political process in a democracy is a chorus of voices. We simply want to make absolutely certain that not only the sopranos and the tenors but the altoes and baritones are in that chorus as well so that we have the proper degree of harmony and it is not discordant in favor of interests that are hostile to working people.

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P12:32

January 27, 1984

Anne Weissenborn, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: FEC MUR 1605

Dear Ms. Weissenborn:

Enclosed please find Response of the American Federation of Teachers Committee on Political Education and Robert G. Porter in the above-entitled matter.

Sincerely yours,

William C. Oldaker

WCO/LEK:ses
Enclosures

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Weissenborn

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC, and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP), and Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP, and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE), and Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE), and Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE	Matter Under Review (MUR) NO. 1605 RESPONSE OF AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE) AND ROBERT G. PORTER, Individually and in his capacity as Treasurer, AFT COPE

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INTRODUCTION

The Complaint filed in Matter Under Review ("MUR") No. 1605 alleges that "[t]he relationship between the AFL-CIO (and COPE-PCC) and the International Unions UAW, AFT, and IBEW (and their PACs) is so close . . . that it constitutes 'discretionary' affiliation." (Complaint at p. 29). Accordingly, the Complaint alleges that the AFT COPE, as well as the other Unions PACs, failed to disclose their affiliated relationship with the AFL-CIO COPE-PCC to the FEC, and further failed to comply with the common contribution limits pursuant to 2 U.S.C. § 441a(a)(5).

In support of this "discretionary" affiliation theory, the Complainant makes two arguments. First, that "[t]he structural control of the AFL-CIO over its member unions outlined in Section III of [the] complaint demonstrates affiliation not only between the AFL-CIO and its member unions but also between AFL-CIO COPE-PCC and the separate segregated funds of member unions." (Complaint at 32.) Second, that "AFL-CIO control and maintenance of the political activities of affiliated unions dictates a finding of affiliation between AFL-CIO COPE-PCC and the separate segregated funds of affiliated union respondents." (Complaint at 33.)

As shown below, Complainant's argument is legally and factually incorrect. First, we will show that the Commission has ruled on two separate occasions, based on factual allegations similar to those asserted by Complainant, that the AFL-CIO

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(and COPE-PCC) and the international unions (and their PACs) are not affiliated pursuant to Section 441a(a)(5). Second, we will demonstrate that the legislative history of the anti-proliferation provision embodied in Section 441a(a)(5) were not intended to subject the AFL-CIO COPE-PCC and the PACs of member unions, as organizationally-structured in 1976 and at present, to a single contribution limit. Third, we will show that Complainant's factual allegations, as they apply to the American Federation of Teachers Committee on Political Education ("AFT COPE"), are inaccurate and unsubstantiated. AFT COPE is not "established, financed, maintained or controlled" pursuant to Section 441a(a)(5) by either the AFL-CIO or the AFL-CIO COPE-PCC. Nor has Complainant offered any evidence of such "affiliation."

Therefore, we request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. and 26 U.S.C. § 9001 et seq.

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A. THE COMMISSION HAS RULED ON TWO SEPARATE OCCASIONS, BASED ON FACTUAL ALLEGATIONS SIMILAR TO THOSE ASSERTED BY COMPLAINANT, THAT THE AFL-CIO (AND COPE-PCC) AND THE INTERNATIONAL UNIONS (AND THEIR PACs) ARE NOT AFFILIATED PURSUANT TO SECTION 441a(a)(5).

The question of whether the relationship between the AFL-CIO (and COPE-PCC) and the international unions (and their PACs) constitutes "discretionary" affiliation is not an issue of first impression before this Commission. On two separate occasions the FEC was confronted with this issue, based on factual allegations similar to those asserted by complainant, and in both instances the Commission ruled that there was no affiliation pursuant to Section 441a(a)(5) between the AFL-CIO COPE-PCC and the PACs of various international unions. This complaint, though replete with newspaper quotes and historical analyses, contains no new factual allegations seemingly necessary to persuade the Commission to alter its position on this matter.

a. Previous Commission Decisions

MUR 354(76) was the first instance where the Commission was faced with the question of alleged "discretionary" affiliation between the AFL-CIO COPE-PCC and the PACs of various international unions. In MUR 354(76), one of several issues presented to the Committee was whether the FECA is discriminatorily unfair if construed to except for purposes of the Section 441a(a)(5) contribution limits the

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constituent union members of the AFL-CIO as separate entities, while treating the members of those unions as members of the AFL-CIO for purposes either of communications to them or of registration and get-out-the-vote drives pursuant to Section 441b(b)(2). The complainant's argument, that if the AFL-CIO can solicit members of its member unions, then the FECA does not permit the member unions to have separate contribution limits, was rejected by the Commission on two grounds. First, the Commmission found that the issue of AFL-CIO communications to members was severable from the contribution issue, since Section 441b(b)(2) places communication and registration and get-out-the-vote drives outside the definition of contribution and expenditures. Second, the Commission concluded, based on the legislative history of the 1976 antiproliferation provisions, that "the statutory provision setting single contribution limits for 'political committees established or maintained or financed or controlled by . . . any labor organization, . . . or local limit of such . . . labor organization' was not intended to cover the AFL-CIO and its constituent member unions." (MUR 354(76), General Counsel's Letter to Complainant, December 21, 1977). Therefore, with regard to complainant's "discretionary" affiliation allegations, the Commission found no reason to believe and dismissed accordingly.

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The Commission was further faced with "discretionary" affiliation allegations between AFL-CIO COPE-PCC and the PACs of various international unions in sixty-six (66) sworn complaints filed jointly with the FEC in 1978 by Henry H. Walther and the National Right to Work Committee. (MURS 783-803, 821-844, 861-881). These complaints alleged that the named candidates and their principal campaign committees illegally received more than five thousand dollars ($5,000) in political contributions from political committees established, financed, maintained, or controlled by the AFL-CIO or its subsidiary, branch, division, department, or local unit of the AFL-CIO. The gravamen of these complaints, as in MUR 354(76), was that the AFL-CIO COPE-PCC controls the contributions of the political action committees established by unions belonging to the AFL-CIO. Therefore, under Section 441a(a)(5), complainant contended that these committees should be regarded as one political committee for the purposes of contribution limitations imposed by Section 441a(a)(2).

In declining to investigate the allegations of wrongdoing in these 66 complaints, the Commission again relied (1) on the legislative history of Section 441a(a)(5) and (2) on the lack of evidence, either proffered by the complainant or otherwise in the possession of the commission, to support the assertion that the AFL-CIO COPE-PCC

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controls the contributions of PACs established by its international union members.

b. MUR 1605

The present complaint, MUR 1605, contains no new factual allegations seemingly necessary to persuade the Commission to alter its previously established position on this matter. The organizational structure of and the relationship between the AFL-CIO (and COPE-PCC) and the international unions (and their PACs) (outlined in detail in Section III of the complaint) has not changed since past Commission decisions on the "discretionary" affiliation matter. Nor has complainant alleged that any such change has taken place. Joint fundraising was used and relied on by AFL-CIO COPE-PCC and the PACs of member unions at the times the Commission previously confronted the "discretionary" affiliation allegations. Nor has complainant alleged that the use of joint fundraising techniques is a recent development. Statements promoting a "strong and unified" labor movement have been issued by AFL-CIO and union officials for years. Nor has complainant alleged that such pro-labor unity rhetoric is a recent phenomenon.

In summation, complainant alleges no new factual developments which are seemingly necessary to disturb previous Commission determinations that there were no reasons to

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believe that "discretionary" affiliation pursuant to Section 441a(a)(5) existed between the AFL-CIO COPE-PCC and the PACs of various international unions.

B. WHEN ENACTED IN 1976 THE ANTIPROLIFERATION PROVISIONS WERE NOT INTENDED TO AND SHOULD NOT PRESENTLY SUBJECT AFL-CIO COPE-PCC AND THE PACs OF MEMBER UNIONS TO A SINGLE CONTRIBUTION LIMIT.

At the time of their enactment, the antiproliferation provisions embodied in Section 441a(a)(5) were not intended to subject the AFL-CIO's separate segregated funds and the separate segregated funds of international unions affiliated with the AFL-CIO to a single contribution limit. Thus, since there has been no significant change in the organizational structure of or in the relationship between the AFL-CIO COPE-PCC and the PACs of its member unions since the enactment of the 1976 FECA amendments, these political committees are presently not subject to a single contribution limit.

In framing and enacting the antiproliferation rules, Congress gave detailed consideration to the organization of corporations and labor associations at the time and to the nature of business and labor activities affecting federal elections. Congress understood that most international and national unions were affiliated with the AFL-CIO and

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that most corporations were affiliated with a trade association such as the Chamber of Commerce or the National Association of Manufacturers. Moreover, Congress realized that the AFL-CIO and its member unions, as well as trade associations and their member corporations, each had a separate segregated fund ("PAC"). Additionally, Congress was aware that the AFL-CIO carried on an extension program, in cooperation with its affiliated unions of internal political communication, registration and get-out-the-vote activity armed at AFL-CIO union members (activity which is not included in the term "expenditure" pursuant to Section 431(9)(B)(iii)).

This congressional understanding is illustrated by the explanation of the antiproliferation rules contained in the Senate bill given by Senator Cannon, the Chairman of the Senate Rules Committee, and the bill's floor manager:

> The proposed rule to curtail the vertical proliferation of political committee contributions would not preclude a national union through its political committee, such as for example, the boilermakers, from making a maximum contribution to a candidate through its national political committee in the event that COPE, the political committee of the AFL-CIO, <u>with which the Boilermakers are affiliated</u>, has already made its maximum contribution to that candidate...
>
> To use another example, if the national political committee of the National Association of Manufacturers had made its maximum contribution to a candidate, the political committee of a

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> national corporation which is affiliated with NAM would not be precluded from making a maximum contribution. [Leg.Hist. at 350.]

Based on Congressional knowledge of the organizational structure of and the relationships between various corporate and labor entities, the legislative history of Section 441a(a)(5) unambiguously reflects a Congressional intent to continue to permit each corporation and labor organization having a separate segregated fund to affiliate with a trade association or labor federation (such as the Chamber of Commerce or AFL-CIO) which, in turn, has a separate segregated fund and which engages in activities permitted by the Act that do not constitute the making of "contributions or expenditures" (such as making internal communications), without the separate segregated funds of the trade association and/or labor federation and the member corporations and/or labor organizations being subject to a single contribution limit.

During the House Administration Committee's March 8, 1976 markup session of the FECA amendments bill, Chairman Wayne Hays' explanation of the "Antiproliferation Rules" which Section 441a(a)(5) would enact reflects the Congressional intent behind this legislation:

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> First, all of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of the limitations stated in Section 320. According to the Supreme Court there appear to be approximately 1,000,000 separate corporations. Buckley v. Valeo slip opinion page 23, note 31.
>
> Second, all of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of the limitations stated in Section 320. There are at the maximum 120 international unions.
>
> Third, all the political committees set up by the AFL-CIO and all its state and local central bodies would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> Fourth, all the political committees established by the Chamber of Commerce and its state and local Chambers would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
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> Transcript of Hearing Before Committee on House Administration, Committee Business, March 8, 1976, p. 41 (attachment A to FEC's Memorandum of Law in support of Motion to Amend, April 17, 1979 Order entered in Walter v. FEC, CA 78-202, 78-2193 D.D.C. (1979)).

The immediate response to the Chairman's request for questions was Rep. Mathis' question "What does it mean?" Rep. Hays replied as follows:

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Chairman Hays. It applies across the board, Mr. Mathis, and any corporation which is a corporation with subsidiaries, that the subsidiaries may well have PACs, but for the purposes of this section, the total amount the parent corporation and all it subsidiaries can contribute is $5,000. Then it says, second, that an international union can set up a PAC and all of its local unions, state unions, etc., would be treated as a single political committee. In other words, the total they could contribute would be $5,000. Then the AFL-CIO which is a voluntary conglomerate and all its state and central bodies would be treated as a single political committee and they could give up to $5,000 in any fragments they wanted to.

Let me take two examples. Let us take the example of -- well, I have a list here which I think is interesting of the top 100 largest corporations. 30 of them have political action committees. The first one underlined is Texaco of New York, so I will just take it. It is the first of the top 100. Texaco of New York has apparently branches in many States. At least there are Texaco stations in Ohio. They could form a PAC, solicit voluntary contributions and could give either by State or national but all put together no more than $5,000 to my candidate.

Take the second one, U.S. Steel Workers of America. They have the headquarters in Pittsburgh, District 6 is in my district and its headquarters are in Wheeling. There is another district up in Canton. I think it is 11. They do have a PAC. In the past, District 11 has given me $500 as has District 6. The international has given me as much as a thousand. But suppose they had a lot of money, all three of those put together couldn't give me more than $5,000. Then you have the AFL-CIO COPE, which is the National Association, they could give you $5,000 and that's it.

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> The local COPE in Ohio couldn't give me anything if the National Association had given me $5,000.
>
> In all fairness, if it is weighted in any direction, it seems to me it is weighted towards the corporations because of the top hundred corporations last year, 76 of them were involved in political giving. I guarantee that is more than the number of unions involved. (Id., March 8, 1976, Transcript p. 43.)

After a brief discussion as to whether the foregoing rules apply only if the parent has "control," Rep. Mathis asked Rep. Hays:

> Mr. Mathis. *** A corporation which has an active political action committee also belonging to a trade association could they give twice by joining a number of trade associations and thereby escape the $5,000 limitation?***
>
> Chairman Hays. I'll have to answer that this way, Mr. Mathis: As I view it, if the National Association of Manufacturers had a PAC and any corporation contributed to it, then the NAM could contribute $5,000 and the corporation could, exactly the same as the steel workers could and COPE, UAW-CIO can. But those are the exceptions.
>
> Now, if you try to legislate this down to the narrowest degree, I don't know where you will wind up. The American Medical Associaton has a PAC called American PAC. Under this legislation they can give $5,000 but I don't perceive this would prohibit the local physician in my hospital, if he were so inclined, which I don't think he is, he doesn't part with dough that easily, to give a thousand dollars on his own and meet the requirements. It could happen.

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> Mr. Brademas. It would prohibit your Ohio State Medical Action Committee or Stubenville Medical Association Action Committee from giving $5,000.
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> Chairman Hays. Yes. (Id., March 8, 1976, Transcript pp. 47-48.)

And, Rep. Hays summed up the discussions that day concerning the proposal's effect on unions by stating:

> Chairman Hays. I'll go down the road once again. Any international union or combination of locals thereof can give $5,000. So if you have the steel workers, plasterers union and auto workers, they can give you $5,000 each. (Id., March 8, 1976, Transcript p. 50.)

As illustrated by the above-quoted excerpts from the legislative history of Section 441a(a)(5), Congress intended that the Chamber of Commerce and the AFL-CIO be regarded as separate entities from the association's member corporations and the federation's member unions. More importantly, Congress also intended to permit a corporation that has a separate segregated fund to be a member of a trade association that has a separate segregated fund, and a international union that has a separate segregated fund to be a member of a labor federation that has a separate segregated fund without the result that the association and corporate fund or the federation and international funds are subject to a single contribution limit. If Congress had intended otherwise, the third and fourth rules presented by Rep. Hays would have read:

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> Third, all the political committees set up by the AFL-CIO and its affiliates would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> Fourth, all of the political committees established by the Chamber of Commerce and its members are treated as a single political committee.

Given this clear Congressional intent at the time of enactment of Section 441a(a)(5), it logically follows that there must be a significant change from 1976 in the organizational structure of or in the relationship between the AFL-CIO (and COPE PCC) and the various international unions (and their PACs) to justify a departure from legislative intent. There has been no significant change since 1976 in the organizational structure of or in the relationship between the AFL-CIO (and COPE-PCC) and the various international unions (and their PACs). Nor has complainant alleged that any such change has taken place.

Therefore, there is no reason to depart from the unambiguous Congressional intent of permitting the AFL-CIO (and COPE-PCC) to affiliate with an international union (and its PAC) without subjecting the political committees to a single contribution limit.

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C. A DETERMINATION BY THE COMMISSION THAT THE AFL-CIO COPE-PCC AND THE PACs OF MEMBER UNIONS ARE NOT SUBJECT TO A SINGLE CONTRIBUTION LIMIT WOULD BE CONSISTENT WITH THE CONGRESSIONAL PURPOSE FOR ENACTING SECTION 441a(a)(5).

The Congressional purpose for enacting the anti-proliferation rules embodied in 2 U.S.C. § 441a(a)(5), added to the Act by the 1976 FECA amendments, was two-fold.

First, the legislative history of the 1976 FECA amendments reveals that Congress sought to curtail the proliferation of political action committees ("PACs") funded by both the business community and labor unions. Second, the legislature desired to achieve an equitable balance between the rights of corporations and the rights of labor unions to influence the federal electoral process. This focus is addressed by Rep. Thompson, Chairman of the House Administration Committee's Election Subcommittee, in his floor explanation of the bill reported out by that Committee:

> The Commission's misinterpretation of existing law [A.O. 1975-23] has many undesirable facets. But the two most glaring problems created by the erroneous decision are: First, the proliferation of political action committees -- PACs; and second, the coercion inherent in the solicitation of employees by employers.
>
> First, with respect to proliferation, the Congressional Record of March 29, 1976, lists the most recent PACs, and shows the exponential growth in political action committees funded by both the business community and labor unions.***

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> The exponential growth of corporate PACs was occasioned by the SUNPAC advisory opinion, which purportedly legitimized extensive solicitation by the PACs of corporate employees. Unions reacted to the corporate PACs proliferation by encouraging locals to set up PACs, and we are now witnessing the seesaw effect of the wholly unnecessary and unjustifiable imbalance created by the Federal Election Commission.
>
> * * *
>
> This bill corrects these two Commission-created problems. First, it reestablishes the congressional determined balance between the interests of the business community and its stockholders, and the interests of the labor community and its membership. And I must say here that it seems ludicrous for the Congress to have to reestablish existing law just because an unelected six-member panel decided to "repeal" the law. . .

Rep. Brademas, also a member of the House Administration Committee, further clarified the Congressional purpose behind Section 441a(a)(5) by stating that:

> What the conference committee has done is to restore the rules which governed federal elections from 1971 until the Commission's Sun Oil decision last December. We have, moreover, done so in a manner that is fair and evenhanded.
>
> * * *
>
> If the word fairness implies a balancing of rights, this bill represents an equitable balance between the rights of corporations and labor unions. [Leg. Hist. at 1083.]

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A determination by the Federal Election Commission in this MUR that the AFL-CIO COPE-PCC and the PACs of member unions are not affiliated, and thereby not subject to a single contribution limit, would be consistent with the above-described Congressional purpose for enacting Section 441a(a)(5). First, the FEC's previous findings of non-affiliation pursuant to Section 441a(a)(5) between the AFL-CIO COPE-PCC and the PACs of member unions has not led to a proliferation of member union PACs. Moreover, proliferation of PACs is not an issue in this MUR since the AFL-CIO COPE-PCC and the PACs of the respondent member unions were all established prior to the 1976 FECA amendments.

The other Congressional purpose for enacting Section 441a(a)(5) should, however, play a major role in the FEC determination of this matter. The Congressionally - created balance between the rights of corporations and the rights of labor unions to influence the federal electoral process, achieved in part through the Congressional decision to treat the AFL-CIO COPE-PCC and the PACs of member unions as nonaffiliated entities pursuant to Section 441a(a)(5), should not be tipped by the Commission in the absence of significant changes in the organizational structure or relationship between these political committees.

Moreover, if the Commission were to deviate from its former position on this issue, and institute an investigation of the allegations of "affiliation" set forth in

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this Complaint, then similar investigations should be commenced to examine the relationships between trade associations, such as the Chamber of Commerce and the National Association of Manufacturers, and their member corporations. Concurrent investigations of both the AFL-CIO and the Chamber of Commerce would be the only way the Commission could ensure that the Congressionally-created balance between the rights of corporations and the rights of labor unions to influence the federal electoral process was maintained.

D. THE AFT COPE IS NOT AFFILIATED, PURSUANT TO SECTION 441a(a)(5) WITH THE AFL-CIO COPE-PCC; NOR DOES COMPLAINANT OFFER ANY EVIDENCE OF SUCH AFFILIATION.

The American Federation of Teachers Committee on Political Education ("AFT COPE") is not "affiliated", pursuant to Section 441a(a)(5) and the regulations promulgated thereunder at 11 C.F.R. § 110-3, with the AFL-CIO COPE-PCC. Nor does complainant offer any evidence of such affiliation.

As previously stated, all committees "established, financed, maintained, or controlled" by corporation, labor organization, person, or group of persons are affiliated and thereby subject to shared contribution limitations. 11 C.F.R. § 110.3(a)(1)(i). Complainant alleges that the relationship between the AFL-CIO COPE-PCC and the AFT COPE is so close that it constitutes "discretionary" affiliation. Indicia of common establishment, financing, maintenance, and control, which evidence such "discretionary affiliation," include but are not limited to:

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> (B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;
>
> (C) The authority, power or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decisions of the officers or members of an entity;
>
> (D) Similar patterns of contributions;
>
> (E) the transfer of funds between committees which represent a substantial portion of the funds of either the transferor or the transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

11 C.F.R. §110.3(a)(iii). Examination of various elements of "affiliation" reveal that no such relationship exists between the AFL-CIO COPE-PCC and the AFT COPE, and, furthermore, Complainant offers no evidence to substantiate his allegations of affiliation.

1. Establishment: The AFT was established on May 9, 1916 by a group of forward-thinking teachers. The AFT COPE was established in April, 1975 by the Executive Council of AFT. Neither AFT nor AFT COPE was established by the AFL-CIO or the AFL-CIO COPE-PCC. Moreover, Complainant offers no evidence of common establishment.

2. Constitutional Provisions: Complainant correctly alleges that the constitution of the American Federation of Teachers, AFL-CIO (Exhibit 1) provides for "permanent" affiliation with the AFL-CIO. AFT Const. Art. XI, §

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1 (Complaint at p. 9). Further, the AFT Constitution provides that each of the AFT local unions is to "maintain affiliation with its state federation . . . AFL-CIO state labor council and its local AFL-CIO labor council(s), if such council(s) exist." AFT. Const. Art. XI §§ 2,3 (Complaint at p. 10).

However, the term "affiliation" as used in the AFT Constitution is not synonymous with, nor is it even indicative of, "affiliation" pursuant to Section 441a(a)(5) (hereinafter referred to as "FECA affiliation"). To constitute FECA affiliation, the constitution of AFT would have to give the AFL-CIO the authority, power or ability to direct AFT. See 11 C.F.R. § 110.3(a)(1)(iii)(B). The AFT Constitution does not in any manner delegate such power to the AFL-CIO, nor does Complainant allege that such power is constitutionally delegated to the AFL-CIO. Therefore, Complainant's allegation that the AFL-CIO COPE-PCC is affiliated with the AFT COPE (Complaint at p. 33) due to structural control of the AFT by the AFL-CIO is without merit.

3. Candidate Endorsements: It is the belief of the AFT COPE "that the most effective procedure for political endorsements keeps the selection of political candidates as close to the individual member as possible." AFT COPE Resolution on Political Endorsement, adopted April, 1975. (Exhibit 2) While the national endorsement of a presidential candidate

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the regulations, the conduct of the Executive Council of the AFL-CIO certainly did not "influence" the AFT's ability to control its selection of a presidential candidate. Thus, Complainant's allegations pursuant to 11 C.F.R. § 100.3(a)(1)(iii)(C) are without merit.

4. Candidate Contributions: Neither the AFL-CIO nor the AFL-CIO COPE-PCC has the authority or ability to control the contributions made by the AFT COPE to political candidates. AFT COPE may only make contributions to candiates who have been endorsed by the appropriate AFT body. See Exhibit 2. Neither the AFL-CIO nor the AFL-CIO COPE-PCC enters into this decisionmaking process.

AFT COPE's independence from the AFL-CIO in making candidate endorsements and contributions is illustrated by the following examples: (1) In the 1982 elections, the AFT endorsed Robert Torricelli in the 9th Congressional District against incumbent Harold Hollenbeck who was backed by the AFL-CIO. A major factor in the decision to endorse Torricelli was his opposition to tuition tax credits, as opposed to Hollenbeck's support thereof. AFT is committed to supporting only those candidates who oppose tuition tax credits, regardless of the AFL-CIO or other unions' endorsement of the candidate. See AFT 1978 Convention, Resolution No. 44. Subsequent to the AFT endorsement, the AFT COPE contributed $1,650.00 to Torricelli's race. (2) In the 1982 Connecticut Senate race, the AFL-CIO remained neutral; however, the AFT endorsed

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the Democratic challenger, Toby Moffett and contributed $10,000.00 towards his campaign.

5. Joint Fundraising: The Complainant alleges that the use of joint fundraising techniques by the AFL-CIO COPE-PCC and the AFT COPE, as well as transfers of funds from AFL-CIO COPE-PCC, is evidence of "affiliation" pursuant to Section 441a(a)(5). (Complaint at p. 44-49.) These allegations are refuted by the express language of 11 C.F.R. § 110.3(a)(1)(iii)(E) which states that the transfer of funds between committees which were jointly raised is not indicative of affiliation.

In summation, examination of the various elements of "affiliation" demonstrate that neither AFT nor AFT COPE is "established, financed, maintained or controlled" by the AFL-CIO or the AFL-CIO COPE-PCC. Nor has Complainant offered any evidence of such affiliation.

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during the primary season is made by the Executive Council of AFT, local affiliates are not bound by such an endorsement and may, without penalty, remain neutral or endorse an opposing candidate. Selection of a presidential candidate during the general election period is made by AFT convention delegates. The task of endorsing State, Congressional, local and municipal candidates belongs to the appropriate state or local affiliates. Id. Thus, control of candidate endorsement remains at all times with AFT members.

In support of his "affiliation" theory, Complainant alleges that the Executive Council of the AFL-CIO "influences the decisions" concerning the political activities of member unions, particularly the endorsement of a presidential candidate, pursuant to 11 C.F.R. § 110.3(a)(1)(iii)(C) (Complaint at p. 38).

In this allegation, and throughout the complaint, Complainant misconstrues the breadth of the term "otherwise influence" as used in the regulations. "Otherwise influence" does not mean "to have an effect upon" but connotes having the power, authority or ability to effectuate decisions of equivalent magnitude to decisions to hire, appoint, discipline, discharge, demote or remove. A more expansive interpretation of the term "otherwise influence" would raise freedom of speech concerns and would be constitutionally impermissible. See Buckley v. Valeo, 424 U.S. 1, 43-46 (1976).

Under this narrower, and proper, construction of

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CONCLUSION

For the foregoing reasons, we request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 *et seq.*, and 26 U.S.C. § 9001 *et seq.*

Respectfully submitted,

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Matter Under Review

(MUR) NO. 1605

RESPONSE OF AMERICAN
FEDERATION OF TEACHERS
COMMITTEE ON POLITICAL
EDUCATION (AFT COPE)
AND ROBERT G. PORTER,
Individually and in his
capacity as Treasurer,
AFT COPE

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EXHIBITS

CONSTITUTION

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

NOTE: Underlined words indicate new language adopted at the 1983 Convention.

ARTICLE I

NAME

Name

This organization shall be known as the American Federation of Teachers.

ARTICLE II

OBJECTS

Bargaining Rights

Section 1. To obtain exclusive bargaining rights for teachers and other workers, with the right to strike.

Mutual Assistance

Section 2. To bring local and state federations of teachers and other workers into relations of mutual assistance and cooperation.

Teacher Rights

Section 3. To obtain for teachers and other workers all of the rights to which they are entitled in a free society.

Improve Educational Standards

Section 4. To improve standards for teachers, educational workers, and other workers, by promoting better preparation, encouraging relevant in-service training, and securing the working conditions essential to the best performance of professional service.

Improve Health Standards

Section 5. To improve the standards for registered nurses, allied health professionals and other health-care employees by advancing economic status, promoting better preparation in basic education programs, encouraging and promoting continuing education, securing working conditions essential to the best performance of services and the most effective delivery of health care.

Improve Education

Section 6. To encourage the hiring and retention of competent teachers and other educational workers, the maintenance of modern well-equipped schools, and the promotion of such educational programs and conditions in American schools, as will enable their students to equip themselves better to take their places in the economic, social, and political life of the community.

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Child Welfare

Section 7. To promote the welfare of children by providing progressively better educational opportunities for all, regardless of race, color, creed, sex, and social, political or economic status.

Promote Welfare

Section 8. To promote the welfare of the health-care consumer by promoting progressively better access to and utilization of health-care resources in this country.

Oppose Bias

Section 9. To fight all forms of bias due to race, creed, sex, social, political or economic status, or national origin.

Promote Democracy

Section 10. To support and promote the ideals of democracy as envisioned in the Constitution of the United States of America, its Bill of Rights and other Amendments, to work for passage and retention of just laws which will improve the educational climate for students, teachers and other workers in education, and to encourage them to exercise their proper rights and responsibilities under these laws.

Organize Retirees

Section 11. To encourage locals to organize chapters of retired members within their jurisdiction.

ARTICLE III

MEMBERSHIP

Jurisdiction

Section 1. This organization shall consist of federations of public and private school teachers, educational workers, nurses, allied health professionals and other health-care employees organized in conformity with the provisions of this constitution. Other employees may be members of any local whose constitution so permits.

Membership

Section 2. Classroom teachers with supervisory authority may be admitted to membership by any local whose constitution so permits.

Membership Outside Local Jurisdiction

Section 3. Any teacher residing outside of the jurisdiction of an established local may be accepted as a member of the nearest local or as a member-at-large of the state federation. The state federation shall have full jurisdiction in the determination of a procedure for participation by these at-large members in all activities of the state federation.

Charters

Section 4. The executive council may exercise its discretion in the chartering of groups of teachers, educational workers, nurses, allied health professionals, other health-care employees or other workers.

Classes of Members

Section 5. Locals may establish the following special classes of membership:

(a) Employees who are eligible for membership whose salary is less than the basic teacher's salary or employees whose salary is less than $8,000, whichever salary is higher. Such locals pay per-capita tax for such members at one-half the regular rate.

(b) Retirees, teachers, laid off employees, employees on unpaid leave, and those employees earning under $5,000. Laid off employees shall be eligible for three years at this reduced rate. Such locals pay per-capita tax for such members at one-quarter the regular rate.

Such members shall be entitled to receive full benefits of membership; however, in determining the delegate strength of the local at any state or national convention their representation shall be in proportion to the rate of dues paid. Any such members who pay the regular membership dues of the local and for whom the full per-capita tax is paid shall be entitled to full membership rights and privileges.

Student Members

Section 6. Where a local of the American Federation of Teachers exists in or near a college or university having a department of education, that local may accept prospective teachers as associate members. Annual dues of $2.50 per year shall be paid directly to the national office by the local for each

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associate member. Associate members shall have only visitors' privileges at the convention. A student teacher may also be accepted as a member-at-large of the state federation.

Membership of individual College Teachers

Section 7. In jurisdictions where there are no college or university locals of the American Federation of Teachers, membership may be granted to individual college and university teachers by a local in that vicinity. Such membership may be maintained until there is chartered a college or university local in which such a member would be eligible for membership.

Anti-discrimination

Section 8. No discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, social, political or economic status or national origin. Locals may establish procedures for admission of new members except that no discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, social, political or economic status, or national origin.

Supervisory Membership

Section 9. Nothing contained in this article shall permit this organization to admit into membership any organization of nonteaching persons who hold the position of principal or any higher position. This provision shall not be applicable to locals chartered prior to its adoption.

Nothing contained in this article shall permit locals to admit into or retain in membership any nonteaching person who holds the position of principal or any higher position. This provision shall not be applicable to holders of such positions who held membership in any local prior to the adoption of this article.

The executive council may permit locals to admit such persons into membership only where the exclusion of such persons from membership would legally bar a local from achieving exclusive representation for classroom teachers.

ARTICLE IV

CHARTERS

Local Charters

Section 1. Ten or more teachers and/or other workers, upon application to the executive council and the payment of $25.00 may be granted a charter, and such locals shall establish and maintain at least a minimum dues of $50.00 per year unless, in the opinion of the executive council, special circumstances exist.

Non-public Charters

Section 2. Upon application to the executive council and the payment of a fee of $25.00, a charter may be issued to ten or more teachers in educational institutions not supported by public funds.

State Charters

Section 3. Charters may be granted by the executive council to state federations upon the payment of a charter fee of $10.00. A state federation shall consist of no fewer than three locals of the American Federation of Teachers, except when fewer than three locals represent jurisdictions embracing 50 percent of the teacher strength in the state. No dues shall be assessed on the state federations by the national organization except for the members-at-large as provided in the constitution.

Constitutions

Section 4. All locals and state federations shall submit three copies of their constitution and bylaws to the national organization within three months of receiving their charter or of September 1, 1955, whichever is the later date, and they shall similarly submit all subsequent amendments to their constitution and bylaws. No such constitution or bylaws shall be in conflict with the constitution of the American Federation of Teachers.

Adjusting Dues

Section 5. Effective September 1,

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1982, each affiliated local shall make a reasonable effort to have its constitution or by-laws, or other applicable instrument utilized by the local to deal with dues adjustments, provide for an automatic increase in the local's dues equal to any increase in the per-capita payments that are required to be made to the American Federation of Teachers and to either the state federation or the regional council with which the local is affiliated. This reasonable effort, should it have to be repeated by any local, shall be made annually.

Minimum Membership

Section 6. The charter granted to any local shall not be revoked or suspended because it has a membership of less than ten but not less than seven.

Suspension of Charter

Section 7. A charter issued to any local or state federation may be suspended or revoked by the executive council when the existence of such local or state federation is detrimental to the development of democracy in education. However, except for the nonpayment of dues to this organization, no local or state federation shall have its charter suspended or revoked until the executive council has (a) served the local or state federation with written specific charges, (b) provided the local or state federation a reasonable time to prepare its defense, and (c) afforded a full and fair hearing within the jurisdictions of the local or state federation.

Suspension Appeal

Except for nonpayment of dues, such suspension or revocation may be appealed to the next national convention. The appeal shall be the first order of convention business. The local may present its own case without the right to vote. A two-thirds vote of the convention shall be required to sustain such suspension or revocation.

Disbanding of Local

Section 8. In the event a local or state federation's charter is revoked, or the local or state federation disbands, the balance in the treasury shall be forwarded to the Defense Fund of the American Federation of Teachers.

Anti-discrimination

Section 9. No charter of the American Federation of Teachers which defines or recognizes jurisdiction on a basis of race, creed, sex, social, political or economic status, or national origin, or permits the practice of such jurisdiction, shall be recognized as valid, and the practice of any local in limiting its membership on account of race, creed, sex, social, political or economic status, or national origin shall render its charter void.

Student Charters

Section 10. A student federation of teachers may be chartered in any college or university. There must be a minimum of ten members. Per capita for each member to the national organization shall be $2.50, payable annually.

A student federation of teachers may be chartered in any high school upon an application of the sponsoring local and payment of not less than $10.00 per year for such organization of at least ten members. Locals may establish reasonable dues for members of the student federation.

The executive council shall make such rules and regulations as are necessary for the administration of this section.

Such student-teacher members shall have no voting status in either the national or state federations.

Executive Council Allocation of Jurisdiction

Section 11.

A. Jurisdiction of Locals

The executive council shall have power to allocate and define and, from time to time, redefine and reallocate the jurisdictions within which locals may exercise their jurisdictions. In doing so the executive council shall be guided by the primary purpose of the American Federation of Teachers which is to organize teachers and other workers into strong, effective unions for the purpose of achieving and engaging in collective bargaining.

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Geographic Jurisdiction

B. Rules for Defining and Allocating Jurisdiction

(1) In the exercise of this power the executive council shall give preference to a local operating within a specific geographic area whose members shall constitute a bargaining unit of employees of a single employer or employees of two or more employers within a geographic area. Where a statute, regulation, or decision by a court or other regulatory agency defines a bargaining unit on some other basis, exceptions may be made to conform thereto.

Multi-employer

(2) It will not be considered an infraction of this principle if there are several employers of teachers and other workers within the same general geographic area and the employees of each such employer are organized separately.

Jurisdiction

(3) No teacher or other worker who is a member of the bargaining unit of a local in a defined jurisdictional area may be a member-at-large of a state federation or be a member of a local having a general jurisdiction.

Member-at-Large Restriction

(4) A teacher or other worker who is a member-at-large of a state federation or a local having a general jurisdiction and is employed within the jurisdiction of another local now or hereafter chartered shall terminate such membership within 30 days.

State Jurisdiction

(5) No local shall have or maintain jurisdiction in an area that crosses state lines or has jurisdiction in more than one state without the specific approval of the executive council.

Duplicate Membership

(6) Nothing in this section shall prohibit a local from representing educational workers employed by labor organizations (other than AFT) in worker education, or by other private employers or government agencies or in places where no AFT local is chartered but any person so employed shall cease to be a member of the first mentioned local within 30 days after the chartering of a local that has jurisdiction of the employees of the employer of any such person.

Charter of Other Educational Workers

(7) Nothing in this section shall prohibit the existence or chartering of locals of educational workers other than teachers (such as clerks, truant officers, nurses, librarians, and the like) where such local is otherwise in conformity with this section; nor shall anything in this section prohibit locals of non-public teachers and other educational workers in the same or overlapping geographic area as another local.

Rules

(8) The executive council may make rules to carry out any of the provisions of this section and shall determine all questions arising hereunder.

Appeal

(9) All decisions of the executive council which the executive council makes in the exercise of the powers defined in Section 11, Article IV, may be appealed to the next national convention.

ARTICLE V

OFFICERS

Executive Council

Section 1. The elected officers of the federation shall be a president and thirty-four vice-presidents. These thirty-five shall constitute the executive council. They shall be elected in the even years by the convention for the term of two years. Vacancies shall be filled as provided in Article VI.

President

Section 2. The president shall be the chief executive officer of the federation and administer all of the affairs of the federation and execute policies of the federation as determined by the convention and the executive council.

Secretary-Treasurer

Section 3. A secretary-treasurer shall be appointed by the executive council. The secretary-treasurer shall become an officer of the federation and shall have a voice but no vote on the executive council and its committees. The secretary-treasurer's duties shall be

prescribed by the executive council and he/she shall be under the supervision of the president. The executive council shall employ the secretary-treasurer under written contract for a term of not more than two years ending concurrently with the term of office of the executive council which employs him/her, with provision for not more than six month's severance pay.

Officer Requirement

Section 4. No one shall be elected an officer of the federation unless he/she is a member of an affiliated local or a state federation.

Vice-President Employment

Section 5. No vice-president shall be a full-time salaried employee of the American Federation of Teachers.

AFL-CIO Delegates

Section 6. The delegates to the convention of the American Federation of Labor and Congress of Industrial Organizations, shall be the president and other delegates elected by the biennial convention.

ARTICLE VI

EXECUTIVE COUNCIL

Convention Mandates

Section 1. It shall be the duty of the executive council to obey the instructions of national conventions, except that any action by the convention involving expenditure of funds shall be referred to the executive council with power to revise in conformity with the budget.

Staffing

Section 2. The executive council may employ such employees as it shall deem necessary. Administrative employees shall be employed by individual or union contract with provision for orderly dismissal with the right of hearing and counsel available to the employee.

Other employees may be employed by union contract and procedure shall be established in all such contracts for orderly dismissal with the right of hearing and counsel unless otherwise provided in a union contract. The provisions of this section shall not apply to officers of the federation.

Acting President

Section 3. The executive council shall have the power to designate one of the officers of the federation to act in place of the president in event of temporary or permanent vacancy of the office during his term.

Salary of President

Section 4. The executive council shall set the salary of the president. Such salary shall not be diminished during the president's term in office.

Vacancies

Section 5. The executive council shall have the power to fill vacancies in its membership until the next regular convention.

Duties

Section 6. The executive council shall have the authority to assign duties and areas of responsibility for each vice-president.

Interpretation and Enforcement of Constitution

Section 7. The executive council shall have the power to interpret and enforce this constitution and to make rules not in conflict with this constitution and shall report such rules to the succeeding convention for approval or rejection. Any interpretation of the constitution by the executive council may be appealed at any subsequent convention.

Committees

Section 8. The executive council shall appoint such committees as it deems necessary, not inconsistent with the constitution.

Council Meeting

Section 9. The executive council shall meet at its discretion during the period between conventions. The expenses of executive council meetings shall be paid by the American Federation of Teachers, each member of the executive council submitting an expense account to the national office.

Expenses

Council Authority

Section 10. The executive council shall have authority to deal with all of the affairs of the federation in the period between the conventions.

Investigation of a Local

Section 11. (a) The executive council may authorize the president to appoint a committee of three members of the ex-

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ecutive council to conduct an investigation of a local:

(i) upon the appeal of the officers, or of the executive board, or 30 percent or more of the membership of that local,

(ii) upon the appeal by a two-thirds vote of the officers and executive board of a state federation, or by state convention action, or by 30 percent of the locals affiliated with a state federation, or

(iii) upon the appeal of locals representing 30 percent of the membership of the American Federation of Teachers within the state.

Investigation of State Federations

The executive council may authorize a similar investigation of a state federation or of disputes between a local or locals and a state federation upon the appeal of one or more locals of that state.

Report

In any of these situations the committee shall conduct an investigation and make a full report with recommendations to the executive council, which shall have full power to take appropriate action to resolve the matter. An appeal from the decision of the executive council may be made to the next national convention, but such appeal shall be only on the issue of sustaining the decision of the executive council. One-third of the cost of the investigation shall be borne by the national office. The executive council shall require the initiating party to advance $250.00 before proceeding, but may, in its final decision, assess up to two-thirds of the cost against the parties in such manner as it deems just. At its discretion, the executive council may return the $250.00, or any portion of it, advanced by the initiating party.

Appeal

Investigations of Locals or State Federations

Section 11. (b) The executive council may, by a two-thirds vote, investigate a local or state federation whose conduct is not in harmony with the principles of the AFT and tends to bring the AFT into disrepute, or a local which fails to maintain affiliation mandated in Sections 2 and 3 of Article XI. The local or state federation shall be given an opportunity to present its position to the committee. The committee shall submit its findings and recommendations to the council, which shall have the power to take action to resolve the matter, including the imposition of the penalty contained in Article XI, Section 3 and/or other appropriate penalties. The action of the council in such cases shall be final unless an appeal is made against the decision to the next national convention. The cost of such an investigation shall be borne by the national office.

Gifts

Section 12. The executive council shall have power to accept gifts and devises to the American Federation of Teachers if the conditions or purposes of any such gift or devise are not inconsistent with this constitution. The executive council may establish trusts or other agencies to hold and administer any such gift or devise and provide for appointment of trustees or managers thereof, upon such conditions as it may determine, subject to ratification at the next regular convention.

Council Power

Section 13. The executive council shall have the power to carry on all the business affairs of the American Federation of Teachers, including, without limitation, the power to do on its behalf any or all of the following:

To Sue

(a) To sue and be sued, complain and defend on behalf of and for the use of the federation;

To Employ

(b) To employ attorneys and counselors to advise the convention, executive council and the national officers and employees on all matters pertaining to its business and affairs;

(c) To employ accountants, agents, and other persons having skills and knowledge needed in the conduct of the business;

Adopt a Seal

(d) To adopt an official seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof, to be impressed or affixed or in any manner reproduced;

Acquire Property

(e) To purchase, take, receive, lease as lessee, take any gift, devise, or bequest, or otherwise acquire, and to own, hold, use, deal in or with any real or personal property, or any interest therein;

Sell Property

(f) To sell, convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of its property and assets;

To Invest

(g) To purchase, take, receive, or otherwise acquire, own, hold, vote, and use shares or other interests in or obligations of domestic or foreign corporations, associations, partnerships, or individuals; and to sell, mortgage, loan, pledge, or otherwise dispose of, such shares, interests, or obligations;

To Contract

(h) To make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for federation purposes at such rates of interest and terms and conditions as they may determine; to issue notes, bonds, and other obligations; and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income;

To Invest

(i) To invest the funds of the federation from time to time in any real or personal property; and to take and hold real and personal property as security for the security of funds so invested or loaned; and

(j) To do anything they deem necessary or appropriate to the exercise of the foregoing power or any other power granted to the executive council in this constitution.

Regional Councils

Section 14. (a) The executive Council may establish and/or revise regional councils to facilitate organization, professional growth, political and legislative activities and other purposes for the good of the union.

Membership Eligibility

(b) The executive council may provide for the affiliation of locals to a regional council in lieu of the requirement of Article XI, Section 2, and that these locals shall not be comprised of employees of local education agencies, colleges or universities or locals affiliated with existing state federations on July 1, 1981.

Additional Per Capita

(c) The executive council shall establish and the AFT shall collect additional per capita from such locals to provide services to the regional council. By mutual agreement state federations may combine to form regional councils with the approval of the executive council.

ARTICLE VII

CONVENTIONS

Time and Place

Section 1. Effective in 1984 conventions of this organization shall be held biennially in even-numbered years at such time and in such place as the previous convention or the executive council may determine.

Special Convention

Section 2. A special convention may be called in odd-numbered years by a two-thirds (⅔) vote of the executive council or upon request from at least 30 locals representing a minimum of 30 percent of the AFT membership then in good standing from at least five (5) states.

Executive Council Delegates

Section 3. The members of the executive council who are not delegates from their local or state federation shall be ex-officio delegates at the conventions and shall have one vote at the convention.

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ARTICLE VI

REPRESENTATION

Election of Delegates

Section 1. (a) Delegates and/or alternates to the convention from a local shall be elected by secret ballot. Members of each local must be given suitable opportunity to nominate candidates for the office of delegate and alternate. Notice of the right to make nominations must be sent to each member or given a prominent place in the local publication and on bulletin boards. Notice of the right to make nominations and notice of the election may be combined in one notice. Written notice announcing the time and place of election of delegates must be mailed to each member at least 15 days prior to the election. The results of the election must be published and the ballots kept for one year.

Councils of Locals

Section 1. (b) Locals with fewer than 100 members each, but in the aggregate fewer than 300 members from a contiguous geographic area, may form councils of locals for the exclusive purpose of electing a common delegate to the convention. Locals which form such a council under this section: (1) shall adopt a common resolution to establish the council in a regular meeting of such local no later than five months prior to the convention; (2) shall nominate at the same meeting of each local a member or members, if any, for the council's delegate to the convention; (3) shall elect at a meeting of each such local or by mail ballot agreed to by all locals in the council and in conformity with federal law no later than three months prior to the convention a delegate and alternate, if any, by a secret ballot common to each local in the council listing all nominees and their local numbers, the nominee receiving the highest number of votes totalled among all locals in the council to be the delegate and the second highest, if any, the alternate; (4) shall forward properly signed credentials from each local in the council for the duly elected delegate and alternate, if any, of the council in time to reach the national office no later than two months prior to the convention; and, (5) the executive council shall approve procedures consistent with the requirements of this section for the election of the council delegate. The secretary-treasurer shall forward such procedures to all locals reporting fewer than 100 members in per-capita and to all state federations seven months prior to the convention. No local participating in the council shall have any other delegates seated in the convention. The voting strength of the council's delegate shall be based on the aggregate of the members in the locals which credential the council's delegate.

Councils

This section shall also authorize the executive council to recognize a council of locals organized for the convenience of doing business with one employer common to all of the council's locals for the purpose of electing delegates to the convention. Nomination procedures shall be established by such council to permit all such locals to nominate from their respective memberships at least thirty days in advance of the election, which shall be conducted by mail ballot in conformance with federal law. The election of such council's delegates shall be further subject to the provisions of Article VIII, Section 2 of this constitution, provided that no other delegates shall be seated in the convention from any individual local of the council unless such local has notified the national office three months prior to convention that it is not participating in such council for the purposes of electing delegates to the convention. The voting strength of such council shall be based upon the aggregate membership of all such locals which individually credential all delegates common to the council.

State Federation Delegates

Section 1. (c) Delegates and alternates of state federations shall be

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elected according to its constitution provided that the delegates to the state convention are themselves elected by secret ballot as herein provided, subject to applicable federal and state laws and rules and regulations promulgated pursuant thereto.

Delegate Lists

Section 1. (d) Each local or state federation must send by registered or certified mail to the national office a certified list of all elected delegates and alternates not later than fifteen days prior to the opening date of the convention. Only delegates and alternates on this certified list shall be registered and seated at the convention.

Seating of Delegates

Section 1. (e) In the event of nondelivery to the national office of the certified list of the elected delegates and alternates, the executive council may recommend the seating of the delegates and alternates only upon the submission by the president, secretary, or ranking delegate of the local or state federation of a statement certifying the list of elected delegates and alternates accompanied by the duly authorized duplicate credentials and receipts showing that the originals were sent to the national office by registered or certified mail, postmarked no later than fifteen days prior to the opening date of the convention.

Per-Capita Qualifications

Section 1. (f) To be entitled to representation at the convention, the full per-capita tax of the local and all other monies due the American Federation of Teachers, credited by any amount due the local or the state federation by the American Federation of Teachers, shall be paid through June 30th, preceding the convention date, such payment to be made to the national office no later than fifteen days prior to the opening date of the convention.

Delegate Allocation

Section 2. One delegate to the convention may be elected by each affiliated local having a membership of twenty-five or less. (For each 100 members or major fraction thereof, one additional delegate may be elected.)

Determining Average Membership

Section 3. Effective July 1, 1986 for the purpose of this article, membership shall mean the average number on which the per-capita tax has been paid for the first (twelve*) twenty-four months of the (fourteen*) twenty-six-month period immediately preceding the month in which the convention meets, provided:

Local Eligibility

(a) That no local in arrears for two months at the time of the convention shall be entitled to representation.

(b) That, in the case of locals which have been chartered during the (one*) two years preceding the convention, the average shall be computed on the basis of the number of months of affiliation, the minimum for such computation to be two.

Delegate Strength—Agency Fees

Section 4. That, in the case of locals which receive fees from nonmembers for representing them under an agency shop agreement, the average number on which the per-capita tax has been paid shall be increased by including, as if it were per-capita tax, the sum equal to the per-capita tax paid as required by Article VIII, Section 1 of the bylaws.

State Federation Delegates

Section 5. State federations, upon compliance with Article VIII, Section 1, shall have the right to send delegates to the conventions of the American Federation of Teachers. Each state federation may elect one delegate to the convention, regardless of its at-large membership. Additional delegates may be elected by the state federations, according to their at-large membership, by applying the formula established for locals as set forth in Section 2 of this article.

All such delegates shall be either members of the state federation, or its affiliated locals, provided such locals are in full compliance with Section 1 of this article. All state delegates shall be

*In effect until 1984.

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members of the convention, with all privileges, and shall be entitled to cast votes for their state federation pursuant to Section 6 of this article.

Full-time Staff Restrictions

Section 6. Locals entitled to two (2) delegates may not elect more than one (1) who is a full-time, paid, elected official of the local. Locals entitled to more than two (2) delegates may not elect more than one-third who are full-time, paid, elected officials of the local.

Roll Call Voting Strength

Section 7. On all roll calls at the convention, each local represented shall be entitled to a number of votes equal to the average membership as defined in Section 3 of this article.

Distribution of Votes

The votes of a local shall be distributed as evenly as possible among the delegates present at the time of the voting, but votes shall not be fractioned. All additional votes shall be assigned by lot or by an objective formula which has been previously reported to the secretary-treasurer of the American Federation of Teachers, with no delegate getting more than one of the additional votes. In the election of officers and delegates to the AFL-CIO convention, all voting shall be by roll-call vote and each local represented shall be entitled to the average membership as defined in Section 3 of this article.

Alternates

Section 8. When a delegate leaves the convention, his/her place in the convention may be taken by an alternate, if any has been certified as provided in Section 1, Article VIII, and in the order as listed. No other transfer or substitution of voting rights shall be allowed.

ARTICLE IX

REVENUES

Militancy Fund

Section 1. Twenty-five cents (25¢) of each member's per-capita shall be set aside for an AFT Militancy Fund. The executive council shall establish clear guidelines and procedures which guarantee that the benefits available through the fund shall be distributed on an equitable basis. Benefits shall not be provided unless the strike action is in conformity with the AFT strike policy. An annual financial report of the Militancy Fund shall be made to the AFT executive council and to the convention.

Defense Fund

Section 2. Two cents of each member's monthly per-capita tax shall be set aside for the Defense Fund.

Publications

Section 3. The payment of the per-capita tax shall entitle each member to a subscription to the official periodicals of the American Federation of Teachers.

Members-at-Large

Section 4. State federations shall pay to the national office, for each member-at-large, the prevailing per-capita tax required for each member of a chartered local.

Per-Capita Reports

Section 5. The treasurer of each affiliated local shall fill out and forward to the national office, on or before the 15th of each month, the report of members in good standing, together with mailing addresses, on the first day of that month, together with all taxes and assessments due the American Federation of Teachers. Locals which have once submitted names and addresses of the members shall revise and correct the membership list with each per-capita payment.

Per-Capita Delinquency

Section 6. Any affiliated local not paying its per-capita tax on or before the 15th of each month shall be notified of the fact by the national office, and if at the end of three months it is still in arrears, it shall become suspended from membership and can be reinstated only by a majority vote of the executive council upon payment of arrearages in full. A local which the executive council refuses to reinstate shall have the right to appeal to the next convention.

Appeal

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Treasurer's Certification of Membership

Section 7. The treasurer of each affiliated local shall report monthly to the national office on forms furnished by the latter for that purpose, and shall certify that the report is for the full number of members in good standing in the local.

Executive Council's Audit Powers

Section 8. The executive council shall have power to employ an auditor to examine the books of any affiliated local or state federation upon the direction of a majority vote of the executive council.

Local Financial Statement

Section 9. Beginning January 1, 1971, each local shall submit a financial statement for the local including a statement of assets and liabilities and a statement of income and expenses to the AFT secretary-treasurer within five months of the end of the fiscal year for the local.

ARTICLE X

AMENDMENTS

Procedure

Section 1. Proposed amendments to the constitution may be submitted to the convention either by request of the executive council, or the convention or executive council of any state federation, or by request of a local. All amendments shall bear the signature of at least two elected officers of the federation introducing the amendment. The officers signing the amendment shall certify that the amendment was approved for submission to the convention by the executive board or membership of the local, or by the executive board or convention of the state federation, or by the executive council of the AFT.

Referendum Vote

Section 2. Proposed amendments may be submitted to a referendum vote under the procedure set up in Article XII.

Time Limitations

Section 3. If a proposed amendment is to be submitted to a national convention, it must reach the national office by March 15th and must be sent by the national office to the locals by April 15th.

Two-thirds Vote Requirement

Section 4. The constitution shall be amended at the convention by two-thirds (majority) of the votes cast.

ARTICLE XI

AFFILIATION

AFL-CIO

Section 1. This organization shall immediately affiliate with the American Federation of Labor and Congress of Industrial Organizations and shall permanently maintain that affiliation.

State Federation Requirements

Section 2. Effective September 1, 1968, each local union of this organization shall maintain affiliation with its state federation, and delegate representation of each local in the state federation shall be no less than the formula delineated in Section 2 of Article VIII of this constitution. Each state federation shall, in its convention, follow all voting procedures as delineated in Section 7 of Article VIII of this constitution.

Local and State AFL-CIO Labor Councils

Section 3. Effective September 1, 1969, each local union of this organization shall maintain affiliation with its AFL-CIO state labor council and its local AFL-CIO labor council(s), if such council(s) exist. Failure of any local union to maintain the affiliations as required in Sections 2 and 3 of this Article shall be grounds for denial of delegate representation at any state or national convention of this organization or other appropriate penalties set by the executive council.

ARTICLE XII

REFERENDA

Initiation

Section 1. Proposed actions, including actions of the convention and amendment to the constitution and the

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bylaws, shall be submitted to a referendum vote by order of the convention or of the executive council or by request of fifteen (15) or more locals representing not less than fifteen (15) percent of the members then in good standing, or by petition signed by not less that ten (10) percent of the members, except that the executive council shall not order a convention action to be submitted to referendum; provided, however, that in no case shall a referendum be held whose termination date is between June 1 and November 1; and, provided that actions taken by the executive council concerning:

(a) actions of the convention involving expenditure of funds;

(b) the employment, reemployment, or dismissal of officers, organizers, office employees, and other general employees who are appointed and whose salaries or other remuneration are fixed by the executive council;

Limitations

(c) the power to interpret and enforce the constitution and to make rules and bylaws not in conflict with the constitution subject to report to succeeding convention for approval, rejection, or modification;

(d) the power to appoint committees not inconsistent with the constitution;

(e) the time and place for the meetings of the executive council and the expenses involved therein;

(f) the power to fill vacancies on the executive council, and

(g) the power to investigate locals shall not be the subject of referendum; and further provided that action taken by the convention under authority of the bylaws, Article VI, governing nominations and elections procedures, shall not be the subject of referendum.

Time Limit

Section 2. After receipt of order or request for referendum, it shall be the duty of the AFT president to transmit the question to be voted on to the locals within two weeks of its receipt by him/her. Following this, there shall be a period of six weeks during which the proponents and opponents shall be given opportunity to debate the issue through the regular channels of the union, at the end of which time the president shall send to the individual members of all locals in good standing, ballots upon which the members shall cast their votes and shall also send to the members-at-large of the state federations, ballots upon which the members-at-large of the state federations shall cast their votes.

Ballot Counting Procedure

Section 3. The president of the AFT shall rent a postal deposit box. The individual members will mail the ballots to this postal box. The closing date of the referendum shall be 30 days from the date ballots are mailed from the national office. At the end of 30 days, the president, or the president's representative, accompanied by at least two representatives of each side of the issue on the ballot, shall remove the ballots and cause them to be counted. Ballots received after the opening of the postal box will not be counted. In the alternative, the president, with the consent of the executive council, may engage an independent agency to conduct the balloting and to count the votes. In such event the agency shall count only those ballots received during the thirty-day period following the mailing of the ballots to the members.

Ballot Verification

Section 4. The number of the local shall appear on the ballot and only those ballots of members of locals or of state federations in good standing shall be counted. These votes shall not exceed in number the number of members and members-at-large for which per-capita was last paid prior to the date on which ballots were sent from the national office. Should the number of ballots cast by any local or state federa-

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tion exceed the number to which that local or state federation is entitled, the "ayes" and "nays" shall be reduced proportionately to come within the required number.

Notification of Results

Section 5. The president shall notify the locals of the results of the referendum as soon as possible, but no later than two weeks following receipt of the count. The president shall also publish the results in the official publication of the American Federation of Teachers.

Referendum Duration

Section 6. AFT policy adopted by referendum shall not be considered by the first convention following the referendum.

ARTICLE XIII

PARLIAMENTARY AUTHORITY

Robert's Rules

The rules contained in *Robert's Rules of Order—Revised*, shall govern this federation in all cases to which they are applicable and in which they are not inconsistent with rules regularly adopted by the federation.

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BYLAWS

NOTE: Underlined words indicate new language adopted at the 1983 Convention.

ARTICLE I

SPECIAL RULES OF ORDER FOR CONVENTIONS

Program

Section 1. The convention shall be called to order and conducted according to the printed program as prepared by the convention committee and approved by the executive council subject to such modification as the convention may make from time to time.

Adjournment

Section 2. The convention shall not adjourn before three o'clock on the fifth day unless all business of the convention has been finished.

Speech Time Limitations

Section 3. Limitations of speeches in debate shall be three minutes instead of ten minutes as provided in *Robert's Rules of Order—Revised*, unless time is extended by majority vote of the convention.

Roll-Call Vote

Section 4. A motion calling for a roll-call vote shall require a one-fourth vote for adoption. When a roll-call vote has been ordered, the presiding officer shall at once call for the next item on the agenda, action on the pending motion being automatically postponed pending the tabulation of the results of the roll-call vote. No debate, amendment, or other motion affecting the question on which the roll-call vote was ordered may be made after a roll-call has been ordered. The ballots shall be distributed to the ranking delegates of each delegation under the direction of the presiding officer of the credentials committee. (These ballots shall be prepared in advance by the president.) Each delegate voting shall enter on his/her ballot the number of the roll-call, the number of his/her local, his/her full name, the number of votes he/she is casting, how he/she is voting. This record shall be included in the convention proceedings. The ranking delegate shall tabulate the votes of the delegation on a summary sheet and submit the sheet along with the ballots to the credentials committee. If a delegate's ballot is not collected promptly, he/she may deliver his/her ballot directly to the committee on credentials. No vote shall be accepted later than one hour following the ordering of a roll-call vote. The results of the roll-call vote shall be tabulated by the committee on credentials and reported to the convention immediately upon completion of the tabulation according to the following procedure:

(a) The total vote shall be read.

Vote Challenge

(b) If any delegate challenges the vote of his/her local, the roll of delegates from that local shall be read, and each delegate shall rise as his/her name is called, announce his/her vote and state the number of votes he/she is casting.

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(c) The report on [illegible] roll-call vote shall then be revised to agree with the oral vote just taken.

(d) A copy of the roll-call vote shall be posted showing the vote of each delegate, and shall remain posted until the end of the convention.

Delegate Seating

Section 5. Delegates shall be seated upon acceptance by the convention of the report of the credentials committee and the list of delegates shall be made available to the members of the convention. The right of any delegate to be seated as a member of the convention shall be subject to challenge within a twenty-four-hour period after he/she has been declared seated by the convention. Delegates may vote unless or until successfully challenged but, in the event of a roll-call vote, a successful challenge invalidates the individual's vote.

Vote Distribution

Section 6. In the case of locals represented by fewer delegates than the number of votes to which they are entitled, the votes shall be distributed in accordance with the constitutional provision (Article VIII, Section 7), and any remaining votes shall be distributed as determined by the delegation.

Order of Business

Section 7. The order of business for business sessions of the convention shall be as follows:

(a) report of committee on credentials (credentials committee shall make supplemental reports at the beginning of each business session of the convention);

(b) action on minutes of the previous convention as summarized in the delegate's reports prepared by the convention reporter;

(c) reports of officers and executive employees;

(d) report of executive council;

(e) reports of convention committees;

(f) reports of special committees;

(g) installation of officers.

Reports

Section 8. Rep[illegible] of officers and executive employees given before the seating of delegates shall be referred without debate and without action of the convention to the appropriate committees.

Quorum

Section 9. A quorum for the conduct of business at a convention shall be 25 percent of the delegates who have been seated.

ARTICLE II

COMMITTEE ON CREDENTIALS

Registration of delegates and visitors.

Appointment

Section 1. The committee on credentials shall be appointed by the executive council and shall be notified of their appointment at least two weeks prior to the convention. The committee shall consist of at least five members and shall be responsible for registration of delegates, council members, and visitors.

Registration Procedure

Section 2. Registration of delegates, members of the executive council, and visitors shall begin at 1 p.m. on the day preceding the convention. Before the time for registration, the president shall furnish the committee on credentials with copies of the lists of delegations and the duplicates of credentials as reported to him/her by the various locals. Each delegate, member of the executive council, and visitor shall be furnished with an appropriate official badge to be worn at the convention.

ARTICLE III

CONVENTION PROGRAM

Program Committee

Section 1. The committee on convention program shall be appointed by the executive council not later than the midyear meeting of the executive council. This committee shall prepare the

tentative program of the next convention and shall submit it to the president at least six weeks before the convention. The president shall send a copy of the tentative program to each delegate as soon thereafter as possible.

Committee Session

Section 2. The convention program shall provide for a minimum of six (6) business sessions including one for nominations and shall make available a minimum of three (3) hours for meetings of convention committees.

Time Limitation

Section 3. In setting up the convention program, reports of convention committees shall be scheduled to begin not later than the afternoon session of the second day of the convention.

ARTICLE IV

GENERAL CONVENTION PROCEDURE

Time and Place

Section 1. The convention shall convene during the months of July and/or August at the time and place determined by the executive council.

Speech Duplication

Section 2. In case any motion is passed that any convention address be mimeographed or printed, the maker and seconder of the motion shall constitute a committee to secure the address in printable form and to submit it to the president.

Convention Floor Admission

Section 3. Only credentialed delegates and members of the executive council shall be admitted to the convention floor except invited guests who are participating in the program of the convention. All visitors shall secure a pass from the credentials committee and shall be seated only in a special section reserved for them.

Resolution Procedure

Section 4. Resolutions to the convention may be introduced by locals, state federations or the executive council of the American Federation of Teachers. No resolution shall be introduced later than six weeks prior to the opening of the convention except by two-thirds vote of the convention. All resolutions shall bear the signture of at least two elected officers of the federation introducing the resolution. The officers signing the resolution shall certify that the resolution was approved for submission to the convention by the executive board or membership of the local, or by the executive board or convention of the state federation, or by the executive council of the American Federation of Teachers. The resolution shall contain the title and shall be submitted to the president of the American Federation of Teachers in typewritten form, in quadruplicate. Resolutions so submitted shall be mailed from the AFT national office to locals and state federations prior to the convention.

Sergeants-at-Arms

Section 5. The president or presiding officer of the convention shall appoint an appropriate number of ushers whose duty it shall be to see that only persons entitled to admission shall be admitted to the convention hall. The ushers shall see that visitors are seated in the section assigned to them. They shall assist the presiding officer in such other ways as may be directed.

Priority of Constitutional Amendments Committee

Section 6. The constitutional amendments committee shall be heard in full prior to other committee reports. The constitutional amendments committee shall report only the proposed amendments, which it recommends for adoption, with or without amendments. At the conclusion or immediately after the conclusion of the committee's full report, any delegate may move adoption of a proposed amendment not recommended by the committee. The chair shall allow one statement for the proposed amendment and one statement against the proposed amendment. The chair shall then immediately put the question of whether the convention desires to debate the proposed amendment. If this motion prevails by a one-third vote, the proposed amendment shall be before the convention.

Committee Reporting

Section 7. Each [illegible]er committee shall select the three resolutions or items of business it considers most important for its initial report. When these have been acted upon or at the end of an hour, whichever comes first, of each committee's partial report, debate shall be closed and all pending questions shall be put to a vote immediately unless the time of debate is extended by majority vote of the convention. After all committees have had an opportunity to make their first reports, additional committee reports may be made in the order selected by the president.

Resolutions Duration

Section 8. Resolutions upon which no action has been taken shall die when the convention adjourns.

Rules Adoption

Section 9. A copy of the rules should be provided for delegates and visitors upon convention registration and should be voted on at the opening session on the first day of the convention.

ARTICLE V

CONVENTION COMMITTEES

Appointment

Section 1. Convention committees shall be appointed by the executive council. In appointing such committees, the council shall give consideration to the expressed choices of delegates as indicated on the committee choice cards, which shall be sent by the president to each delegate promptly upon receipt of credentials. However, the council shall not be bound by the choice cards, but shall give equal weight and consideration to service on standing committees and to the proper balancing of committees. Members of standing committees who are delegates shall be appointed to the corresponding convention committees so far as feasible in order to coordinate the work of convention and standing committees.

Committee Choice

Section 2. A delegate interested in a specific problem of a resolution shall have an opportu[illegible] to present his/her viewpoint to the appropriate committee at a time designated by the committee chair.

Committee Changes

Section 3. Changes in assignments of delegates to committees shall be made only by a committee of the executive council upon application. Such application shall include a written statement of the reason for desiring the change. No change shall be made after 5:00 p.m. on the first day of the convention.

Order of Committee Reports

Section 4. Reports of convention committees shall be received at the time designated in the printed program or as designated by the convention. Reports shall be made in the order assigned by the chair of the convention committee and the president who shall make such assignments upon application by the chair of committees except as the convention may desire to receive reports in a different order.

Debate Limit

Section 5. Debate in committees may be limited by a two-thirds vote of the committee.

ARTICLE VI

NOMINATIONS AND ELECTION PROCEDURES

Procedures

Section 1. All nominations of officers and delegates to the AFL-CIO convention shall be by petition signed by at least fifty delegates and presented to the secretary-treasurer no later than 8:00 a.m. on the third day of the convention. Declination of nominations shall be made prior to 8:30 a.m. on the same day. Candidates shall be introduced to the convention between 8:30 a.m. and 10:00 a.m. on the same day with the option of making a two-minute speech of acceptance. Presidential candidates shall be allotted five minutes for their acceptance speeches and remaining time allotted equally among vice-presidential candidates with the option of pooling their time. Candidates for

Speech Limitation

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delegate to the AFL-CIO convention shall be allotted two minutes for their speech with the option of pooling their time. No other business shall be conducted during this time.

Election

Section 2. Balloting for election of officers shall take place from 4:30 p.m. until 7:30 p.m. of the third day of the convention under the supervision of the elections committee. No other official business of the convention shall be conducted during balloting. Only delegates who are seated by 5:00 p.m. of the second day of the convention may vote in the election.

Presidential Vote Requirement

Section 3. A majority of the ballots cast for the office of the president shall be required to elect the president. In the event that no candidate for president receives a majority, a run-off election between the two candidates receiving the highest number of votes shall be conducted by roll-call vote.

Vice-Presidential Vote Requirement

Section 4. Vice-presidential candidates receiving the highest number of votes corresponding to the number of positions to be filled shall be declared elected. In the event that there is a tie for the final positions, a run-off election for that position between the tied candidates shall be conducted by roll-call vote.

ARTICLE VII

STANDING COMMITTEES

Appointment

Section 1. The standing committees shall be established and appointed by the executive council not later than the midyear meeting of the council each year. The presiding officer and as many members of standing committees as possible shall be appointed at the post-convention meeting of the council.

Continuity

Section 2. As a matter of policy the executive council shall endeavor to maintain continuity of personnel of standing committees.

Section 3. Each standing committee shall make a written report for submission to the appropriate convention committee.

Section 4. In addition to the standing committees established and appointed by the executive council, there shall be a standing committee against racism in education. The executive council shall appoint the chair and other members of the committee which shall perform the following functions:

(a) Coordinate and aid local and regional conferences on racism in education, and work with locals to help establish effective local committees against racism in education.

(b) Evaluate textbooks and develop curriculum materials for use by teachers in correcting the omissions and distortions of history especially regarding the role of the Afro-American and other minority groups.

(c) Evaluate existing local contracts with regard to provisions for the teaching of Afro-American history and the elimination of racism in education.

(d) Conduct a summer workshop on racism in education and the teaching of Afro-American history and culture.

The committee shall submit a report on its activities to the convention and a copy shall be sent to each local.

ARTICLE VIII

PER-CAPITA, BUDGET, AND AUDITS REVENUES

Per-Capita Tax

Section 1. (a) Effective September 1, 1983, each affiliated local shall pay for

each member a per-capita tax of $5.00 per month. Effective January 1, 1975, the national office shall pay back to the office of each state federation for each member a per-capita of 20 cents per month.

Agency Fees

Section 1.(b) Where a local receives fees from non-members for representing them under an agency shop agreement, it shall pay to the national office a sum equal to the per-capita tax for all such non-members, and shall also pay to the state federation of teachers a sum equal to the per-capita of the state federation for all such non-members. Effective September 1, 1977, each affiliated local that has members within a unit where the bargaining rights have been won by another organization and where the other organization has obtained an agency shop or fair-share clause in the contract, the local shall pay per-capita tax at one-fourth the regular rate on those members required to pay agency or fair-share fees to another organization. Representation at the AFT or the state convention shall also be computed at one-fourth the constitutional formula for apportionment of delegate and voting strength. Locals whose members pay agency or fair-share fees to another organization may elect to pay full per-capita for such members and receive full representation.

State Rebate

Procedure for Objections to Agency Fees

Section 1.(c) Any local which receives service or fair-share payments in lieu of dues from employee(s) represented by the local shall adopt procedures for such employee(s) to object during a specific time period each year to the expenditure of his/her portion of such payments for certain purposes. Such procedures shall provide that employee(s) may object to expenditure of his/her portion of such payments for activities or causes of a political nature only incidentally related to collective bargaining. Employee(s) may object to the expenditure of his/her portion of such payments for activities or causes involving controversial issues of public importance only incidentally related to collective bargaining. Employee(s) may not object to expenditures of his/her portion of such payments used for collective bargaining including but not limited to negotiating, organizing, servicing, educational research and union administration. That portion of such fees spent by the union, local, state and national level for the above described purposes will be determined in each fiscal year by the respective chief fiscal policy-making body and rebate of a prorated portion of his/her service or fair-share fees corresponding to such proration shall be made to each individual who has filed a timely notice of objection each year.

Time Limitations

Section 1.(d) The procedures adopted shall provide for the right to object during a specific time by registered/certified mail and for the determination of appropriate portions of money spent for purposes described in paragraph (1). The employee(s) shall have rights of appeal internally and if not satisfied, shall have the right to appeal to an independent, outside review panel whose decision shall be final and binding.

Appeal

State Laws

In the event that service or fair share fees are established through procedures of state law in such a way as to meet the above objections, then sections 1(c) and 1(d) shall not apply.

Budget

Section 2. The budget shall be prepared and adopted annually by the executive council and shall be subject to subsequent revision when needed.

Audit

Section 3. It shall be the responsibility of the executive council to cause the auditing of the financial records of the organization annually and to submit said audits to each convention.

Building Fund

Section 4. Twenty-five cents of each member's per-capita tax shall be set aside each month in a building fund to

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finance the purchase of an AFT building. The fund shall continue until such time as the purchase has been completed and any additional financial costs of the building not covered by income from the building have been met.

Per-Capita Tax Changes

Section 5. Proposed changes in per-capita must be sent to the national office by March 15 and must be sent by the national office to the locals by April 15.

ARTICLE IX

SUSPENSION OF RULES AND AMENDMENT OF BYLAWS

Suspension of Bylaws

Section 1. The special rules of order contained in Article I of these bylaws may be suspended by a two-thirds vote in the same manner as provided by *Robert's Rules of Order—Revised*, for the suspension of all regular rules of order.

Amendment of Bylaws

Section 2. The bylaws may be amended by the same procedure as in Article X, Sections 1 through 3, of the constitution. All such amendments shall require a majority vote for their adoption except those relating to bylaws, which themselves require more than a majority vote, in which case the same vote shall be required to adopt the amendment as required by the bylaws to be amended.

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AFT EXECUTIVE COUNCIL

ALBERT SHANKER
President

ROBERT PORTER
Secretary-Treasurer

VICE-PRESIDENTS

JAMES E. BALLARD
CONSTANCE CABELL
PAUL COLE
ANTONIA CORTESE
PATRICK L. DALY
KENNETH J. DEEDY
HUGO DENNIS, JR.
PAUL L. DEVLIN
NUALA McGANN DRESCHER
JOHN ELLIOTT
SANDRA FELDMAN
ALBERT FONDY
ROBERT M. HEALEY
THOMAS HOBART
SANDRA IRONS
LORRETTA JOHNSON
EUGENE G. KOLACH
JULES KOLODNY
NATHANIEL LaCOUR
HERBERT MAGIDSON
RICHARD MANLEY
EDWARD J. McELROY, JR.
JAMES McGARVEY
JOHN P. MURRAY
CANDICE OWLEY
IRWIN H. POLISHOOK
MARIA PORTALATIN
DAN SANDERS
WILLIAM H. SIMONS
JUDY SOLKOVITS
LOUISE A. SUNDIN
WALTER TICE
PAT TORNILLO, JR.
JACQUELINE VAUGHN

Affiliated with
American Federation of Labor and Congress of Industrial Organizations
Department of Professional Employees, AFL-CIO
Industrial Union Department, AFL-CIO
International Federation of Free Teacher Unions
Public Employee Department, AFL-CIO
Union Label Department, AFL-CIO

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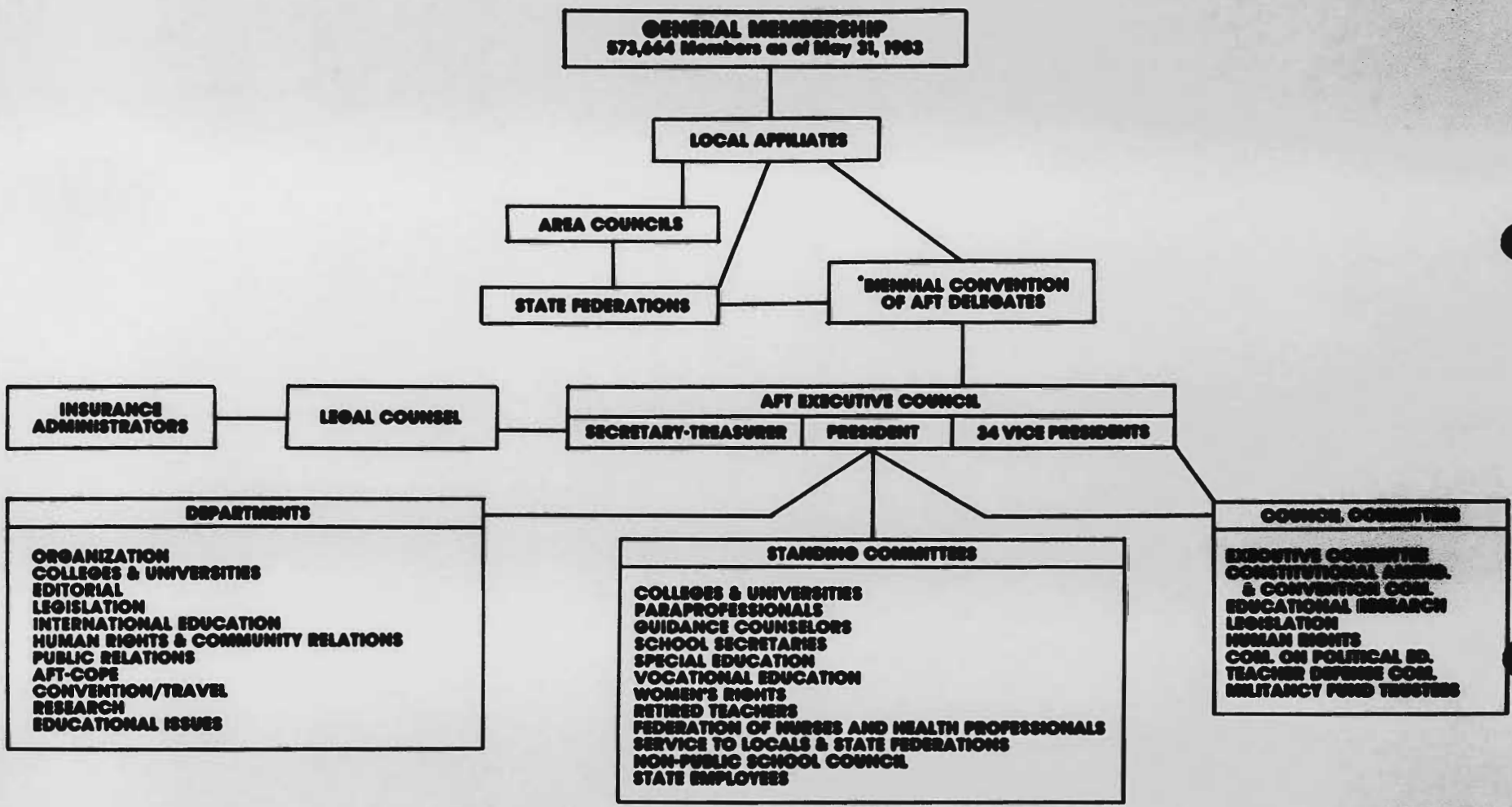
TABLE OF ORGANIZATION



*Goes into effect in 1984.

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RESOLUTION

Political Endorsements

The AFT/COPE Committee believes that the most effective procedure for political endorsements keeps the selection of political candidates as close to the individual member as possible.

However, the selection of a presidential candidate is in the province of the entire organization. The Committee recommends that the 1976 presidential candidate be endorsed by AFT convention delegates or by a membership referendum.

The Committee further recommends that state federations adopt procedures to endorse candidates for statewide office as well as for the Congress of the United States. The task of endorsing local and municipal candidates properly belongs to local affiliates.

AFT/COPE may only make contributions to candidates who have been endorsed by the appropriate affiliate body. When an AFT affiliate has taken a neutral position in a race, or where there is no AFT affiliate to make such an endorsement, contributions to or endorsements of candidates will be made only after the appropriate COPE affiliate has been consulted.

To help in the endorsement procedures, the AFT/COPE Department will provide state and local bodies with information about candidates for the Congress of the United States. The Department will also be available to help develop intrastate endorsement procedures.

May 1, 1975

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Case 1605

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJEWSKI, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

January 27, 1984

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

Re: MUR 1605

Dear Mr. Steele:

Enclosed please find a statement submitted on behalf of respondents UAW V-CAP and Donald J. Moll, in response to the complaint in the above referenced case.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Anne Weissenborn

Enclosure

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

MATTER UNDER REVIEW (MUR) NO. 1605

STATEMENT SUBMITTED ON BEHALF OF
RESPONDENTS UAW V-CAP AND DONALD J. MOLL

by

Alan V. Reuther
Counsel for Respondents
UAW V-CAP and Donald J. Moll
1757 N Street, N. W.
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Introduction

On December 5, 1983, James Antosh filed a complaint with the Federal Election Commission alleging that the separate segregated funds (SSFs) established by the AFL-CIO, UAW, AFT and IBEW have violated certain provisions of the Federal Election Campaign Act (FECA). The complainant, James Antosh, is president of Shawnee Garment Manufacturing, Inc., and is represented by the Center on National Labor Policy, an off-shoot of the National Right to Work Committee (NRWC). The respondents are AFL-CIO COPE-PCC, AFT-COPE, IBEW-COPE, and the United Auto Workers Voluntary Community Action Program (UAW V-CAP), along with the treasurers of these SSFs.

UAW V-CAP and its treasurer, Donald J. Moll, were notified of the complaint on December 12, 1983. The Commission subsequently granted respondents an extension until January 27, 1984 in which to file a response to the complaint. The following statement is submitted on behalf of respondents UAW V-CAP and Donald J. Moll (hereafter collectively referred to as "UAW V-CAP").

The gravamen of the NRWC's complaint is that the AFL-CIO and COPE-PCC coordinate and control the political activities of the international unions which are members of the labor federation to such an extent that they should all be considered "affiliated" within the meaning of the FECA, and therefore treated as a single entity for purposes of the contribution limitations. Accordingly, respondents have allegedly violated sections 433(b)(2) and 441a(a)(2) & (5) of the FECA by failing to list each other as affiliated committees on their statements of organization, and by jointly making contributions in excess of $5000 per election to various candidates.

This argument is not new. Twice before the NRWC has filed complaints against the AFL-CIO or various candidates which were predicated on precisely the same legal theory. Each time, the Commission has rejected their argument and dismissed the complaints, holding that the SSFs established by the AFL-CIO and various international unions are not "affiliated" within the meaning of the FECA. See MUR 354 (76) and MUR 783 (78). When the NRWC

subsequently brought a lawsuit challenging the Commission's decision in the second case, the United States District Court for the District of Columbia ultimately upheld the Commission's action in dismissing their complaint. In re Federal Election Campaign Act Litigation, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9082 (D.D.C. June 14, 1979) at p. 50655.

By filing the complaint in the present case, the NRWC is simply attempting to take another "bite at the apple" and to relitigate this same legal theory. There has not been any change in the relevant statutory provisions and regulations since these prior cases were decided by the Commission and the court. And there has not been any substantive change in the nature of the relationship between the AFL-CIO and its constituent unions or the manner in which they conduct their political activities. Accordingly, the Commission should reaffirm its earlier decisions and continue to hold that the SSFs established by the AFL-CIO are not affiliated with the SSFs established by the various international unions. It should therefore find that there is no reason to believe that respondents have violated any provisions of the FECA, and dismiss the NRWC's complaint without further investigation.

I.

Congress Intended That The AFL-CIO And Its Member Unions Be Treated Separately For Purposes of the Contribution Limitations

Section 441a(a)(1) § (2) of the FECA places limits on the amounts which political committees may contribute to federal candidates. Section 441a(a)(5) in turn provides that:

> For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that —
>
> (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fundraising efforts; . . .

> In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

The legislative history of the 1976 amendments to the FECA makes it clear that the purpose of this provision was to prevent corporations, labor unions, and other persons from circumventing the contribution limitations through a proliferation of multiple political committees. H.R. Conf. Report, No. 94-1057, 94th Cong. 2d Sess. 58 (1976). Congress did not discuss the meaning of the phrase "established or financed or maintained or controlled" in any detail. But it did spend a good deal of time considering how the anti-proliferation provision would apply to specific groups. Congress did not legislate in a vacuum in this area. It was well aware that business, labor and other groups maintained political committees. And it tried to grapple with the problems posed by the application of the anti-proliferation rule to these groups and their political committees, in view of their different structures and purposes.

Since the legislative history behind the 1976 amendments to the FECA will be discussed at length in the statement submitted on behalf of respondent AFL-CIO COPE-PCC, for the sake of brevity it will not be repeated here. Suffice it to say that the legislative history clearly shows that Congress was aware that most national and international unions were affiliated with the AFL-CIO, and that most corporations were affiliated with a trade association, such as the Chamber of Commerce or the National Association of Manufacturers. Congress also was aware that individual unions and corporations had established SSFs, and that the AFL-CIO and trade associations also maintained their own SSFs. In addition, Congress understood that the AFL-CIO and trade associations had conducted massive programs involving partisan internal communications, registration and get-out-the-vote drives, and the solicitation of voluntary contributions, which were aimed at the individual members or stockholders, executive and administrative personnel of their member unions and corporations. Although it enacted a new reporting

requirement pertaining to certain internal communications, Congress clearly affirmed the right of the AFL-CIO and trade associations to continue to undertake such programs with their member unions and corporations. Most importantly, the legislative history demonstrates that, notwithstanding these factors, Congress still intended for the SSFs maintained by international unions and corporations to be treated separately for purposes of the contribution limitations from the SSFs maintained by the AFL-CIO and the various trade associations.

This does not mean that Congress intended to establish an absolute rule that the political committees set up by a trade association or labor federation could never be considered affiliated with the political committees set up by their member corporations or unions, no matter what the facts and circumstances were concerning their relationship. Obviously the anti-proliferation rule might apply if a labor federation or trade association established a number of sham unions or corporations, which had no autonomy or independent existence. But at the very least, the legislative history of section 441a(a)(5) makes it clear that Congress did not intend for the type of relationship which existed in 1976 between the AFL-CIO and its constituent international unions, or the Chamber of Commerce and its member corporations, to trigger application of the anti-proliferation rule. Notwithstanding the broad scope of the anti-proliferation provision which was ultimately adopted, Congress decided that the AFL-CIO and the Chamber of Commerce (as well as other trade associations) should continue to be treated as separate entities from their member unions and corporations for purposes of the contribution limitations.

II.

Interpretation of Section 441a(a)(5) By The Commission And The Courts

After the 1976 amendments to the FECA were enacted, the Commission promulgated regulations interpreting section 441a(a)(5). These regulations provide in pertinent part:

S 110.3 Affiliated committees; transfers.

(a)(1)(i) For purposes of the limitations in SS110.1 and 110.2 contributions shall be considered to be made by a single political committee (including a single separate segregated fund) if made by more than one political committee (including a separate segregated fund) established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit thereof, or by a group of those persons. See affiliated committees, 11 CFR 100.5(g).

(ii) Application of the rule of this paragraph means —

(A) All of the political committees set up by a single corporation and/or its subsidiaries are treated as a single political committee;

(B) All of the political committees set up by a single national or international union and/or its local unions or other subordinate organizations are treated as a single political committee;

(C) All of the political committees set up by an organization of national or international unions and/or all its State and local central bodies are treated as a single political committee;

(D) All of the political committees (other than party committees see paragraph b of this section set up by a membership organization, including trade or professional associations, see S 114.8(a), and/or by related State and local entities of that organization or group, are treated as a single political committee;

(E) All of the political committees set up by the same group of persons are treated as a single political committee.

(iii) For organizations not described by paragraphs (a)(1)(i) or (ii) of this section, indicia of establishing, financing, maintaining, or controlling may include —

(A) Ownership of a controlling interest in voting shares or securities;

(B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

(C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity;

(D) Similar patterns of contributions;

(E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

(2) This part shall not limit transfers between

(i) Political committees of the funds raised through joint fundraising; . . .

11 C.F.R. § 110.3. The Commission also promulgated similar regulations defining when political committees established by different organizations will be considered "affiliated committees", and therefore subject to a single contribution limitation. See 11 C.F.R. § 100.5(g)(2).

The Commission's regulations (and in particular, § 110.3(a)(1)(ii)) are drawn directly from the rules set forth in the House Administration Committee and Conference Reports. The regulations expand upon the fourth rule somewhat, by making it applicable to all membership organizations, including trade and professional associations, rather than simply the Chamber of Commerce. The regulations also provide a list of factors which will be considered indicia of affiliation "for organizations not described by paragraphs (a)(1)(i) or (ii)" - that is, by the formal rules contained in the House Administration Committee and Conference Reports, and reiterated in the first portion of the regulations. Thus, it is apparent that these indicia of affiliation do not override those formal rules, and in particular, do not affect the limited exception to the anti-proliferation provision which was created for the political committees established by the AFL-CIO and trade associations.

As previsously indicated, the Commission has twice before specifically considered the manner in which section 441a(a)(5) and the attendant regulations should be applied to the political committees maintained by the AFL-CIO and its constituent international unions. Each time the Commission has concluded that Congress intended these political committees to be treated separately for purposes of the contribution limitations.

In MUR 354 (76), the NRWC filed a complaint against the AFL-CIO alleging that it had violated a number of provisions of the FECA. By letter dated January 27, 1977, the NRWC specifically charged that if the members of the various international unions were also deemed to be members of the AFL-CIO (such that the AFL-CIO could use its treasury funds to pay for communications and non-partisan registration and get-out-the-vote activities directed these individuals), then the AFL-CIO and the various international

unions should all be considered affiliated and treated as a single political committee under section 441a(a)(5). Since the various SSFs established by these international unions and the AFL-CIO had contributed over $5,000 to various candidates, the NRWC asserted that this should be considered a violation of the contribution limitations contained in the FECA.

By letter dated December 21, 1977, the Commission considered and squarely rejected this argument. After finding that the individual members of the international unions were also members of the AFL-CIO, it then went on to hold based on the language in the Conference Report that Congress intended for the anti-proliferation provision to be construed as setting separate contribution limitations for the AFL-CIO and its constituent international unions:

> Second, complainant argues that if the AFL-CIO can solicit members of its members, the statute does not permit the members to have separate contribution limits. As an initial matter, complainant's insistence that the communication provision and the contribution limitation must be seen as identical seem inappropriate. Section 441b(b)(2) places communication and registration and get-out-the-vote drives outside the definition of contribution and expenditures. Thus, the issue as to the extent of the AFL-CIO communications is severable from the contribution issue. In any event, the Commission's conclusion that the statute was designed to set separate contribution limits for the AFL-CIO and its constituent member unions is based on legislative history. Thus, the Conference Report accompanying the 1976 amendments which added the non-proliferation provisions here in question, pointedly stated:
>
> > "All of the political committees set up by a single international union and its local unions are treated as a single political committee.
> >
> > "All of the political committees set up by the AFL-CIO and its state and local central bodies are treated as a single political committee."
> >
> > (H. Rep. No. 94-1057, 94th Cong., 2d Sess., p. 58)
>
> The Commission thus concluded that the statutory provision setting single contribution limits for "political committees established or maintained or financed or controlled by . . . any labor organization, . . . or local unit of such . . . labor organization" was not intended to cover the AFL-CIO and its constituent member unions.

Accordingly, the Commission dismissed the NRWC's complaint against the AFL-CIO.

Not satisfied with this decision, the NRWC tried to test this same legal theory again. In MUR 783(78), the NRWC filed charges against numerous candidates, alleging that they had violated the FECA by accepting excess campaign contributions from the AFL-CIO and its constituent international unions. Again, this charge was predicated on the legal theory that all of the political committees maintained by the AFL-CIO and the international unions should be considered affiliated, and treated as a single political committee for purposes of the contribution limitations.

By letter dated November 2, 1978, the Commission again rejected the NRWC's argument and voted to dismiss the complaints stating:

> In your complaint, you based your allegation that the respondent had violated the Act on the legal premise that the AFL-CIO COPE PCC and the PACs of the various unions which are members of the AFL-CIO are affiliated. As you are no doubt aware, this issue was raised by the National Right to Work Committee in an earlier complaint, designated MUR 354(76). In that matter, the Commission found there was no reason to believe the Act had been violated and so notified NRWC's Vice President Andrew Hare by letter dated December 21, 1977.
>
> Accordingly, upon my recommendation the Commission has decided to close its file in this matter.

This decision by the Commission was based on the recommendation of its General Counsel, who had submitted the following analysis of the legal issue raised by the NRWC complaint:

> This issue is identical to one raised by the same complainants in MUR 354(76). In MUR 354 the Commission found that AFL-CIO COPE PCC and the PACs of the various unions which are members of the AFL-CIO are not affiliated. Further the Commission found that under 2 U.S.C. § 441a(a)(5) the AFL-CIO COPE PCC may contribute up to $5,000 per election and that each individual international union PAC may contribute up to $5,000 per election. NRWC was notified of the Commission's findings on December 21, 1977 (see attached letter).
>
> The Commission's findings were based upon the Commission regulations 11 C.F.R. 100.14(c)(2)(i)(B) and (C), 11 C.F.R. 110.3(a)(1)(ii)(B) and (C); and upon the legislative history of the Act which states:
>
> > "All of the political committees set up by a single international union and its

> local unions are treated as a single political committee."
>
> "All of the political committees set up by the AFL-CIO and its state and local central bodies are treated as a single political committee."
> (Emphasis added)
>
> (H. Rep. No. 94-1057, 94th Cong., 2nd Sess., p. 58)
>
> Thus, the Commission concludes, as it did in MUR 354, that complainants' legal premise is erroneous and that the AFL-CIO COPE PCC and the PACs of the various unions which are members of the AFL-CIO are not subject to one contribution limitation of $5,000.

Thus, the Commission has consistently construed section 441a(a)(5) and its regulations as permitting the political committees maintained by the AFL-CIO and the various international unions to be treated as separate entities for purposes of the contribution limitations.

After the Commission dismissed the complaints involved in MUR 783 (78), the NRWC filed a lawsuit challenging these dismissals on the grounds that the Commission's actions were contrary to the provisions of the FECA. The Commission then brought a motion to dismiss, arguing that as a matter of law the SSFs maintained by the AFL-CIO and its constituent international unions could never be considered affiliated. In Walther v. Federal Election Commission, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9076 (D.D.C. April 17, 1979) at page 50636, the United States District Court for the District of Columbia, per Judge Richey, denied the Commission's motion to dismiss. Judge Richey began with the proposition that the standard of review to be applied to a motion to dismiss was whether it appeared beyond doubt that the plaintiff could prove "no set of facts in support of his claim which would entitle him to relief." After reviewing the statutory language and legislative history, he simply disagreed with the Commission's argument that section 441a(a)(5) could "never" - i.e. "under no circumstances" - apply to the political committees maintained by the AFL-CIO and its member unions. Walther v. Federal Election Commission, supra at 50638-40.

The Commission then filed a motion requesting leave to bring an immediate interlocutory appeal challenging Judge Richey's decision. As part of this motion, the Commission for the first time brought to the court's

attention the crucial legislative history relating to Chairman Hays' analysis of the anti-proliferation rules during the House Administration Committee mark-up session. (See memorandum of law filed by the Commission in support of this motion). More importantly, the Commission also filed a motion for summary judgment in connection with the NRWC's lawsuit. Although Judge Richey denied the request for an interlocutory appeal, he granted the Commission's motion for summary judgment stating:

> A review of both those complaints and the other information available to the Commission indicates that the FEC acted well within its discretion in declining to investigate the allegations of wrongdoing.
>
> * * *
>
> Finally, even when the complaints state a valid charge, they do so only in the most conclusory fashion. Mr. Walther offers not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO. In light of the inadequacy of Mr. Walther's complaints, the Commission's decision not to investigate was certainly neither arbitrary nor capricious.

In re Federal Election Campaign Act Litigation, supra at 50655, 50663.

Judge Richey's two decisions are entirely consistent with the analysis of the statute and legislative history set forth in the first part of this statement, as well as the position previously adopted by the Commission in the two compliance cases. In his first decision, Judge Richey simply concluded that, in the context of a motion to dismiss, he could not accept the proposition that Congress intended to establish an absolute rule that the political committees maintained by the AFL-CIO and its member unions could never be considered affiliated, no matter what the circumstances. In the second decision, however, Judge Richey made it clear that the Commission has ample discretion to find, without conducting an investigation, that the political committees established by the AFL-CIO and the various international unions are not in fact affiliated, where no evidence has been presented which would suggest otherwise.

In considering whether to find reason to believe that respondents have violated the FECA in the present case, the Commission is in a posture similar to Judge Richey's position in deciding the motion for summary judgment. The

Commission is not called upon to consider whether, under any set of circumstances, the AFL-CIO could ever be considered affiliated with its member unions. The Commission need only decide that, in light of the information set forth in the NRWC's complaint and other information available to it, there is not a scintilla of evidence to suggest that there has been any substantive change in the nature of the relationship which existed between the AFL-CIO and its constituent unions at the time the anti-proliferation provision in the 1976 amendments to the FECA was enacted, and the nature of the relationship which presently exists between the federation and its member unions. Accordingly, based on the clear legislative history surrounding section 441a(a)(5), the Commission has ample grounds for concluding that Congress did not intend for respondents to be subject to a single contribution limitation, and therefore for dismissing the NRWC's complaint.

III.

The NRWC Has Not Presented Any Evidence That The UAW And UAW V-CAP Are Actually Affiliated With The AFL-CIO And COPE-PCC

Despite the voluminous nature of its complaint and the attached exhibits, the NRWC still has not presented any evidence which would warrant a finding by the Commission that there is reason to believe that the UAW and UAW V-CAP are affiliated with the AFL-CIO and COPE-PCC. The NRWC has not offered any evidence which would satisfy the criteria set forth in section 441a(a)(5) and the Commission's regulations. In particular, it has not presented any evidence which would show that the nature of the relationship between the AFL-CIO and its member unions is any different than the relationship which existed between these entities back in 1976, when Congress determined that they should not be bound by a single contribution limitation. To the contrary, the evidence available to the Commission indicates that the fundamental nature of this relationship has remained exactly the same - namely, that the various international unions and their SSFs, including the UAW and UAW V-CAP, are autonomous and independent from the AFL-CIO and COPE-

PCC. Accordingly, the Commission has ample discretion to dismiss the present complaint, without conducting any further investigation.

A. Establishment of the UAW and UAW V-CAP

The NRWC does not even allege or attempt to offer any evidence that the AFL-CIO and COPE-PCC were involved in the establishment of the UAW or UAW V-CAP. Any such contention would plainly be preposterous.

The AFL-CIO obviously cannot have played any role in the establishment of the UAW. The UAW was formed and underwent its baptism of fire in the turbulent years of the mid-1930s. The AFL-CIO, on the other hand, was not formed until roughly twenty years later, in 1955.

It is equally obvious that the AFL-CIO and COPE-PCC cannot have been involved in the establishment of UAW V-CAP. At the UAW's 23rd constitutional convention in April 1972, the delegates approved a constitutional amendment - which is now codified in Article 12, Section 20 of the UAW Constitution (see exhibit 1) - that directed the Union's International Executive Board to establish and operate a political action committee to be known as UAW V-CAP, which would be authorized to make policy decisions concerning contributions and expenditures in connection with federal elections from a fund composed of voluntary contributions from UAW members and their families. Pursuant to this mandate from the convention, the International Executive Board formally established UAW V-CAP, adopted by-laws for the committee (see exhibit 2), and registered with the Commission, later that same year. Significantly, the UAW was not a member of the AFL-CIO at that time, having disaffiliated and severed ties with the federation in 1968. Since the UAW did not rejoin the federation until 1981 (see the more detailed discussion of the UAW's reaffiliation which is set forth in part B below), the AFL-CIO and COPE-PCC cannot have been responsible for the establishment of UAW V-CAP.

The delegates to the UAW's 23rd constitutional convention were elected exclusively by the members of the UAW's Local Unions. The AFL-CIO did not play any role in the selection of those delegates, and did not have any other voice or vote at the convention. Similarly, the International Executive Board of the UAW was composed of UAW members who were democratically

elected by the delegates to that convention. The AFL-CIO did not have any officials or other representatives on the UAW's International Executive Board (nor were any members of the International Executive Board associated in any capacity with the AFL-CIO). In addition, UAW V-CAP was established exclusively with monies donated by UAW members and their families. The AFL-CIO and COPE-PCC did not transfer any funds or provide any other financing in connection with the formation of UAW V-CAP. Finally, the AFL-CIO and COPE-PCC did not encourage or assist the UAW to establish UAW V-CAP. As the record of the convention proceedings reflects, the UAW's International Executive Board proposed the constitutional amendment providing for the establishment of UAW V-CAP largely in response to the recent passage of the new federal campaign law:

Report of Constitution Committee (Resumed)

* * *

Vice President Greathouse: I will call on Joe Danz, chairman of the Constitution Committee.

Committee Chairman Danz: If you will turn to Page 3 of the Partial Report Number One, the first Article that will be presented under today's report is Article 12, Secton 10, to be presented by Brother John Bass, a member of the Committee.

. . . Committee Member John Bass read the following:

Article 12

Duties of International Executive Board

Section 10 (new)

THE INTERNATIONAL EXCUTIVE BOARD SHALL CREATE AND OPERATE A POLITICAL ACTION COMMITTEE TO BE KNOWN AS UAW VOLUNTARY COMMUNITY ACTION PROGRAM COMMITTEE (UAW V CAP). THIS COMMITTEE SHALL BE AUTHORIZED TO MAKE POLICY DECISIONS CONCERNING EXPENDITURES AND CONTRIBUTIONS INVOLVING FEDERAL ELECTIONS AND TO MAKE EXPENDITURES AND CONTRIBUTIONS FROM A FUND ESTABLISHED BY VOLUNTARY CONTRIBUTIONS FROM UAW MEMBERS, THEIR FAMILIES AND FRIENDS. ONCE EACH YEAR A SUMMARY REPORT OF INCOME AND DISBURSEMENTS IN FEDERAL ELECTIONS BY CATEGORY SHALL BE MADE.

Committee Member Bass: Mr. Chairman, on behalf of the Constitution Committee, I move for the adoption of the new Article, Article 12, Section 10.

Committee Chairman Danz: This Section is being established to give the International Executive Board the authority to create and operate a Political Action Committee to be known as the UAW V CAP Committee. Such Committee would have the authority to make policy decisions concerning expenditures and contributions involving federal elections, and to make expenditures and contributions from a fund so established by the procurement of voluntary contributions from UAW members, and their families and friends. This will give the union regulatory authority and greater protection in the use of its funds, consistent with legal requirements.

Vice President Greathouse: I just want to say before we open the floor for debate on this that the Board feels that this is a desirable and probably a necessary thing in compliance with the new federal law that we have in the United States on expenditure of union funds for political purposes. Now, what we are proposing here is the establishment of a committee separate and apart officially from the official Board of the Union that will handle the voluntary money. We are not talking about the Union money, we are talking about the voluntary dollars that we collect in federal campaigns. We want to keep that separate from Union money, and this is the technical establishment of a committee.

You have heard the motion and the support for the motion. Anyone want to speak on the resolution?

If not, all in favor of the adoption of the resolution signify by raising your right hand. Down

Those in opposition?

Motion is carried.

Proceedings of 23rd Constitutional Convention (Tuesday, April 25, 1972), at pages 172-73 (see exhibit 3).

B. Control of the UAW and UAW V-CAP

The NRWC does allege that the AFL-CIO and COPE-PCC exercise control over the various international unions and their SSFs, asserting that "the affiliated organizations have no real appreciable autonomy." (complaint, p. 9) This incredible statement, however, is clearly disproved by the constitutions and by-laws of these organizations, as well as other available evidence. In fact, the basic organizational premise of the AFL-CIO is that it shall remain a federation of autonomous and independent unions. Although the member unions may work together and coordinate their activities through the federation, whenever they disagree with any AFL-CIO actions and policies

- including those in the political arena - the member unions are always free to disagree and to pursue their own actions and policies.

This fundamental premise is made abundantly clear throughout the constitution of the AFL-CIO. (see exhibit 4) Article II, sections 8 and 11 declare that among the objects and principles of the federation are:

> 8. To preserve and maintain the integrity of each affiliated union in the organization . . .
>
> 11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

Section 4 of Article III, which deals with "Affiliates" of the federation, mandates that "The integrity of each such affiliate of this Federation shall be maintained and preserved." And section 7 of Article III reiterates that "each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved." The agreement for the merger of the AFL and CIO further stipulates that the merger "will preserve the integrity of each affiliated national and international union," and that "the integrity of each affiliated union in the merged federation shall be maintained and preserved." Thus, there cannot be any doubt that the various national and international unions which are members of the AFL-CIO retain complete independence and autonomy to pursue any actions or policies they desire, including decisions on endorsements and contributions to candidates.

Although the NRWC argues that the AFL-CIO has "structual" control over its member unions, the NRWC's analysis of the federation's constitution does not bear this out. In particular, the NRWC tries to convey the impression that the AFL-CIO has the right to dismiss or remove "any officer of an affiliated union who is convicted of a crime." (complaint, p. 8). Even a cursory examination of the example cited by the NRWC reveals that it merely involved a situation where the AFL-CIO called for the removal of an individual from his position as president of the Hawaii State AFL-CIO (a subordinate body of the federation), not his position with an autonomous member union. (complaint, exhibit 2) The NRWC also points out that the federation has the authority to withhold its assistance and jurisdictional dispute protections from member unions that fail to abide by federation decisions relating to jurisdictional disputes. (complaint, pps. 7, 8) Far from showing that the federation exercises

control over its member unions, however, the limited nature of these sanctions underscores the fact that the AFL-CIO has no power or ability to mandate that member unions abide by its policies and decisions, or take any other actions desired by the federation. At most, the AFL-CIO can only withhold its assistance from them -- it cannot impose fines or a trusteeship upon them.

The NRWC goes to great lengths to try to show that the AFL-CIO and COPE-PCC actually direct and control the political activities of the various international unions. However, many of the actions and statements cited by the NRWC to support this argument turn out to merely involve examples of the AFL-CIO and COPE-PCC exercising their authority over subordinate bodies of the federation, rather than controlling the actions of autonomous international unions. (see e.g. complaint, pps. 15-16; 16 n. 4; and 34) Since there is no dispute that all of the subordinate bodies of the AFL-CIO, including chartered departments, state and local central bodies, are affiliated with the AFL-CIO, all of this "evidence" is simply irrelevant.

In addition, many of the other actions and pronouncements cited by the NRWC turn out, on closer examination, to simply involve situations where the AFL-CIO or COPE-PCC urged, encouraged or recommended that the member unions take certain actions, rather than actually ordering or mandating that such actions be taken. (see e.g. complaint, pps. 11, 13, 18, 35) In perhaps the most revealing example, the NRWC quotes from a report by the president of the AFL-CIO, in which he admits that the various international unions have not always supported the same candidates for president, and remarks about the new "willingness" of the member unions to subordinate their own interests to those of the entire labor movement. (complaint, pps. 13, 14) This quotation vividly demonstrates that the various international unions are not controlled by and do not always act in concert with the AFL-CIO, and that common actions only occur when the international unions voluntarily decide and are willing to follow the lead of the AFL-CIO.

The NRWC also tries to show that the AFL-CIO and COPE-PCC are involved in coordinating the political activities of the various international unions. (see e.g. complaint, pps. 13, 14, 34, 36, 37) This is simply beside the point. The mere fact that the AFL-CIO and COPE-PCC may help to

coordinate the political activities of various international unions is not tantamount to exercising "control" over those political activities. Indeed, the very fact that any "coordination" is necessary suggests just the opposite - that often the international unions follow divergent political paths. In any event, the political activites described in the complaint simply relate to internal membership communications, registration and get-out-the-vote drives and the solicitation of voluntary contributions. These activities are specifically excluded from the definitions of "contribution" and "expenditure". See 2 U.S.C. § 441b(b)(2)(A)-(C). Moreover, as the legislative history of the 1976 amendments to the FEC demonstrates, Congress specifically affirmed that the AFL-CIO has the right to engage in such activities in cooperation with its member unions, without being considered affiliated with those member unions for purposes of the contribution limitations.

Grasping at straws, the NRWC even tries to argue that respondents should be considered affiliated because the AFL-CIO can "inexorably influence the activities of member unions, including their political activities" because of their "common social, economic and political objectives". (complaint, p. 43) To support such a strained interpretation of the statute, the NRWC twice quotes a portion of the Commission's regulations which describes one of the indicia of "affiliation" as including the ability to "otherwise influence" the officers of an entity. (complaint, pps. 36, 38) The NRWC overlooks the fact, however, that the Commission's regulations specifically state that the various indicia are only "for organizations not described by paragraphs (a)(1)(i) or (ii)" — and thus are not meant to override the express exception to the anti-proliferation rule which was created for the AFL-CIO and trade associations. Furthermore, when section 110.3(a)(1)(iii)(C) of the Commission's regulations is read in its entirely, it is apparent that the phrase "otherwise influence" is meant to encompass actions similar to those which are specifically enumerated - that is, the ability to hire, appoint, discipline, discharge, demote or remove from office. Congress surely did not intend to have a group of persons be considered "affiliated", and thus subject to a single contribution limit, whenever the persons share common social, economic or political objectives, or whenever one person influences the thinking of the others. Indeed, it is doubtful if such

a drastic interpretation could survive constitutional scrutiny, given the manifest problems of vagueness and overbreadth.

In any event, although the NRWC's complaint contains a plethora of general allegations and assertions pertaining to the relationship between the AFL-CIO and its member unions, significantly it does not offer any evidence that the UAW or UAW V-CAP are specifically under the direction and control of the federation. Indeed, the NRWC's complaint hardly mentions the UAW and UAW V-CAP at all. When the Constitution and by-laws of the UAW and UAW V-CAP are examined, it becomes readily apparent that they are not in fact controlled by the AFL-CIO and COPE-PCC.

Article 2, Section 6(a) of the UAW Constitution declares that one of the UAW's object shall be -

> To work as an autonomous International Union affiliated with the Canadian Labor Congress (CLC), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) together with other International Unions, for solidification of the entire Labor Movement; provided, however, that the International Executive Board may at any time alter the Union's relationship to such bodies in any way it deems appropriate. (emphasis supplied).

Article 7, section 1 in turn vests the authority to govern and administer the UAW in the UAW's International Convention, International Executive Board and International President:

> The International Union shall be governed by its membership in the following manner:
>
> (a) The highest tribunal shall be the International Convention composed of delegates democratically elected by the membership of Local Unions.
>
> (b) Between Conventions the highest authority shall be the International Executive Board . . .
>
> (c) Between meetings of the International Executive Board the administrative authority of the International Union shall be vested in the International President . . .

Pursuant to Article 10, the International President and International Executive Board Members are elected by the delegates to the International Convention. Article 8 mandates that all convention delegates be members of the UAW, and democratically elected by the membership of the various UAW Local

Unions. Thus, it is evident that the AFL-CIO and its officials do not have any voice or vote within the governing bodies of the UAW, let alone the authority, power or ability to direct its actions. No AFL-CIO officials serve on the UAW's governing bodies. And the authority of the UAW's governing bodies is not limited or subordinated in any manner to the policies or actions of the AFL-CIO.

The UAW Constitution gives the International President the authority to assign and withdraw the duties of the elected officers of the union (Article 13, sections 3 & 4), and to appoint and remove international representatives and other employees of the union. (Article 13, sections 5 & 6; Article 14, sections 1, 2, & 4). The International Executive Board is also given the authority to conduct trials on charges which have been filed against international officers and executive board members, and to fine, suspend or remove an accused officer or board member from office. (Article 30) Again, the AFL-CIO is not involved in, and has no authority at all over such matters.

Most importantly, the UAW Constitution and by-laws of UAW V-CAP show the independence of the union's political activities. As previously indicated, Article 12, section 20 grants the International Executive Board the authority to "create and operate a Political Action Committee to be known as UAW Voluntary Community Action Program Committee (UAW V-CAP)", which is empowered to make decisions concerning contributions and expenditures in connection with federal elections from a fund composed of voluntary donations from UAW members and their families. The by-laws of UAW V-CAP in turn specify that its governing committee shall be composed of the International President, Secretary-Treasurer, and American-based Vice Presidents of the UAW (Article III); that the International President shall act as chairman of this committee, and be responsible for appointing the staff and directing the affairs of UAW V-CAP (Articles III and V); that the committee shall be responsible for receiving and holding all voluntary donations from UAW members (Article IV, § 1); that it shall, in consultation with UAW Regional Directors, make all decisions regarding the disbursement of these voluntary funds to candidates and political campaigns (Article IV, § 2); and that it shall be financed by voluntary contributions from UAW members (Article VII).

Clearly, therefore, neither the AFL-CIO nor COPE-PCC are accorded any authority over the operations of UAW V-CAP. The AFL-CIO and COPE-PCC do not have any voice or vote within UAW V-CAP. None of their officials serve as officials of UAW V-CAP. And they do not have any authority or power over the decisions regarding which candidates will be supported by UAW V-CAP. Significantly, the NRWC does not even allege, let alone offer any evidence, that the AFL-CIO and COPE-PCC control the candidate selection decisions made by the UAW and UAW V-CAP.

The independence and autonomy of the UAW and UAW V-CAP from the AFL-CIO and COPE-PCC are also clearly demonstrated by the circumstances surrounding the recent reaffiliation of the UAW with the AFL-CIO. Although the UAW had been a charter member of the AFL-CIO, it subsequently withdrew and severed its relationship with the federation in 1968. Beginning in 1977, however, the UAW began to have discussions with the AFL-CIO concerning reaffiliation, and this was finally consummated in July, 1981. The very fact that the UAW could, of its own volition, withdraw from and later rejoin the federation shows the UAW's independence. Furthermore, during the recent reaffiliation process the issue of the UAW's autonomy was widely discussed. It was repeatedly stressed, by officials of both the AFL-CIO and the UAW, that the UAW and UAW V-CAP would continue to retain their autonomy after reaffiliation, and would not be subject to the control or direction of the AFL-CIO and COPE-PCC.

During the initial reaffiliation discussions in 1977, there was an exchange of letters between the presidents of the AFL-CIO and the UAW, George Meany and Douglas Fraser, dealing specifically with the key issue of the impact of reaffiliation on the autonomy and independence of the UAW. (see exhibits 5 & 6) Meany responded unequivocally that under the AFL-CIO constitution, the UAW would continue to retain its autonomy and be able to pursue an independent course with respect to political and social issues:

> Your letter further notes your view, which is correct, that the constitutional guarantees of the "integrity" and "autonomy" of each affiliate "have always been interpreted to permit any individual affiliate to pursue its own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO Convention or Executive Council action with respect to that issue". This is true, as you say, even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO.
>
> Here again, it is clear that the AFL-CIO is a federation of autonomous affiliates. It moves only with the agreement and consensus of the majority of affiliates, but with the fullest tolerance of and respect for, the rights of those organizations which find themselves in a minority on any issue to pursue their views in any way they wish. The examples of such conduct by current affiliates are well known and have occurred whenever an affiliate chose to dissent on its members' behalf and in its members' interests.

Based on this exchange of letters, the leadership of the UAW prepared and distributed to the local leadership materials advocating the reaffiliation of the UAW with the AFL-CIO. (see exhibit 7) These materials incorporated and relied heavily on the assurances of autonomy and independence contained in the exchange of letters between Meany and Fraser, stating:

> 3. The autonomy and integrity of the UAW is protected under the present constitutional structure of the AFL-CIO — our ability to conduct our own affairs and take our own positions is protected.
>
> * * *
>
> The Constitution of the Federation provides for the autonomy of the affiliated national and international unions in the conduct of their affairs, such as collective bargaining, legislation and political education and campaigns. When these activities can be carried on more effectively in cooperation with other affiliates, the Federation has encouraged common action. But where such coordination is inappropriate or not desired, the autonomous international and national unions are free to pursue their own economic, social and political policies determined by their own internal democratic processes.

Because of internal opposition, the UAW decided not to go ahead with the reaffiliation in 1977. However, when the question of reaffiliation was considered again in 1980-81, it was once again made clear that reaffiliation would in no way jeopardize the independence and autonomy of the UAW and its political operations. The UAW distributed a special background paper to UAW Local Unions prior to the vote on reaffiliation, which clearly states:

"Each member union of the AFL-CIO remains autonomous and continues to conduct its own affairs in the manner determined by its members." (see exhibit 8) This document went on to specifically reaffirm that the UAW would still retain complete freedom to make its own endorsements of candidates and to run its own political operations:

> Q. Won't we have to give up our autonomy by joining the AFL-CIO?
>
> A. No. Our delegates and members will continue to make all policies for the UAW.
>
> Q. What if the AFL-CIO endorses a candidate we don't like?
>
> A. If that happens, we're under no obligation to go along. We'll continue to make our own endorsements and run our own campaign.

Thus, there cannot be any doubt that the UAW and UAW V-CAP are not controlled by the AFL-CIO and COPE-PCC. The UAW and UAW V-CAP are completely autonomous, and remain free to pursue their own policies, including the endorsement and support of candidates, even where this diverges from the positions of the federation.

The NRWC does not offer any evidence which would tend to show that the UAW or UAW V-CAP specifically are controlled by the AFL-CIO or COPE-PCC. The only references to the UAW in the NRWC's complaint which are even remotely relevant to this issue are (1) that the UAW has joined with other international unions and non-labor groups in certain legislative activities (complaint, p. 42), and (2) that the former president of the UAW, Douglas Fraser, made a statement in connection with the reaffiliation of the union with the federation, expressing the UAW's desire to solidify joint efforts on a "range of economic and political initiatives." (complaint, p. 43) When the entire text of Fraser's statement is examined, it is apparent that he was referring to cooperation on legislative matters. (see exhibit 9) Thus, both of these points merely indicate that the UAW sometimes coordinates its legislative efforts with other unions and the AFL-CIO. They do not show that the AFL-CIO or COPE-PCC control the political activities — especially the candidate selection decisions — of the UAW or UAW V-CAP.

Finally, the NRWC does not allege or offer any evidence which would suggest that the nature of the relationship between the AFL-CIO (and COPE-PCC) and the various member unions (and their SSFs) - including the UAW and UAW V-CAP - is any different than the relationship which existed back in 1976 when Congress enacted the anti-proliferation rules. The facts are that there has not been any significant modification of the relationship between the federation and its member unions, either in general or specifically with regard to their political activities. Then, as now, the AFL-CIO was simply a federation of autonomous and independent unions, which were free to chart their own paths in collective bargaining, political and other matters. This is reflected in the fact that the provisions of the AFL-CIO constitution discussed above, which guarantee the autonomy of member unions, were all contained in the constitution of the federation that was in effect in 1976. (see exhibit 10) And, although the UAW was not part of the AFL-CIO back in 1976, the circumstances surrounding its subsequent reaffiliation clearly demonstrate that the UAW did not give up any of its autonomy when it rejoined the federation. Since Congress specifically determined that the type of relationship which existed between the various international unions and the AFL-CIO at the time the 1976 amendments to the FECA were adopted should not be sufficient to subject these organizations to a single contribution limit, and since there has not been any change in the basic nature of this relationship during the intervening years, the Commission must now conclude that Congress did not intend for the AFL-CIO and COPE-PCC to be considered affiliated with the international unions and their SSFs today.

C. Financing and Maintenance of the UAW and UAW V-CAP

The UAW and UAW V-CAP clearly are not financed or maintained by the AFL-CIO and COPE-PCC. The UAW is financed exclusively by a portion of the initiation fees and dues paid by all UAW members, which is remitted by the various UAW Local Unions to the International Union each month as a per capita tax. See UAW Constitution, Article 16. Similarly, UAW V-CAP is financed exclusively out of voluntary contributions which are received from UAW members and their families. See UAW Constitution, Article 12, section

20; V-CAP By-laws, Articles II, IV, and VII. The AFL-CIO and COPE-PCC do not provide any financial assistance to the UAW and UAW V-CAP, either in the form of direct transfers of funds or through the payment of ongoing administrative expenses. The AFL-CIO constitution does not contain any provisions which contemplate or provide for the federation to grant such financial assistance to a member union. And the reports filed by COPE-PCC and UAW V-CAP with the Commission confirm that COPE-PCC has not provided any financial assistance to UAW V-CAP.

The NRWC points out in its complaint that there have been certain transfers of funds between UAW V-CAP and COPE-PCC (although the complaint contradicts itself regarding in which direction the funds were transferred - cf. complaint, pps. 47 and 49). The facts are that UAW V-CAP transferred a total of $215,000 to COPE-PCC during the period between September 24, and October 25, 1982. However, the letters accompanying these transfers (see exhibits 11-14) demonstrate that these transactions simply represented the transfer of monies raised pursuant to joint fundraising activities. This is also borne out by the disclaimers contained on the materials utilized by UAW V-CAP to solicit voluntary contributions from UAW members (see exhibits 15 & 16), which clearly state that "monies contributed to UAW V-CAP constitute a voluntary contribution to a joint fundraising effort by the UAW and the AFL-CIO." Section 441a(a)(5)(A) of the FECA and sections 110.3(a)(1)(iii)(E) & (2)(i) of the Commission's regulations make it clear that there are no limits on the transfer of joint fundraising proceeds, and that such transfers shall not be considered evidence of affiliation. In any event, the transfers of funds from UAW V-CAP to COPE-PCC can hardly be cited as evidence that the AFL-CIO and COPE-PCC are financing or maintaining the UAW and UAW V-CAP.

The NRWC also spends a good deal of time trying to show that the AFL-CIO and COPE-PCC have provided a variety of services and materials to the various international unions and their SSFs. The NRWC does not allege or offer any evidence, however, that the UAW or UAW V-CAP received or benefited from any of these services and materials. Even assuming that the UAW or UAW V-CAP were involved, this still would not be sufficient to establish that the AFL-CIO and COPE-PCC maintain their activities, so as to

warrant a finding of affiliation. Since the AFL-CIO and COPE-PCC engage in joint fundraising activities with the international unions and their SSFs, it is entirely appropriate that the federation provide services and materials to assist them in that joint undertaking. Section 441a(a)(5)(A) of the FECA and sections 110.3(a)(1)(iii)(E) & (2)(i) of the Commission's regulations surely preclude these activities from being considered evidence of affiliation. More importantly, the legislative history of the 1976 amendments to the FECA demonstrates that Congress was fully aware that the AFL-CIO engaged in an extensive program of political activities involving the various international unions and their members, including partisan membership communications, registration and get-out-the-vote drives, and the solicitation of contributions to COPE-PCC. Congress determined not only that the federation had the right to engage in such activities, but more importantly, that the AFL-CIO should still be treated separately from its member unions for purposes of the contribution limitations. Since Congress did not consider the services and materials provided by the federation in 1976 to be sufficient to trigger application of the anti-proliferation rules, there certainly cannot be any basis for reaching a different conclusion today.

Any other result would inevitably create an impossible situation. Since all federations and trade associations by their very nature are created for the purpose of providing certain assistance and services to their members, if this was deemed sufficient to trigger a finding of affiliation under the FECA, then no member of any federation or trade association (whether it be a labor, business or professional organization) would ever be able to retain their independent status. They would always be considered affiliated with the federation or trade association, and therefore subject to a single contribution limit. Section 441a(a)(5) and the Commission's regulations (especially §§ 110.3(a)(1)(ii)(D) & 114.8), as well as the underlying legislative history, make it perfectly clear that Congress intended for federations and trade associations to be able to make contributions separately from their members organizations. The NRWC's attempt to bootstrap the AFL-CIO's providing of services and assistance to its member unions into a finding of affiliation must therefore be rejected.

The NRWC relies on two previous compliance cases - MUR 769 (78) and MUR 253 (76) to support its position. Those MURs are clearly distinguishable, however. Many of the factors which led the Commission to conclude that the organizations and political committees involved in those MURs were in fact affiliated are simply not present here. In MUR 769 (78), the Commission had considerable evidence indicating that the political committees had a common founder. See MUR 769 (78), General Counsel's Report, p. 6 (January 19, 1979). Similarly, in MUR 253 (76), the Commission had abundant evidence indicating that the AMA had encouraged and assisted the various state medical societies in establishing their political committees, and that their candidate selection decisions were not made independently. See MUR 253 (76), General Counsel's Report (August, 1979) Nothing could be more different from the situation involved in the present case. The AFL-CIO and COPE-PCC were not involved at all in the establishment of the UAW or UAW V-CAP. And the AFL-CIO and COPE-PCC clearly do not direct or control the actions of the UAW and UAW V-CAP, including their candidate selection decisions. Thus, there is certainly no basis for finding that COPE-PCC and UAW V-CAP are affiliated in the present case.

IV.

There Are No Constitutional Difficulties

The NRWC argues that if the SSFs established by the AFL-CIO and its member unions are not considered to be affiliated, then the FECA and the Commission's regulations violate the First and Fifth Amendments because they allegedly place more onerous restrictions on corporations and trade associations than they do on labor organizations. The NRWC specifically points to the more stringent restrictions which are placed on the solicitation rights of trade associations and federations of trade associations, and the fact that all of the SSFs established by a federation of trade association must be treated as affiliated with the SSFs established by its constituent trade associations. (complaint, pps. 53-55)

The simple answer to this argument is that the Commission has no jurisdiction to render decisions concerning the constitutionality of the FECA. It is only charged with interpreting and applying the statute as written.

In any event, there is no need for the Commission to abandon its well established position concerning the application of section 441a(a)(5) to labor organizations in order to avoid constitutional difficulties. The statutory provisions and regulations challenged by the NRWC can easily survive constitutional scrutiny.

It is important to note, at the outset, that the differences in the treatment of labor and business entities are not so great as the NRWC tries to suggest. The statute and regulations both restrict corporations and labor unions to soliciting contributions from their natural "constituencies" - that is, corporations can solicit their stockholders, executive and adminsitrative personnel, and labor unions can solicit their members. Furthermore, the statute and regulations require that all of the SSFs established by an international union and its locals, or by a corporation and its subsidiaries, be considered affiliated; that all of the SSFs established by a federation of international unions or a trade association (such as the Chamber of Commerce) be considered affiliated; and that the SSFs established by individual unions or corporations not be considered affiliated with the SSFs established by a union federation or trade association. Thus, business and labor entities are basically treated in a similar, even-handed manner.

The fact that the SSFs established by a federation of trade associations must be considered affiliated with the SSFs established by its constituent trade associations does not really represent any disperate treatment of business groups. This is analogous to the treatment which would be accorded to labor unions if the AFL-CIO were to form a "super-federation" with other federations of international unions. In that event, all of the SSFs established by the "super-federation" would be considered affiliated with the SSFs established by the AFL-CIO and the other labor federations.

Although the AFL-CIO does enjoy broader solicitation rights than a trade association, the Commission has previously considered and approved this distinction. In MUR 354 (76), the Commission specifically found that, based on the Supreme Court's decision in U.S. v. CIO, 335 U.S. 106 (1948) and certain legislative history surrounding the 1976 amendments to the FECA, the members of the various international unions should also be considered members of the AFL-CIO, thereby giving the federation the right to solicit them for contributions. The Commission then went on to specifically

reject the argument that this unfairly accorded the AFL-CIO greater solicitation rights than trade associations:

> In this regard, complainant attacks the differential treatment of the AFL-CIO and trade associations. Historically, of course, Congress, in legislating in this area, has sought to treat unions and corporations in the same manner, and only in the 1976 amendments did it enact statutorily a right for trade associations to establish separate segregated funds, and thus placed upon them the specific restriction of soliciting members of their members only if permission was granted by the corporate members. That statutory background for classifying trade associations differently from union (or corporate) groups was also, as noted by the Commission in its justification for its regulations, reflected by the absence of legislative history suggesting that Congress intended trade associations to be able to solicit members of their members The Commission accordingly concluded, in light of the anti-proliferation provisions of the statute (2 U.S.C. § 441a(a)(5)) that it could not permit trade associations to solicit from the members of their members.

More importantly, the courts have consistently upheld the constitutionality of the provisions of the FECA that restrict the solicitation rights of various organizations, rejecting arguments that these provisions unfairly burden a particular group and therefore violate the First and Fifth Amendment. Bread Political Action Committee v. Federal Election Commission, 635 F.2d 621 (7th Cir. 1980), reversed on other grounds 455 U.S. 577 (1982); California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981); Federal Election Commission v. National Right to Work Committee, ____ U.S. ____, 74 L Ed.2d 364 (1982); International Association of Machinists v. Federal Election Commission, 678 F.2d 1092 (D.C. Cir. 1982), affirmed ____ U.S. ____ 74 L Ed.2d 379 (1982).

In Bread Political Action Committee v. Federal Election Commission, supra at 630-31, the Seventh Circuit specifically rejected a trade association's Fifth Amendment challenge to the provisions of the FECA placing more stringent restrictions on its solicitation rights, stating:

> Furthermore, the somewhat dissimilar treatment of corporations, labor organizations, membership organizations and trade associations under Section 441b(b)(4) follows from the rather obvious facts that each of the different groups has a different structure and a different kind of constituency and that each requires somewhat different regulation to curb abuses the Act was intended to halt. Regulatory distinctions and exceptions tailored to serve a substantial governmental interest, as here, do not violate the Fifth Amendment's equal protection provision. See Police Dept. of Chicago v. Mosley, 408 U.S. 92, 98, 99, 92 S.Ct. 2286, 2291, 33 L.Ed.2d 212. It is important to keep in mind that the restrictions in issue here apply only where a trade association employs corporate funds to undertake its solicitations. The same individuals who organize these political committees are free to establish a political committee

> independent of, rather than merely segregated from, the corporate treasury and corporate funds and thereby be free to solicit "the world." The reason Congress chose to allow trade associations to solicit the stockholders and executive or administrative employees (and their families) of member corporations (with their approval) is undoubtedly because the member corporations themselves cannot make political contributions per se to the trade association's political committee. 2 U.S.C. § 441b(a). At the same time, the restrictions placed on this potential pool of solicitees serves, as we have said earlier, to prevent the exception from swallowing the whole.
>
> Finally, the relationship that obtains between a trade association and the employees of its member corporations differs significantly from that existing between union members and their unions. Individuals join with other individuals in common cause as members of their union, and the union thus becomes their representative organization. A trade association is also a representative, membership organization, but it exists to promote the interests of its corporate and individual members, not the interests of the employees of its corporate members. Because the corporate employees are neither employed by nor represented by the trade associations, any equal protection comparison between the activities available to trade associations with respect to the employees of their corporate members with those available to labor organizations with respect to their membership or the employers of their membership runs afoul of plaintiff's failure to demonstrate how trade associations and labor organizations are "similarly situated" parties. Accordingly, we conclude that Section 441b(b)(4)(D) does not deprive plaintiffs of liberty without due process in violation of the Fifth Amendment.

Similarly, in International Association of Machinists v. Federal Election Commission, supra, the Supreme Court summarily affirmed a decision by the D.C. Circuit which rejected a labor union's attempt to challenge the rules governing solicitation by corporations and labor organizations on the grounds that they unfairly favor corporations in violation of the First and Fifth Amendments. The D.C. Circuit had concluded that "differences in organizational structure allow Congress to shape the election laws to reflect those differences . . ."

In California Medical Association. v. Federal Election Commission, supra at 201, the Supreme Court also rejected an unincorporated association's Fifth Amendment challenge to the provisions of the FECA, stating:

> The differing restrictions placed on individuals and unincorporated associations, on the one hand, and on unions and corporations, on the other, reflect a judgment by Congress that these entities have differing structures and purposes, and that they may therefore require different forms of regulation in order to protect the integrity of the electoral process.

And in Federal Electon Commission v. National Right to Work Committee, supra at 377, the Supreme Court relied on this same reasoning to uphold the constitutionality

of restrictions on the ability of the NRWC, a corporation without capital stock, to solicit contributions from certain individuals.

Finally, contrary to the impression which the NRWC tries to convey, the Commission's longstanding interpretation of the rules regarding solicitation rights and affiliation of different entities does not threaten to create an imbalance in the electoral process in favor of labor organizations. If anything, the balance between business and labor interests has been shifting increasingly the other way. The reports on file with the Commission reflect the dramatic proliferation of corporate and trade association SSFs in recent years, and the fact that these SSFs now greatly outspend union SSFs in election campaigns. This was also extensively documented in International Association of Machinists v. Federal Election Commission, supra at 1103-04. The complaint which has been filed by the NRWC in the present case actually represents an attempt by business and right wing forces to further exacerbate this imbalance, by restricting the entire labor movement to a single contribution limitation. This crude effort, however, cannot be reconciled with the Congressional objective of preserving a balance between business and labor in the electoral process, or with the due process and equal protection guarantees of the Fifth Amendment.

V

The Commission May Dismiss The NRWC's Complaint, Without Conducting Any Further Investigation

The NRWC asserts that merely because it has filed a complaint, the Commission is now obligated under the FECA to conduct a plenary investigation into this matter, including the use of audits, depositions, and other discovery tools. (complaint, p. 58) This is simply not the case.

The statute requires the Commission to conduct an investigation into an alleged violation only after four of its members have voted to find "reason to believe" that a person has committed or is about to commit a violation of the FECA. See 2 U.S.C. § 437g(a)(2). In addition, the statute provides that before the Commission conducts any vote on a complaint, the respondent must be given the opportunity to demonstrate in writing that no action should be taken against him or her. See 2 U.S.C. § 437g(a)(1). Thus, the statute plainly anticipates that the Commission may decline to conduct an

investigation and dismiss a complaint outright, whenever respondents are able to demonstrate that no action should be taken against them prior to a "reason to believe" finding by the Commission.

This interpretation of the enforcement procedures under the FECA was confirmed by the court in In re Federal Election Campaign Act Litigation, supra at 50655, 50663. In that case, Judge Richey specifically upheld the FEC's dismissal of the last NRWC complaint challenging the "affiliated" status of the AFL-CIO and its contituent unions, stating:

> A review of both those complaints and the other information available to the Commission indicates that the FEC acted well within its discretion in declining to investigate the allegations of wrongdoing.
>
> * * *
>
> Mr. Walther offers not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO. In light of the inadequacy of Mr. Walther's complaints, the Commission's decision not to investigate was certainly neither arbitrary nor capricious. (emphasis supplied)

UAW V-CAP has demonstrated that, in light of the legislative history surrounding section 441a(a)(5), the UAW and UAW V-CAP cannot be considered affiliated with the AFL-CIO and COPE-PCC. In addition, the NRWC has once again failed to present any evidence which would tend to show that these entities are actually affiliated. The evidence submitted by the UAW V-CAP, on the other hand, clearly shows the autonomous and independent character of the UAW and UAW V-CAP. Accordingly, the Commission would certainly be acting within its discretion if it dismissed the NRWC's complaint, without conducting any further investigation.

Conclusion

For the foregoing reasons, respondent UAW V-CAP submits that the Commission should find no reason to believe that any violation of the FECA has occurred, and therefore dismiss the NRWC's complaint forthwith.

Respectfully submitted,

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CONSTITUTION
of the
INTERNATIONAL UNION
United Automobile, Aerospace and Agricultural Implement Workers of America,
UAW®

Adopted at
Dallas, Texas
May, 1983

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PRINTED IN U.S.A.

EXHIBIT 1

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Constitution of the International Union, UNITED AUTOMOBILE, AEROSP AND AGRICULTURAL IMPLEMENT WO OF AMERICA UAW

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Note: Amendments by the 1983 Conventi bold type. Where a portion of a section has the entire section, as amended, appears in 1983 Convention provided that where the sen cle is changed, all related articles are changed to carry out the intent of the charge

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PREAMBLE

We hold these truths to be self-evident: the ideals and hopes of the workers wh the jurisdiction of this INTERNATIONAL AUTOMOBILE, AEROSPACE AND AGRICULTU WORKERS OF AMERICA (UAW): "that all men equal, that they are endowed by their Cre tain inalienable rights, that among these ty and the pursuit of happiness. That to rights, governments are instituted amon ing their just powers from the consen erned." Within the orderly process government lies the hope of the worker society toward the ultimate goal of so nomic justice.

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Constitution of the International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA UAW

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PREAMBLE

We hold these truths to be self-evident; expressive of the ideals and hopes of the workers who come under the jurisdiction of this International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW): "that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Within the orderly processes of such government lies the hope of the worker in advancing society toward the ultimate goal of social and economic justice.

The precepts of democracy require that workers through their union participate meaningfully in making decisions affecting their welfare and that of the communities in which they live.

Managerial decisions have far reaching impact upon the quality of life enjoyed by the workers, the family, the community. Management must recognize that it has basic responsibilities to advance the welfare of the workers and the whole society and not alone to the stockholders. It is essential, therefore, that the concerns of workers and of society be taken into account when basic managerial decisions are made.

The structure of work established by management is designed to make of the workers an adjunct to the tool rather than its master. This, coupled with the authoritarian climate of the workplace, robs the worker of her/his dignity as an adult human being. This belies the democratic heritage we cherish as citizens in a society rooted in democratic values.

Essential to the UAW's purpose is to afford the opportunity for workers to master their work environment; to achieve not only improvement in their economic status but, of equal importance, to gain from their labors a greater measure of dignity, of self-fulfillment and self-worth.

Workers must also participate meaningfully in political and legislative action because government impacts importantly on their lives and on their communities. If government is to be the means by which people achieve a humanitarian and equitable society, it must be a responsible and accountable government.

Therefore, the UAW has the duty and responsibility to promote real and meaningful participatory democracy through its members and their families, so that free people and their institutions may be heard in the councils of government and so that officeholders are guided by principle alone.

To achieve these wholesome objectives:

- Management must accept union organization and collective bargaining as an essential and constructive force in our democratic society;
- The workers must be provided a meaningful voice in maintaining a safe and healthful workplace with decent working conditions, and must enjoy secured rights, together with a satisfactory standard of living and maximum job security;
- The workers must have a voice in their own destiny and the right to participate in making decisions that affect their lives before such decisions are made;
- The UAW must play an active role at all levels of government to protect the lives and rights of its members and their families. We must work constantly on the political and legislative problems facing the whole society;
- Union members must take seriously their responsibilities as citizens and work, through their union and individually, to realize the goals of participatory democracy and responsible and accountable government.

ARTICLE 1
Name

This Organization shall be known as the "International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW)," hereinafter referred to as the International Union. This document shall be officially known as the Constitution and Bylaws of said International Union, and it shall also be the Constitution of every affiliated subordinate body.

ARTICLE 2
Objects

Section 1. To improve working conditions, create a uniform system of shorter hours and higher wages; to maintain and protect the interests of workers under the jurisdiction of this International Union.

Section 2. To unite in one organization, regardless of religion, race, creed, color, sex, political affiliation or nationality, all employes under the jurisdiction of the International Union.

Section 3. To improve the sanitary and working conditions of employment within the factory and in the accomplishment of these necessary reforms, we pledge ourselves to utilize the conference room and joint agreements; or if these fail to establish justice for the workers under the jurisdiction of this International Union, to advocate and support strike action.

Section 4. To educate our membership in the history of the Labor Movement and to develop and maintain an intelligent and dignified membership; to vote and work for the election of candidates and the passage of improved legislation in the interest of all labor. To enforce existing laws; to work for the repeal of those which are unjust to Labor; to work for legislation on a national scale, having as its object the establishment of real social and unemployment insurance, the expense of which to be borne by the employer and the Government.

Section 5. To engage in legislative, political, educational, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of this organization in the improvement of general economic and social conditions in the United States of America, Canada, and generally in the nations of the world.

Section 6. (a) To work as an autonomous International Union affiliated with the Canadian Labour Congress (CLC), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) together with other International Unions, for solidification of the entire Labor Movement; provided, however, that the International Executive Board may at any time alter the Union's relationship to such bodies in any way it deems appropriate. To provide assistance, financial and otherwise, to labor and other organizations in the United States, Canada and other parts of the world having purposes and objectives similar or related to those sought by this organization.

(b) The International Executive Board is authorized to take whatever action is required to enable the UAW to mobilize, assist and work with other organizations, alone or in combination, toward the objective of meeting the urgent problems which confront society and the Labor Movement in this 20th Century period of rapid and accelerating technological and social change.

ARTICLE 3
Constitution

This Constitution as amended at the Dallas, Texas Convention convened on May 15, 1983 and as may hereafter be amended, shall be the supreme law of the International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), and can be amended only by a majority vote of the delegates at succeeding regular Constitutional or Special Conventions.

ARTICLE 4
International Union Headquarters

The headquarters of the International Union shall be Solidarity House, 8000 East Jefferson Avenue, in the City of Detroit, State of Michigan 48214.

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ARTICLE 5
Jurisdiction

The International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), shall take in and hold jurisdiction over all employes of plants and shops engaged in the manufacture of parts (including tools, dies, etc.), and the assembly of these parts into farm, automobile, automotive propelled products, aerospace and agricultural implements, including employes engaged in office work, sales, distribution and maintenance thereof and such other branches of industry as the International Executive Board shall decide. The jurisdiction of this International Union shall be full and final.

ARTICLE 6
Membership

Section 1. The International Union shall be composed of workers eligible for membership in the International Union, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW).

Section 2. (a) Any person eligible to become a member of the International Union who is not affiliated with any organization whose principles and philosophy are contrary to those of this International Union as outlined in the Preamble of this Constitution, may apply for membership to the Local Union having jurisdiction over the plant in which s/he is employed. The applicant must, at the time of application, be an actual worker in and around the plant. All applicants for membership in any Local Union of the International Union shall fill out an official application provided by the International Union, answering all questions contained in such application, and sign a promise to abide by all laws, rules and regulations and the Constitution of the International Union. All applications thus received shall be referred to the Local Union for consideration and shall be acted upon as soon as possible, but not later than sixty (60) days from the date the application is received by the Financial Secretary of the Local Union.

(b) Notwithstanding any other provisions in this Constitution, applicants working for unorganized employers or in those units not yet under the jurisdiction of a UAW Local Union may become members of the International Union directly by signing an application for membership in a form approved by the International Executive Board and by the payment of the sum of one dollar ($1.00) (or such other amount determined by the International Executive Board), toward initiation fees and dues. Once a Local Union is chartered in, or awarded jurisdiction over the unit in which such member is working, s/he shall automatically become a member of that Local Union.

Section 3. Notwithstanding any other provisions of this Constitution, whenever an International Officer or International Representative is a member of a Local Union which is disbanded or goes out of existence, or whose charter is revoked, said Officer or International Representative may apply for membership in another Local Union in the same region. If accepted as a member by membership action of such Local Union, the International Officer or International Representative shall be considered to have remained in continuous good standing in the International Union during the period between the cessation of the existence of

her/his original Local Union and her/his acceptance by the membership of the new Local Union.

Section 4. Upon acceptance of the application, membership shall date from the first day of the month for which dues are paid.

Section 5. Applications for membership rejected by the Local Union shall not be reconsidered until thirty (30) days have elapsed.

Section 6. Unless waived by the Local Union, or unit of an Amalgamated Local, any candidate failing to present her/himself for initiation within four (4) weeks after notification of her/his being accepted to membership without good and sufficient reason being given, shall forfeit all money paid by her/him.

Section 7. The original application signed by each member shall be retained by the Local Union for its record and official receipt shall be given to each new member for all monies paid. All receipts shall be made out in duplicate, the original to be given to the member, the duplicate to be retained by the Local Union and made available to the International Union upon request. These duplicate receipts may be destroyed after a Local Union audit upon written approval of the International Secretary-Treasurer.

Section 8. No new member will be recorded at the International Office nor will initiation fee or per capita tax be accepted for new members until a monthly report is received from the Financial Secretary of the Local Union.

Section 9. Any Local Union or International Union Trial Committee expelling any member for cause shall notify the International Secretary-Treasurer and the latter shall notify all Local Unions of this fact forthwith. A person who has been suspended or expelled by any Local Union or International Union Trial Committee shall not be eligible for membership in any other Local Union until all claims or charges against such person have been satisfactorily settled with the Local Union or International Union Trial Committee suspending or expelling and written notice to this effect furnished the Local Union to which such person seeks admission.

Section 10. No member shall be allowed to hold membership in more than one (1) Local Union of the International Union at the same time, except by permission of the International Executive Board. No member of the Union who is fully employed in one (1) plant under the jurisdiction of the UAW shall accept work in any other plant under the jurisdiction of the UAW. Any member violating this Section may be subjected to charges of conduct unbecoming a union member.

The above shall not apply in the case of members of a Local Union or unit of an Amalgamated Local Union who are conducting an authorized strike and have received written approval from the Local Union officers to obtain employment elsewhere.

Section 11. No application shall be accepted from the one designated as the head of a department, directing company policy or having the authority to hire and discharge workers. Members of the Union who are promoted to such positions shall be issued a withdrawal card immediately by the Local Union, in conformity with Article 17 of this Constitution. Members promoted to minor positions where they work with their fellow

workers and do not have the power of discipline by hiring or discharging employes may retain their membership in the Local Union at the discretion of the Local Union.

Section 12. The names of all applicants for admission about whose applications there is the least doubt may be published in the "official publication." No applicants whose names have been published shall be received into membership until thirty (30) days after the date of such publication.

Section 13. Any member in good standing who shall have become totally incapacitated by accident or illness may, at the discretion of her/his Local Union, be granted a gratuitous membership, continuing during incapacity. Appropriate cards denoting such membership shall be prepared by the International Union and furnished to Local Unions upon request and at cost.

Section 14. All members of the Local Union are also members of this International Union and subject to the orders, rulings and decisions of this International Union and the properly constituted authorities of the same.

Section 15. The International Union and the Local Union to which the member belongs shall be her/his exclusive representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, and for the negotiation and execution of contracts with employers covering all such matters, including contracts requiring membership or the continuance of membership in the Union as a condition of employment or continued employment, and contracts requiring the employer to deduct, collect, or assist in collecting from her/his wages any dues, initiation fees, reinstatement fees or fines, payable to the International Union or her/his Local Union.

Section 16. The International Union and the Local Union to which the member belongs, and each of them, are by her/him irrevocably designated, authorized and empowered exclusively to appear and act for the member and in her/his behalf before any board, court, committee or other tribunal in any matter affecting her/his status as an employe or as a member of her/his Local Union or the International Union, and exclusively to act as the member's agent to represent and bind her/him in the presentation, prosecution, adjustment and settlement of all grievances, complaints or disputes of any kind or character arising out of the employer-employe relationship, as fully and to all intents and purposes as s/he might or could do if personally present.

Section 17. A member may resign or terminate membership only if s/he is in good standing, is not in arrears or delinquent in the payment of any dues or other financial obligation to the International Union or to her/his Local Union and there are no charges filed and pending against her/him. Such resignation or termination shall be effective only if by written communication, signed by the member and sent by registered or certified mail, return receipt requested, to the Financial Secretary of the Local Union within the ten (10) day period prior to the end of the fiscal year of the Local Union as fixed by this Constitution, whereupon it shall become effective sixty (60) days after the end of such fiscal year; provided, that if the employer of such member has been authorized either by such

member individually or by the Collective Bargaining Agreement between the employer and the Union to check off the membership dues of such member, then such resignation shall become effective upon the effective termination of such authorization, or upon the expiration of such sixty (60) day period, whichever is later.

Section 18. A member who resigns or terminates her/his membership shall have no right or interest in any property of the Local Union or of the International Union, including any dues or other financial obligations paid by the member in advance of the effective date of such resignation or termination.

Section 19. Any member in good standing who is retired, shall be entitled to a "retired membership status" which, without being required to pay membership dues during the period of such retirement, shall entitle her/him to all of the privileges of membership except the right to vote in elections conducted pursuant to Article 19, Section 3; Article 45, Section 2; and Article 50, Sections 1 and 5. Appropriate cards denoting such membership status shall be prepared by the International Union and furnished to Local Unions upon request and at cost. The regular withdrawal-transfer provisions of this Constitution shall be applicable if such retired member returns to active employment.

Section 20. Non-members covered by an agency shop clause in a UAW contract shall receive all the material benefits to which members are entitled but shall not be allowed other membership participation in the affairs of the Union.

Membership in the Union shall be at all times available to such non-members on the same terms and conditions applicable to other members.

ARTICLE 7

Powers of Administration

Section 1. The International Union shall be governed by its membership in the following manner:

(a) The highest tribunal shall be the International Convention composed of delegates democratically elected by the membership of Local Unions.

(b) Between Conventions the highest authority shall be the International Executive Board. The Board shall hold regular quarterly meetings and such special meetings as are required.

(c) Between meetings of the International Executive Board the administrative authority of the International Union shall be vested in the International President. The International President shall be responsible to the International Executive Board for the administration of the Union between International Executive Board meetings, according to the Constitution, the actions of the International Convention and the decisions of the International Executive Board. On all matters of major importance s/he shall consult the other International Executive Officers. S/He shall report her/his actions to the International Executive Board for its approval or rejection.

(d) In the case of the incapacity of the International President, her/his powers and duties shall be assumed by an officer of the Interna-

tional Union who shall be selected by the International Executive Board.

Section 2. To achieve the objectives and purposes of this organization as set forth in this Constitution, the funds of this organization are authorized to be managed, invested, expended or used under this Article and Constitution not only for the purposes and objectives expressly set forth in Article 2 and otherwise in this Constitution, but also for any additional purposes and objectives not inconsistent therewith as may be contained at any time in the resolutions and programs adopted and/or ratified by any International Convention or which the International Executive Board believes will further the general interest and welfare of the membership of this organization or any substantial part thereof.

ARTICLE 8
Conventions

Section 1. The 28th Regular Constitutional Convention shall be held during the month of May, 1986, provided that the date of holding such Convention may be advanced or delayed two (2) months upon a resolution to that effect adopted by the International Executive Board.

Section 2. The business of the International Convention shall proceed in the following order unless otherwise ordered by the Convention:

(1) Call to Order.
(2) Report on Credentials.
(3) Reading of Convention Rules.
(4) Appointing Committees.
(5) Communications and Bills.
(6) Resolutions, etc.
(7) Reports of Committees.
(8) Report of Officers and International Executive Board.
(9) Nomination and Election of Officers and International Trustee.
(10) Unfinished Business.
(11) New Business.
(12) Adjournment.

Section 3. Twenty-five per cent (25%) of all of the delegates seated at any International Convention shall constitute a quorum. No business shall come before or be considered by the Convention at any session unless a quorum is present. In the event the Chairperson of the Convention is unable to obtain a quorum on the last day of the Convention, all unfinished business of the Convention shall be referred to the International Executive Board.

Section 4. Special Conventions of the International Union shall be called by the International President: (1) When so instructed by a two-thirds (⅔) vote of the International Executive Board or in the event of the failure of the International President to do so, by such other Board Members as the Board may designate; (2) by a referendum vote of the membership initiated upon the written request of at least fifteen (15) Local Unions from five (5) different states or provinces having an aggregate membership of not less than twenty per cent (20%) of the total membership as reported to the preceding Convention. The Local Unions demanding a Special Convention must state the reason or reasons why such Convention is desired, the place and date for the Convention and the dates for mailing out

and returning the ballots. It shall be the duty of the International President, or the person designated by the International Executive Board, to send out the Call, to state such reason or reasons and the place and dates involved in transmitting the proposal to Local Unions for a referendum vote. The reasons for and against such Convention shall be published and forwarded to all Local Unions. Such Convention shall not have authority to consider any matter other than that which is specifically stated in the Call to the Convention. It shall be mandatory that all Local Unions hold a secret vote on the question of calling a Special Convention. All Local Unions shall vote their decision on the question involved, through Local Union procedure, by secret ballot. Local Union election boards shall tabulate the ballots and send the Local Union's vote to the International Secretary-Treasurer, who, within thirty (30) days after the setting of a deadline of a return date, shall publish the "yes" and "no" vote of each Local Union in the "official publication." If a majority of all the members voting in all Local Unions is in favor of a Special Convention, a Special Convention shall be mandatory. When the International Executive Board has directed the calling of a Special Convention pursuant to the provisions of (1) the first sentence of this Section, the delegates from each Local Union who had been elected to the preceding regular Constitutional Convention shall serve as delegates to the Special Convention. Each Local Union shall carry the same total vote as it carried at such previous regular Constitutional Convention. If the purpose, or one of the purposes, of a Special Convention is collective bargaining policies, the President (and Shop Committee Chairperson, if it is a different individual), if not delegates under this provision may, by Local Union membership action, be made special delegates at such Special Convention with the right to be present on the Convention floor with voice but without any vote. Under the same circumstances in units of Amalgamated Local Unions, with membership in excess of one thousand (1,000), the Unit Chairperson may, by unit membership action, be made such a special delegate. If there are vacancies in the voting delegation, they shall be filled in the following manner:

(a) By alternates where the same were elected to the preceding regular Constitutional Convention;

(b) If the number of delegates is insufficient after applying (a), by reapportioning the votes of the Local Union among the remaining delegates to the extent permitted by Section 7 of this Article;

(c) If the number of delegates is insufficient after applying (a) and (b), and the purpose or one of the purposes of the Special Convention is collective bargaining policies, by including any special delegates which the Local Union or unit membership may have provided for in accordance with this paragraph, with the President of the Local Union to precede the Shop Committee Chairperson;

(d) If the number of delegates is insufficient after applying (a), (b) and (c), by electing additional delegates, these additional delegates to be nominated and elected by secret ballot at successive membership meetings; the required notices for such nomination and election being those set forth in Sections 22, 23 and 24 of this Article.

This foregoing procedure shall be disregarded in the event of any Special Convention directed to be called by referendum vote pursuant to (2) of the first sentence of this Section, in which event the vote of each Local Union and the election of delegates from each Local Union shall be the same as provided for in this Article for regular Constitutional Conventions except that in applying Section 9 of this Article to determine the average monthly per capita taxes paid by a Local Union, a twenty-four (24) month period concluding with the fourth (4th) month prior to the month in which the Special Convention is to convene shall be used.

Section 5. Each Local Union shall have one (1) delegate for two hundred (200) members or less and one (1) additional delegate for the next three hundred (300) members or major fraction thereof, and one (1) additional delegate for each additional eight hundred (800) members or major fraction thereof, except Amalgamated Local Unions which elect as many delegates as they have manufacturing units who average two hundred (200) dues-paying members or more, and that those manufacturing units who have two hundred (200) members or more may elect their own delegates to the Convention and those with less than two hundred (200) shall be grouped together and vote as a miscellaneous group. In the event the miscellaneous group within an Amalgamated Local Union has less than two hundred (200), the International Secretary-Treasurer shall allocate such membership to some other unit of the Local Union in such a manner as will result in the maximum number of delegates.

Section 6. Each manufacturing unit of an Amalgamated Local Union shall be allotted its share of the number of delegates in proportion to the amount of per capita tax paid by the manufacturing unit through the Amalgamated Local Union. Any fractions remaining from the manufacturing units following such allocations shall be allotted to the Local Union's Joint Council, where such body exists. Delegates representing the total of all fractions shall be elected on the basis of one (1) for each eight hundred (800) or major fraction thereof. Any member of the Local Union who has qualified may be nominated and elected by the Joint Council, provided s/he has not accepted nomination in her/his manufacturing unit. In order to be eligible for nomination as a delegate representing a manufacturing unit of an Amalgamated Local Union, s/he must be a member of such manufacturing unit.

Section 7. Each Local Union shall have one (1) vote for the first one hundred (100) members or less and one (1) additional vote for each additional one hundred (100) members or major fraction thereof, but no delegate shall have more than eight (8) votes. The votes shall be equally apportioned among the elected delegates of each Local Union, except that an Amalgamated Local Union may apportion its votes in such manner as the Local Union decides with no delegate having more than eight (8) votes. The total number of votes of the units of an Amalgamated Local Union shall not exceed the total votes which the Local Union is entitled to under Section 9 of this Article of the Constitution.

Section 8. Local Unions may elect alternate delegates if they so desire. The number of alternates may be less but not more than the number of regular delegates. Local Unions shall determine the manner and

order in which an alternate will replace a regular delegate and shall so advise the Credentials Committee. Regular delegates may be replaced only if recalled by their Local Union in the manner they were elected or if unable to serve.

Section 9. The number of members in each Local Union, for the purpose of this Article, shall be determined by the average number of monthly per capita taxes paid by the Local Union to the International Union for the period from and including the fourth month preceding that in which the last triennial Convention was held to not less than four (4) months nor more than five (5) months prior to the next Convention for which representation is to be determined. Per capita from Local Unions shall be accepted in the regular manner.

Local Unions or units of Amalgamated Local Unions which have engaged in authorized strikes or in lockouts shall have their representation to the International Convention determined by having subtracted from the base period the months of such authorized strikes or lockouts in which the membership of the Local Union or unit of an Amalgamated Local Union did not work in the plant forty (40) or more hours.

Section 10. Not less than sixty (60) days previous to the convening of the Regular Convention, the International Secretary-Treasurer shall issue the Call to the Convention and shall furnish all Local Unions with credentials and alternate credential forms in contrasting colors, in duplicate, which must be attested as required on the forms. The original of each credential and alternate credential shall be retained by the delegate or alternate delegate and the duplicate copies shall be forwarded to the International Secretary-Treasurer. No credentials shall be accepted later than twenty-one (21) days prior to the date for the convening of the Convention. In convening Special Conventions, not less than thirty (30) days shall be required to issue the Call.

Section 11. No member is eligible to serve as a delegate from her/his Local Union unless s/he has been in continuous good standing in this International Union for twelve (12) months immediately preceding the first day of the month in which the Convention is held and shall also have been a member of the Local Union electing her/him for three (3) months immediately preceding the first day of the month in which the Convention is held. For the purpose of this Section of the Constitution, members must pay their dues or secure out-of-work receipts in accordance with the provisions of this Constitution.

Section 12. Local Unions, in order to be entitled to representation at the Convention shall have been affiliated with the International Union for at least three (3) months prior to the holding of the Convention. New Local Unions shall have paid at least two (2) months' full per capita tax prior to the month in which the Convention is to be held. If such newly chartered Local Union has been in existence since the preceding Convention, it shall be entitled to its full quota of delegates based upon the average number of months per capita tax paid to the International Union during the period of time since the preceding Convention. With respect to newly chartered Local Unions who received their charter subsequent to the last Convention, representation shall likewise be based upon the per capita

tax paid to the International Union, averaged over the period of time from the preceding Convention. In the case of an Amalgamated Local Union where a shop has been organized for over a year and secures a separate charter, it shall not be considered a new Local Union. Members representing Local Unions or shop organizations within Amalgamated Local Unions which have not been in existence for twelve (12) months prior to the Convention, shall be exempt from the provisions of Section 11 of this Article, provided they become members of their Local Union or shop organization not later than thirty (30) days after the issuance of or acceptance under the charter thereof.

Section 13. Each member of the International Retired Workers Advisory Council shall automatically be a delegate to the UAW Constitutional Convention with voice and one (1) vote, as provided in Article 55, Section 4(f) of this Constitution.

Section 14. International Officers and International Representatives of the International Union shall have a voice but no vote in the Convention of the International Union unless they are duly accredited delegates from Local Unions. Any member who is eligible may be elected to office whether or not s/he is a delegate to the International Convention.

Section 15. Copies of all resolutions and constitutional amendments to be considered by the Convention must be sent to the International Secretary-Treasurer not later than three (3) weeks prior to the date set for the Convention. These will then be sorted and distributed by the International Secretary-Treasurer among the chairpersons of the various and proper committees. Protests of delegate elections must be received by the International Secretary-Treasurer by whichever of the following dates occurs first: (1) Not more than seven (7) days after the Local Union delegate election or (2) not less than ten (10) days prior to the convening of the Convention. These protests shall be referred to the Credentials Committee and the Credentials Committee may waive failure to comply with the foregoing time limitation where the interests of justice would require.

Section 16. The International Executive Board shall select from the credentials of the delegates presented, a Constitution Committee, which shall assemble at least two (2) weeks prior to the meeting of the Convention at the place designated. It shall be the duty of said Committee to take up all recommendations concerning changes or additions to the Constitution submitted by the International Officers, International Executive Board and Local Unions to act thereon. This Committee shall have authority to originate amendments to the Constitution.

Section 17. (a) The International Executive Board shall select from the credentials of delegates a Credentials Committee, which shall assemble at least ten (10) days prior to the meeting of the Convention. The Committee shall examine all credentials received at the International Office and investigate the standing of the delegates and the Local Unions they represent; they shall receive the original credentials of the delegates elected to attend the Convention, and be in a position to report at the opening of the Convention.

(b) If the Credentials Committee should decide that an election in any Local Union has been improperly conducted and that delegates elected in such election

should not be seated, the Credentials Committee may, jointly with the International President when s/he is satisfied that the necessary Constitutional interpretations have been reasonably applied, order the delegate election to be rerun in such Local Union prior to the opening of the Convention. This rerun of the initial election shall be supervised by a Sub-Committee of the Credentials Committee. All notices and other time limitations provided for in this Constitution shall be automatically waived for any such rerun election provided that every effort shall be made to give the maximum notices permitted by the circumstances.

(c) If the Convention approves the Credentials Committee's report and recommendation on the initial election, the delegates elected in the rerun shall be seated if confirmed by the Credentials Committee and Convention. If the Convention should reverse the Credentials Committee and approve the initial election, the delegates elected in such initial election shall be seated and the International Union shall reimburse the Local Union for the cost of rerunning the election.

(d) If, prior to the holding of an election of delegates, a clear violation of the International Constitution or the Local Union's Bylaws occurs in the pre-election procedures, the International President shall have the authority to order a correction of the violation prior to the holding of the election. Such action by the International President is subject to appeal to the Credentials Committee.

Section 18. The International Executive Board shall select from the credentials of delegates to each International Convention a Resolutions Committee of not less than seven (7) members, which shall assemble at least ten (10) days prior to the convening of the Convention. It shall be the duty of said Committee to consider such resolutions as may be properly referred to it under this Constitution. This Committee shall have authority to originate resolutions to be presented at the Convention.

Section 19. The International Executive Board shall select from the credentials of delegates to each International Convention, the several other committees necessary to successfully promote and execute the efficient operation of the Convention. Such committees shall convene not later than two (2) days prior to the opening of the Convention.

Section 20. All Convention Committees shall have an odd number of, and not more than thirteen (13) members.

Section 21. Following the issuance of the Convention Call by the International Secretary-Treasurer, each Local Union shall issue a Call for the nomination of its delegates to the Convention. In the absence of a democratically elected standing Election Committee (Article 38, Section 10), an Election Committee shall be nominated and elected by the Local Union at a regular or a specially called meeting for that purpose of which at least seven (7) days' notice shall be given. The Election Committee shall handle all the details insofar as they relate to the procedure of the election, and adopt such safeguards as are necessary to insure a fair election.

Section 22. The nomination of delegates to the Convention may occur at the meeting at which the Election Committee is elected or at a later date, but in

either case at least seven (7) days' notice shall be given. After the deadline on accepting nominations has expired, no election of so-called "sticker" or "write-in" candidates shall be considered legal. A list of nominees shall be available to the membership. Candidates shall not serve on the Election Committee or as challengers or observers.

Section 23. Delegates to the International Convention shall be elected by secret ballot of the Local Union of which they are members and in no case shall be appointed.

Section 24. At least seven (7) days shall elapse between the time of nomination of delegates and the date the election shall take place. All members shall be duly notified, at least fifteen (15) days in advance, of the time and place of said election and the hours the polls will be open. Polling places must be open a sufficient number of hours on one (1) or more days to allow all members of the Local Union an opportunity to cast their ballots. Each member shall personally cast her/his vote at the polls.

Section 25. Local Union action to instruct a delegate does not serve to commit or bind the delegate on any issue s/he may vote on at the Convention.

ARTICLE 9

Political Requirements of Union Officials

International Officers, International Board Members, International Representatives and Local Union Officers shall, from the date of taking office, be required to register and vote in elections for civil officers in the area in which their homes are located, provided they are eligible under the laws of the area and that it is a physical possibility for them to do so. Violation of this Section shall subject the person charged to discipline, in pursuance of the procedure provided for in this Constitution.

ARTICLE 10

Officers and Elections

Section 1. The elective officers of the International Union shall be one (1) International President, one (1) International Secretary-Treasurer, FIVE (5) International Vice Presidents, who shall be elected by the Convention, and such International Executive Board Members as provided in Section 21 of this Article. IN THE EVENT OF A VACANCY OF AN INTERNATIONAL VICE PRESIDENT FOR ANY REASON, THE INTERNATIONAL EXECUTIVE BOARD WILL HAVE THE AUTHORITY TO REDUCE THE NUMBER OF INTERNATIONAL VICE PRESIDENTS FROM FIVE (5) TO FOUR (4). The duties of the Vice Presidents shall be to assist the International President. In addition, the Director of the Canadian Region, elected in accordance with Section 2 of this Article shall be installed as an International Vice President, whose duties shall be those as set forth in Article 13, Sections 23-26.

Section 2. Within the geographical districts as determined by the International Constitution, the International Executive Board Members shall be nominated and elected in the regions as established by the International Executive Board and existing on the actual day any such election commences. Only the delegates from the Local Unions in such regions shall nominate and vote for their International Board Members. Any member in continuous good standing for one (1) year,

and who has worked at least ninety (90) working days in a plant or plants located within the region, whose Local Union is located within the region can be nominated and elected. It shall require a two-thirds (⅔) vote of the International Executive Board to change the composition of any region within a geographical district.

Section 3. The term of office of all elective officers shall be for the period up to the next Convention and the term of office shall begin immediately upon installation. The term of office of the Trustees shall be as provided for in Article 51.

Section 4. Nomination and election of all elective officers and Trustees shall take place in the regular order of business of the Convention and election shall be determined by a majority vote of the delegates voting. Candidates shall be elected to various offices by one (1) roll-call vote. In the election of the Vice Presidents each delegate may vote for FIVE (5) candidates. If there are TEN (10) or more nominees for the FIVE (5) offices and less than FIVE (5) candidates receive a majority vote, the candidate receiving the lowest number of votes shall be eliminated from the run-off election, and in each successive run-off election the candidate receiving the lowest number of votes shall be eliminated, unless such elimination would result in reducing the number of candidates in nomination to a figure equal to the remaining vacancy or vacancies.

Section 5. All elections of International Officers and International Executive Board Members shall be by roll-call vote. In any election for International President, International Secretary-Treasurer, International Executive Board Member, or International Trustee where there are three (3) or more candidates and, on the first ballot, no such candidate receives a majority, there shall be a run-off between the two (2) candidates who received the highest number of votes on the first ballot.

Section 6. No member shall be nominated or elected as an elective officer of the International Union, as set forth in Section 1 of this Article, who has not been in continuous good standing for a period of one (1) year preceding the date of nomination.

Section 7. No member of any Local Union shall be eligible to hold any elective or appointive position in this International Union or any Local Union in this International Union if s/he is a member of or subservient to any political organization, such as the Communist, Fascist or Nazi Organization which owes its allegiance to any government other than the United States or Canada, directly or indirectly.

Section 8. No member of any Local Union shall be eligible to hold any elective or appointive position in the International Union, or any Local Union, if s/he is affirmatively engaged in the promotion, implementation, furtherance, or support of organized in-plant rackets, such as numbers, bookmaking, etc.

Section 9. The acceptance of an elective or appointive office or position or of nomination to an elective office or position by any member who is ineligible under Sections 7 or 8 of this Article, is an offense against the Union punishable by a penalty up to and including expulsion.

Section 10. When a charge is preferred that a member is violating Section 9 of this Article, it shall be made and the accused member shall be tried according to the appropriate provisions of Articles 30 and 31.

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Resignation from an elective office or appointive position, or withdrawal of candidacy by any member charged with violation of Section 9 shall not require the dismissal of such charges.

Section 11. Upon conviction of a member by a Trial Committee of a Local Union or by an International Union Trial Committee of violation of Section 9 of this Article, any elective or appointive office or position then held by such member shall be automatically vacated regardless of any other penalty imposed.

Section 12. No member of any Local Union shall be eligible to hold or seek any elective or appointive position in the International Union, or in any Local Union, if s/he affirmatively engaged in the promotion, implementation, furtherance or support of any other union or collective bargaining group with the purpose or intent of supplanting the International Union, or any subordinate body thereof, as the recognized collective bargaining agent, or if s/he is affirmatively engaged in efforts to decertify the International Union or any subordinate body thereof as the recognized collective bargaining agent. If, upon investigation by the International Union, it should appear by convincing evidence that any member is in violation of this Section, the International President, or the International Executive Board, may summarily suspend that member from any office or position, or the right to seek such office or position. Said suspended member shall be promptly notified and, within thirty (30) days of such notification, may appeal the suspension, in which case the member's appeal shall be processed in the same manner as appeals to the International Executive Board from decisions of subordinate bodies under Article 33 of this Constitution; provided that the suspension shall automatically be lifted unless the International Executive Board has rendered its decision within one hundred twenty (120) days of the day the appealing member commences an appeal. If the suspended member fails to appeal from the suspension within the thirty (30) days allowed, or if the International Executive Board upon review upholds the suspension by a two-thirds (⅔) vote, the member shall be considered removed from any office or position s/he may have held, as well as from the privilege of seeking election or appointment to any office or position, and the member shall not thereafter be eligible to hold any office or position unless and until the removal has been lifted by a two-thirds (⅔) vote of the International Executive Board. Any member so suspended, who has taken an appeal to the International Executive Board without having the suspension lifted, may appeal the suspension either to the Public Review Board or the Convention Appeals Committee as provided for in Article 33 of this Constitution. The procedure provided in this Section shall be in addition to, and exclusive of any other action which may be taken against such member.

Section 13. No member removed from office or position by reason of a conviction of any offense enumerated in Section 17 of Article 31 by a Local Union Trial Committee, shall be restored to office or position by reason of a reversal of such conviction by the body which elected the Trial Committee, until after the lapse of sixty (60) days following such reversal, without a review having been ordered by the International Executive Board.

Section 14. Whenever any member removed from elective office or position by reason of having been convicted of an offense shall have taken an appeal under Article 33, and whenever a review of any such conviction shall have been ordered by the International Executive Board under Section 18 of Article 31, the vacancy in office or position may be filled according to the applicable provisions of Section 14 of Article 38 or Section 15 of this Article, but any successor in such office or position shall hold the office or position subject to the right of restoration of the removed officer upon reversal of her/his conviction, subject to Section 13 of this Article.

Section 15. No member shall be entitled as a matter of right to restoration to any appointive position by reason of acquittal or reversal of a conviction.

Section 16. Incoming elective officers of the International Union shall be obligated and installed immediately after being elected. The obligation shall be the same as that provided for Local Union officers.

Section 17. In the event of the death, removal or resignation of the International President, International Secretary-Treasurer, or any of the International Vice Presidents, except the Canadian Director, the officer shall be replaced by majority vote of all members of the International Executive Board by a member eligible to be a candidate in accordance with Section 5 of this Article.

In the event of the death, removal or resignation of an International Trustee, the International Executive Board shall elect a replacement to serve until the next regular Constitutional Convention.

Section 18. In the event a vacancy occurs on the International Executive Board because of the death, removal, promotion of a member or other cause, the International Executive Board shall, within thirty (30) days, call a special regional convention for the region which the International Executive Board Member represented. Such vacancy shall be filled by a member elected by the delegates from the Local Unions in the region. In the event of such vacancy occurring within sixty (60) days before a regular Constitutional Convention, no election shall take place and the office shall remain vacant. In any such special regional convention, the delegates from each Local Union who had been elected to the preceding regular constitutional Convention shall serve as delegates to the Special Convention. Each Local Union shall carry the same total vote as it carried at such previous regular Constitutional Convention. If there are vacancies in the voting delegation, they shall be filled in the following manner:

(a) By alternates where the same were elected to the preceding Constitutional Convention;

(b) If the number of delegates is insufficient after applying (a), by reapportioning the votes of the Local Union among the remaining delegates to the extent permitted by Section 7 of Article 8;

(c) If the number of delegates is insufficient after applying (a) and (b), by electing additional delegates, these additional delegates to be nominated and elected by secret ballot at successive membership meetings; the required notices for such nomination and election being those set forth in Sections 22 and 24 of Article 8.

Section 19. The International Executive Board shall

consist of the International Executive Board Members elected from the regions together with the International President, International Secretary-Treasurer and the International Vice Presidents.

Section 20. Voting strength of International Executive Board Members:

(a) Questions coming before the International Executive Board may be decided by unit vote of its members, but any member may demand a roll-call vote on any question.

(b) Each member of the International Executive Board shall have one (1) vote for each one thousand (1,000) members or major fraction thereof represented by the member in her/his region.

(c) Voting strength of each region shall be computed on the basis of average monthly per capita tax payments from each respective region through the period of twelve (12) months commencing thirteen (13) months preceding each quarterly meeting of the International Executive Board. The voting strength of Executive Board Members at special Executive Board Meetings shall be on the basis as at the preceding regular Executive Board Meeting.

(d) The International President, International Secretary-Treasurer and the International Vice Presidents, except for the Canadian Director, shall each carry the same number of votes, which shall be equal to the average of the votes cast by the remaining members of the International Executive Board.

(e) Members of the International Executive Board may cast their votes by proxy.

Section 21. The geographical districts and the number of International Executive Board Members for each district of the International Union in the United States and Canada shall be as listed below. District 7 shall be known as the Canadian Region, and the member of the International Executive Board elected from District 7 shall be known as the Canadian Director and s/he shall also be installed as an International Vice President, as provided in Section 1 of this Article.

1. Michigan 6
2. Ohio, West Virginia, and those parts of Pennsylvania west of and including the counties of McKean, Cameron, Cambria and Somerset 3
3. Indiana, Kentucky 1
4. Illinois, Iowa and Nebraska 1
5. Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado and New Mexico 1
6. Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Alaska and Hawaii . 1
7. Canadian Region 1
8. Tennessee, Virginia, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, the District of Columbia, Maryland, Delaware and the following counties of Pennsylvania: Franklin, Cumberland, Adams and York 1
9. New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine and those parts of Pennsylvania east of and including the counties of Potter, Clinton, Center, Blair, Clearfield and Bedford, but excluding the counties of Franklin, Cumberland, Adams and York .. 2
10. Wisconsin, Minnesota, North Dakota, South Dakota, Wyoming and Montana 1

ARTICLE 11

Salaries

Section 1. The salaries of the International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members, then in effect, shall be increased by three percent (3%) effective with the first pay PERIOD IN JUNE OF 1985. THE INTERNATIONAL EXECUTIVE BOARD, HOWEVER, MAY, IN ITS JUDGMENT, ADJUST THE THREE PERCENT (3%) IN 1985 TO REFLECT THE OUTCOME OF THE 1984 MAJOR COLLECTIVE BARGAINING. THERE WILL NOT BE A THREE PERCENT (3%) INCREASE IN JUNE OF 1983 OR JUNE OF 1984. In addition, the salaries may be adjusted quarterly in accordance with changes in the cost of living based on THE CURRENT formula AS developed by the International Executive Board.

Section 2. The salaries of the International Representatives, then in effect, shall be increased by three percent (3%), effective with the first pay PERIOD IN JUNE OF 1985. THE INTERNATIONAL EXECUTIVE BOARD, HOWEVER, MAY, IN ITS JUDGMENT, ADJUST THE THREE PERCENT (3%) IN 1985 TO REFLECT THE OUTCOME OF THE 1984 MAJOR COLLECTIVE BARGAINING. THERE WILL NOT BE A THREE PERCENT (3%) INCREASE IN JUNE OF 1983 OR JUNE OF 1984. In addition, the salaries may be adjusted quarterly in accordance with changes in the cost of living based on THE CURRENT formula AS developed by the International Executive Board.

Section 3. The salaries of the International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members in full for services rendered by each of said officers shall be the following sums:

International President, SEVENTY-FOUR THOUSAND, EIGHT HUNDRED NINETY-THREE DOLLARS AND NINETY-SEVEN CENTS ($74,893.97) per annum.

International Secretary-Treasurer, SIXTY-SEVEN THOUSAND, TWO HUNDRED FIFTY-TWO DOLLARS AND FIVE CENTS ($67,252.05) per annum.

International Vice Presidents, SIXTY-FOUR THOUSAND, TWO HUNDRED SIXTY-SIX DOLLARS AND NINETY CENTS ($64,266.90) per annum.

International Executive Board Members, FIFTY-SIX THOUSAND, SIX HUNDRED TWENTY-FOUR DOLLARS AND NINETY-SEVEN CENTS ($56,624.97) per annum.

Salaries shall be payable in biweekly installments.

Section 4. The International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members shall devote their full time to their duties and shall not serve as an officer of a Local Union, District Council or any other subordinate body, except UAW-CAP Councils, beyond ninety (90) days after being elected as an International Officer.

Section 5. An International Executive Board Mem-

ber shall serve under the general direction of the International President, subject to the decisions of the International Executive Board.

Section 6. International Officers, International Executive Board Members and International Representatives shall receive such expenses and allowances, including per diem allowances, as the International Executive Board shall from time to time by resolution determine to be necessary and appropriate to the discharge of their obligations to the Union.

Section 7. The International Executive Board shall from time to time by resolution determine the salary, expenses and allowances to be paid any member, including a temporary organizer, performing services for the International Union at its request; provided that such salary, expenses and allowances shall not exceed those prevailing for International Representatives except to the extent that such member's lost time would exceed the salary of an International Representative.

Section 8. The full salary for International Representatives shall be **FORTY-TWO THOUSAND, TWO HUNDRED TWENTY-SEVEN DOLLARS AND FIFTY-ONE CENTS ($42,227.51)** per annum. The initial salary for a newly appointed International Representative shall be Fifteen Hundred Dollars ($1,500.00) less than the classification rate for her/his assignment and shall be increased in six (6) equal increments, so that at the end of forty-eight (48) weeks s/he shall be receiving the full salary for her/his classification. The International Executive Board shall determine the salaries of International Representatives acting as professional specialists, key personnel and major and minor department heads.

Salaries shall be payable in biweekly installments.

Section 9. The International President, International Secretary-Treasurer, International Vice Presidents and International Executive Board Members shall, on their first election, be entitled to traveling expense for themselves and families and the moving of household goods from their home to their assigned location and also on return at the close of their official terms.

Section 10. International Officers, International Executive Board Members and International Representatives shall receive, in addition to their salaries, such fringe benefits as pensions, severance pay, medical-surgical-health insurance, sickness and accident insurance, life insurance, vacations, Supplemental Unemployment Benefits, etc., in such amounts and under such conditions, as the International Executive Board shall from time to time by resolution determine to be necessary and appropriate.

Section 11. No person in the International Union who holds a paid full-time job in the Union shall hold any other paid position in the Union at the same time.

Section 12. The International Executive Board shall from time to time by resolution establish salaries, expenses, allowances and fringe benefits for clerical, custodial, maintenance and similar employes of the International Union.

ARTICLE 12

Duties of the International Executive Board

Section 1. The International Executive Board shall

execute the instructions of the International Convention and shall be the highest authority of the International Union between Conventions, subject to the provisions of this Constitution, and shall have the power to authorize strikes, issue charters, and punish all subordinate bodies for violation of this Constitution.

Section 2. In case of disputes or conditions within a subordinate body that might threaten its existence, the International Executive Board by majority vote, may reorganize the subordinate body by ordering a special election to be held within thirty (30) days after the members in good standing are notified by mail. Under no circumstances shall more than one (1) such special election be held within a year's period in any one (1) subordinate body. Under this provision, the elected officers of the subordinate body shall continue to hold office until the election and may run for re-election. The International Executive Board may have two (2) representatives to work with the elected Local Union Election Committee. The procedures of this Section shall be equally applicable to units of Amalgamated Local Unions.

Section 3. Where necessary to

(a) prevent or correct corruption or financial malpractice;

(b) assure the performance of collective bargaining agreements or other duties as a bargaining representative;

(c) restore democratic procedures within any chartered subordinate body; or,

(d) otherwise assure carrying out the legitimate objectives of this International Union by such subordinate body,

the International Executive Board by a two-thirds (⅔) vote of the entire Executive Board may, after a hearing, reorganize or disband the chartered subordinate body, revoke the charter, suspend any officer or officers from office and/or take over supervision of the chartered subordinate body until its affairs have been properly adjusted. In such event, the Board shall designate one of its members as administrator who shall have full authority over and supervision of all functions of the Local Union and may suspend any or all officers and officials of the Local Union and take over their functions either as directed by the Board or in her/his own discretion where s/he believes it necessary to accomplish the purposes of the administratorship. The administrator may utilize such staff assistants as s/he deems advisable to assist in supervising the affairs of the Local Union.

In any case of suspension of officers, an election of new officers shall take place within sixty (60) days from date of order whereupon the subordinate body shall be returned its autonomy under this Constitution; unless circumstances which necessitate an extension of time, in which event the Executive Board during said administratorship may specifically extend this period for a total of no more than one hundred twenty (120) additional days. The conduct of all elections during an administratorship shall be the responsibility of the administrator.

The procedures of this Section shall be equally applicable to units of Amalgamated Local Unions insofar

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as appropriate.

Section 4. In case of vacancy, the Board shall cause such vacancy to be filled until the next Convention, in accordance with Article 10.

Section 5. It shall repeal any bylaws of any subordinate body which do not conform to this Constitution.

Section 6. It shall review and decide, between Conventions, all questions involving interpretation of this Constitution when any member or subordinate body wishes to appeal, or the Board on its own initiative wishes to consider the decision on any such question made (pursuant to Article 13, Section 8) by the International President.

Section 7. It shall pass upon all claims, grievances and appeals from the decisions of subordinate bodies of the International Union, in the manner provided by this Constitution.

Section 8. It shall transmit a report of the activities of the International Union and a summary and explanation of the actions of the International Executive Board relating to International finances to each Local Union of this International Union.

Section 9. If any elective officer is found guilty and removed from office through trial procedure, the vacancy shall be filled in accordance with this Constitution.

Section 10. Upon written request of three (3) members of the International Executive Board, the International Secretary-Treasurer, within forty-eight (48) hours of receipt of such a request shall poll the International Executive Board on the question of a Special Board Meeting. Upon a majority vote for such a meeting, the President shall convene the Board within five (5) days. In case the International President fails to convene the Board within the time allotted, the International Secretary-Treasurer or a Board Member previously designated by the Board shall convene the Board.

Section 11. Two-thirds (⅔) of the number of members comprising the International Executive Board present in person shall constitute a quorum of the International Executive Board. Notwithstanding the foregoing, when the International President calls a special meeting of the International Executive Board because s/he believes action under Sections 2 and 3 of this Article, or Sections 9 and 10 of Article 36, to be essential with regard to a specific dispute in any area with the objective of protecting the interests of a subordinate body, or any part of the membership thereof, and less than the regular quorum answers such call, those members answering the call may act within the limited area described above provided they constitute a special quorum. Such special quorum shall in any event consist of not less than eight (8) members of said International Executive Board, present in person, which must include at least two (2) International Officers and at least four (4) Board Members. Any such Special Board Meeting operating on the basis of such a special quorum shall be empowered to conduct any hearing and by a seventy-five per cent (75%) vote of its members, take any action, make any decision, or impose any penalty concerning said specific dispute which the full International Executive Board could take pursuant to any of the above noted applicable provisions of this Constitution which shall be binding until the last

day of the next succeeding regular meeting of the International Executive Board. All proceedings of such Special Board Meeting shall be reported to the next regular meeting of the International Executive Board, and any member or subordinate body feeling aggrieved by any such action, decision or penalty of such Special Board Meeting may file a protest with the International Executive Board and shall have the right to be heard in person by such International Executive Board upon request. Whether or not any protest is taken, the International Executive Board shall review the action, decision or penalty taken or imposed by the Special Board Meeting and shall, if satisfied as to its propriety, affirm such action, decision or penalty. Any member or subordinate body feeling aggrieved by such decision of the full International Executive Board shall have the normal right of appeal therefrom pursuant to Article 33, Section 3, even though the member or subordinate body did not avail her/himself to the right hereinabove to file a protest from the action, decision, or penalty of the Special Board Meeting to the full International Executive Board.

Section 12. Only a majority of the International Executive Board can adjourn a Board Meeting.

Section 13. The International Executive Board shall set up such departments as provided for in this Constitution. It may, if voted by a two-thirds (⅔) vote, create additional departments for promoting the business of this International Union or the welfare of its membership. It may hire professional specialists not members of the International Union for such departments if they are not available within the membership.

Section 14. If and when a strike has been approved by the International Executive Board, it shall be the duty of the International Executive Board to render all financial assistance to the members on strike consistent with the resources and responsibilities of the International Union.

Section 15. Financial Officers (including Presidents) of the Local Unions of this International Union shall be bonded by such methods and agencies and in such amounts as the International Executive Board may determine, but in no case shall the bond be for less than the amount required by law.

Section 16. The International Executive Board shall have power to adjust disputes between employers and employes and to make contracts with employers in accordance with this Constitution. In addition, the International Executive Board shall have power to adjust jurisdictional disputes between Local Unions.

Section 17. Where the International Executive Board has established a satisfactory administrative arm for the handling of members' appeals relating to the processing of collective bargaining grievances, a decision by such administrative arm may be appealed to the International Executive Board by the procedures set forth in Article 33, Section 3.

Section 18. The International Executive Board may rescind, reverse or repeal any action of any of the International Officers or Representatives.

Section 19. Verbatim minutes shall be taken at all meetings of the International Executive Board, (except when the Board, by a seven-eighths (⅞) vote of those present, decides that the best interests of the Union would be served by an informal discussion of the mem-

bership of the Board in session as a committee of the whole, in which event the Board shall confine itself to discussion but shall take no formal action, and no minutes shall be taken). Such minutes shall be transcribed immediately and copies thereof shall be distributed to all elected officers of the International Union as soon as completed. Such copies shall be made available to any interested member in good standing for inspection at the offices of the International Secretary-Treasurer and of each International Executive Board Member. In addition, the Secretary-Treasurer shall prepare a summary of official International Executive Board action after each International Executive Board Meeting, which shall be sent to each Local Union.

Section 20. The International Executive Board shall create and operate a Political Action Committee to be known as UAW Voluntary Community Action Program Committee (UAW V-CAP). This Committee shall be authorized to make policy decisions concerning expenditures and contributions involving federal elections and to make expenditures and contributions from a fund established by voluntary contributions from UAW members, their families and friends. Once each year a summary report of income and disbursements in federal elections by category shall be made.

ARTICLE 13
DUTIES OF INTERNATIONAL OFFICERS
International President

Section 1. The International President shall preside at all sessions of the International Convention and all sessions of the International Executive Board. The International President shall perform such other duties as are necessary to protect and advance the interests of the International Union, and shall report her/his activities to all Local Unions and the general membership through the official publication. The International President shall report her/his activities to the quarterly meeting of the International Executive Board for approval or rejection and to the International Convention.

Section 2. Between sessions of the International Executive Board, the International President shall execute the instructions of the International Executive Board and have full authority to direct the working of this organization within the provisions of this Constitution and shall report her/his acts to the regular quarterly meeting of the International Executive Board.

Section 3. As set forth in this Constitution or voted by the International Executive Board, the International President shall assign any elected officer to represent or direct the workings of this International Union.

Section 4. The International President shall have power to withdraw any field assignment made to any elected officer when s/he becomes convinced that the officer has been derelict in her/his duty or been guilty of a dishonest act. Such withdrawal of assignment shall not act to suspend the vote or pay of such an officer, which power lies only in the International Executive Board as provided in this Constitution. Any officer whose assignment is withdrawn may follow the procedure outlined in Article 12, Section 10, to convene the International Executive Board. If the International Executive Board reaffirms the original assignment, then the President shall not again suspend this assignment.

Section 5. The International President shall appoint such Representatives as s/he may deem necessary from time to time, such appointments to be pending the approval of the International Executive Board. The International President may remove from the payroll any Representative derelict in the performance of any duty, guilty of any dishonest act, or to conserve the finances of this International Union, pending the approval of the International Executive Board at its next session.

Section 6. After submitting recommendations to the International Executive Board, the International President shall hire such legal, technical or professional help as is necessary to efficiently operate such departments of this International Union, except in the department of the International Secretary-Treasurer.

Section 7. The International President shall fill by appointment all vacancies occurring in the International Office Staff, except in the department of the International Secretary-Treasurer as otherwise provided for in this Constitution.

Section 8. The International President shall decide disputes or questions in controversy, including all questions involving interpretation of this Constitution, except such cases as follow the procedure and conditions as outlined in this Constitution; all her/his decisions being subject to appeal, first to the International Executive Board and then to the Convention. Notice in writing of appeal of any decision of the International President must be filed with the International Secretary-Treasurer and the International President within thirty (30) days from date of decision.

Section 9. The International President shall have authority to call special meetings of Councils or Local Unions whenever s/he deems such meetings necessary to protect the interests of its membership, after proper notification or consultation with officers of subordinate bodies involved. The International President shall have the authority to delegate such duties to any International Officer or Representative s/he may name, provided such delegation of authority is written, signed by the International President and bears the seal of the International Union.

Section 10. The International President shall convene regular and special sessions of the International Executive Board whenever necessary.

Section 11. The International President shall be empowered to grant to Local Unions or units dispensations relating to initiation fees, per capita tax and/or Strike Insurance Fund dues, to the International Union with the approval of the International Executive Board, when in the International President's judgment such dispensations will add to the growth of or conserve the interests of this International Union.

Section 12. The International President shall devote all her/his time to the affairs of this International Union, executing the instructions of the International Executive Board and exercising general supervision over all departments of this International Union.

Section 13. During the International President's term of office s/he shall establish her/his residence in the metropolitan area of the city where the headquarters of this International Union is established.

International Secretary-Treasurer

Section 14. The International Secretary-Treasurer shall attend all sessions of the International Convention and of the International Executive Board. The International Secretary-Treasurer shall cause to be recorded the proceedings of the International Convention and meetings of the International Executive Board. The International Secretary-Treasurer shall have charge of and preserve all books, documents and effects of the International Office, except such records as properly belong to the Office of the International President. The International Secretary-Treasurer shall issue receipts for all monies paid to the International Union; pay all bills and current expenses, unless otherwise ordered by the International Executive Board. All expenditures shall be paid by checks countersigned by the International President when the latter is satisfied of their correctness. The International Secretary-Treasurer shall keep copies of all important correspondence sent out and received by her/his office. S/He shall submit expenses of each officer and employe, together with a detailed statement of receipts and disbursements of all money belonging to the International Union, to the International Executive Board and to the International Trustees.

Section 15. The International Secretary-Treasurer shall be the custodian of the funds of this International Union. S/He shall deposit sufficient funds of the International Union in some responsible bank or banks to meet current obligations of the International Union and shall invest the remainder of the funds under procedures and standards determined from time to time by resolution of the International Executive Board.

Section 16. The seal of the International Union shall bear the following words: "International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)." The seal of this International Union shall bear the design representing the Automobile, Aerospace and Agricultural Implement divisions of this International Union. The International Executive Board shall be authorized to adopt a seal appropriate with the above provisions. The seal of the International Union shall be held by the International Secretary-Treasurer in trust for the use of the membership in their organization affairs; and s/he shall prosecute any and all proceedings proper to prevent the wrongful use of or imitation of the seal or of the name "International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)." The International Secretary-Treasurer shall also take such measures as may be necessary to register or copyright the seal, and the International name, the label, insignia and any other property of the International Union that s/he may consider necessary to copyright or register.

Section 17. The International Secretary-Treasurer shall give a bond, amount of which shall be determined by the International Executive Board and paid for by the International Union, to insure faithful discharge of her/his duties.

Section 18. The International Secretary-Treasurer shall perform such other duties as are herein provided for in this Constitution or may be assigned to the International Secretary-Treasurer by the International Executive Board.

Section 19. When a Local Union has failed to report and pay the per capita tax as provided for herein, the International Secretary-Treasurer shall notify the Local Union President and Board of Trustees of that fact.

Section 20. The International Secretary-Treasurer shall keep a complete record of the membership of the International Union.

Section 21. The International Secretary-Treasurer shall, with the consent of the International Executive Board, employ such assistants as may be necessary to conduct the affairs of her/his office.

Section 22. The International Secretary-Treasurer shall issue a standard "Work Permit" card which shall be furnished to Local Unions at cost. Such work permit shall be cancelled or renewed thirty (30) days following the date contained thereon. The charge for each work permit or renewal by the Local Union shall be not less than the amount of the monthly dues set by the Local Union, one-half (½) of which shall be paid to the International Union. It shall be left to the discretion of the Local Union to determine the duration of the period for which work permits are issued. In no case, however, shall work permits be issued to any worker for a period of more than three (3) consecutive months.

International Executive Board Members

Section 23. An International Executive Board Member shall have direct supervision over all organizational activities within the region from which s/he is elected. In case a geographical district has more than one Regional Board Member, the Board Member's activity shall be confined within a definite area within her/his region, which area shall be clearly defined by the International Executive Board.

Section 24. The International Executive Board Member's field of activity shall be limited to shops within her/his region unless directed to other activities at the direction of the International Executive Board or the International President.

Section 25. The International Executive Board Member shall examine all contracts negotiated within her/his region before they are signed and submit them to the International Executive Board with her/his recommendation, negotiate disputes with the bargaining committees wherever possible, act to obtain favorable legislation for labor and work for the general welfare of the membership.

Section 26. Where district councils are established within her/his region, the International Executive Board Member shall attend their meetings when possible and work in cooperation with such councils. The International Executive Board Member shall submit quarterly reports of organizational activity within her/his region to the International President and also to the International Executive Board fifteen (15) days prior to the convening of the quarterly meeting of the International Executive Board for its approval.

ARTICLE 14

International Representatives

Section 1. International Representatives' or temporary organizers' commissions must be approved and signed by the International President and shall be countersigned by the International Secretary-Treas-

urer and be subject to the approval of the International Executive Board.

Section 2. International Representatives or temporary organizers shall work under the jurisdiction of the International President subject to the approval of the International Executive Board and under the direct supervision of the International Executive Board Member of the region to which s/he is assigned, unless otherwise commissioned.

Section 3. No person can be appointed an International Representative unless s/he is a member in continuous good standing of the International Union for a period of one (1) year. Temporary or part-time organizers must be UAW members, but need not necessarily have been in continuous good standing for one (1) year.

Section 4. Appointed International Representatives or temporary organizers may be removed by the International President subject to the approval of the International Executive Board.

Section 5. An International Representative or temporary organizer shall not, while holding such position, be eligible as a candidate for, or hold any elective office or position in a Local Union, but an elected official may be appointed to act as an International Representative or temporary organizer on a part-time basis for parts of the day, or for full days not to exceed one hundred and eighty (180) in any calendar year. An International Representative or temporary organizer shall be eligible as a candidate for an elective office in the International Union.

ARTICLE 15

Fiscal Year

The Fiscal Year of the International Union shall begin the first day of January of each year and end on the 31st day of December of the same year.

ARTICLE 16

Initiation Fees and Dues

Section 1. (a) The initiation fee, no part of which shall be considered as a Local Union fine, shall not be less than Ten Dollars ($10.00) nor more than Twenty Dollars ($20.00) for membership in a Local Union of the International Union. Five Dollars ($5.00) of such an initiation fee shall be set aside in a new member orientation fund, to be expended with the approval of the Regional Director.

(b) A Local Union may increase its initiation fee, within the limitations set forth in paragraph (a) of this Section, in accordance with the procedures of Article 47, Section 1.

(c) Men and women returning from service in the Armed Forces of the United Nations shall be exempt from payment of an initiation fee upon presentation of military discharge papers to the Local Union Financial Secretary within one (1) year of the date of their discharge.

(d) One dollar ($1.00) of each initiation fee shall be forwarded to the International Secretary-Treasurer.

Section 2. All dues are payable during the current month to the Financial Secretary of the Local Union. Minimum Union dues shall be a sum equivalent to two hours straight time pay per month. For those members paid by the hour, day, week or month, the dues shall be based on the amount earned per straight time hour in

the last payroll period worked before the dues are payable, including cost-of-living allowance and any other amounts normally considered as part of regular pay, but excluding shift premium. For those whose earnings vary, straight time earnings for the purpose of dues computation shall be based on the average earned per hour in the last month the member worked, including incentive earnings, cost-of-living allowance, clock hour add-ons and any other amounts normally considered as part of the regular pay, but excluding shift premium, overtime premium, Saturday, Sunday and holiday premiums.

Beginning with the month of July, 1974 dues income shall be distributed so that the Local Union shall receive thirty-eight (38) percent, the International Union Strike Insurance Fund shall receive thirty (30) percent, the General Administrative Fund of the International Union shall receive thirty (30) percent and the International Union's Family Education Center Fund shall receive two (2) percent for the capitalization, improvement and operation of the program.

Nothing in this Article shall prevent any Local Union or unit of an Amalgamated Local Union from establishing, in accordance with the provisions of Article 47, dues in a greater amount than provided for in this Article; and any Local Union or unit, which at the time when minimum monthly membership dues are increased pursuant to the provisions of this Article, has dues in a greater amount than the minimum monthly membership dues pre-existing, the change shall automatically increase its dues by the amount of the change without the necessity of any additional Local Union or unit membership action and such Local Union dues shall continue until the Local Union's or unit's membership, pursuant to the provisions of Article 47, changes the Local Union's or unit's dues structure.

All dues established by this Article shall be uniformly required of all its members by each Local Union or unit of an Amalgamated Local Union except as specific exoneration or special arrangement, may be granted pursuant to Section 11 of Article 13, or Section 28 of this Article.

Section 3. (a) Where required by the necessities of collective bargaining, a Local Union, or an Intra-Corporation Council and its affiliates, may, with International Executive Board authorization, double their monthly dues in each of not more than four (4) months preceding the terminal date of the old contract, or following the ratification of a new agreement.

(b) Each Local Union which is authorized to double its monthly dues shall be required to place half of such dues in trust for each month collected, until it has been determined by the International Executive Board whether such additional dues shall be applied to future dues, or refunded to each member.

Section 4. The International Union shall provide uniform monthly dues buttons, at not more than cost, of a different color for each month. It shall be mandatory for Local Unions using dues buttons to use only those buttons provided by the International Union, which shall be supplied by the International Secretary-Treasurer to the Financial Secretaries of the Local Unions upon request. Local Unions covered by Union Shop or check-off agreements may, upon approval of the International Executive Board, use an annual

membership button, membership card or other suitable identification of membership in lieu of monthly dues buttons.

Section 5. Upon acceptance of the application, membership shall date from the first day of the month for which dues are paid.

Section 6. The Local Union shall set aside five cents (.05) of each month's dues payment as a Citizenship and Legislative Fund to be used for the purpose of strengthening democracy by encouraging members, and citizens generally, to register and vote in community, state, and national elections and to carry on organizational and educational programs directed toward the achievement of an even higher understanding of citizenship responsibility and the need for active participation in the affairs of a free and democratic society. Local Unions are obligated to carry out such programs in conjunction with city, county and state (CAP) councils. Three cents (.03) of each month's dues payment must be laid aside by the Local Union as a special fund to be used only for educational or recreation-leisure time activities as outlined in Article 27 of this Constitution, provided that two cents (.02) shall be apportioned to education and one cent (.01) apportioned to recreation-leisure time activities. One cent (.01) of each month's dues payment must be set aside by the Local Union as a Retired Members Fund to be used only to promote and support programs benefiting retired members. Local Unions are obligated to carry out this policy in conjunction with community groups, where community groups exist, for the purpose of promoting and supporting programs benefiting retired members and other retired workers.

Section 7. (a) Any member shall have the right to object to the expenditure of a portion of her/his dues money for activities or causes primarily political in nature. The approximate proportion of dues spent for such political purposes shall be determined by a committee of the International Executive Board, which shall be appointed by the President, subject to the approval of said Board. The member may perfect her/his objection by individually notifying the International Secretary-Treasurer of the objection by registered or certified mail; provided, however, that such objection shall be timely only during the first fourteen (14) days of Union membership and during the fourteen (14) days following each anniversary of Union membership. An objection may be continued from year-to-year by individual notifications given during each annual fourteen (14) day period.

(b) If an objecting member is dissatisfied with the approximate proportional allocation made by the committee of the International Executive Board or the disposition of her/his objection by the International Secretary-Treasurer, s/he may appeal directly to the full International Executive Board and the decision of the International Executive Board shall be appealable to the Public Review Board or the Convention Appeals Committee at the option of said member.

Section 8. Any member who has not paid her/his dues during the calendar month in which they are due shall automatically become delinquent except as otherwise provided in this Article. In order to regain good standing membership, s/he must fully reinstate her/himself in accordance with Section 9 of this Article.

Section 9. The reinstatement fee established by a Local Union shall be not less than the regular initiation fee charged by the Local Union, plus the dues for each month of delinquency in dues up to either the date of automatic suspension or the date of reinstatement, as the Local Union in its discretion may determine, plus the current month's dues. Such reinstatement fee shall be uniformly applied to all delinquent members of the Local Union. Individuals suspended as a result of their failure to pay dues while employed in a shop under the jurisdiction of another Local Union shall be dealt with in conformity with Article 17, Section 3.

Section 10. Local Unions may notify members of their delinquency. However, failure of the Local Union to notify the member of delinquency shall not exonerate such member from automatic suspension except as provided in Section 26 of this Article.

Section 11.

(a) Each Local Union from each member's dues must remit TO THE INTERNATIONAL SECRETARY-TREASURER a monthly per capita tax of thirty percent (30%), an additional two percent (2%) to the International Union Family Education Center Fund, AND A FURTHER thirty percent (30%) to the International Union Strike Insurance Fund. EACH Local Union shall retain thirty-eight percent (38%) FROM EACH MEMBER'S DUES. One dollar ($1.00) of each reinstatement fee shall be forwarded to the International Secretary-Treasurer.

(b) EFFECTIVE WITH DUES RECEIVED IN THE MONTH OF JULY, 1983, THE INTERNATIONAL UNION WILL, ON A MONTHLY BASIS, REBATE TO EACH LOCAL UNION TEN PERCENT (10%) OF EACH MEMBER'S DUES FROM THE INTERNATIONAL STRIKE INSURANCE FUND, AND WILL CONTINUE TO DO SO THROUGH JUNE OF 1984. THE INTERNATIONAL UNION OPERATING FUND WILL RECEIVE AN ADDITIONAL FIVE PERCENT (5%) OF EACH MEMBER'S DUES FROM THE INTERNATIONAL STRIKE INSURANCE FUND FOR THE SAME PERIOD.

(c) FOLLOWING THE COMPLETION OF MAJOR COLLECTIVE BARGAINING IN 1984, THE REBATE IN SUB-SECTION (b) ABOVE WILL AGAIN GO INTO EFFECT, PROVIDING THE INTERNATIONAL STRIKE INSURANCE FUND NET WORTH IS IN EXCESS OF $550 MILLION.

(d) ANY TIME THE INTERNATIONAL STRIKE INSURANCE FUND NET WORTH FALLS BELOW $500 MILLION, THE REBATE IN SUB-SECTION (b) WILL STOP UNTIL THE INTERNATIONAL STRIKE INSURANCE FUND NET WORTH REACHES $550 MILLION. ONCE THE INTERNATIONAL STRIKE INSURANCE FUND IS IN EXCESS OF $550 MILLION, THE REBATE IN SUB-SECTION (b) WILL AGAIN RESUME.

(e) LOCAL UNIONS MUST BE IN COMPLIANCE WITH ARTICLE 16, SECTIONS 16 AND 24 OF THE INTERNATIONAL CONSTITUTION TO RECEIVE REBATES.

(f) If the Local Union does not charge back dues for the period following the date of automatic suspension to the date of reinstatement, but imposes a fine based upon the length of such period, the Local Union must forward to the International Union one-half (½) of the fine so collected.

Section 12. When a member has been suspended for non-payment of dues and the Financial Secretary or other officers of the Local Union accept such payment thereafter, acceptance of her/his dues shall not operate to exonerate or reinstate the member or to waive the provisions of the Constitution relative to forfeiture and reinstatement of members.

Section 13. The provisions of Section 8 of this Article shall not apply to a member who has entered the military service of the United Nations who shall be entitled to an honorable military service membership and whose membership in continuous good standing in the Local Union shall not be broken by such service, provided s/he reports to the Local Union at the time of entering such service or thereafter furnishes the necessary proof of military service. S/He shall become subject to the provisions of this Section at the end of such military service.

Section 14. The International Union shall set aside all sums remitted by Local Unions as Union Strike Insurance Fund dues and the funds resulting shall be a special fund to be known as the International Strike Insurance Fund, to be drawn upon exclusively for the purposes of (1) aiding Local Unions engaged in authorized strikes and in cases of lockouts, and (2) assisting by donations or loans other International Unions and non-affiliated Local Unions similarly engaged, and (3) meeting financial obligations or expenditures which this International Union or its affiliated Local Unions incur as a result of authorized strikes or in cases of lockouts, and then only by two-thirds (⅔) vote of the International Executive Board. An amount, not in excess of fifty percent (50%) of the interest and dividends received by the International Strike Insurance Fund, may be set aside as the Organization, Education and Communication Fund to be expended as authorized by the International Executive Board for such purposes.

From the remainder of each member's monthly per capita tax, the International Union shall set aside:

1. Five cents (.05) which shall be expended only for publication of "Solidarity," the official publication of the International Union or of any successor official publication.
2. One cent (.01) to the Civil Rights Fund to be expended only for the support and promotion of the programs and activities of the International Union in support of fair employment practices and in opposition to all discriminatory practices in employment.
3. Three cents (.03) as the International Union Education Fund to be expended only for the programs and activities of the International Union Education Department.
4. One cent (.01) as the International Union Recreation Fund which fund shall be apportioned to each region on a per capita basis.
5. Five cents (.05) as the Special Citizenship Fund to be used for the purpose of strengthening democracy by encouraging members and citizens generally to register and vote in community, state and national elections and to carry on organizational and educational programs directed toward the achievement of an ever higher understanding of citizenship responsibility and the need for active participation in the affairs of a free and democratic society.
6. One cent (.01) for the International Union Retired Workers Fund, which one cent (.01) shall be used only to promote and support programs benefiting retired members including such programs of the International Union relating to retired members as may be adopted from time to time, and to finance the operation of the International Union Retired Workers Department.

Section 15. At least once each month the International Secretary-Treasurer shall advise all Local Unions of the exact Strike Fund balance.

Section 16. All per capita taxes and all other monies collected for the International Union shall be transmitted to the International Secretary-Treasurer by the twentieth of each month following collection. All such per capita taxes and other monies are strictly the property of the International Union and in no case shall any part thereof be used by Local Unions, except upon permission of the International Executive Board.

Section 17. The International Secretary-Treasurer will issue the official receipt of the Office of Secretary-Treasurer for all monies collected.

Section 18. Any member who has not worked forty (40) hours by reason of not having been scheduled to work forty (40) hours, or received benefits in lieu of work equivalent to forty (40) hours' pay within any calendar month, shall be entitled to exemption of payment of regular monthly dues.

Benefits in lieu of work shall include the following: Supplemental Unemployment Benefits (or any equivalent type layoff benefit), vacation pay, holiday pay, jury duty pay, bereavement pay, and paid absence allowance, but shall not include the following: pension benefits, sick and accident benefits, and Workers' Compensation. Effective January 1, 1982, if a member receives Supplemental Unemployment Benefits (or any equivalent type layoff benefit) equal to or greater than fifty percent (50%) of her/his gross pay for a forty (40) hour week, less statutory deductions, within any calendar month, then the member's dues shall be one (1) hour straight time pay per month.

A member who has been laid off, is on leave of absence, or is discharged from regular employment who is covered by check-off provisions under which management notifies the Local Union of members who are on leave of absence, laid off, rehired, or discharged, shall automatically be considered as entitled to "out-of-work" credits, unless s/he has received benefits in lieu of work equivalent to forty (40) hours' pay as provided in the second paragraph of this Section. Any member in order to be entitled to "out-of-work" credits shall report her/his layoff, leave of absence, or discharge, in person or otherwise, to the Financial Secretary of her/his Local Union within one month of the date such action became effective.

Any discharged member or any member who is covered by check-off as set forth above shall report immediately to the Financial Secretary of her/his Local Union any other employment s/he may obtain during the period of the layoff, leave of absence, or discharge. Any member not covered by check-off shall report to the Financial Secretary of her/his Local Union the termination of the layoff, leave of absence, discharge, or

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any other employment s/he may obtain during the period of the layoff, leave of absence, or discharge.

Any member who is entitled to "out-of-work" credits pursuant to this Section and Section 2 of Article 17 shall be exempted from dues payment for the period of her/his entitlement.

Section 19. Any member who is entitled to "out-of-work" credits under Section 18 of this Article and who does not secure an honorable withdrawal transfer card, shall be presumed to continue to be entitled to "out-of-work" credits and thus remains in continuous good standing without the necessity of paying dues for the first six (6) months of such layoff or leave unless the member has had employment during this period which would necessitate her/his paying dues under the first paragraph of Section 18 of this Article or taking an honorable withdrawal transfer card under Article 17, Section 2. Unless any such member shall, during the last ten (10) days of such six (6) month period, certify in writing to the Local Union Financial Secretary, in person or by registered or certified letter, that s/he continues to be eligible for good standing membership without payment of dues pursuant to Section 18 of this Article and Article 17, Section 2, the member shall automatically be noted on the Local Union's records as having been issued an honorable withdrawal transfer card at the conclusion of said six (6) month period. If a member does certify as provided herein during the last ten (10) days of the six (6) month period, s/he shall continue to be eligible for "out-of-work" credits for each additional month if during the last ten (10) days of such month s/he similarly certifies. Such a member shall automatically be noted on the Local Union's records as having been issued an honorable withdrawal transfer card on the first day of such month in which the member fails to certify as provided herein.

Section 20. Any member becoming out of work because of illness or injury shall be exempt from the above Section. Such members shall be automatically exonerated from the payment of dues and shall be issued "out-of-work" credits provided good and sufficient proof is submitted to substantiate illness or injury. The above shall not apply to those employes who receive salaries equivalent to forty (40) hours' pay within any calendar month.

Section 21. Any member who has paid dues by check-off for any month for which the member is exempted from payment of dues under Sections 18, 19 or 20 of this Article shall be entitled to a refund of such dues if s/he claims the same in person or in writing from the Financial Secretary of the Local Union within two (2) months following the month for which the refund is due. Any member who has paid dues in advance other than by check-off for any month for which the member is exempted from payment of dues under Sections 18, 19 or 20 of this Article shall, when s/he returns to work, be given credit on future dues for any such month.

Section 22. The Local Union shall use a receipt book or receipting register and form of official receipt furnished by the International Union. All receipts shall be made out in duplicate, the original to be given to the member, the duplicate to be retained by the Local Union and made available to the International Union upon request. The International Secretary-Treasurer may order the destruction of the duplicate receipts when they are no longer necessary.

Section 23. Local Unions covered by check-off agreements or having a check-off arrangement will be exempt from the provisions of the preceding Section, providing the company clearly shows on the check stub or pay envelope of each Union employe the amount of the deduction and the reason therefor.

Section 24. A Local Union failing to pay full per capita tax due the International Union within a two (2) month period, shall stand automatically suspended until the Local Union has been reinstated through payment of deficiency incurred, unless exonerated from payment of same as provided for in this Constitution.

Section 25. A Local Union failing to pay all of its financial obligations due the International Union shall not be entitled to a voice or vote at the International Convention.

Section 26. The failure of a company to check off and pay to a Local Union the dues of a member as required by a contract will not make the member delinquent if the member has signed a Dues Check-Off Authorization Card. Where a member has signed a Dues Check-Off Authorization Card authorizing the deduction of dues for a given month, the member shall be considered as having paid dues for that month even though the company fails to deduct same. Upon the failure of the company to deduct dues, the Financial Secretary of the Local Union must notify the member to pay her/his dues. The member shall have thirty (30) days in which to pay her/his dues after being notified. Failure on the part of the Financial Secretary to so notify a member of her/his pending delinquency will not affect the member's standing and s/he shall be considered in good standing in the Local Union.

Section 27. The International Executive Board shall be empowered, at its discretion, to arrange loans from Local Unions and other sources to supplement the Strike Fund where conditions dictate and, in this connection, may use any or all of the International Union's real or personal property to secure any such loan or loans. At least once each month the International Secretary-Treasurer shall advise all Local Unions of the exact Strike Fund balance. The International Executive Board shall establish a program for strike relief which shall provide aid and assistance to members actively participating in an authorized strike or involved in a lockout and, as between such members, shall primarily base such aid and assistance upon the right of each member to participate in accordance with the member's family obligations.

Section 28. The International Executive Board on request of a Local Union or unit of an Amalgamated Local Union, shall have the power to make special arrangements with respect to the dues schedules established in this Article, where unusual circumstances justify such arrangements.

Section 29. Notwithstanding any other provision of this Constitution, the International Union and each Local Union shall each hold title to its respective share of the dues income and initiation fees immediately upon receipt of those monies by the Financial Secretary of the Local Union.

ARTICLE 17

Honorable Withdrawal Transfer Cards

Section 1. All honorable withdrawal transfer cards

activities.

Section 5. It shall be mandatory that each Local Union set up an Education Committee. The duties of this Committee shall be to promote all branches of education affecting the welfare of the individual members, the Local Union, the International Union, and the labor movement. It shall be the duty of the Regional Director to see that this provision of the Constitution is carried out.

Section 6. There shall be established educational areas throughout the International Union to which educational representatives shall be assigned. These educational representatives shall be appointed by the President to work under the direction of the International Education Director, and such appointments shall be approved by the Regional Director(s) in whose area(s) they shall serve.

ARTICLE 28

Family Education Center Department

Section 1. The International Executive Board shall create a Family Education Center Department.

Section 2. The International President shall appoint a Director to supervise the activities of the Family Education Center Department and such appointment shall be subject to the approval of the International Executive Board. The President shall also appoint and assign a qualified staff to service the Department.

Section 3. The Family Education Center Department shall formulate and implement programs at Family Education Centers for the education and training of UAW members and their families through participation in the Family Education Scholarship Program in order to bring about a better understanding of the UAW's programs, policies, aims and objectives and to broaden and enlighten participants with a view toward the improvement of the quality of life. The function of the Department shall be to develop a cadre of future leadership, with supportive family involvement for all levels of the UAW.

Section 4. It shall be the function of the Family Education Center Department to formulate and implement programs at Family Education Centers for the training of Local Union leadership and to develop among potential leaders and their families a clearer understanding of the Union and the complex problems facing our society.

Section 5. All subordinate bodies of the International Union shall cooperate with the Department and assist in the promotion of the Department's programs and activities.

Section 6. The Department shall develop a comprehensive program to encourage and promote the continuation, on the local level, of family interest and family participation in activities related to the UAW and the community, following participation in a Family Education Center Program. The Family Education Center Department shall be charged with the duty of providing an ongoing program to draw the family closer together around common interests and into continuing Union and community programs to build a stronger labor movement and a better society.

ARTICLE 29

Official Publication

Section 1. There shall be published at least once a month by the International Union a publication designed to educate the membership and to acquaint the membership with the activities of this International Union. Special editions for all, or a particular segment, of the membership shall be printed from time to time as the International Executive Board may direct. The title of said publication shall be "Solidarity," or its successor designation, Official Publication of the International Union.

Section 2. "Solidarity" shall be under the supervision of the International Executive Board who shall select a Publication Committee consisting of the International President and two other members of the International Executive Board. The Publication Committee shall be directly responsible to the International Executive Board in carrying out the task of publishing "Solidarity." The editors of "Solidarity" shall be appointed by the International President, subject to the approval of the International Executive Board.

Section 3. The International Secretary-Treasurer shall allocate out of each per capita tax, five cents (.05) for a special fund for "Solidarity."

Section 4. The subscription rate of "Solidarity" shall be sixty cents (.60) per annum, payable as provided in this Constitution. Price of single copies shall be five cents (.05).

Section 5. This publication is to be sent through the United States mail to each member in good standing.

Section 6. To non-members, the rate shall be five dollars ($5.00) per annum with postage additional for foreign subscribers.

Section 7. Local publications shall conform with the policies of the International Union and all Local Union Editors and/or Editorial Committees shall be responsible to the Officers and Executive Board of the Local Union who shall have authority to effectuate such conformity. Where a unit of an Amalgamated Local Union has a publication, such initial responsibility shall be to the unit officers, but the Amalgamated Local Union Officers and Executive Board shall still have the ultimate authority of effectuating such conformity.

ARTICLE 30

Charges and Trials of International Officers

Section 1. Charges against International Officers or International Executive Board Members may be filed in either of these manners:

(a) Upon written affidavit signed by five (5) or more Board Members and filed with the International Secretary-Treasurer.

(b) Upon written affidavit signed by a Local Union member and endorsed by the member's own Local Union and by at least ten (10) additional Local Unions in the International Union, or in the case of charges against an International Executive Board Member, upon written affidavit signed by the Local Union member and endorsed by the member's own Local Union and a majority of the Local Unions within the region

from which the International Executive Board Member is elected.

Section 2. In case the charges to be filed are against the International Secretary-Treasurer, they shall be filed with the International President who shall in that case alone perform the duties with reference to the trial procedure.

Section 3. Upon receipt of the charges the International Secretary-Treasurer shall immediately send a copy of the charges by receipted registered or certified mail to the accused and copies to all International Executive Board Members, notifying the accused that s/he has fifteen (15) days to prepare a defense and notifying the International Executive Board Members of a Special International Executive Board Meeting to be called ten (10) days following filing of the charges.

Section 4. Pending the trial, the International Officer or International Executive Board Member accused shall continue to function in her/his elected capacity unless a Special International Executive Board Meeting is convened and votes by a two-thirds (⅔) vote for suspension as otherwise provided in this Constitution.

Section 5. The first order of business at the Special International Executive Board Meeting shall be the setting up of an International Union Trial Committee. This Committee shall be chosen from among present members in good standing who were seated delegates at the preceding International Union Convention, but excluding any such who, at the time of selection of the Trial Committee panel, are officers or employes of the International Union or are members of the International Executive Board. The name of each member qualified as aforesaid for service on the Trial Committee shall be written on a slip of paper on which shall also appear the number and location of the Local Union from which s/he was a delegate, the said slips being all of uniform size and appearance. The said slips of paper shall be deposited in a box by the Secretary-Treasurer in the presence of the International Executive Board and the box shall be sealed and thoroughly shaken. The International Secretary-Treasurer shall then open the container and the member of the International Executive Board selected for that purpose and blindfolded shall draw the names of fifty (50) delegates, one by one. After these names are drawn they shall be read by the International Secretary-Treasurer in the presence of the International Executive Board and each name in succession shall be set opposite a number from one (1) to fifty (50).

Section 6. During the drawing of the names, the accused or her/his personal representative shall have the right to be present, as may the accuser or a representative of the accuser.

Section 7. Immediately following the drawing of the panel, the Trial Committee shall be chosen. The accused and the accuser shall each have the right to strike ten (10) names from the panel. Either may waive the right in whole or in part, striking in such case, less than ten (10) names, but the right of either party to strike ten (10) names shall not be affected by any such waiver by the other. The parties shall proceed alternately in striking names from the panel, beginning with the accused.

Section 8. After these challenges have been made, the first twelve (12) persons whose names remain on the list shall be notified to report to the International Office within five (5) days to proceed with the trial. Local Unions shall also be notified when any of their members' names are drawn for service on the International Trial Committee.

Section 9. Such an order shall be mandatory upon any member of the Union receiving this notice. Should s/he fail to appear, unless her/his absence is excused by a signed affidavit of illness or Local Union emergency, attested to by the Executive Board of the member's Local Union, such a member may be subject to charges in her/his Local Union, and to expulsion.

Section 10. Upon a member's appearance at the International Office, each member of the Trial Committee thus notified shall produce affidavit attesting her/his membership in good standing in her/his Local Union, signed by the Financial Secretary of the Local Union.

Section 11. In case one (1) or more members of the Trial Committee thus notified shall fail to appear for the above reasons or fail to produce such certificate of membership in good standing, the next member of the panel, numbering down from one (1) to fifty (50) shall be notified to report.

Section 12. The International Trial Committee shall go into session immediately upon arrival of the full panel and shall hear the charges brought by the accuser and all the witnesses named for substantiation, and shall hear the defense of the accused and all her/his witnesses for substantiation. The Trial Committee shall decide its own rules of procedure relating to the conduct of the trial and may elect its own Chairperson and Secretary, providing that verbatim minutes of all evidence shall be reported by a court stenographer. The accused and the accuser shall have a right to be represented by counsel.

Section 13. The Trial Committee, upon completion of the hearing on the evidence and arguments, shall go into closed session to determine the verdict and penalty. A two-thirds (⅔) vote shall be required to find the accused guilty. In case the accused is found guilty, the Trial Committee may, by a majority vote, reprimand the accused or it may, by a two-thirds (⅔) vote, assess a fine not to exceed five hundred dollars ($500.00), with automatic suspension, removal from office or expulsion in the event of the failure of the accused to pay the fine within a specified time; or it may, by two-thirds (⅔) vote, suspend or remove the accused from office, or suspend or expel her/him from membership in the International Union.

Section 14. In case a Trial Committee finds the accused innocent they may determine the honest or malicious intent of the accuser. If they find the accuser guilty of obvious malice in filing the charges, they may assess a penalty against her/him in accordance with Section 13 of this Article.

Section 15. Charges against an International Officer or International Executive Board Member, concerning her/his own Local Union, shall not be filed according to Local Union trial procedures, but in accordance with the above provisions.

BY-LAWS

OF

THE UAW V CAP COMMITTEE

I. NAME

This organization shall be known as UAW V. CAP (UAW, Voluntary Community Action Program) Committee.

II. PURPOSES

The UAW V CAP Committee is vested with the duty and responsibility of achieving the goals of UAW members and their families by engaging in political action to the fullest extent legally permissible. It shall participate fully in the political process and shall make such expenditures and contributions from moneys contributed voluntarily by members and others which in the opinion of the Committee shall best encourage citizen participation in the democratic process and to promote programs adopted by the UAW. The Committee may establish subsidiary committees.

The address of the Committee shall be 8000 East Jefferson Avenue, Detroit, Michigan 48214. It shall be national in scope, area and jurisdiction and shall be a continuing committee.

III. COMPOSITION

This Committee shall be composed of the following members: The International President of UAW, who shall serve as Chairman; the International Secretary-Treasurer of UAW, who shall serve as Treasurer; and the American based International Vice Presidents of UAW. The Chairman and Treasurer may each appoint a deputy

EXHIBIT 2

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who shall serve at the pleasure of such appointing officer. The Chairman and Treasurer may delegate to their respective deputies such authority as they deem appropriate, including the authority to cast their vote at meetings of the Committee.

IV. DUTIES AND RESPONSIBILITIES

1. The Committee shall have the responsibility for receiving and holding all moneys collected through the solicitation efforts of the UAW in campaigns to raise voluntary individual contributions from members of UAW, their families, and their friends.
2. The Committee shall be the recipient of all such voluntary contributions, and in consultation with UAW Regional Directors shall make all decisions regarding the disbursement of these funds to candidates and political campaigns.
3. The Committee shall work with the UAW to develop a program for appropriate recognition of achievement and promotion of competition relative to the fund raising drives at all levels, including the state and local levels.

V. OFFICERS AND COMMITTEES

1. The Chairman of the Committee shall appoint a State or Regional Chairman for each state or region.
2. The Chairman of the Committee shall have the authority to appoint all members of subcommittees of the Committee, as well as any staff employed by the Committee. He shall

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preside and preserve order at all meetings of the Committee.

He shall transact such business as may of right appertain to the office. He shall be an ex officio member of all subcommittees. He shall be co-signatory with the Treasurer of all checks.

3. The Treasurer shall keep a correct record of the proceedings of the Committee. He shall carry on all correspondence in connection with the business of the Committee, pay all bills duly authorized and deposit all funds in the name of the Committee in a bank insured by the Federal Deposit Insurance Corporation. He shall submit a report on the condition of the treasury at each meeting of the Committee. He shall submit his books and records for audit to a Certified Public Accountant at least annually, and, in addition, whenever requested to do so by a majority of the Committee. It shall be the duty of the Treasurer to keep a detailed and exact account of:

(1) all contributions made to or for the Committee;

(2) the full name and mailing address (occupation and principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of the Committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

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it shall be the duty of the Treasurer to obtain and keep a receipted bill stating the particulars, for every expenditure made by or on behalf of the Committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The Treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer to whom reporting must be made.

He shall perform such other duties as are usual to his office or may be assigned to him.

The Treasurer shall be an ex officio member of all subcommittees.

The Treasurer of the Committee shall be co-signatory of all bank accounts, at all levels, all of which shall be double signature accounts, the other signatory being the Chairman.

4. The Committee may designate a subcommittee, to be called the Administrative Committee, to carry on the non-policy functions of the Committee and to expedite the routine functioning of the organization.

5. The Committee shall meet at least twice a year. Meetings shall be called by the Chairman upon adequate notice. Special meetings shall be called by the Chairman upon the request of two or more members of the Committee.

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6. Three members of the Committee shall constitute a quorum, and, if an Administrative Committee is established, it shall have three members, two of whom shall constitute a quorum.

7. All questions decided by the Committee or its subcommittees shall be decided by majority vote.

VI. STATE OR REGIONAL CHAIRMAN, DUTIES AND RESPONSIBILITIES

The State Chairman or Regional Director shall have the duty of ascertaining the opinions of the state, council and local union leadership of UAW as to whom the membership of UAW wishes to be the recipients of disbursements by the Committee. The Regional Director shall be permitted to draw on funds earmarked for distribution in his region. The State Chairman or Regional Director shall be responsible for distributing to UAW councils and locals all educational and promotional materials provided by the Committee. He shall be in charge of the statewide or regional drive for voluntary contributions and encourage the progress of such drives through communications, conferences, and competition. The State Chairman or Regional Director shall have the power to establish competitive programs within his state and encourage the establishment of recognition programs and competition at all levels in his jurisdiction. The State Chairman or Regional Director shall distribute to councils and to local unions unaffiliated with councils the receipt books provided him by UAW or UAW V CAP and shall keep a complete record of the

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distribution of such receipt books. It shall be the duty of the State Chairman or Regional Director to receive all voluntary contribution funds raised in his state or region and to deposit such funds in the name of the Committee in a bank insured by the Federal Deposit Insurance Corporation. All funds in such bank accounts shall be transmitted to the National Committee at least monthly deducting only the service charges accruing to such account.

VII. FINANCES

1. Each member of UAW shall be asked to contribute individually and voluntarily to the Committee to support candidates endorsed by the Committee.

2. The Committee and subdivisions thereof are authorized to raise additional funds for their work by any legal means as long as such activity does not interfere with the campaign of the Committee for individual voluntary contributions.

3. An audit of all bank accounts holding voluntary contributions for UAW V CAP shall be performed at least once each year, or more frequently if so directed by the Committee.

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Proceedings

TWENTY-THIRD CONSTITUTIONAL CONVENTION

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE and AGRICULTURAL IMPLEMENT WORKERS of AMERICA—UAW

PRINTED IN U.S.A.

CONVENTION HALL • APRIL 23-28, 1972

ATLANTIC CITY, NEW JERSEY

EXHIBIT 3

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husbands join you in going to shop, be sure to ask whether the lettuce you are buying is union lettuce or non-union lettuce, and boycott the non-union lettuce.

You are now ready for the vote. Those in favor of both the resolution on farm workers and NLRB and fair labor standards, will you please raise your hands? Down.

Those opposed?

Both resolutions have been carried, it seems, unanimously.

President Woodcock: The Resolutions Committee is temporarily excused. Would the Constitution Committee please take their places.

I would like to say that a lot of you are wearing these 30 and Out hats, and I know that the brothers and sisters who passed them out worked very hard to get them distributed. I know they have in mind, too, a demonstration in support of that general point of view, which will not come to the Convention until this afternoon. So I'm asking you, will you please bring your hats back with you after lunch.

The brother here at Mike No. 6.

Unidentified Delegate: Mr. Chairman, before you excuse the Resolutions Committee, I would like to have a point of information clarified on the proposal turned in and contained on Pages 69 and 70 pertaining to the Production Council, Local Union No. 1250 turned this in, also the sub-council at Ford—you have it in the book as GM sub-council. I would like to know why they didn't put this out on the Resolutions Committee as—

President Woodcock: Brother, the Resolutions Committee has already left. They will be back this afternoon. Why don't you ask the question at that time?

Unidentified Delegate: Could I have the floor then?

President Woodcock: Yes. Now, for the Constitution Committee to continue its report, Brother Pat Greathouse.

REPORT OF CONSTITUTION COMMITTEE (Resumed)

Vice President Greathouse: The Constitution Committee is here. Mike No. 4, what is your point?

Unidentified Delegate: Mr. Chairman, brothers and sisters, realizing that 90 per cent of the—

Vice President Greathouse: Name and local number.

Unidentified Delegates: My Local is 707. Realizing that 90 per cent of the delegates here are Americans and only 10 per cent Canadians, I'm a Canadian delegate and I would ask the Chairman if he would at least give us 10 per cent recognition. I have watched this on Sunday, also Monday, and also this morning, and I find that the Chairmen do not recognize the Canadian delegates. This is all I ask, that we get at least 10 per cent of the recognition. Thank you, Brother.

Vice President Greathouse: I will call on Joe Danz, chairman of the Constitution Committee.

Committee Chairman Danz: If you will turn to Page 3 of the Partial Report Number One, the first Article that will be presented under today's report is Article 12, Section 10, to be presented by Brother John Bass, a member of the Committee.

. . . Committee Member John Bass read the following:

ARTICLE 12

Duties of International Executive Board

Section 10 (new)

THE INTERNATIONAL EXECUTIVE BOARD SHALL CREATE AND OPERATE A POLITICAL ACTION COMMITTEE TO BE KNOWN AS UAW VOLUNTARY COMMUNITY ACTION PROGRAM COMMITTEE (UAW V CAP). THIS COMMITTEE SHALL BE AUTHORIZED TO MAKE POLICY DECISIONS CONCERNING EXPENDITURES AND CONTRIBUTIONS INVOLVING FEDERAL ELECTIONS AND TO MAKE EXPENDITURES AND CONTRIBUTIONS FROM A FUND ESTABLISHED BY VOLUNTARY CONTRIBUTIONS FROM UAW MEMBERS, THEIR FAMILIES AND FRIENDS. ONCE EACH YEAR A SUMMARY REPORT OF INCOME AND DISBURSEMENTS IN FEDERAL ELECTIONS BY CATEGORY SHALL BE MADE.

Committee Member Bass: Mr. Chairman, on behalf of the Constitution Committee I move for the adoption of this new Article, Article 12, Section 10.

Committee Chairman Danz: This Section is being established to give the International Executive Board the authority to create and operate a Political Action Committee to be known as the UAW V CAP Committee. Such Committee would have the authority to make policy decisions concerning expenditures and contributions involving federal elections, and to make expenditures and contributions from a fund so established by the procurement of voluntary contributions from UAW members, and their families and friends. This will give the Union regulatory authority and greater protection in the use of its funds, consistent with legal requirements.

Vice President Greathouse: I just want to say before we open the floor for debate on this that the Board feels that this is a desirable and probably a necessary thing in compliance with the new federal law that we have in the United States on expenditure of union funds for political purposes. Now, what we are proposing here is the establishment of a committee separate and apart officially from the official Board of the Union that will handle the voluntary money. We are not talking about the Union money, we are talking about the voluntary dollars that we collect in federal campaigns. We want to keep that separate from Union money, and this is the technical establishment of a committee.

You have heard the motion and the support for the motion. Anyone want to speak on the resolution?

If not, all in favor of the adoption of the resolution signify by raising your right hand. Down.

Those in opposition?

Motion is carried.

Committee Chairman Danz: To present for your consideration Article 12, Section 17, Brother Harry Guest, a member of the Committee.

. . Committee Member Harry P. Guest read the following:

ARTICLE 12

Duties of the International Executive Board

Section 17 (Present)

Where the International Executive Board has established a satisfactory administrative arm for the handling of members appeals relating to the processing of collective bargaining grievances, it may delegate its appellate jurisdiction over such appeals to such administrative arm. The decisions of such an administrative arm to which the International Executive Board has so delegated its appellate jurisdiction shall be appealable pursuant to Article 33, Section 9.

Section 17 (New)

Where the International Executive Board has established a satisfactory administrative arm for the handling of members, appeals relating to the processing of collective bargaining grievances, **A DECISION BY SUCH ADMINISTRATIVE ARM MAY BE APPEALED TO THE INTERNATIONAL EXECUTIVE BOARD BY THE PROCEDURES SET FORTH IN ARTICLE 33, SECTION 6.**

Committee Member Guest: Mr. Chairman, on behalf of the Constitution Committee, I move the adoption of this Section.

Committee Chairman Danz: In providing for this Article and Section originally, it was the intent of the Convention to give the International Executive Board the authority to authorize administrative arms, appropriately established, to make decision on appeals by members, on the processing of collective bargaining grievances, by and on behalf of the Board. The International Executive Board, therefore, had no direct involvement in the processing of such appeals under Article 33, Sections 7 and 8 of the International Constitution, as presently constituted.

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AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXHIBIT 4

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CONSTITUTION

of the

American Federation of Labor and Congress of Industrial Organizations

As amended by the Fifteenth Constitutional Convention of the AFL-CIO, October 3-6, 1983

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American Federation of Labor and Congress of Industrial Organizations

LANE KIRKLAND, *President*

THOMAS R. DONAHUE, *Secretary-Treasurer*

815 16th St., N.W.

WASHINGTON, D.C. 20006

AFL-CIO Publication No. 1

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CONSTITUTION OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

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AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

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strive always to win full respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I

NAME

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

ARTICLE II

OBJECTS AND PRINCIPLES

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.

2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate,

equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.

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8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to

perform their rightful part in the political life of the local, state and national communities.

ARTICLE III

AFFILIATES

Section 1. The Federation shall be composed of (1) affiliated national and international unions and organizing committees, (2) directly affiliated local unions (such as Local Trade Unions, Federal Labor Unions, and Local Industrial Unions) and national councils thereof, (3) state and local central bodies (such as State and Territorial Federations, City Central Labor Union and Industrial Union Councils), and (4) trade and industrial departments.

Sec. 2. Each national and international union and each federal labor union affiliated with the American Federation of Labor at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation and each national and international union, organizing committee and local industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation shall retain its charter or certificate, which shall become and be a charter or certificate of this Federation and, by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations, shall be an

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affiliate of this Federation and subject to its rules and regulations.

Sec. 3. Each such affiliate shall retain and enjoy the same organizing jurisdiction in this Federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In cases of conflicting and duplicating jurisdictions involving such affiliates the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 4. The integrity of each such affiliate of this Federation shall be maintained and preserved. Each such affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate. When a complaint has been filed with the President by an affiliate alleging a violation of this section by another affiliate, that has not been settled under the provisions of the No-Raiding Agreement referred to in Article XVII, the President shall endeavor, by consultation with the appropriate officers of both affiliates, to settle the matter by voluntary agreement between such affiliates. In the event no such voluntary agreement is reached within a reasonable time the President shall report to the Executive Council with such recommendations as he may deem appropriate. Upon such report being

submitted, the Executive Council shall consider the same, shall hear the appropriate officers of the affiliates involved, and shall make such decision as it believes to be necessary and proper to carry out the provisions of this section. In the event an affiliate shall fail to comply with such decision, the Executive Council shall submit the matter to the convention for such action as the convention may deem appropriate under the provisions of this constitution. *(See Article XX, Page 46)*

Sec. 5. State and Territorial Federations of Labor and Local Central Bodies affiliated with the American Federation of Labor at the time of the adoption of this constitution, and State and Local Industrial Union Councils affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, shall become and be affiliates of this Federation and shall, as such, continue to exist as state, territorial and local central bodies, each representing the respective federal labor unions or local industrial unions now affiliated to such central body and such local unions now affiliated to such central body as are affiliated with a national or international union or organizing committee affiliated with this Federation. Provided, however: That a merger of these state, territorial and local central bodies, heretofore affiliated with the American Federation of Labor or the Congress of Industrial Organizations, shall be effected within two years after the adoption of this constitution, through the process of negotiation and

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agreement under the guidance of the President of this Federation and its Executive Council.

Sec. 6. Existing departments of the American Federation of Labor at the time of the adoption of this constitution shall continue as trade departments of this Federation with the rights of and subject to the rules governing trade and industrial departments provided in Article XI.

Sec. 7. The Executive Council shall have power to issue charters or certificates of affiliation to organizations desiring to affiliate with this Federation. This power may be delegated to the President. Subject to the provisions of Sections 2 and 3 of this Article, charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 8. Except as otherwise provided in this constitution no national or international union chartered by or affiliated with this Federation may be suspended from membership in the Federation except by a majority roll-call vote at the convention.

No such national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds majority roll-call vote at the convention.

Sec. 9. No organization officered, controlled or dominated by communists, fascists, or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any fascist organization, or other totalitarian movement, shall be permitted as an affiliate of this Federation or any of its state or local central bodies.

Sec. 10. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation.

ARTICLE IV

CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive

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AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Signed February 9, 1955

1. AGREEMENT TO MERGE

The American Federation of Labor and the Congress of Industrial Organizations agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union. They further agree upon the following principles and procedures to accomplish this end.

2. PRINCIPLES OF MERGER

(a) It is recognized, as a fundamental basis for the merger of the AFL and CIO, that each national and international union, federal labor union, local industrial union and organizing committee (hereinafter referred to as affiliated union) holding a charter or certificate of affiliation granted by either federation shall retain its charter or certificate and become, by virtue of the merger, an affiliate of the merged federation.

(b) It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved. In order to effectuate this principle, the Constitution of the merged federation shall contain a constitutional declaration for respect by each affiliate of the established bargaining relationship of every other affiliate and against raiding by any affiliate

of the established collective bargaining relationship of any other affiliate. The merged federation shall provide appropriate machinery to implement this constitutional declaration.

(c) The parties further agree that, subject to the foregoing, each affiliated union shall have the same organizing jurisdiction in the merged federation as it had in its respective prior organization.

(d) The parties recognize that the above provisions may result in conflicting and duplicating organizations and jurisdictions. Where such is the case, affiliates of the merged federation will be encouraged to eliminate conflicts and duplications through the process of agreement, merger, or other means, by voluntary agreement in consultation with the appropriate officials of the merged federation.

(e) The merged federation shall be based upon a constitutional recognition that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization.

(f) The merged federation shall constitutionally recognize the right of all workers, without regard to race, creed, color or national origin to share in the full benefits of trade union organization in the merged federation. The merged federation shall establish appropriate internal machinery to bring about, at the earliest possible date, the effective implementation of this principle of non-discrimination.

(g) The merged federation shall constitutionally affirm its determination to protect the American

June 16, 1977

Mr. George Meany
President
AFL-CIO
815-16th Street, N.W.
Washington, D.C. 20006

Dear Brother Meany:

As you know, pursuant to Convention action, the UAW will be discussing internally the issue of the possible reaffiliation with the AFL-CIO.

As a result of discussions in our International Executive Board, we seek now your interpretation of certain parts of the AFL-CIO Constitution. We believe that your reply can assist us in framing the question of possible reaffiliation in its proper perspective, and in avoiding misunderstanding among our delegates.

1. Assuming the International Union UAW affiliates nationally with the Federation, would it be proper under the AFL-CIO Constitution for the UAW to inform its subordinate bodies (such as Area and State CAP Councils) that there will be no compulsion to join state federations or local central bodies, and the matter of those affiliations may be democratically decided in each case by the appropriate involved UAW group?

2. The AFL-CIO Constitution speaks of maintaining and preserving "the integrity of each affiliate," as well as its "autonomy." In our view, these provisions have always been interpreted to permit autonomous international affiliates to pursue their own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO (Convention or Executive Council) with respect to a particular issue. As we understand it, this is the case even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO.

EXHIBIT 5

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Finally, we consider the Constitutional language relating to the integrity of affiliates to guarantee the complete independence of each affiliated national and international union in collective bargaining and the right to preserve and maintain existing collective bargaining relationships and work relationships.

Please advise us of the position of the Federation as to these Constitutional matters.

Fraternally,

Douglas A. Fraser
President

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

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PRESIDENT

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815 SIXTEENTH STREET, N.W.
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(202) 637-5000

June 20, 1977

Mr. Douglas A. Fraser, President
International Union, United Automobile,
Aerospace & Agricultural Implement Workers
8000 East Jefferson Avenue
Detroit, Michigan 48214

Dear Sir and Brother:

I have your letter of June 16 advising officially of the action of the UAW convention pursuant to which your organization will be discussing internally the possible reaffiliation of the UAW with the AFL-CIO.

Your letter seeks my comments on certain aspects of the reaffiliation question. You ask if "it would be proper for the UAW to inform its subordinate bodies that there will be no compulsion to join state federations or local central bodies and the matter of those affiliations may be democratically decided in each case by the appropriate involved UAW group?"

The answer to that question is clearly and unequivocally "yes". The constitution speaks of the "duty of all national and international unions. . . to instruct their local unions to join affiliated central labor bodies. . .", but it also speaks, in a number of sections, of maintaining the independence, autonomy and integrity of each affiliate.

At a number of past AFL-CIO conventions, resolutions have been introduced which would have required the affiliation of all local unions with local central bodies but in each case these resolutions have been overwhelmingly defeated by the delegates attending. Consequently, it is clear that the instructing of local unions to join affiliated central bodies does not carry with it any compulsion that they do so. It is equally clear that the matter of such affiliation should be decided democratically in each case by the appropriate local union or subordinate body.

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EXHIBIT 6

In actual practice, the patterns of affiliation by local unions with central bodies is widely divergent and is totally dependent upon the decisions made by local unions and their national or international union.

It should be noted that we encourage the highest possible degree of affiliation with central bodies because only in that way can they be truly representative of the total labor movement in that area, but there can be no compulsion applied since none is provided in the constitution nor indeed is any sanction provided where local unions choose not to affiliate.

Your letter further notes your view, which is correct, that the constitutional guarantees of the "integrity" and "autonomy" of each affiliate "have always been interpreted to permit any individual affiliate to pursue its own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO Convention or Executive Council action with respect to that issue". This is true, as you say, even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO.

Here again, it is clear that the AFL-CIO is a federation of autonomous affiliates. It moves only with the agreement and consensus of the majority of affiliates, but with the fullest tolerance of and respect for, the rights of those organizations which find themselves in a minority on any issue to pursue their views in any way they wish. The examples of cuch conduct by current affiliates are well known and have occurred whenever an affiliate chose to dissent on its members' behalf and in its members' interests.

Your final paragraph sets forth your quite correct understanding that the constitutional language relating to the autonomy and integrity of affiliates guarantees the complete independence of each affiliated national and international union in collective bargaining and the right to preserve and maintain existing collective bargaining relationships and work relationships.

I hope that this information is fully responsive to your request and you are, of course, free to make this letter public if you wish. I would be happy to provide any further information or opinion which would aid you and the other officers and members of the UAW in your consideration of the question of possible reaffiliation. In the light of the many critical problems facing our nation and the need for a strong and united labor movement, I hope the decision on reaffiliation will be favorable but, of course, that decision must be made by the UAW.

Sincerely and fraternally,

George Meany

President

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THE UAW REAFFILIATION WITH THE AFL-CIO

The issue of UAW reaffiliation with the AFL-CIO is one of the most important decisions our union has ever faced. While we continue to struggle for equity and justice for working people, the nature of that struggle is far different today from a decade ago.

Reaffiliation with the AFL-CIO will make the UAW even stronger as we face the problems of the next decade. Our agenda is long and difficult to achieve. Our fight for full employment, national health security, labor law reform, job security, contract justice, tax reform, racial equality and many other goals will demand all the strength and unity the labor movement can muster.

This paper outlines some of the important reasons why the UAW should reaffiliate with the more than 100 other trade unions that make up the AFL-CIO. Those reasons are summarized below and then spelled out in detail on the pages that follow:

1. The growing power and sophistication of the many anti-labor forces in the United States requires a single, strong and united trade union center to which all national and international unions are affiliated.

2. The UAW, as one of the most progressive and powerful trade unions, has an important contribution to be made to the labor movement that can best be made from within the AFL-CIO.

3. The autonomy and integrity of the UAW are protected under the present constitutional structure of the AFL-CIO--our ability to conduct our own affairs and take our own positions is protected.

4. Local and state UAW bodies would be free to decide themselves whether or not affiliation on that level would best enable them to achieve their goals.

5. There are distinct advantages for UAW local unions in the nationwide geographic spread of the AFL-CIO's millions of affiliated members all across the U.S.

6. The AFL-CIO in recent years has developed many policies and positions that are consistent with the initiatives urged by the UAW on important issues.

7. The UAW can be pivotal in helping the AFL-CIO build a vigorous, progressive national labor center that will move to meet the challenges of the future.

EXHIBIT 7

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in many areas such as health care, its record in union democracy and civil rights, its appeal and ties to the liberal intellectual and academic communities, and its experience in international affairs are the means through which it can make a substantial contribution to the Federation by working with other affiliated unions, the Departments and the AFL-CIO. In short, we have much to give to a labor center and the duty to promote our programs there.

3. The autonomy and integrity of the UAW is protected under the present constitutional structure of the AFL-CIO -- our ability to conduct our own affairs and take our own positions is protected.

The Merger Agreement, signed February 9, 1955, states: "The AFL and the CIO agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union." It stated further, "It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved." These principles are a part of the AFL-CIO constitution.

George Meany has recently responded to a question on this subject as follows: "'Your letter further notes your view, which is correct, that the constitutional guarantees of the "integrity" and "autonomy" of each affiliate "have always been interpreted to permit any individual affiliate to pursue its own independent course of action with respect to any political or social issue, regardless of the position of the AFL-CIO Convention or Executive Council Action with respect to that issue.' This is true, as you say, even where every other affiliate of the Federation unanimously supports the position of the AFL-CIO."

The UAW in Canada is a leader in the Canadian Labour Congress and that experience is instructive and gives promise to such independent but cooperative relationship in the U.S.

The Constitution of the Federation provides for the autonomy of the affiliated national and international unions in the conduct of their affairs, such as collective bargaining, legislation and political education and campaigns. When these activities can be carried on more effectively in cooperation with other affiliates, the Federation has encouraged common action. But where such coordination is inappropriate or not desired, the autonomous international and national unions are free to pursue their own economic, social and political policies determined by their own internal democratic processes.

The AFL-CIO and its departments have assisted in various coordinated programs of collective bargaining, such as coordinated bargaining with large employers whose workers are represented by several unions. An effort also has been made to coordinate legislative programs and priorities in the interest of the whole labor movement.

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A UAW BACKGROUND PAPER

DELEGATES TO VOTE ON AFL-CIO REAFFILIATION

Between now and May 1, the more than 3,000 delegates to the 1980 UAW Constitutional Convention will re-gather in regional meetings across the United States.

The question which delegates will debate and vote on: Should the UAW enter into negotiations to reaffiliate with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)?

"It is a time to unify and — in a spirit of solidarity — to work together and to fight together," UAW President Douglas A. Fraser declared in announcing the UAW International Executive Board's decision to recommend a "yes" vote, which would authorize the IEB to negotiate reaffiliation with the AFL-CIO.

The IEB met in March to discuss reaffiliation, and then voted unanimously to support the question. It did so following several straw votes on reaffiliation among local leadership in various regions around the country. While there were some pockets of opposition, Fraser noted, most straw votes went in favor of reaffiliation.

"The decision is still in the hands of the delegates," he added. And he said that regional conferences would permit delegates to "have a better discussion of their views — more give-and-take on the issue at hand."

BACKGROUND

During its 46-history history, the UAW has been a part of a national labor federation most of the time. It received its original charter from the AFL in 1935. A year later, however, several industrial unions, like the UAW and Steelworkers, organized the CIO to help advance the idea of union-oriented AFL had discouraged. The AFL expelled the CIO in 1936, and it wasn't until 19 years later that the two groups united, following negotiations between Walter Reuther, who then headed the UAW and CIO, and AFL President George Meany.

This is a publication of the International Union, UAW, 8000 E. Jefferson, Detroit, Michigan 48214, and is produced for the information of convention delegates who will be debating and voting on the question of reaffiliation with the AFL-CIO.

April, 1981

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CAP Councils Not Affected

UAW's International officers emphasize that the proposed reaffiliation agreement with the AFL-CIO would not affect any of the UAW's Community Action Program (CAP) councils.

"All CAP councils will be free, if they so choose, to maintain their own structure and program," UAW President Douglas A. Fraser declared.

Fraser said he had been assured by AFL-CIO officers that reaffiliation could be achieved under this framework. "We are talking only about affiliation of the International union at the national level," he said.

The CAP issue is important because in some areas, UAW and AFL-CIO COPE bodies have disagreed on some issues and candidates. While such differences are relatively uncommon, Fraser said the union's right to take its own stands will not be compromised by affiliation. □

However, by 1968, differences had grown between the UAW and the Meany leadership over such issues as organizing and foreign policy, and the UAW severed its ties. In spite of this, however, UAW continued to cooperate with individual unions on boycotts, organizing drives, and other activities.

Reaffiliation was raised in 1977, but the idea was dropped following opposition both by some members of the IEB and significant portions of the membership.

WHY NOW?

Since 1977, however, the situation has changed, UAW leaders believe. The AFL-CIO has new leadership, and the critical challenges facing the labor movement from corporations and the new administration require maximum unity. UAW officials also believe that the union will be able to make a significant impact on the AFL-CIO. "I believe we can make a contribution to the AFL-CIO," says Fraser. "We may be able to change some things. I'm sure that we'll be supportive of the AFL-CIO on 95 percent of the domestic issues, but it must be remembered that the AFL-CIO is a federation; it's not a cohesive force like the UAW."

"The AFL-CIO is the most effective lobby in the nation's capital," Fraser said. "It has been supporting our position on a variety of issues, and we owe it to the central labor body to belong to that organization."

The question on which delegates are voting involves granting the IEB the right to enter into negotiations with the AFL-CIO and to give the IEB the authority to reaffiliate on a national level. Fraser emphasizes that state, area, and city CAP councils will be able to maintain their identity and their own organization if they so choose. □

EXHIBIT 8

WHY THE UAW INTERNATIONAL EXECUTIVE BOARD RECOMMENDS A 'YES' VOTE FOR RE-AFFILIATION

The question of labor unity arises during a time when working Americans face the most difficult economic and political period since the earliest days of struggle to found our union.

We are buffeted by rising unemployment and growing inflation. At the same time, we face an unprecedented attack by corporate power, which seeks to roll back our gains and make it more difficult for us to organize.

The new leadership in Washington carries out assaults daily on the things we've worked hardest for — the Occupational Safety and Health Administration; Social Security benefits; minimum wages; unemployment compensation; and more.

To effectively counter these pressures, the labor movement needs to create an alliance not only among its own members but with other progressive forces — senior citizens, women, blacks and minorities, family farmers, small business, and others — who also are facing the Administration's attacks. Unity in the labor movement now can lead to new policies that will contribute to successful coalition-building in the future.

Here are the five major reasons why the UAW's International Executive Board recommends a "yes" vote on the question of authorizing negotiations with the AFL-CIO leading to reaffiliation:

1. **The UAW is a strong, effective political force, but we stand a better chance of accomplishing our legislative goals with the added clout and power of the 13.6 million-member AFL-CIO behind us.** Facing an unsympathetic Congress and hostile White House, protecting what we have won will take the combined strength that a united labor center would allow. We know first-hand of the AFL-CIO's effectiveness — without its help, particularly in influencing legislators from states where the UAW has few members, we would never have succeeded in passing Trade Adjustment Assistance and the Chrysler Loan Guarantee Act, for example.

2. **The UAW, as one of the most progressive and powerful trade unions, can help strengthen the entire labor movement through the AFL-CIO.** We're rightfully proud of our record of achievement as a pacesetter. The quality of the UAW's elected leadership at the local and international level, our collective bargaining expertise, our programs with retired workers, our record in union democracy and civil rights, our contacts in international affairs all argue for our duty to share our strengths with our fellow trade-unionists.

3. **The growing strength of anti-union forces requires the UAW to join with our brothers and sisters in the AFL-CIO to present a common front and pursue a common mission.** The rise of "union-busting" consultants that block organizing drives with illegal tactics must be combatted in a coordinated manner. The enemies of the labor movement have multiplied in number as they wage war on the entire progressive agenda of social and economic justice. Ranging from the Chamber of Commerce and the Committee for a Union-Free Environment to the Moral Majority and the National Right-to-Work Committee, these forces realize a divided trade-union movement makes their job easier. While preserving the right to pursue our own social and political autonomy, the UAW can best develop an effective offensive against these anti-union, anti-progressive forces from within the AFL-CIO.

4. **The geographic spread of the AFL-CIO's many affiliates can strengthen the UAW's effectiveness.** The Kohler strike and boycott is a good example. The UAW, then a part of the AFL-CIO, had full Federation backing in the effort to boycott Kohler plumbing. In many areas where there were no UAW members, AFL-CIO actions resulted in contractors refusing to buy Kohler plumbing. Town, county and city councils resolved to bar Kohler fixtures from public facilities at AFL-CIO request. Such support helped the UAW win that long, difficult strike. Likewise, the AFL-CIO maintains staff all over the country upon which we could draw for help. For example, in organizing drives in the Sunbelt states, AFL-CIO contacts and resources could be very helpful in bringing runaway shops back under UAW representation.

5. **The UAW today has far more in common with the AFL-CIO on the issues of the day than at the time when we left the Federation.** Just as the AFL-CIO joined with the UAW to win passage of Trade Adjustment Assistance and the Chrysler Loan Guarantee Act, so have we worked closely on a wide range of economic and political issues. From labor law and tax reform to full employment and national health insurance legislation, the AFL-CIO's positions today are consistent with our own. Likewise, the Federation has worked to expand its education and organizing capabilities and has changed the composition of its Executive Council to make it more representative. The UAW has new and strong allies on that Council who share our progressive approach to the challenges of the future. □

NEWS FROM THE UAW

UAW

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

FOR RELEASE: Immediate--Tuesday, June 9, 1981

UAW INTERNATIONAL EXECUTIVE BOARD

VOTES UNANIMOUSLY TO REAFFILIATE

WITH AFL-CIO AS SOON AS JULY 1

The UAW International Executive Board has voted unanimously to reaffiliate with the AFL-CIO effective as soon as July 1.

The action comes following approval of AFL-CIO reaffiliation by delegates to the union's last Constitutional Convention, who voted in a series of regional meetings completed in April.

"The top UAW officers met two weeks ago with AFL-CIO President Lane Kirkland and Secretary-Treasurer Tom Donahue and other federation officials," UAW President Douglas A. Fraser said. "We had a successful exchange of views that led our officers to recommend to the UAW Board that we move promptly on reaffiliation."

Fraser reiterated that the UAW will rejoin the federation at the national level and let UAW units at the state and local level decide whether or not to affiliate.

The UAW has established a committee to study the separate question of affiliation with the AFL-CIO's Industrial Union Department (IUD).

"Our Board believes strongly in the principle of a united labor movement," Fraser said. "Reaffiliation with the federation will strengthen that movement in one of the most difficult periods working people have ever faced."

EXHIBIT 9

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AFL-CIO
Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

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EXHIBIT 10

CONSTITUTION

of the

American Federation of Labor and Congress of Industrial Organizations

As amended by the Eleventh Constitutional Convention of the AFL-CIO, October 2-7, 1975

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American Federation of Labor and Congress of Industrial Organizations

GEORGE MEANY, *President*

LANE KIRKLAND, *Secretary-Treasurer*

815 16th St., N.W.

WASHINGTON, D. C. 20006

AFL-CIO Publication No. 1

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CONSTITUTION OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

(This table of contents is limited to the specific provisions of the Constitution embraced within the Articles mentioned and does not attempt a specification of the provisions of the attached AFL-CIO Merger Agreement which has been made a part of the Constitution.)

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strive always to win full respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I
NAME

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

ARTICLE II
OBJECTS AND PRINCIPLES

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.

2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.

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8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to

perform their rightful part in the political life of the local, state and national communities.

ARTICLE III

AFFILIATES

Section 1. The Federation shall be composed of (1) affiliated national and international unions and organizing committees, (2) directly affiliated local unions (such as Local Trade Unions, Federal Labor Unions, and Local Industrial Unions) and national councils thereof, (3) state and local central bodies (such as State and Territorial Federations, City Central Labor Unions and Industrial Union Councils), and (4) trade and industrial departments.

Sec. 2. Each national and international union and each federal labor union affiliated with the American Federation of Labor at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation and each national and international union, organizing committee and local industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation shall retain its charter or certificate, which shall become and be a charter or certificate of this Federation and, by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations, shall be an

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affiliate of this Federation and subject to its rules and regulations.

Sec. 3. Each such affiliate shall retain and enjoy the same organizing jurisdiction in this Federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In cases of conflicting and duplicating jurisdictions involving such affiliates the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 4. The integrity of each such affiliate of this Federation shall be maintained and preserved. Each such affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate. When a complaint has been filed with the President by an affiliate alleging a violation of this section by another affiliate, that has not been settled under the provisions of the No-Raiding Agreement referred to in Article XVII, the President shall endeavor, by consultation with the appropriate officers of both affiliates, to settle the matter by voluntary agreement between such affiliates. In the event no such voluntary agreement is reached within a reasonable time the President shall report to the Executive Council with such recommendations as he may deem appropriate. Upon such report being

submitted, the Executive Council shall consider the same, shall hear the appropriate officers of the affiliates involved, and shall make such decision as it believes to be necessary and proper to carry out the provisions of this section. In the event an affiliate shall fail to comply with such decision, the Executive Council shall submit the matter to the convention for such action as the convention may deem appropriate under the provisions of this constitution. *(See Article XX, Page 45)*

Sec. 5. State and Territorial Federations of Labor and Local Central Bodies affiliated with the American Federation of Labor at the time of the adoption of this Constitution, and State and Local Industrial Union Councils affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, shall become and be affiliates of this Federation and shall, as such, continue to exist as state, territorial and local central bodies, each representing the respective federal labor unions or local industrial unions now affiliated to such central body and such local unions now affiliated to such central body as are affiliated with a national or international union or organizing committee affiliated with this Federation. Provided, however: That a merger of these state, territorial and local central bodies, heretofore affiliated with the American Federation of Labor or the Congress of Industrial Organizations, shall be effected within two years after the adoption of this constitution, through the process of negotiation and

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agreement under the guidance of the President of this Federation and its Executive Council.

Sec. 6. Existing departments of the American Federation of Labor at the time of the adoption of this constitution shall continue as trade departments of this Federation with the rights of and subject to the rules governing trade and industrial departments provided in Article XI.

Sec. 7. The Executive Council shall have power to issue charters or certificates of affiliation to organizations desiring to affiliate with this Federation. This power may be delegated to the President. Subject to the provisions of Sections 2 and 3 of this Article, charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 8. Except as otherwise provided in this constitution no national or international union chartered by or affiliated with this Federation may be suspended from membership in the Federation except by a majority roll-call vote at the convention.

No such national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds majority roll-call vote at the convention.

Sec. 9. No organization officered, controlled or dominated by communists, fascists, or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any fascist organization, or other totalitarian movement, shall be permitted as an affiliate of this Federation or any of its state or local central bodies.

Sec. 10. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation.

ARTICLE IV

CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive

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spect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached hereunder.

Sec. 21. The provisions of this Article shall take effect on January 1, 1962. Upon such effective date, the provisions of Article III, Section 4, of this Constitution, except the first sentence thereof, shall be of no further force and effect. However any dispute which has become subject to a formal complaint under such provision prior to January 1, 1962, shall be disposed of under the procedures and principles theretofore applicable and not under the procedures or principles set forth in this Article, except that any recommendation of the Impartial Umpire issued subsequent to January 1, 1962, shall be subject to the provisions of Sections 14 through 16 of this Article.

Sec. 22. Notwithstanding any other provision of this Constitution this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a show of hands, or, if a roll call is properly demanded as provided in this Constitution, by such roll call.

AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Signed February 9, 1955

1. AGREEMENT TO MERGE

The American Federation of Labor and the Congress of Industrial Organizations agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union. They further agree upon the following principles and procedures to accomplish this end.

2. PRINCIPLES OF MERGER

(a) It is recognized, as a fundamental basis for the merger of the AFL and CIO, that each national and international union, federal labor union, local industrial union and organizing committee (hereinafter referred to as affiliated union) holding a charter or certificate of affiliation granted by either federation shall retain its charter or certificate and become, by virtue of the merger, an affiliate of the merged federation.

(b) It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved. In order to effectuate this principle, the Constitution of the merged federation shall contain a constitutional declaration for respect by each affiliate of the established bargaining relationship of every other affiliate and against raiding by any affiliate of the

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Solidarity House
8000 EAST JEFFERSON AVE.
DETROIT, MICHIGAN 48214
PHONE (313) 926-5000

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

DOUGLAS A. FRASER, PRESIDENT
RAYMOND MAJERUS, SECRETARY-TREASURER

VICE-PRESIDENTS
OWEN F. BIEDER • DONALD F. EPHLIN • MARTIN GERBER • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

September 24, 1982

Walter Bartkin, Comptroller
AFL-CIO COPE
815 Sixteenth Street, NW
Washington, DC 20006

Dear Brother Bartkin:

Our International Union, in cooperation with AFL-CIO COPE, has engaged this year in joint fund raising activities as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $100,000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Douglas A. Fraser
President

DAF:ef
opeiu494
Enc.
cc: Lane Kirkland
Thomas R. Donahue
John Perkins
Hank Lacayo
Don Moll

EXHIBIT 11

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PRINTED IN USA

October 4, 1982

Walter Bartkin, Comptroller
AFL-CIO COPE
815 Sixteenth Street, NW
Washington, DC 20006

Dear Brother Bartkin:

Our International Union, in cooperation with AFL-CIO COPE, has engaged in joint fund raising activities this year as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $10,000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Douglas A. Fraser
President

DAF:ef
opeiu494
Enc.
cc: Lane Kirkland
Tom Donahue
John Perkins
Hank Lacayo
Don Moll

EXHIBIT 12

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October 21, 1982

John Perkins, Director
AFL-CIO COPE
815 Sixteenth Street, NW
Washington, DC 20006

Dear John:

Our International Union, in cooperation with AFL-CIO COPE, has engaged in joint fund raising activities this year as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $5000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Henry L. Lacayo
National Director
UAW CAP Department

HLL:ef
opeiu494
Enc.

EXHIBIT 13

October 25, 1982

John Perkins, Director
AFL-CIO COPE
815 Sixteenth St., NW
Washington, DC 20006

Dear John:

Our International Union, in cooperation with AFL-CIO COPE, has engaged in joint fund raising activities this year as provided for by the Federal Election Campaign Act.

Accordingly, we are enclosing a check in the amount of $100,000, drawn from UAW V-CAP, payable to the AFL-CIO COPE Political Contributions Committee.

Fraternally,

Henry L. Lacayo
National Director
UAW CAP Department

HLL:ef
opeiu494
Enc.

EXHIBIT 14

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EXHIBIT 15

AUTHORIZATION FOR ASSIGNMENT AND CHECKOFF OF CONTRIBUTIONS TO UAW V-CAP

To: _____

Company Name

I hereby assign to UAW V-CAP, from any wages earned or to be earned by me as your employee, the sum of (check one)

☐ 25¢ ☐ 50¢ ☐ $1 ☐ Other

each and every month. I hereby authorize and direct you to deduct such amounts from my pay and to remit same to UAW V-CAP at such times and in such manner as may be agreed upon between you and the Union at any time while this authorization is in effect.

This authorization is voluntarily made. I understand that the signing of this authorization and the making of payments to UAW V-CAP are not conditions of membership in the Union or of employment with the Company, that I have the right to refuse to sign this authorization and contribute to UAW V-CAP without any reprisal, and that UAW V-CAP will use the money it receives to make political contributions and expenditures in connection with federal, state and local elections, and that monies contributed to UAW V-CAP constitute a voluntary contribution to a joint fund-raising effort by the UAW and AFL-CIO.

I also understand that the guidelines for contributions to UAW V-CAP set forth above are merely suggestions, that I can contribute more or less than the guidelines suggest, and that the Union will not favor or disadvantage me based on the amount of my contribution or my decision not to contribute.

Name (Print) _____ Dated: _____ So. Sec. No. _____

Address _____ Signature _____

City _____ State _____ Zip _____

Local _____ Plant _____ Dept. _____

UAW V-CAP is an independent political committee created by the UAW. This committee does not ask for or accept authorization from any candidate and no candidate is responsible for its activities.

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EXHIBIT 16

$1.00
AMT. CONT.

LOCAL No.

NAME

ADDRESS

CITY

STATE, ZIP

COLLECTOR

G 36012

1982

For Local Union

82

Our Year for ...
ACTION!
At the Bargaining Table ...
At the Ballot Box
GIVE TO UAW V-CAP

This Certifies That

G 36012

Has contributed to the COMMUNITY ACTION PROGRAM of the UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA.

$1.00
AMOUNT

Ron Magerus
Secretary-Treasurer

8000 East Jefferson Avenue • Detroit, Michigan 48214

84040465077

Charles N. Steele
General Counsel
Federal Election Commission
1325 K St NW
Washington DC 20463

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Anne Weissenborn, Esq.
Federal Election Commission
1325 K St NW
Washington DC 20463

Cat# 1501
Weissenborn

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC, and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP), and Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP, and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE), and Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE), and Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE	Matter Under Review (MUR) NO. 1605 RESPONSE OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-COMMITTEE ON POLITICAL EDUCATION AND RALPH A. LEIGON TO COMPLAINT

'84 JAN 27 A11:51

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I. INTRODUCTION

The complaint filed in this Matter Under Review attempts to demonstrate that the AFL-CIO and AFL-CIO COPE-PCC control and coordinate the activities of the IBEW and IBEW-COPE and that this relationship establishes "discretionary affiliation." (Complaint at 29.) Accordingly, the complaint alleges that the failure of IBEW-COPE to disclose its affiliated relationship with AFL-CIO COPE-PCC and its failure to "comply with the common contribution limit" violated the Federal Election Campaign Act. (Complaint at 2.)

This theory is based upon two general factual contentions. The first is that "[t]he structural control of the AFL-CIO over [the IBEW] demonstrates affiliation not only between the AFL-CIO and [the IBEW] but also between AFL-CIO COPE-PCC and [IBEW-COPE]." (Complaint at 32.) The second is that "AFL-CIO control and maintenance of the political activities of affiliated unions dictates a finding of affiliation between AFL-CIO COPE-PCC and [IBEW-COPE]." (Complaint at 33.)

Both of these factual contentions are entirely incorrect. As described in the attached affidavit of Ralph A. Leigon, the International Secretary of the IBEW and the Secretary-Treasurer of IBEW-COPE [hereinafter Leigon affidavit], the IBEW is an independent, autonomous organization which cannot be, and is not, controlled by the AFL-CIO. In addition, IBEW-COPE exists independently of the AFL-CIO and AFL-CIO COPE-PCC. IBEW-COPE is not controlled or maintained by any entity outside of the

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IBEW. In short, neither the AFL-CIO nor AFL-CIO COPE-PCC has established, financed, maintained or controlled either the IBEW or IBEW-COPE.

II. THE AFL-CIO HAS NO STRUCTURAL CONTROL OVER THE IBEW

The history and organization of the IBEW demonstrate that since its inception the IBEW has been independent of the AFL-CIO. The National Brotherhood of Electrical Workers (NBEW)[1/] was established in November 1891 by the action of a convention of local unions representing electrical workers across the United States. The delegates to this first convention adopted a constitution, general laws, ritual to be held and an emblem for the new union. National officers were also elected. Shortly after the NBEW was founded, it affiliated with the American Federation of Labor.

Thus, the NBEW was not a creation of the AFL-CIO. Rather, it existed prior to becoming affiliated with the AFL and had a life of its own sixty-four years before the AFL-CIO was created by merger in 1955. (Leigon Affidavit.)

The IBEW Constitution is the supreme law of the international union. It describes the purpose for which the union was founded, its philosophy and its structure. As the basic law of the IBEW, it establishes the rights, privileges, duties, and

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1/ The Sixth Convention of the IBEW, held in 1899, changed the name of the union from National Brotherhood of Electrical Workers to International Brotherhood of Electrical Workers.

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obligations of the members, of the local unions, and of the International. (See complaintant's Exhibit 4.)

The Constitution provides that the IBEW shall meet in regular convention every four years. Art. II, Sec. 1. The International Convention is the highest governing body of the IBEW. It elects all international officers and determines the basic laws of the IBEW by its votes on proposed resolutions and constitutional amendments. It is also the final authority on internal union appeals.

The International Executive Council (IEC) of nine members is the governing body between conventions. Art. IX. It meets four times a year. The IEC carries out policies laid down by vote of the convention and deals with needs and issues arising between conventions.

The executive officers of the IBEW are the International President, International Secretary and International Treasurer. They are charged with supervising the affairs of the IBEW in accordance with their duties as outlined in Articles IV, VI and VII, respectively, of the Constitution.

The chief administrative officer is the International President. He is responsible for carrying out the laws of the IBEW; deciding all controversies, including questions of law; acting on all appeals from decisions of the International Vice Presidents; deciding and establishing IBEW policy and procedure; approving all agreements and by-laws and generally protecting and advancing the best interests of the IBEW and the labor movement.

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These articles of the Constitution make clear that the IBEW is a self-governing organization. IBEW policy is dictated by the Convention and is administered on a day-to-day basis by the International Officers. The Constitution grants no authority whatsoever to the AFL-CIO to direct the affairs of the IBEW in any way. Moreover, contrary to the allegation in the complaint (at 10), the IBEW Constitution does not require membership or affiliation with the AFL-CIO. It merely states how delegates to the AFL-CIO convention and other similar meetings will be chosen. The IBEW maintains the right to affiliate or disaffiliate with organizations such as the AFL-CIO. Although it has remained a member of the AFL-CIO since 1955, the IBEW has disaffiliated with other federations of international labor unions.[2/] (Leigon Affidavit.)

Accordingly, the AFL-CIO does not and cannot control the IBEW. Throughout its history the IBEW has remained an independent self-governing entity.

II. NEITHER THE AFL-CIO NOR AFL-CIO COPE-PCC CONTROL OR MAINTAIN IBEW-COPE

The IBEW has maintained an IBEW-COPE fund to receive voluntary contributions from IBEW members for more than 25 years. IBEW International President Charles H. Pillard and International Secretary Ralph A. Leigon presently serve as its President and Secretary-Treasurer, respectively. Mr. Joseph Cavanagh and Mr. Rick Diegel, Assistants to the International Secretary for

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2/ In 1981 the IBEW disaffiliated with the Canadian Labour Congress and in 1982 affiliated with the Canadian Federation of Labour. (Leigon Affidavit.)

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Legislative Affairs, conduct the day-to-day business of IBEW-COPE.

The primary functions of the IBEW-COPE are to compile political education materials for use by IBEW local unions and members, to lobby on issues affecting the interests of IBEW members and their families and to support candidates for public office through endorsements and/or campaign contributions.

Under the direction of Pillard and Leigon, the IBEW-COPE determines for itself the nature and scope of these activities. Thus, it is not obligated to lobby on issues deemed important by the AFL-CIO COPE-PCC. Whereas the IBEW-COPE has a particular interest in issues which affect the electrical industry and, therefore, concentrates its lobbying efforts in this area, the AFL-CIO COPE-PCC lobbies on a vast array of issues affecting many other industries. Nor is the IBEW-COPE bound by the position that the AFL-CIO COPE-PCC may take on a particular issue. On several occasions, the IBEW-COPE has supported legislation and policies either nor endorsed by the AFL-CIO COPE-PCC or for which the COPE-PCC has adopted a contrary position. For example, although the IBEW-COPE has advocated the production of nuclear energy, another affiliate of the AFL-CIO, the International Association of Machinists, has taken the opposite view. As a result of this lack of consensus among AFL-CIO affiliates, the AFL-CIO COPE-PCC has remained neutral on the subject. (Leigon Affidavait.)

Similarly, the IBEW-COPE is the ultimate decision-maker with respect to which candidates it will endorse for public

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office. While the AFL-CIO encourages its affiliates to support presidential candidates endorsed by the Federation, they are not required to do so.[3/] The AFL-CIO has no authority to impose sanctions on international union officials who choose to endorse a different candidate or to remain neutral. The same holds true for endorsements of candidates seeking Congressional, state or local offices. At these levels, the IBEW-COPE generally will select candidates to endorse on the basis of communications received from IBEW local unions. Oftentimes these decisions will not comport with the endorsement decisions of the AFL-CIO COPE-PCC. For example, although the IBEW supported Mr. Hallenbach in his Congressional campaign in the 7th district of New Jersey, the AFL-CIO COPE-PCC made no endorsement. Senator Robert Stafford had the support of the IBEW-COPE in his Senatorial campaign in Vermont against AFL-CIO-supported James A. Guest. In the current U.S. Senatorial race in Illinois, the IBEW-COPE is supporting State Senator Philip Rock, while the AFL-CIO COPE-PCC is endorsing U.S. Congressman Paul Simon.

Most importantly for purposes of this case, neither the AFL-CIO nor COPE-PCC have the authority to control the contributions made by the IBEW-COPE to political candidates. The IBEW-COPE makes its own decisions concerning both the selection of

---

3/ Similarly, IBEW local unions are not obligated to support candidates endorsed by AFL-CIO state and local central bodies with which they are affiliated. For example, in the 1984 Illinois State representatives' race, Steven Nash has received the endorsement of the State AFL-CIO, while local unions of the IBEW are supporting William Bork.

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candidates to whom it will make campaign contributions and the amount of such contributions.

Generally, the IBEW-COPE makes these decisions pursuant to requests for contributions from the candidates themselves. When such a request is received, either Mr. Cavanagh or Mr. Diegel examines the candidate's record to see whether the candidate has held other positions in public service and to determine what his or her view is on issues affecting IBEW members and their families. They will also contact local union officials to find out their opinion of the candidate. On the basis of this information, Mr. Cavanagh and Mr. Diegal submit a recommendation to either President Pillard or Secretary Leigon for final approval.

Neither the AFL-CIO or COPE-PCC enter into this decision-making process. The role of AFL-CIO COPE-PCC is limited to serving as a source of information. Thus, for example, the AFL-CIO COPE-PCC maintains voting records of all members of Congress to which the IBEW-COPE has access. Yet IBEW-COPE utilizes many other sources of information as well. As mentioned earlier, the IBEW-COPE receives information directly from its local unions. It also, for example, relies on reports published by the Democratic Study Group, on information received through communications with the various election campaign committees, and on the American Almanac. (Leigon Affidavit.)

The complaint in this case cites transfers of funds from AFL-CIO COPE-PCC as evidence of its affiliation with IBEW-

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COPE. (Complaint at 47-49.) All of these transfers were, however, the result of joint fund-raising by IBEW-COPE and AFL-CIO COPE-PCC.[4/] The Commission's regulations specifically recognize that joint fundraising is not an indicium of affiliation. 11 C.F.R. § 110.3(a)(iii)(E).

Accordingly, no factual support exists for the argument the AFL-CIO COPE-PCC is affiliated with IBEW-COPE. The IBEW is an independent organization over which the AFL-CIO has no authority. IBEW-COPE is also an organization which operates independently of either the AFL-CIO or AFL-CIO COPE-PCC. IBEW-COPE has not been established, financed, maintained or controlled by the AFL-CIO or AFL-CIO COPE-PCC. IBEW-COPE is not, therefore, affiliated with AFL-CIO COPE-PCC.

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4/ Prior to 1982, the proceeds received through joint fund-raising efforts went to the AFL-CIO COPE-PCC. COPE-PCC would then refund IBEW-COPE's share of these proceeds. It was under this system that during 1981, the IBEW-COPE received a transfer of funds in the amount of $114,548.75 from COPE-PCC.

CONCLUSION

For the foregoing reasons the Commission should find no reason to believe that the complaint in this Matter Under Review sets forth a possible violation of the Federal Election Campaign Act.

Respectfully submitted,

Laurence J. Cohen

Robert D. Kurnick

Mary Vogel

Attorneys for IBEW-COPE and
Ralph A. Leigon

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re: AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC), and THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC, and UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP), and DONALD J. MOLL, Individually and in his capacity as Treasurer, UAW V CAP, and AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE), and ROBERT G. PORTER, Individually and in his capacity as Treasurer, AFT COPE, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE), and RALPH A. LEIGON, Individually and in his capacity as Treasurer, IBEW-COPE	Matter Under Review (MUR) NO. 1605 AFFIDAVIT OF RALPH A. LEIGON

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AFFIDAVIT OF RALPH A. LEIGON

DISTRICT OF COLUMBIA, ss:

RALPH A. LEIGON, being first duly sworn, upon oath, deposes and says that:

1. I am the duly elected International Secretary of the International Brotherhood of Electrical Workers ("IBEW"). My office is located at the headquarters of the International at 1125 Fifteenth Street, N.W., Washington, D.C. 20005. I have been the International Secretary of the IBEW since April 1976.

1. As the International Secretary of the IBEW, I am familiar with the organization and operation of the IBEW, and am generally familiar with its history.

2. The IBEW, which was originally called the National Brotherhood of Electrical Workers (NBEW), was established in November 1891, by the action of a convention of local unions representing electrical workers across the United States. The IBEW affiliated with the American Federation of Labor later that year.

3. The Sixth Convention of the NBEW, held in 1899, changed the name of the union to International Brotherhood of Electrical Workers.

4. The IBEW Constitution is the supreme law of the international union. It establishes the purpose, philosophy and structure of the union; the laws by which its members are governed; and the rights and duties of its members, of the local unions, and of the International.

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5. The International Convention is the highest governing body of the IBEW. It determines the basic laws of the IBEW.

6. The International Executive Council is the governing body between conventions. The Executive Council carries out policies laid down by vote of the convention and deals with needs and issues arising between conventions.

7. The day-to-day administration of the IBEW is the duty of the International officers--the International President, International Secretary, and the International Treasurer.

8. The chief administrative officer is the International President. His duties include: carrying out laws of the IBEW; deciding all controversies, including questions of law; acting on all appeals from decisions of the International Vice Presidents; deciding and establishing IBEW policy and procedure; approving all agreements and by-laws; and chartering, merging or amalgamating local unions.

9. The AFL-CIO has no authority under the IBEW Constitution to direct the affairs of the IBEW. The IBEW operates independently of the AFL-CIO and maintains the right to affiliate or disaffiliate with organizations such as the AFL-CIO. For example, in 1981 the IBEW disaffiliated with the Canadian Labour Congress and in 1982 affiliated with the Canadian Federation of Labour.

10. As Secretary-Treasurer of the IBEW-COPE, I am also familiar with the operations of that organization.

11. The IBEW has maintained an IBEW-COPE fund to receive voluntary contributions from its members for over 25 years.

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12. The primary functions of the IBEW-COPE are to compile political education materials for use by IBEW local unions and members, to lobby on issues affecting the interests of IBEW members and their families, and to support candidates for public office through endorsements and/or campaign contributions. Decisions related to the execution of these functions are ultimately made by myself or Charles H. Pillard, President of the IBEW-COPE.

13. The IBEW-COPE concentrates its lobbying efforts on issues which affect the electrical industry.

14. On several occasions, the IBEW-COPE has advocated legislation not endorsed by the AFL-CIO COPE-PCC. For example, the IBEW-COPE has publicly supported the production of nuclear energy, while the AFL-CIO COPE-PCC has chosen to remain neutral on this subject.

15. Decisions concerning which candidates will be endorsed by the IBEW-COPE are also made internally. The AFL-CIO may urge but cannot direct the IBEW to endorse a particular candidate. Particularly at the Congressional, state and local levels, candidates are endorsed by the IBEW-COPE on the basis of input it receives from local unions. These endorsements may or may not comport with endorsements made by the AFL-CIO COPE-PCC. For example, while the IBEW supported Mr. Hallenbach in his Congressional campaign in the 7th Congressional district of New Jersey, the AFL-CIO COPE-PCC made no endorsement. Senator Robert Stafford had the support of the IBEW-COPE in his senatorial campaign in Vermont against AFL-CIO-supported James A. Guest. In

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the current Senatorial race in Illinois, the IBEW-COPE is supporting State Senator Philip Rock, while the AFL-CIO COPE-PCC has endorsed U.S. Congressman Paul Simon.

16. The AFL-CIO COPE-PCC has no control over decisions made by the IBEW-COPE concerning the selection of candidates to whom it will make campaign contributions or the amount of such contributions. The IBEW-COPE generally makes these decisions pursuant to requests for contributions made by the candidates themselves. When such a request is received, my Assistants for Legislative Affairs, Joseph Cavanagh and Rick Diegel, will check the candidate's record to determine whether he or she has experience in public service and to determine what his or her views are on issues affecting IBEW members and their families. Messrs. Cavanagh and Diegel also contact local union officials to solicit their opinion of the candidate. On the basis of this information, a recommendation will be submitted to either President Pillard or myself for final approval.

17. The IBEW-COPE utilizes the AFL-CIO COPE-PCC primarily as a source of information. For example, the IBEW-COPE refers to voting records of members of Congress maintained by the AFL-CIO COPE-PCC.

18. The IBEW-COPE also relies on other sources of information including reports put out by the Democratic Study Group, communications with various election campaign committees and the American Almanac.

19. The $114,548.75 received by the IBEW-COPE from the AFL-CIO COPE-PCC during 1981 reflects its share of funds collected

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through a joint fund-raising effort. IBEW-COPE receives no funds from AFL-CIO COPE-PCC other than funds that are the product of joint fund-raising.

Further the affiant sayeth not.

Ralph A. Leigon

Ralph A. Leigon

Signed and sworn before me this 27th day of January, 1984.

Deborah L. Branzell

Notary Public

DEBORAH L. BRANZELL, Notary Public
in and for the District of Columbia
My Commission Expires August 14, 1988

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SHERMAN, DUNN, COHEN,
LEIFER & COUNTS
1125 15TH STREET, N.W., SUITE 801
WASHINGTON, D.C. 20005

To

General Counsel
Federal Election Commission
1325 K Street, NW, Ste. 710
Washington, DC 20463

BY HAND

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS /JODY C. RANSOM jcr

DATE: JANUARY 12, 1984

SUBJECT: MUR 1605 - First General Counsel's Report dated January 10, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, January 11, 1984.

There were no objections to the First General Counsel's Report at the time of the deadline.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: January 10, 1984

SUBJECT: MUR 1605 - First General Counsel's Report

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[X]	Litigation	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 JAN 10 P 3: 31

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 1/10/84 - 3:35

MUR NO. 1605
DATE COMPLAINT RECEIVED BY OGC December 5, 1983
DATE OF NOTIFICATION TO RESPONDENT December 9, 1983
STAFF MEMBER
Anne A. Weissenborn

COMPLAINANT'S NAME: James Edward Antosh
c/o Center on National Labor Policy

RESPONDENTS' NAMES: AFL-CIO COPE-PCC
Thomas Donahue, individually and as treasurer of AFL-CIO COPE-PCC
UAW V CAP
Donald J. Moll, individually and as treasurer of UAW V CAP
AFT COPE
Robert G. Porter, individually and as treasurer of AFT COPE
IBEW-COPE
Ralph E. Leigon, individually and as treasurer of IBEW-COPE

RELEVANT STATUTES: 2 U.S.C. § 433(b)(2)
2 U.S.C. § 441a(a)(2)
2 U.S.C. § 441a(a)(5)
11 C.F.R. § 100.5(g)

INTERNAL REPORTS CHECKED: MUR Index
MURs 354; 783, et al.

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SUMMARY OF ALLEGATIONS

On December 5, 1983, the Commission received from James Edward Antosh a complaint alleging that the AFL-CIO COPE-PCC coordinates its political activities with the United Auto Workers Voluntary Community Action Program (UAW V CAP), with the American Federation of Teachers Committee on Political Education (AFT

COPE), and with the International Brotherhood of Electrical Workers Committee on Political Education (IBEW-COPE) to the extent that the latter three separate segregated funds are affiliated with the AFL-COPE COPE-PCC for purposes of the Act. On this basis, the complainant alleges that all four of the named separate segregated funds have violated 2 U.S.C. § 433(b)(2) by failing to list their affiliated unions' separate segregated funds on their Statements of Organization, and that all have violated 2 U.S.C. § 441a(a)(2) by making excessive contributions to seventeen named candidates. The treasurers of each of the four respondent committees are named individually as respondents pursuant to 11 C.F.R. § 104.14(d).

In support of his allegations, the complainant has made numerous and detailed assertions regarding the influence and/or control exerted by the AFL-CIO over its affiliated international organizations and by the AFL-CIO COPE over the political activities of the organizations affiliated with the AFL-CIO. Considerable documentation has been supplied by the complainant, assertedly in support of his allegations.

All respondents were notified of this complaint on December 9, 1983. Following receipt of the complaint, each respondent requested a thirty-day extension of the standard fifteen-day period within which respondents are asked to submit any responses they wish to make to notifications of complaints. Because of the holiday season and because of the complexities of

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the complaint, these requests were granted. All responses are due on or before January 27, 1984, and a report will be submitted to the Commission shortly thereafter.

Charles N. Steele
General Counsel

January 10, 1984
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1983

Laurence Gold, Esquire
AFL-CIO COPE-PCC
815 Sixteenth Street, NW
Washington, D.C. 20006

RE: MUR 1605

Dear Mr. Gold:

Your letter of December 16, 1983, has been received. In this letter you have requested an extension of time until January 27, 1984, within which to respond on behalf of your clients to the complaint filed in the matter cited above. Such an extension has been granted, and we will therefore expect to receive the responses on or before the above dated in January.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046510 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Laurence Gold, Esquire
AFL-CIO COPE-PCC
815 Sixteenth Street, NW
Washington, D.C. 20006

RE: MUR 1605

Dear Mr. Gold:

Your letter of December 16, 1983, has been received. In this letter you have requested an extension of time until January 27, 1984, within which to respond on behalf of your clients to the complaint filed in the matter cited above. Such an extension has been granted, and we will therefore expect to receive the responses on or before the above dated in January.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046510 2

AW 12/29/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1983

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, NW
Washington, D.C. 20036

RE: MUR 1605

Dear Mr. Oldaker:

Your letter of December 21, 1983, has been received. In this letter you have requested an extension of time until January 27, 1984, within which to respond on behalf of Robert G. Porter and AFT COPE to the complaint filed in MUR 1605. Such an extension has been granted, and we will therefore expect to receive the responses on or before the above date in January.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046510 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, NW
Washington, D.C. 20036

RE: MUR 1605

Dear Mr. Oldaker:

Your letter of December 21, 1983, has been received. In this letter you have requested an extension of time until January 27, 1984, within which to respond on behalf of Robert G. Porter and AFT COPE to the complaint filed in MUR 1605. Such an extension has been granted, and we will therefore expect to receive the responses on or before the above date in January.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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AW 12/29/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1983

Laurence J. Cohen, Esquire
Sherman, Dunn, Cohen, Leifer, and Counts
1125 Fifteenth Street, NW
Suite 801
Washington, D.C. 20005

RE: MUR 1605

Dear Mr. Cohen:

Your letter of December 21, 1983, has been received. In this letter you have requested an extension of time until January 27, 1984, within which to respond on behalf of your clients to the complaint filed in MUR 1605. Such an extension has been granted, and we will therefore expect to receive the responses on or before the above date in January.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046510 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Laurence J. Cohen, Esquire
Sherman, Dunn, Cohen, Leifer, and Counts
1125 Fifteenth Street, NW
Suite 801
Washington, D.C. 20005

RE: MUR 1605

Dear Mr. Cohen:

Your letter of December 21, 1983, has been received. In this letter you have requested an extension of time until January 27, 1984, within which to respond on behalf of your clients to the complaint filed in MUR 1605. Such an extension has been granted, and we will therefore expect to receive the responses on or before the above date in January.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046510 6

AW 12/29/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1983

Alan V. Reuther
Assistant General Counsel
UAW V-CAP
1757 N Street, NW
Washington, D.C. 20036

RE: MUR 1605

Dear Mr. Reuther:

Your letter of December 16, 1983, has been received. In this letter you have requested a thirty-day extension of time within which to respond to the complaint filed in the above-cited matter. Such an extension has been granted, and we will therefore expect to receive your response on or before January 27, 1984.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Assistant General Counsel
UAW V-CAP
1757 N Street, NW
Washington, D.C. 20036

RE: MUR 1605

Dear Mr. Reuther:

Your letter of December 16, 1983, has been received. In this letter you have requested a thirty-day extension of time within which to respond to the complaint filed in the above-cited matter. Such an extension has been granted, and we will therefore expect to receive your response on or before January 27, 1984.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404046510 8

AW 12/29/83

RECEIVED AT THE FEC
Cat 1319
83 DEC 28 P 1:
MUR 1605
Weisenborne
FEC28 P4:39

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
~~SUSAN L. CATLER~~

AREA CODE 202
785-9300

December 21, 1983

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

Re: FEC MUR 1605

Dear Mr. Steele:

Under date of December 16, 1983, Laurence Gold, counsel for respondents Thomas R. Donahue and AFL-CIO COPE-PCC, requested an extension of time from December 27, 1983, to January 27, 1984, in which to reply to the complaint filed in the above-captioned matter.

On behalf of respondents Ralph A. Leigon and IBEW - COPE, the undersigned also requests an extension of time to reply to the complaint until January 27, 1984. As reasons for this request, please note that this office is co-counsel with Mr. Gold in the two Donovan cases referred to in his letter and shares the same commitments in those matters. In addition, the undersigned must be out of the city for the entire week of January 15-21, to attend a regularly scheduled meeting of a national labor organization. Finally, as noted in Mr. Gold's letter, the very size of the complaint and attachment will require additional time to prepare a proper response.

For these reasons, I respectfully request an extension of time in which to file the reply of respondents Ralph A. Leigon and IBEW - COPE from December 27, 1983 to January 27, 1984.

Very truly yours,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

By Laurence J. Cohen

LJC/kmp

cc: Anne Weisenborne
Laurence Gold
Alan Reuther
William Oldaker

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LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.
1125 FIFTEENTH STREET, N.W.
SUITE 801
WASHINGTON, D.C. 20005

RECEIVED AT
WASHINGTON D.C.
DEC 22 '83
U.S. PO
83 DEC 28

8404046011

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

Doc # 1289

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
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LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
~~SUSAN L. SATLER~~

AREA CODE 202
785-9300

FEC 27 P 1:01

December 21, 1983

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

Re: FEC MUR 1605

Dear Mr. Steele:

Under date of December 16, 1983, Laurence Gold, counsel for respondents Thomas R. Donahue and AFL-CIO COPE-PCC, requested an extension of time from December 27, 1983, to January 27, 1984, in which to reply to the complaint filed in the above-captioned matter.

On behalf of respondents Ralph A. Leigon and IBEW - COPE, the undersigned also requests an extension of time to reply to the complaint until January 27, 1984. As reasons for this request, please note that this office is co-counsel with Mr. Gold in the two Donovan cases referred to in his letter and shares the same commitments in those matters. In addition, the undersigned must be out of the city for the entire week of January 15-21, to attend a regularly scheduled meeting of a national labor organization. Finally, as noted in Mr. Gold's letter, the very size of the complaint and attachment will require additional time to prepare a proper response.

For these reasons, I respectfully request an extension of time in which to file the reply of respondents Ralph A. Leigon and IBEW - COPE from December 27, 1983 to January 27, 1984.

Very truly yours,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

By Laurence J. Cohen

LJC/kmp

cc: Anne Weisenborne ✓
Laurence Gold
Alan Reuther
William Oldaker

8404046511

LAW OFFICES
AN, DUNN, COHEN, LEIFER & COUNTS, P.C.
1125 FIFTEENTH STREET, N.W.
SUITE 801
WASHINGTON, D.C. 20005

8404046512

WASHINGTON DEC 22 83 D.C.
U.S. POSTAGE 0.20
PB METER 1496077

Ms. Anne Weisenborne
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Gen'l 1280
Weisenborn
MUR 1605

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALLICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102†
(817) 334-0701

†P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067†
(213) 553-9861

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104†
(415) 398-5565

December 21, 1983

'84 DEC 22 A10:54

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

Re: FEC MUR 1605

Dear Mr. Steele:

We are writing to you to request an extension of time from December 27, 1983 to January 27, 1983 for respondents Robert G. Porter and American Federation of Teachers Committee on Political Education ("AFT COPE") to reply to the complaint filed in the above-noted matter.

The respondents received the complaint herein on December 12, 1983. The length of the complaint (62 pages with a 449-page attachment), coupled with previous commitments of this office in other matters, renders it virtually impossible for us to prepare a proper reply within the normal 15-day reply period.

Accordingly, we hereby request an extension of time in which to file the reply of respondents Robert G. Porter and AFT COPE from December 27, 1983 until January 27, 1984.

Sincerely,

William C. Oldaker
Counsel for Respondents
Robert G. Porter and
AFT COPE

WO/LK:ses
cc: Anne Weisenborn
Larry Cohen
Lawrence Gold
Alan Reuther

8404046511 3

BECKER BORSODY & GREEN, P.C.
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036

8404046511

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

BECKER BORSODY & GREEN, P.C.
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036

8 4 0 4 0 4 6 5 1 1

Anne Weisenborn, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED AT THE FEC
83 DEC 23 A10:

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons
S. Frank Rafferty
Glenn E. Watts
Angelo Fraboni
Lloyd McBride
Wm. W. Winpisinger
Wayne E. Glenn
John J. Sweeney
Barbara Hutchinson
Gerald W. McEntee
Patrick J. Campbell

Thomas W. Gleason
Murray H. Finley
Sol C. Chaikin
Charles H. Pillard
Kenneth T. Blaylock
William H. Wynn
Robert F. Goss
Frank Drozak
Richard I. Kilroy
William H. Bywater
Kenneth J. Brown

Frederick O'Neal
Albert Shanker
Edward T. Hanley
J. C. Turner
Alvin E. Heaps
John Sweeney
Jerome D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

AW

December 16, 1983

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

Re: FEC MUR 1605

Dear Mr. Steele:

The purpose of this letter is to request an extension of time from December 27, 1983 to January 27, 1984 for respondents Thomas R. Donahue and AFL-CIO COPE-PCC to reply to the complaint filed in the above-noted matter.

The respondents received the complaint herein on December 12, 1983. Due to the length of the complaint (62 pages with a 449-page attachment) and previous and unalterable commitments in other litigation matters (brief in AFL-CIO et al. v. Donovan (D.D.C. No. 83-3608) due on December 19, 1983, brief amicus curiae for the AFL-CIO in Schneider Moving & Storage Co., et al. v. Loran W. Robbins, et al. (Supreme Court Nos. 82-1860 & 82-1862) due December 22, 1982, and a reply brief in Building Trades Dept. v. Donovan (Supreme Court No. 83-697) due December 27, 1983)), it would be extremely difficult, if not impossible, to prepare a proper reply within the normal 15-day reply period.

Accordingly, I hereby request an extension of time in which to file the reply of respondents Thomas R. Donahue and AFL-CIO COPE-PCC from December 27, 1983 until January 27, 1984.

Very truly yours,

Laurence Gold

LAURENCE GOLD
Counsel for Respondents
Thomas R. Donahue and AFL-CIO
COPE-PCC

cc: Anne Weisenborne
Larry Cohen
Alan Reuther
William Oldaker

8 4 0 4 0 4 6 5 1 1 6

RECEIVED AT THE FEC

American Federation of Labor and Congress of Industrial Organizations

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

Anne Weisenborne
FEC
General Counsel's Office
1325 K St., N.W.
Wash., D.C. 20463

8404045817

GCC# 1268

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons, B. Frank Raftery, Glenn E. Watts, Angelo Fosco, Lloyd McBride, Wm. W. Winpisinger, Wayne E. Glenn, John J. Sweeney, Barbara Hutchinson, Gerald W. McEntee, Patrick J. Campbell, Thomas W. Gleason, Murray H. Finley, Sol C. Chaikin, Charles H. Pillard, Kenneth T. Blaylock, William H. Wynn, Robert F. Goss, Frank Drozak, Richard I. Kilroy, William H. Bywater, Kenneth J. Brown, Frederick O'Neal, Albert Shanker, Edward T. Hanley, J. C. Turner, Alvin E. Heaps, John DeConcini, Joyce D. Miller, James E. Hatfield, Vincent R. Sombrotto, Marvin J. Boede, Owen Bieber

December 16, 1983

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

Re: FEC MUR 1605

Dear Mr. Steele:

The purpose of this letter is to request an extension of time from December 27, 1983 to January 27, 1984 for respondents Thomas R. Donahue and AFL-CIO COPE-PCC to reply to the complaint filed in the above-noted matter.

The respondents received the complaint herein on December 12, 1983. Due to the length of the complaint (62 pages with a 449-page attachment) and previous and unalterable commitments in other litigation matters (brief in AFL-CIO et al. v. Donovan (D.D.C. No. 83-3608) due on December 19, 1983, brief amicus curiae for the AFL-CIO in Schneider Moving & Storage Co., et al. v. Loran W. Robbins, et al. (Supreme Court Nos. 82-1860 & 82-1862) due December 22, 1982, and a reply brief in Building Trades Dept. v. Donovan (Supreme Court No. 83-697) due December 27, 1983)), it would be extremely difficult, if not impossible, to prepare a proper reply within the normal 15-day reply period.

Accordingly, I hereby request an extension of time in which to file the reply of respondents Thomas R. Donahue and AFL-CIO COPE-PCC from December 27, 1983 until January 27, 1984.

Very truly yours,

Laurence Gold

LAURENCE GOLD
Counsel for Respondents
Thomas R. Donahue and AFL-CIO
COPE-PCC

cc: Anne Weisenborne
Larry Cohen
Alan Reuther
William Oldaker

3 4 0 4 0 4 5 6 1 1 3

DEC 16 P 1:33

American Federation of Labor and Congress of Industrial Organizations

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

By hand

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

9 1 5 6 4 0 4 0 4 8

RECEIVED AT THE FEC
6 Oct 1281
83 DEC 22 AM 11:32

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

December 16, 1983

Ms. Anne Weissenborn
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1605

Dear Ms. Weissenborn:

Enclosed you will find the signed, statement of designation of counsel form from Respondent Donald Moll.

As I indicated on the phone, Respondents UAW V-CAP and Donald Moll will need an extension of time in which to respond to the complaint in the above referenced case. Because of the length of the complaint and the voluminous nature of the materials attached to it, it will take considerable time to prepare our response. In addition, the UAW closes during the holiday period between Christmas and New Years, and I have previously scheduled one week of additional vacation during the first week of January. Accordingly, I am hereby requesting that you grant us an additional 30 days in which to respond to the complaint.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

Enclosure

8 4 0 4 0 4 6 3 1 2 0

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Alan Reuther

ADDRESS: 1757 N. Street, N.W.
Washington, D.C. 20036

TELEPHONE: (202) 828-8500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12-12-83
Date

Donald Moll
Signature

NAME: Donald Moll

ADDRESS: 8000 East Jefferson, Detroit, Michigan 48214

HOME PHONE:

BUSINESS PHONE: [redacted]
(313) 926-5431

8404046512 1

UNITED AUTOMOBILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS of AMERICA (UAW)
INTERNATIONAL UNION
WASHINGTON OFFICE
1757 N STREET, N.W.
WASHINGTON, D. C. 20036

8404046 5

RECEIVED AT THE

WASHINGTON DEC 16 '83 D.C.

U.S. POSTAGE 20

PB METER 685569

22 P2:

Ms. Anne Weissenborn
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

American Federation of Teachers AFL-CIO

11 Dupont Circle, N.W.
Washington, D. C. 20036
(202) 797-4400

RECEIVED AT THE FEC
Cert 1310
83 DEC 28 A11:26
Weissenborn
MUR 1605

December 13, 1983

Kenneth A. Gross, Esquire
Office of General Counsel
7th Floor
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1605

Dear Mr. Gross:

This letter is to inform you that William C. Oldaker of Epstein Becker Borsody & Green, P.C., Attorneys At Law, 1140 19th Street, N.W., Washington, D.C. 20036, (202) 861-0900, will represent the American Federation of Teachers in MUR 1605.

Please direct all correspondence to his attention at the address shown in the above paragraph.

Thank you for your attention to this matter.

Sincerely,

Robert G. Porter
Treasurer

RGP:dlb
opeiu#2
aflcio

cc: William C. Oldaker

8404046512 3

American Federation of Teachers AFL-CIO
Dupont Circle, N.W.
Washington, D.C. 20036

8404046

RECEIVED AT THE FEC
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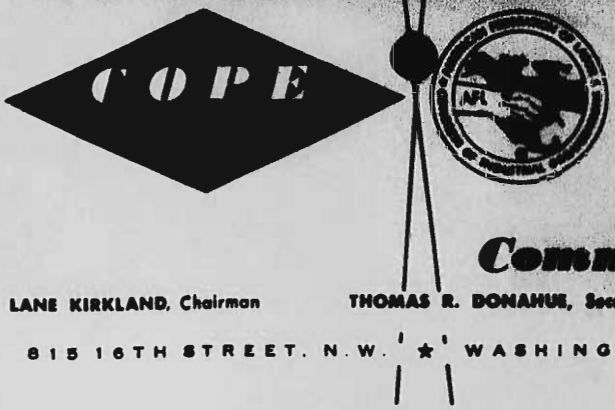
U.S. POSTAGE 0.20
PB METER 3323734

Kenneth A. Gross, Esquire
Office of General Counsel
7th Floor
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

GCC#1256
Wessenbour
1605



Committee on Political Education

LANE KIRKLAND, Chairman THOMAS R. DONAHUE, Secretary-Treasurer JOHN PERKINS, Director

815 16TH STREET, N.W. ★ WASHINGTON, D.C. 20006 ★ (202) 637-5101

DEC 14 A10:05

December 13, 1983

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

Re: FEC MUR 1605

Dear Mr. Steele:

Pursuant to 11 C.F.R. §111.23, the AFL-CIO Committee On Political Education Political Contributions Committee and I hereby designate Laurence Gold and Margaret E. McCormick as our counsel with respect to the above-referenced matter.

Mr. Gold and Ms. McCormick are authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on the Committee's and my behalf before the Federal Election Commission.

Mr. Gold and Ms. McCormick's address is AFL-CIO Legal Department, 815 16th Street, N. W., Room 808, Washington, D. C. 20006. Their office telephone number is (202) 637-5390. Mr. Gold's home telephone number is (202) 966-9331; Ms. McCormick's home telephone number is (301) 656-9612.

Sincerely,

Thomas R. Donahue

Thomas R. Donahue
Secretary-Treasurer

3 4 0 4 0 4 6 5 1 2 5

Federation of Labor and Congress of Industrial Organizations

treet, N.W.
C. 20006

8 4 0 4 0 4 6 5 2 6

Mr. Charles N. Steele, General Counsel

Federal Elections Commission

1325 K St., N.W.

Wash., D.C. 20463

Gcc# 1299

Weissenborn 1605

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
~~SUSAN L. GATLER~~

AREA CODE 202
785-9300

83 DEC 13 P2:09

December 13, 1983

Ms. Anne W. Weissenborn
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1605

Dear Ms. Weissenborn:

I am enclosing the IBEW's Statement of Designation of Counsel in the above-captioned matter.

I plan to contact you in the near future, along with counsel for the other unions named in this matter, with a statement of position.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

By Laurence J. Cohen
Laurence J. Cohen

LJC/kmp

Enclosure

8 4 0 4 0 4 6 5 1 2 7

STATEMENT OF DESIGNATION OF COUNSEL

DEC 13 P 2:09

NAME OF COUNSEL: Laurence J. Cohen
Robert D. Kurnick
Sherman, Dunn, Cohen, Leifer & Counts, P.C.

ADDRESS: 1125 15th Street, N.W.
Suite 801
Washington, D.C. 20005

TELEPHONE: (202) 785-9300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12-12-83
Date

Ralph A. Leigon
Signature

NAME: Ralph A. Leigon, Treasurer
International Brotherhood of Electrical Workers --
Committee on Political Education

ADDRESS: 1125 15th Street, N.W.
Room 1202
Washington, D.C. 20005

HOME PHONE:

BUSINESS PHONE: (202) 833-6020

8404046512 8

LAW OFFICES
, DUNN, COHEN, LEIFER & COUNTS, P.C.
1125 FIFTEENTH STREET, N.W.
SUITE 801
WASHINGTON, D.C. 20005

8404046512

Ms. Anne W. Weissenborn
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

By Hand

GCC 1348
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83 DEC 14 PM 4:00

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

OWEN F. BIEBER, PRESIDENT
RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

Weissenborn
1605

December 12, 1983

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

Re: MUR 1605

Dear Mr. Steele:

This is to advise you that I will be representing respondents UAW Voluntary Community Action Program (UAW V-CAP) and Donald J. Moll in connection with the above referenced case. Please direct all future communications concerning this case to my attention.

Sincerely,

Alan Reuther

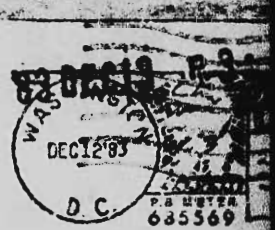
Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Jordan Rossen
Donald Moll
Anne Weissenborn

8404046513 0

WASHINGTON OFFICE
1757 N STREET, N.W.
WASHINGTON, D. C. 20036



8404046

Anne Weissenborn, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

UNITED AUTOMOBILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS of AMERICA (UAW)
INTERNATIONAL UNION
WASHINGTON OFFICE
1757 N STREET, N.W.
WASHINGTON, D. C. 20036

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RECEIVED AT THE

WASHINGTON, D.C. 12 PM 12 DEC 1983

WASHINGTON D.C. 20 DEC 12 '83

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POSTAGE METER 685569

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

MUR 1605

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 6, 1983

James Edward Antosh
c/o Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

Dear Mr. Antosh:

This letter is to acknowledge receipt of your complaint which we received on December 2, 1983, against the American Federation of Labor -- Congress of Industrial Unions Committee on Political Education -- Political Contributions Committee and Thomas Donahue, as Treasurer, and others, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

8404046513 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AFL-CIO COPE Political Contributions
Committee
Thomas R. Donahue, Treasurer
815 - 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1605

Dear Mr. Donahue:

This letter is to notify you that on December 5, 1983 the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. 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 the committee will be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 4 0 4 0 4 6 5 1 3 4

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter at (202) 523-3175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046513 5

8 4 0 4 0 4 6 5 1 3 6

PS Form 3811, July 1982

● SENDER: Complete Items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- [X] Show to whom and date delivered ..... ____¢
- [ ] Show to whom, date, and address of delivery .. ____¢

2. [ ] RESTRICTED DELIVERY ..... ____¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO: AFL-CIO Political
Contributions Cmte (Donahue, Treas.)
815 - 16th Street, N.W.
Washington, D.C. 20006

4. TYPE OF SERVICE:
- [ ] REGISTERED
- [ ] INSURED
- [X] CERTIFIED
- [ ] COD
- [ ] EXPRESS MAIL

ARTICLE NUMBER: 943899

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE [ ] Addressee [ ] Authorized agent

5. DATE OF DELIVERY

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

GPO: 1983-378-[illegible]

1605 - Weisenborn (12/9)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

United Auto Workers Voluntary
Community Action Program
Donald J. Moll, Treasurer
8000 E. Jefferson Avenue
Detroit, Michigan 48214

Re: MUR 1605

Dear Mr. Moll:

This letter is to notify you that on December 5, 1983 the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. 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 the committee will be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 4 0 4 0 4 6 5 1 3 7

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter at (202) 523-3175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046513 8

8 4 0 4 0 4 6 5 1 3 9

PS Form 3811, July 1982

● SENDER: Complete Items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered ..... $
☐ Show to whom, date, and address of delivery .. $
2. ☐ RESTRICTED DELIVERY ..... $
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO: United Auto Workers
Voluntary Community Action Program
8000 E. Jefferson Ave. (Moll, Texas)
Detroit, Michigan 48214

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943898

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
M. Rodriguez

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

DETROIT, MICH. 48214 VOLUNTARY COMMUNITY ACTION PROGRAM 8000 E. JEFFERSON

RETURN RECEIPT

1605- Weissenborn 12/9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

American Federation of Teachers
Committee on Political Education
Robert G. Porter, Treasurer
11 Dupont Circle, N.W.
Washington, D.C. 20036

Re: MUR 1605

Dear Mr. Porter:

This letter is to notify you that on December 5, 1983 the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. 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.

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

8404046514 0

If you have any questions, please contact Anne Weissenborn, the staff member assigned to this matter at (202) 523-3175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046514 1

8 4 0 4 0 4 6 5 1 4 2

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered ..... $
☐ Show to whom, date, and address of delivery .. $
2. ☐ RESTRICTED DELIVERY ..... $
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO: American Federation of Teachers Cmte on Political Education
11 Dupont Circle, NW (Porter, Treas)
Washington, D.C. 20036

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943897

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
S Momolen

5. DATE OF DELIVERY
DEC 12 1983

POSTMARK (may be on reverse side)
DEC 1983

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

8. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1983-376-

1605 - Weissenborn 12/9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

International Brotherhood of Electrical Workers -
Committee on Political Education
Ralph A. Leigon, Treasurer
1125 - 15th Street, N.W.
Washington, D.C. 20001

Re: MUR 1605

Dear Mr. Leigon:

This letter is to notify you that on December 5, 1983 the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. Please refer to this number in all future correspondence.

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8404046514 3

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046514 4

8 4 0 4 0 4 6 5 1 4 5

PS Form 3811, July 1982

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(CONSULT POSTMASTER FOR FEES)

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

☐ Show to whom and date delivered ..... ____¢

☒ Show to whom, date, and address of delivery .. ____¢

2. ☐ RESTRICTED DELIVERY ..... ____¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ____

3. ARTICLE ADDRESSED TO: International Brotherhd
Electrical Workers - Cmte on Politic
1125 - 15th St., N.W. (Leigon, Texas)
Washington, D.C. 20001

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943896

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

B. Yamda

5. DATE OF DELIVERY
12 12 83

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1983-376-529

1605 - Weissenborn 1/2/9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO COPE Political Contributions
Committee
815 - 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1605

Dear Mr. Donahue:

This letter is to notify you that on December 5, 1983 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. Please refer to this number in all future correspondence.

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8 4 0 4 0 4 6 5 1 4 6

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046514 7

8 4 0 4 0 4 6 5 1 4 9

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☒ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO: Thomas R. Donahue, Pres.
AFL-CIO Cope Political Contributions
815 - 16th Street
Washington, D.C. 20006

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☒ CERTIFIED
   - ☐ EXPRESS MAIL
   - ☐ INSURED
   - ☐ COD

ARTICLE NUMBER: 943895

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
B. Dingley

5. DATE OF DELIVERY: 12-12-83

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1983-378-503

1605 - Weissenborn 1319

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ralph A. Leigon, Treasurer
International Brotherhood of Electrical Workers -
Committee on Political Education
1125 - 15th Street, N.W.
Washington, D.C. 20001

Re: MUR 1605

Dear Mr. Leigon:

This letter is to notify you that on December 5, 1983 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. Please refer to this number in all future correspondence.

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3 4 0 4 0 4 6 5 1 4 9

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046515 0

8 4 0 4 0 4 6 5 1 5 1

PS Form 3811, July 1982

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Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
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   - ☐ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO: Ralph A. Leigon, T
International Brotherhood Electr
1125 - 15th Street, N.W.
Washington, D.C. 20001

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☒ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 943894

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

B Evans

5. DATE OF DELIVERY: 12/13/83

POSTMARK

WASHINGTON, D.C. 20001

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE INITIALS

RETURN RECEIPT

1605 - Weissenborn 12/19

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald E. Moll, Treasurer
United Auto Workers Voluntary
Community Action Program
8000 E. Jefferson Avenue
Detroit, Michigan 48214

Re: MUR 1605

Dear Mr. Moll:

This letter is to notify you that on December 5, 1983 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 1605. Please refer to this number in all future correspondence.

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8404046515 2

8 4 0 4 0 4 6 5 1 5 3

PS Form 3811, July 1982

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(CONSULT POSTMASTER FOR FEES)

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TOTAL $____

3. ARTICLE ADDRESSED TO: Donald E. Moll, Treas.
United Auto Workers Voluntary Comm.
8000 E. Jefferson Avenue
Detroit, Michigan 48214

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☒ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

M. Rodriguez

5. DATE OF DELIVERY

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

*GPO: 1983-370-865

Hon. Weissenberg 1/19

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046515 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert G. Porter, Treasurer
American Federation of Teachers
Committee on Political Education
11 Dupont Circle, N.W.
Washington, D.C. 20036

Re: MUR 1605

Dear Mr. Porter:

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8404046515 5

8 4 0 4 0 4 6 5 1 5 6

PS Form 3811, July 1982

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Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
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☐ Show to whom, date, and address of delivery .. ____¢
2. ☐ RESTRICTED DELIVERY ..... ____¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO Robert G. Porter, Pres
American Federation of Teachers
11 DuPont Circle
Washington, D.C. 20036

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943892

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY
DEC 12 1983

POSTMARK (may be on reverse side)
DEC 1983

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7b. EMPLOYEE'S INITIALS

RETURN RECEIPT

1605 - Weissenborn 12/9

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

8404046515 7

GCC#1195
MUR 1605

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

83 DEC 2 P2:43

In Re:

AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC),

and

THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC,

and

UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP),

and

Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP,

and

AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE),

and

Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE,

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE),

and

Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE

Matter Under Review

(MUR) NO. 1605

COMPLAINT

8404046158

I. INTRODUCTION

Pursuant to 2 U.S.C. §437g(a)(1), James Edward Antosh brings this complaint against the American Federation of Labor--Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee ("AFL-CIO COPE-PCC") and its treasurer, the United Auto Workers Voluntary Community Action Program ("UAW V CAP") and its treasurer, the International Brotherhood of Electrical Workers -- Committee on Political Education ("IBEW - COPE") and its treasurer, the American Federation of Teachers Committee on Political Education (AFT COPE) and its treasurer [1/] for each respondents failure to list their affiliated unions' separate segregated funds as affiliated committees on their Statements of Organization, FEC Form 1, in violation of 2 U.S.C. §433(b)(2), and for the AFL-CIO COPE-PCC and its affiliated unions' SSFs making excessive contributions to federal candidates, Donald Riegle (MI), Daniel Patrick Moynihan (NY), Ted Wilson (UT), Herb Harris (VA), Shamansky (OH), Locker (OH), Zeferetti (NY), Rodino (NJ), Carr (MI), Monsma (MI), Kennedy (MA), Sarbanes (MO), Mitchell (ME), Gluba (IA), Evans (IL),

---

1/ The respondents who are separate segregated funds of international unions hereinafter may collectively be referred to as "affiliated union respondents" or "affiliated unions". The term political committee, separate segregated fund ("SSF") and political action committee ("PAC") are used interchangeably herein to refer to an entity described in 11 C.F.R. §100.5(b).

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Moffitt (CT), Kogousek (CO) in violation of 2 U.S.C. §441(a)(2). The treasurers are named in their individual capacity, because 11 C.F.R. § 104.14(d) provides for personal liability under the Campaign Act.

The thrust of this complaint and its documentation revolves around the AFL-CIO COPE-PCC coordination of its political activities with AFL-CIO international union separate segregated funds. Such coordination and control in itself is not illegal. However, the control and coordination exist to such an extent that the affiliated union respondents are "affiliated" under the Campaign Act with the AFL-CIO COPE-PCC. The failure of AFL-CIO COPE-PCC and the affiliated union respondents to disclose the affiliation in their FEC registration and to comply with the common contribution limit constitutes a violation of the Federal Election Campaign Act of 1971, as amended. Enforcement of the affiliation rules is paramount to maintaining the balance in the financing by economic interests of federal elections.

The political voice of business as expressed through a federation of trade associations, in contradistinction to the influence of labor through a federation of labor organizations, is substantially, and is believed, unconstitutionally, impeded by the Campaign Act, the regulations promulgated by the Federal Election Commission, and Commission administrative actions. 11 C.F.R. §114.8(g) treats a business federation and its members as per se affiliated while 11 C.F.R. §110.3(a)(iii) provides that there may be "discretionary" affiliation for a labor federation and its members. This discriminatory treatment

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violates the First Amendment and the Fifth Amendment of the United States Constitution.

The Federal Election Commission (hereafter "FEC" or the "Commission") is required by the Campaign Act to undertake an expeditious and plenary investigation of the affiliation of the separate segregated funds of the AFL-CIO and the respondent affiliated unions to evaluate the charged Campaign Act violations.

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II. PARTIES

The complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter in the State of Oklahoma. He is a president of Shawnee Garment Manufacturing, Inc., a member of Associated Industries of Oklahoma, the United States Chamber of Commerce and the American Business Council.

The respondents are:

a. AFL-CIO COPE Political Contributions Committee [AFL-CIO COPE-PCC], 815 16th Street, N.W., Washington, D.C. 20006.

b. Mr. Thomas R. Donahue, individually and in his capacity as treasurer of AFL-CIO COPE Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006.

c. United Auto Workers Voluntary Community Action Program, 8000 E. Jefferson Avenue, Detroit, Michigan 48214.

d. Mr. Donald J. Moll, individually and in his capacity as treasurer of UAW V CAP, 8000 E. Jefferson Avenue, Detroit, Michigan 48214.

e. American Federation of Teachers Committee on Political Education, 11 Dupont Circle, N.W., Washington, D.C. 20036.

f. Mr. Robert G. Porter, individually and in his capacity as treasurer of the American Federation of Teachers Committee on Political Education, 11 Dupont Circle, N.W., Washington, D.C. 20036.

g. International Brotherhood of Electrical Workers--

8 4 0 4 0 4 6 5 1 6 2

Committee on Political Education, 1125 15th street, N.W., Washington, D.C. 20001.

h. Mr. Ralph A. Leigon, individually and in his capacity as treasurer of the IBEW-COPE, 1125 15th Street, N.W., Washington, D.C. 20001.

8 4 0 4 0 4 6 5 1 6 3

III. OVERVIEW OF AFL-CIO ORGANIZATIONAL STRUCTURE AND STATEMENT ON THE POLITICAL STRENGTH OF THE FEDERATION AND AFFILIATED UNIONS

A. THE COMMON GOVERNMENT AND MAINTENANCE OF THE AFL-CIO AND AFFILIATED UNIONS

The American Federation of Labor and Congress of Industrial Organizations is a vertically and horizontally structured federation of labor organizations. Established on February 9, 1955, the federation has set out among its objectives "[t]o affiliate national and international unions with this Federation and to establish such unions...." AFL-CIO Const. Art.II, §2. (See Exhibit #1). In composition, the AFL-CIO is made up of affiliated national and international unions, directly affiliated local unions of its own, state and local central bodies, and trade and industrial union departments. AFL-CIO Const. Art. III, §1.

The AFL-CIO is governed by a convention whose delegates represent unions, organizing committees and departments. AFL-CIO Const. Art. IV, §4. The convention which meets every two years, elects the officers of the AFL-CIO which consist of a president and a secretary-treasurer.[2/] Thirty-three international union presidents serve as vice-presidents of the AFL-CIO. There are currently 100 affiliated international unions from which the thirty-three vice-presidents are

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2/ "[E]ach officer shall be a member of an affiliated organization." AFL-CIO Const. Art. V, §2.

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derived. In conjunction with the two elected executive officers, these vice-presidents comprise the Executive Council of the AFL-CIO. AFL-CIO Const. Art. VIII, §1. The Executive Council is the governing body of the AFL-CIO between conventions. See Exhibit #1A.

During this interval, between conventions, the Executive Council is authorized to issue charters and certificates of affiliation to organizations seeking to affiliate. AFL-CIO Const. Art. III, §7. Each such affiliated union pays a per capita tax based upon the membership of each affiliated union or organizing committee. AFL-CIO Const. Art. XV, §1. In 1983 alone, this amount was reported as $39,749,401. 1983 Report of the AFL-CIO Executive Council (hereinafter referred to as "Report"), at 12.

The AFL-CIO Constitution further provides for additional assessments when ordered by a majority vote of a convention. The Executive Council, of which not every affiliated union or committee is a member, may declare temporary assessments lasting up to six months in any one year. AFL-CIO Const. Art. XV, §4. Failure to pay these assessments may result in automatic suspension from membership.

In fact, the October 3, 1983 Report of the AFL-CIO Executive Council records the per capita tax due and owing from affiliates as a current asset of the organization, and specially lists the tax received by each affiliated organization. Report at 9, 21-24.

The AFL-CIO also functions to resolve disputes among its affiliated organizations. It provides for mediation and arbitration. Failure to comply with the final order of

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arbitrator, may lead to the forfeiture of assistance to the affiliate, surrender of the use of any or all services of the federation, the denial of any protection under the provisions or policies of the Federation (such as raiding by a member union of other members bargaining units) and the publication of the fact of the sanction.

The AFL-CIO also retains the right to call for the dismissal and removal of any officer of an affiliated union who is convicted of a crime. President Lane Kirkland has recently called for the resignation of Walter Kupau, president of the Hawaii carpenters union, after his conviction on six counts of perjury in federal court committed during an NLRB Investigation. See Exhibit #2.

In addition, other AFL-CIO affiliates are forbidden from supporting or assisting any action found to be a violation of the rules. AFL-CIO Const. Art. XX, §15. In the October 3, 1983 Report of the AFL-CIO Executive Council, explicit reference is made to the fact that three organizations are presently under sanction, and that in certain cases, the rights of affiliates under Article XX had been restored.

The Federation also establishes provisions for mergers and affiliations between and among its affiliated organizations. In the October 3, 1983 Report of the Executive Council of the AFL-CIO, several mergers of various unions occurred which required the approval of the Executive Council. Specifically, the Aluminum, Brick and Clay Workers International Union merger with the United Glass and Ceramic Workers was approved by the Executive Council "with the understanding that the jurisdiction

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of the merged organization shall be not more or less than the jurisdiction heretofore awarded the two organizations." Report, at 54. Approval with similar reservations was made in the following mergers: 1) Glass Bottle Blowers Association and the Brotherhood of Pottery and Allied Workers, 2) the Granite Cutter International Association of America with the Tile, Marble, Terrazzo Finishers and Shopmen International Union, and 3) the Graphic Arts International Union with the International Printing and Graphic Communications Union. Report, at 54-55.

The affiliated organizations have no real appreciable autonomy. As the Report reflects, the International Union of Electrical, Radio and Machine Workers was even required to submit a request to the AFL-CIO, and did so on August 10, 1983, to change its name to "International Union of Electronic, Electrical, Technical, Salaried and Machine Workers." The Executive Council approved the request. Report, at 56; AFL-CIO Const. Art VIII, §14.

In addition, the AFL-CIO is also comprised of a General Board which consists of the Executive Council and the presidents of each affiliated union department. The General Board decides policy questions referred to it by the Executive Officers or the Executive Council. AFL-CIO Const. Art. IX.

The constitution of the American Federation of Teachers, AFL-CIO, correct as of July 1981, provides for "permanent" affiliation with the AFL-CIO. In addition, each of the AFT local unions are to "maintain affiliation with its state federation...and maintain affiliation with its AFL-CIO state

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labor council and its local AFL-CIO labor council(s), if such council(s) exist." AFT Const. Art. XI, §§2,3. (Exhibit #3). Failure of a local union to follow the prescriptions contained in these sections of the AFT constitution are grounds for "denial of delegate representation at any state or national convention...or other appropriate penalties set by the executive council." AFT Const. Art. IX, §3. In affirmative terms, the AFT membership in the AFL-CIO is expected to be continuing, as the AFT delegation to any AFL-CIO convention "shall be the president and other delegates elected by annual convention." AFT Const. Art. V, §6.

Moreover, the AFT has published a fact book about the AFL-CIO and of its unifying importance entitled The AFL-CIO: Center of the Struggle for a Better America. In this book, the AFT describes in laudatory terms a variety of AFL-CIO activities such as public education, national health insurance, tax reform and the arts.

> The real point of the AFL-CIO's impressive performance across the spectrum of issues is that none of it could happen if the labor movement were not united and stronger through its unity. Lots of people and groups come to Washington, but none of them has the impact of the 15-million member labor federation because none understands the importance of acting together.

American Federation of Teachers/AFL-CIO, Item No. 156 (emphasis added).

The International Brotherhood of Electrical Workers provides for its delegation and membership in the AFL-CIO in Article 2, Section 13 of its 1982 Constitution. (Exhibit #4). It also provides delegates to the AFL-CIO Building and Construction Trades Department, Metal Trades Department, Union Label and Services Trades Department, Maritime Trades

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Department and the Industrial Union Department.

Under the auspices of the AFL-CIO Executive Council, AFL-CIO COPE has established over thirty affiliated political action committees, in which, the Building and Construction Trades Department has eleven committees and the Industrial Union Department has one.

In preparation for the 1984 presidential election, the AFL-CIO Executive Council urged affiliated unions not to endorse a presidential candidate before the AFL-CIO convention endorsement. In August, 1983, the AFL-CIO Executive Council voted to advance the Federation's endorsement to October 1983. In the August 13, 1983 edition of the AFL-CIO NEWS, AFL-CIO President Lane Kirkland described the necessity for advancing the date of endorsement:

> There has been a very substantial compression of the timing of the primaries in the various states, so that we are deeply concerned that we have ample time to prepare ourselves and do the necessary groundwork that will put us in a position to give the best account of ourselves on behalf of our members....And it was strongly felt that we needed all the time we could get for our own effectiveness....

AFL-CIO News (August 13, 1983) at 1 (emphasis added). See Exhibit #5.

B. THE POLITICAL ALLIANCE OF FEDERATION MEMBERS FOR CAMPAIGN PURPOSES

In pursuit of its political goals, the AFL-CIO specifically provides for several standing committees. AFL-CIO Const. Art. XII. Among them is the Committee on Political Education which

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is:

> vested with the duty and responsibility to assist the Executive Council in meeting the need for sound political education and in bringing about the effective implementation of the objectives stated in the constitution.... AFO-CIO Const. Art. XII, §1(c)

AFL-CIO COPE is governed by an Administrative Committee which is headed by the President of the AFL-CIO and includes all members of the AFL-CIO Executive Council. Many of the coordinating activities of AFL-CIO COPE are discussed infra. However, a self account has been stipulated as true by COPE in United States district court in the case of Seay v. McDonnell Douglas Corp., Grand Lodge of International Association of Machinists, et. al., Nos. 67-1394-HP, 71-498-HP (C.D. Ca. 1973), by counsel Thomas E. Harris, then Associate General Counsel AFL-CIO, Washington, D.C. and counsel J. Albert Woll, Woll and Mayer, Washington, D.C. in February 1973. (Exhibit #6) These self-described activities include the president and secretary-treasurer and other employees of the AFL-CIO indeed "devot[ing] a portion of their time to furthering the political and legislative objectives by affiliated unions, and state and local AFL-CIO councils and committees, including their involvement in and planning and preparing for political activities." Seay Stipulation, ¶6 at 3. (Exhibit #6). "National COPE seeks to coordinate the political activities of the national and international unions affiliated with the AFL-CIO and of state and local AFL-CIO central bodies." Seay Stipulation, ¶10 at 4. In fact, the IAM admitted in the case,

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that with the exception of 1972, their PAC [Machinists Non-Partisan Political League] and AFL-CIO COPE "have closely coordinated their political activities and functions and have cooperated in carrying on joint political functions and activities with other politically active unions." Seay Stipulation, ¶12 at 4-5. W. Donald Ellinger, Director of the Machinists Non-Partisan Political League testified in the Seay case concerning the role AFL-CIO COPE takes with regard to affiliated AFL-CIO unions as follows:

> Q: What's the function of the COPE Operating Committee?
>
> A: It's a coordinating body of the political activities of various unions.

Deposition at 36 (Feb. 10, 1972).

In the October 2, 1983 Report of the Executive Council, the Council urges, among various objectives, that "all AFL-CIO affiliates, working with the Committee on Political Education...place greater emphasis on organizing for political action locating and educating [a] new cadre of activists to mobilize members behind labor's political program." Report at 257, (emphasis in original). AFL-CIO President Lane Kirkland's Report is responsive:

> The last two years have also seen the development of a unified, coherent strategy for the federation's participation in the process of selecting a Democratic presidential candidate (and possibly a Republican presidential candidate, should the President decide not to seek reelection). Because our affiliates have in the past been divided in their support of candidates for the nomination, we were unable to bring to the candidate selection process the full weight of the federation and its resources. The prospect that the

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> convention, acting on a recommendation of the General Board, will be able to endorse a candidate for the nomination is itself a product of the new spirit of unity in our ranks, reflecting the willingness of our affiliates to subordinate parochial interests to the larger interests of the movement. (emphasis added)

On October 1, 1983, the Executive Council of the AFL-CIO endorsed a candidate for the Democratic Party presidential nomination. That vote was confirmed at the convention held on October 5, 1983.

This official message translates into the Federation body charging AFL-CIO-COPE to act as the central coordinator of affiliated union political activity in the 1984 election. This process has been implemented by John Perkins, AFL-CIO COPE director who has been meeting with Mr. Robert G. Beckel, Mondale's campaign manager; Mr. Paul Jensen, Mondale's labor coordinator; Mr. Thomas Donilan, "a political strategist;" and Mr. Michael Ford, the "field director," to discuss "the organization of telephone banks to be run mainly by members of the Communications Workers of America and the American Federation of State, County and Municipal Employees." The New York Times (November 8, 1983). (Exhibit #7). These services provided by COPE are not unique to the current campaign.

> Through coordination with affiliated international unions and their State and local representatives COPE assists in providing financial, organizational and manpower resources for the campaigns of such candidates. In congressional and senatorial election years COPE divides the marginal congressional districts and key Senate races and approximately 10 of the major national and international unions affiliated with AFL-CIO generally accept special responsibility

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> for specific congressional districts or Senate races. These affiliated unions, in turn, assign staff representatives to these strategic areas.

Seay Stipulation, ¶17 at 6. (Exhibit #6)

It has been reported that AFL-CIO-COPE will also be the ultimate arbiter in resolving conflicts between all international member unions and their locals around the country in electioneering and in designating union representatives to the 1984 Democratic National Convention. The Washington Post (October 11, 1983) at A-11. (Exhibit #8).

AFL-CIO COPE also affects the activities of its affiliated member unions through issuance of Rules Governing Committees on Political Education of State Central Bodies pursuant to the authority of the Constitution of the AFL-CIO. Exhibit #9. Specifically, Rule 29 of these Rules provides that "[e]ach state Central Body COPE shall be governed by the applicable provisions of the Constitution of the AFL-CIO...." Subdivisions of the state body "shall undertake normal local COPE responsibilities and shall be organized so as to be fairly representative of the AFL-CIO unions in the district." Rule 35. Its first duty is to plan, initiate, stimulate and assist campaigns to "encourage the qualification and registration to vote of members of affiliated unions of the AFL-CIO and their families." Rule 33(a).[3/]

The candidate endorsement procedure concludes with a vote by the State COPE when acting for the State AFL-CIO or by State

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3/ Noticably absent is a purpose to foster action by individual union members of the AFL-CIO itself.

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convention. A vote can be taken on U.S. Congressional candidates as well as State offices and ballot issues. Rule 43(a). A two-thirds majority is required by the state COPE to support a candidate. Failure to obtain a two-thirds majority of the votes results in neutrality of the state AFL-CIO. Rule 43(g). However, "[n]o State Central Body shall make any endorsements direct or implied, with respect to the Offices of President and Vice President of the United States." Rule 43(f). This decision is left to the National AFL-CIO COPE. A decision by AFL-CIO COPE on a presidential endorsement is binding on the state bodies.[4/]

In 1981, AFL-CIO COPE reported a computer base of names and data of 13 million members for use in its nationwide political program. This data has been used by state and local council members of affiliated international unions. The information provided by COPE frees the affiliates for other political work. The Washington Post (September 9, 1982) at A8. Approximately 60.7 million of these files were processed during

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4/ In 1972, the AFL-CIO placed the Colorado Labor Council in trusteeship for violating federation rules. According to then AFL-CIO President George Meany, it had engaged in a course of conduct "detrimental to the best interests of the AFL-CIO." The Colorado Labor Council had endorsed Sen. George McGovern for President while the AFL-CIO Executive Council had chosen not to endorse either candidate. AFL-CIO News (Oct. 7, 1972) at 3. In addition, the COPE Administrative Committee, has clarified "that in the endorsement of political candidates no state or local AFL-CIO council may 'in any way compromise its options, its freedom of action or its sole responsibility to make its own endorsement decision and act on behalf of candidates'... with one or more non AFL-CIO groups." AFL-CIO News (Feb. 27, 1982) at 5.

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the last presidential election by party affiliations, districts, precincts and wards.

> In 1980, an estimated 300 million records were passed, selected and sequenced during updating, matching and printing. Also, 4,156 requests were processed representing 79 million print lines (mailing labels, printed listings and 3 x 5 cards); 10 1/2 million AFL-CIO members' records were processed against 32,422,791 resident phone listings, resulting in the capture of over six million telephone numbers of our members.

Proceedings and Executive Council Reports of the AFL-CIO (1981) at 253.

This project involved the participation of 88 affiliated international unions and was handled in-house by the AFL-CIO Data Processing Department. Previously, the computer facilities of the International Association of Machinists processed this information for AFL-CIO COPE. "The Computers Role in Getting Out the Vote," AFL-CIO American Federationist (September 1973) at 5; Seay Stipulation, ¶12 at 5. (Exhibit #6).

Procedurally, the data is fed into the AFL-CIO computer from membership lists provided by the international affiliated unions. If the international unions are forbidden by state law from doing so, local unions turn over their lists to COPE. At least, sixty-one international unions have provided membership lists to AFL-CIO COPE. Consequently, as "[a] new member anywhere joins the union, and her name is enrolled at her international union headquarters," it winds up in the AFL-CIO COPE computer for "get out-the-vote drives." This information

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is updated every three months. AFL-CIO Federationist (September 1973) at 10.[5/]

The importance of the voter identification aspect of this program is to "greatly facilitate the registration of union members and their families." The value of the exchange of information and services between AFL-CIO COPE and affiliated unions is reflected by the Seay case. "COPE registration drives are now carried on in various states according to the laws of each state, throughout the year, utilizing staff personnel made available by affiliated unions, including salaried staff personnel of the IAM." Seay Stipulation, ¶19 at 7. (Exhibit #6)

The Executive Council's recent 1983 recommendation urges "all AFL-CIO affiliates, working with the Committee on Political Education:

1. [t]o make 1984 the year of labor's greatest registration and get-out-the-vote effort...
2. [t]o expand participation in political check-off...to sign up more members...
3. [t]o continue efforts in equipping the labor movement with the most advanced and sophisticated political technology - expanding work on direct mail,

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5/ For example, Local 60 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry used the AFL-CIO COPE computer program to establish "50-phone telephone bank[s]" for use in "local and regional elections in the past three years" in the New Orleans Area. United Association Journal (March 1982) (Exhibit #34). The Amalgamated Clothing and Textile Workers benefitted in the same manner from the computer lists of AFL-CIO COPE in the 1980 presidential election. The Washington Post (October 28, 1980).

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polling, targeting and computer-based techonology." AFL-CIO Executive Council Report (1983) at 257.

It has been estimated that these services are worth between $15-20 million dollars, yet are not counted as political contributions, since they are considered internal communications with members and their families. The Washington Post (October 2, 1983) at A12.

In order to do this job, the AFL-CIO has increased the operating budget of COPE from the 1982 election year level of $3,760,450 to $5,028,480 in the 1983 off year. This represents an increase of 34%.

It has been reported that two cents of every member affiliated unions dues to the AFL-CIO is allocated to COPE. Mr. John Perkins, COPE's director, reported that a major portion of this money will be shared with state labor federations and their local unions to expand their computerized voter lists and to organize joint ventures with state federations in recruiting pro-labor candidates. The New York Times (February 22, 1982) (Exhibit #10). This will be accomplished by sending personalized letters utilizing direct mail techniques to union members in "some crucial congressional districts" signed by their local union president. The Wall Street Journal (February 12, 1982) at 14. (Exhibit #11). Prior to 1980, COPE had to fund-raise by approaching each individual affiliate for funds.

Public support for its member unions political activities by the AFL-CIO also results in direct political services as reflected in the 1982 American Federation of Government

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Employees Union, AFL-CIO "political offensive" against the Administration. "The full resources" and "the support of your 15 million brothers and sisters" were pledged by AFL-CIO President Lane Kirkland at the AFGE Legislative Political Action Conference. The Government Standard, (March 1982) at 5. (Exhibit #12). "AFL-CIO President Lane Kirkland personally came to the conference to pledge the federation's help, to outline some of their new political techniques and to emphasize the close bond that exists between the AFL-CIO and AFGE." Id. The assistance given includes "expert technical and professional skills in telecommunications." Id.[6/]

AFL-CIO COPE also provides regular meetings with union affiliates to furnish political strategy and technical advice. For example, in 1982 COPE regional meetings with union leadership were held; "[w]orkshop sessions were devoted to the political situation in the various states and work with support groups during the coming elections. Smaller, limited sessions with state federation officers and COPE directors reviewed budgets and plans in specific terms." AFL-CIO Federationist (July 31, 1982) at 3. (Exhibit #39). Moreover, a special workshop was held to discuss FEC reporting requirements of unions and "intricate legal problems" by "AFL-CIO counsel Larry Gold." Id. Other workshops included labor and political party

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6/ On September 15, 1982, AFGE-PAC reported a $50,000.00 "political contribution" to AFL-CIO COPE which the Commission might find to be an excess contribution exceeding the limits under 2 U.S.C. §441a)a) of $5000.00 to another political committee.

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relationships, telephone banks, candidate screening, interviewing and marginal congressional district campaigns.

"Such conferences and seminars are held in off-years as well as in election years in order to insure the existence of a large corps of politically trained union staff personnel available for assignment to actual campaign operations." Seay Stipulation, ¶17 at 6. (Exhibit #6).

On November 7, 1983, the first of the 1984 strategy sessions had been publicly revealed to reflect a "top-down" political campaign. Employees of the AFL-CIO received a manual entitled Organizing for Delegate Selection. The purpose of the session was to train a field staff of union organizers "to operate as political organizers" on behalf of presidential candidate Walter Mondale. The New York Times (November 8, 1983). (Exhibit #7). The purpose is to "'have full-time supervision in every major state,' said John Perkins, the director of COPE."

The manual contains "meticulously detailed plans for the identification and recruitment of Mondale voters." Id.

> The plan for Iowa illustrates the organization potential for Mr. Mondale. On Oct. 22, Mr. Perkins and the political directors of 12 major unions met in DesMoines with 13 "central body coordinators." They, in turn, are to organize a meeting on Dec. 10 of 207 "local union liasons." By January, those 207 people will have recruited 2,814 "union town-ward coordinators."

The New York Times (November 8, 1983).

In fact, the AFL-CIO built George Meany Center for Labor Studies in Silver Spring, Maryland scheduled a course in

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"Opinion Polling" for November 20-22, 1983. 7/ It is self described as "[a] two-day examination of opinion polling and its uses in organizing, preparation for bargaining, legislative efforts and election campaigns." AFL-CIO News (Oct. 1, 1983). Its purposes are to "give interested officers and representatives-organizers, researchers, publicists, lobbyists and political directors--a chance to share their experiences on the uses, the costs and the limitations of polling....Union representatives will report their experiences using polling methods in organizing, measuring members' attitudes toward the union and toward political candidates and on legislative issues." Program Announcement, (Exhibit #13). "Students at the Center pay no tuition or registration fees." AFL-CIO Report of Executive Council (Oct. 3, 1983) at 69.

Specific candidate training schools have been set up by several unions with the help of COPE. In July 1982, midwestern Congressional candidates met in Chicago for assistance from AFL-CIO unions on planning their campaigns, polling and precinct voter identification and how to use election advice. COPE paid for the costs, "from cocktails to training manuals." The New York Times, (July 21, 1982).

Expansion of these political services by the AFL-CIO is not limited to COPE. It also extends to other AFL-CIO departments,

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7/ AFL-CIO President Lane Kirkland is Chairman of the Board of Trustees; AFL-CIO Secretary-Treasury Thomas R. Donahue is Secretary-Treasurer of the Board of Trustees; and AFL-CIO Director of Education Dorothy Shields is Assistant Secretary of the Board of Trustees of the George Meany Center for Labor Studies.

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such as the public relations department, the research department, the education department, the civil rights department and the legislative department. These departments "carry out some functions and activities which are integrated with political and legislative activities of the AFL-CIO and COPE." Seay Stipulation, ¶15 at 5 (Exhibit #6). For example, further networking has come from the Department of Organizational Field Services which organized the three Solidarity Days in conjunction with the Committee on Political Education. "Solidarity Day III featured more than 140 major rallies, parades and related happenings in every state. AFL-CIO officers, most members of the federation's Executive Council and many other principal officers of international union affiliates were the featured speakers and labor movement representatives at these events." 1983 Report, at 59.

> Solidarity III is to serve, also, as a springboard for 1984 political endeavors. The thousands of trade unionists who participated in the Labor Day demonstrations are the core sector of an ever-growing network of union political activists carrying out the mandates to be handed down by the 1983 convention.

Report, at 59 (emphasis added).

In preparation for Solidarity Day I, AFL-CIO President Lane Kirkland designated John Perkins, then associate director of COPE, as the AFL-CIO coordinator and asked each affiliate to "appoint a Solidarity Day coordinator to work with Perkins for the biggest possible turnout for the Saturday demonstration." AFL-CIO News, (June 20, 1981) at 1. Also AFL-CIO News (July 25,

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1981) at 3.

Moreover, a separate Leaflet Day was organized by the Executive Officers of the AFL-CIO and the presidents of twelve affiliated unions on October 19, 1982. This event was aimed to increase union voter turnout on Election Day 1982 (Solidarity Day II).

The event was foreshadowed by a separate program in twelve congressional districts to coordinate local unions on issues with their congressmen. "The federation notifies local members when certain bills will be discussed in Congress. The union members, in committees of 100 people, then visit and write to their representatives to explain labor's point of view." The Wall Street Journal (June 15, 1982).

COPE has also published many bulletins describing union political action on behalf of its member unions. For example, COPE Publication 307C entitled Facts on Pacs is a generic brochure intended for use by any affiliated international union to describe to its own members what a political action committee is and why their individual members should contribute money to their local union PAC. (Exhibit #14). It also describes the method for authorizing a "check-off" of wages to the PAC. Similarly, the Give a Little or Pay a Lot brochure generally describes why a check off to local unions is necessary for political action.

> With your help...checking off for our union PAC... we can go all the way in '84.

COPE Publication 308C.

This information is utilized by the affiliated

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international unions to further their unified political goals. For example, at the 1982 Electrical Workers Convention, IBEW-COPE set up a booth "where delegates and guests can pick up very informative pamphlets on IBEW-COPE activities and AFL-CIO COPE materials which will be located in the lobby of the Convention Center." IBEW Journal (September 1982) at 7. (Exhibit #15). In fact, in April 1982, the District 2 Marine Engineers Beneficial Association, AFL-CIO, and Seafarers International Union, AFL-CIO, openly exhibited their mutual ambitions by entering into a agreement in Washington, D.C. which pledged that the two "unions will coordinate all legislative and political activities."

The Building and Construction Trades Department[8/] of the AFL-CIO has published a booklet entitled Grass Roots Lobbying: A Manual for Local Building and Construction Trades Councils. (Exhibit #16). The booklet explains how to set up electoral activities, coordinate with other labor groups, how to acquire media publicity, and how to contact legislators.

AFL-CIO COPE Publication 300C, Step By Step To Check Off, provides the groundwork for labor PAC proliferation.

> This manual is designed to help local unions implement voluntary political check-off. It should provide most of the information you need on check-off. However, we

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8/ This Department of the AFL-CIO is designed to "coordinate and harmonize the activities functions and interests of the affiliated National and International Unions in the building and construction trades industry" and "to engage in legislative activity for the promotion and protection of the interests of the building and construction trades unions and their members." Constitution of the Building and Construction Trades Department AFL-CIO, Art.II, §§1, 10 (Oct. 1981).

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> cannot provide the answers to every question in this limited format. Please-if you have additional questions about the materials which follow-contact your International Union or AFL-CIO COPE for help. Remember it's better to ask before you act.

Step By Step to Check-Off at 2 (emphasis added). (Exhibit #17)[9/].

The publication provides sample payroll deduction cards, rules for soliciting funds, recordkeeping, tax information and motivational techniques. The working manual, Labor, Money and Politics-A Reference Manual for Union Political Directors completes the informational activities furnished by AFL-CIO COPE and provides a ready source of legal advice on topics such as campaign finance, independent expenditures, internal communications, grass roots lobbying, labor's role in politics, and what political action needs to be taken by unions. The index is attached as (Exhibit #18).

Furthermore, AFL-CIO President Kirkland answered the question of AFL-CIO unity and freedom to contravene a positive convention vote in the following manner:

> Q: If you don't get the consensus, then you don't endorse? Is that correct?
>
> A: That's right, and our individual affiliates then will be free to do as they please.

Christian Science Monitor (August 2, 1982)(emphasis added). (Exhibit #13).

9/ This same message appears in other union publications: "If your local doesn't have PAC checkoff with its employers and you want more information, contact your International Union or Los Angeles County COPE, 381-5611." Los Angeles Citizen (July 23, 1982).

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IV. LAW OF AFFILIATION FOR LABOR ORGANIZATIONS

The political action of labor organizations in connection with federal elections is governed by the Federal Election Campaign Act of 1971, as amended (the "Campaign Act" or "Act"), codified at 2 U.S.C. §431 et seq., and the regulations promulgated thereunder, 11 C.F.R. §100 et seq. Two cornerstones of the foundation of the Campaign Act are registration of separate segregated funds and each PAC's affiliated SSFs, and a common contribution limitation for affiliated SSFs. The public policy underlying the Act's contribution limits is the prevention of corruption or the appearance of corruption on federal elections by economic interests financed with general treasury funds or union dues. See Buckley v. Valeo, 424 U.S. 1, 25 (1976).

In order to prevent circumvention of the contribution limitations imposed on a political action committee through the formation of several PACs controlled by one labor organization, 2 U.S.C. §441(a)(5) (the "anti-proliferation" rule) provides in part:

> all contributions made by political committees established or financed or maintained or controlled by any...labor organization, or any other person, including any parent, subsidiary, branch, division, department or local unit of such...labor organization, or any other person...shall be considered to have been made by a single political committee....
>
> In any case in which a...labor organization and any of its subsidiaries, branches, division, departments, or local units establish or finance or maintain or control more than one separate segregated fund,

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> all such segregated funds shall be treated as a single separate segregated fund for the purposes of the limitations provided by [2 U.S.C. §§441a(a)(1) and 441a(a)(2)].

(Emphasis supplied.) See also 11 C.F.R. §110.3(a)(1)(i). 2 U.S.C. §441a(a)(1) provides that an individual may contribute up to $5,000 in a calendar year to a separate segregated fund. See also 11 C.F.R. §110.1(c). 2 U.S.C. §441a (a)(2) provides that a separate segregated fund that has achieved multicandidate status may contribute not more than $5,000 per election to any candidate for federal office and his authorized political committees; not more than $15,000 per calendar year to political committees established and maintained by a national political party, which are not the authorized political committees of any candidate; and not more than $5,000 per calendar year to any other political committees. See also 11 C.F.R. §110.2(a).

To implement the anti-proliferation rule, the Federal Election Commission promulgated Regulation 100.5(g)(2), which in part states:

> (2) All committees...established financed, maintained, or controlled by the same...labor organization, person, or group or persons, including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated.

In accordance with the sub-provisions of Regulation 100.5 (g)(2), the following labor organizations are considered affiliated by law ("per se" affiliation):

> (i)(B) All political committees set up by a single national or international union and/or its

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local unions or other subordinate organizations of the national or international union...

(i)(C) All of the political committees set up by an organization of national or international unions and all of its State and/or local central bodies...

Consequently, all the PACs of an international union, such as the UAW, AFT, or IBEW, are affiliated committees which must share a common contribution limitation. 11 C.F.R. §110.3(a)(1)(i). This is also true for all the PACs established by the AFL-CIO and its state/local units. See pages 50-51, infra.

The purpose of this complaint is to demonstrate that the relationship between the AFL-CIO (and COPE-PCC) and the international unions UAW, AFT, and IBEW (and their PACs) is so close such that it constitutes "discretionary" affiliation. Indicia of common establishment, financing, maintenance, and control, which evidence such "discretionary affiliation," include but are not limited to:

(B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

(C) The authority, power or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decisions of the officers or members of an entity;

(D) Similar patterns of contributions;

(E) the transfer of funds between committees which represent a substantial portion of the funds of either the transferor or the transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

11 C.F.R. §110.3(a)(iii) (emphasis supplied).

In Henry L. Walther v. Federal Election Commission, 2 Fed.

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Elec. Camp. Fin. Guide (CCH) ¶9076 (D.D.C. April 17, 1979) at page 50,639, the court affirmed the vitality of a cause of action predicated upon discretionary affiliation, stating that "[s]ection 441a(a)(5) certainly offers no special shelter for union PACs controlled by COPE." The court added:

> Although §441a(a)(5) clearly established a per se rule for unions and locals as well as the AFL-CIO and its local committees, there is no special rule regarding the relationship between the AFL-CIO and its member unions.

Id., at p. 50,639.

The United States District Court for the District of Columbia eventually found that although the cause of action was viable, "Mr. Walther offers not a scintilla of evidence to support his assertion that the AFL-CIO's political action committee controls the contributions of the political action committees established by unions belonging to the AFL-CIO." In Re Federal Election Campaign Act Litigation, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶9082 (D.D.C. June 14, 1979), at page 50,633. The documentation in this complaint clearly establishes a prima facie case of COPE's control over its affiliate unions' political activities and requires a plenary FEC investigation of the respondents' affiliation.

2 U.S.C. ¶433(b)(2) dictates that a political committee registered with the Federal Election Commission identify all affiliated committees on its Statement of Organization filed with the Commission. See also 11 C.F.R. §102.2(b). The AFL-CIO COPE Political Contributions Committee has failed to list its affiliate union respondents on its FEC Form 1 Statement of Organization, and the affiliate union respondents have each

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failed to list the AFL-CIO COPE Political Contributions Committee on their FEC Form 1 Statements of Organization. See Exhibit #38. A substantial breach of the Campaign Act is before the Commission and it warrants a full investigation.

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V. DESCRIPTION OF RESPONDENTS' AFFILIATION AND VIOLATIONS OF THE CAMPAIGN ACT

A. The Affiliation Between the AFL-CIO and Member Unions Dictates A Finding of Affiliation Between AFL-CIO COPE-PCC and the Separate Segregated Funds of Affiliated Union Respondents

The structural control of the AFL-CIO over its member unions outlined in Section III of this complaint demonstrates affiliation not only between the AFL-CIO and its member unions, but also between AFL-CIO COPE-PCC and the separate segregated funds of member unions.

The indicia of discretionary affiliation set forth in 11 C.F.R. §110.3(a)(1)(iii) apply to both political committees and the connected organizations of political committees. See Advisory Opinion 1978-39, Fed. Elec. Camp. Fin. Guide (CCH) ¶5372 at page 10,377. If the connected organizations are considered "affiliated" under the Act, then the political committees established by the connected organizations must also be considered affiliated. See Advisory Opinion 1979-77, Fed. Elec. Camp. Fin. Guide (CCH) ¶5454 at page 10,501. See also Advisory Opinion 1979-38, Fed. Elec. Camp. Fin. Guide ¶5422 at page 10,454 and Advisory Opinion 1977-70, Fed. Elec. Camp. Fin. Guide (CCH) ¶5303 at pages 10,263-264.

In Advisory Opinion 1979-56, Fed. Elec. Camp. Fin. Guide (CCH) ¶5445 at page 10,485, the Commission made clear:

> [w]here one organization through provisions of bylaws, constitutions, or other documents, has the authority to direct another entity or to appoint or remove, or otherwise influence the decision of, the officers or members of another entity all political committees

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established by those organizations are deemed to be affiliated. 11 C.F.R. §§100.14(c)(2)(ii) and 110.3(a)(1)(iii).

(Emphasis supplied.)

In light of the structural control of member unions by the AFL-CIO outlined in Section III of this complaint, it is evident that the AFL-CIO COPE-PCC is affiliated with the separate segregated funds of affiliated union respondents. In addition, as outlined in this section of the complaint, the ability of the AFL-CIO to influence the political and socio-economic decisionmaking of its member unions requires a finding of affiliation between AFL-CIO COPE-PCC and the affiliated union respondents. See 11 C.F.R. §110.3(a)(1)(iii)(C).

B. AFL-CIO Control and Maintenance of The Political Activities of Affiliated Unions Dictates A Finding of Affiliation Between AFL-CIO COPE-PCC and the Separate Segregated Funds of Affiliated Union Respondents

Within the meaning of 2 U.S.C. §441a(a)(5), the AFL-CIO has "established or financed or maintained or controlled" both AFL-CIO COPE-PCC and certain segregated funds of affiliated unions, including UAW V CAP, IBEW-COPE and AFT-COPE. In turn, the separate segregated funds of affiliated unions of the AFL-CIO, including UAW V CAP, IBEW-COPE and AFT-COPE, have not only "maintained" their own PAC activities within the meaning of 2 U.S.C. §441a(a)(5), but also the AFL-CIO COPE-PCC.

1. AFL-CIO Control of The Political Activities of Affiliated Unions

Common control of AFL-CIO COPE-PCC and the segregated funds of affiliated unions is clearly the intent of the AFL-CIO as

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reflected in resolutions of the AFL-CIO Conventions, political activities sponsored by the AFL-CIO, and statements of both officials of the AFL-CIO and the officials of its union affiliates. The AFL-CIO's objective to control the PACs of affiliated unions has been achieved and is demonstrated in the institution of control and coordinated political actions set forth below.

At the 1979 AFL-CIO Convention, Resolution #176, entitled "Local Union Affiliation With State and Local Bodies" (Exhibit #20) was adopted. This resolution initially stressed the essential nature of political participation to the AFL-CIO:

> One of the most important purposes of the national AFL-CIO is to promote political education, voter registration and participation in elections by members of affiliated unions.

(Emphasis supplied.)

The resolution stressed the effectiveness that could be achieved if the political activities of the affiliated unions were coordinated and also stressed the desirability of supporting candidates endorsed by AFL-CIO COPE:

> Political action by the AFL-CIO is most effective when a clear majority of affiliated unions work together and speak with one voice in support of the AFL-CIO COPE endorsed candidates for political office or ballot questions.

(Emphasis supplied.)

After stating that AFL-CIO chartered departments and their state and local affiliates sometimes have opposed the candidate endorsement of state and local AFL-CIO organizations (but see, p. 16 n. 4 supra), Resolution #176 urged that the chartered departments conform their activities to the position of state and local AFL-CIO organizations. But more and most importantly

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Resolution #176 dictates that member unions insure the coordination of the political activities of their local with the state and local affiliates of the AFL-CIO:

> RESOLVED: That all affiliated national and international unions be urged to strongly encourage their local unions to affiliate with the appropriate state and local central bodies to insure the continued organizational health of the AFL-CIO and COPE program.

(Emphasis supplied.)

Through the passage of Resolution #176 the AFL-CIO Convention has mandated that local unions work with state and local affiliates of the AFL-CIO in deciding upon candidate endorsements and that local unions subjugate their own political activities, and inherently the activities of their PACs, to the positions advanced and held by the AFL-CIO and the state and local affiliates of AFL-CIO. These unions then fall under the Rules Governing Committees on Political Education of State Central Bodies as noted in Part III, supra. (Exhibit #9).

Because the AFL-CIO Convention is the supreme body of the AFL-CIO and is empowered to suspend wayward member unions, see AFL-CIO Constitution (Exhibit #1) Art. IV, §1, and Art. III, §8, and in light of the promulgation of Resolution #176, the AFL-CIO and its state and local affiliates have "the authority, power, or ability to direct" not only AFL-CIO COPE-PCC, but also the separate segregated funds of the union members of the AFL-CIO. See 11 C.F.R. §110.3(a)(1)(iii)(B). A finding of affiliation must therefore be made.

A second resolution of the 1979 AFL-CIO Convention, Resolution #229 (Exhibit #21) crystallizes that AFL-CIO policy dictates coordination between AFL-CIO COPE and the separate

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segregated funds of affiliated unions. Resolution #229 mandates that each member union "take steps as soon as possible" to seek:

> [E]stablishment in every local union of a full-time COPE committee responsible for acquainting members of their union's political program, for urging and helping members to register and vote, for promotion of the voluntary political checkoff by members, and for coordinating the local's political activities with the community-wide COPE program.

(Emphasis supplied.)

The instruction to coordinate activities with AFL-CIO COPE-PCC and its affiliates constitutes, because of the structure of the AFL-CIO detailed in Section III (An Overview of the AFL-CIO Structure), above, and in light of the actual practice detailed below, the "ability to...influence the decision of the officers or members" of the PACs of the union affiliates, pursuant to 11 C.F.R. §103.3(a)(1)(iii)(C).

Complainant submits that the passage by the AFL-CIO 1979 Convention of Resolutions #176 and #229 highlights the goal of the AFL-CIO to set up a unified, and consequently affiliated, community-wide COPE program consisting of the AFL-CIO COPE-PCC, including its state and local affiliates, and the separate segregated funds established by member unions of the AFL-CIO.

Upon information and belief and based on an article at page 14 of the February 12, 1982, issue of The Wall Street Journal (Exhibit #11), members of the Executive Council of the AFL-CIO, composed largely of the presidents of the AFL-CIO member unions, serve as a common control group of both AFL-CIO COPE-PCC and the separate segregated funds of affiliated unions on the COPE Administrative Committee, for the purpose of

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resolving conflicts in candidate endorsements. The Wall Street Journal article states:

> [F]ederation leaders are expected to exhort the executive council's 35 members to help settle labor squabbles over which candidates to endorse and to begin voter registration drives among union members in June rather that October.

(Emphasis supplied.) Glenn Watts, President of the Communication Workers of America, candidly told The Wall Street Journal, "There's going to be a great deal more coordination in the (candidate) selection process so there's less likelihood of splits." (Emphasis supplied.)

A potent example of such coordination took place at the February 1983, meeting of the AFL-CIO Executive Council. In this meeting, the Council agreed that member unions should "'not make an irrevocable commitment to the cause of any [presidential] candidate'" prior to the AFL-CIO endorsement of a candidate. Bureau of National Affairs, Daily Labor Report of February 25, 1983, at page A-5 (quoting AFL-CIO President Lane Kirkland). (Exhibit #22).

The strength of the Executive Council instruction to member unions not to endorse presidential candidates prior to the Federation's endorsement was well demonstrated at an April 1983, Massachusetts state Democratic convention. An article in the April 11, 1983, issue of The Washington Post (Exhibit #23) describing the event stated:

> The AFL-CIO adroitly passed a key credibility test at the state Democratic convention here Saturday, keeping its troops locked in a political chastity belt against the ardent advances of presidential candidates and their various allies.

Instead of voting for candidates in a straw poll of delegate

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presidential preferences, the article revealed that the labor delegates voted for "jobs:"

> Although the exact breakdown was not immediately known, the 884 votes for "jobs" apparently comprised not only virtually all of labor's nearly 700 delegate votes but others from non-union delegates who, for various reasons, found "jobs" an appealing haven for now. A total of 3,830 delegates voted.

Without question, the Massachusetts state Democratic convention demonstrated the ability of the AFL-CIO Executive Council not only to control the decision-making of AFL-CIO COPE-PCC but also, as set forth in 11 C.F.R. §110.3(a)(1)(iii)(C), "to...influence the decision of" the political activities of member unions. Of course, as The Washington Post article highlighted, the ability of the Executive Council to control the political activities of member unions, inherently including the activities of their separate segregated funds, is a primary goal of the AFL-CIO with respect to the 1984 presidential elections:

> "We need to show the political managers and campaign staff of various candidates that labor can act united and that there is discipline," said John Perkins, director of the AFL-CIO's political arm, the Committee on Political Education, who observed the proceedings from the convention floor.

This promise has been fulfilled. As noted in Part III, supra at 14, Mr. Perkins and the Mondale campaign staff have formally met to arrange manning of phone banks by member affiliated international unions.

Upon information and belief, and based on an exhaustive search of relevant periodical literature published prior to December 1, 1983, no member union of the AFL-CIO, including separate segregated funds of member unions, has failed to follow

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the February 1983, directive of the AFL-CIO Executive Council. An article in the September 30, 1983, issue of The Wall Street Journal (Exhibit #24) contains strong evidence that the political instructons of the AFL-CIO will continue to be obeyed by member unions after the endorsement of Walter Mondale. The article stated:

> Martin Hughes, a vice president of the Communications Workers of America union and a key supporter of Sen. Glenn, says that, "I'll stay within the rules" and work for the candidate who wins the endorsement.

(Emphasis supplied.) Lane Kirkland, the President of the AFL-CIO, clearly approves of his member unions confining their political activities to the rules set out by the AFL-CIO:

> But the endorsement process has imposed an unaccustomed unity on the labor movement. In his report to the convention, AFL-CIO President Lane Kirkland states that the prospect of the endorsement is "a product of the new spirit of unity in our ranks, reflecting the willingness of our affiliates to subordinate parochial interests to the larger interests of the movement.

The Wall Street Journal, September 30, 1983, at page 5. (Emphasis supplied.)

The control exerted by one organization--the Executive Council of the AFL-CIO--is both impressive and substantial with respect to the 1984 electoral activities of AFL-CIO COPE-PCC and the political activities of member unions and their separate segregated funds.

The Wall Street Journal article (Exhibit #11) of February 12, 1983, also stated that John Perkins, director of COPE, "intends to send unionists computer written 'personalized' letters, pegged to recipients' particular jobs and signed by their local union president." The signing of such letters, or

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Mr. Perkins' perception that the letters would be signed, again demonstrates that the AFL-CIO can easily influence the political activities of member unions.

Likewise, the participation of international union presidents in an AFL-CIO-sponsored nationwide leaflet day on October 19, 1982, points up the dominant influence of AFL-CIO COPE-PCC on the political activities of member unions. The September 25, 1982, issue of the AFL-CIO News (Exhibit #25) stated that "COPE-endorsed candidates for the Senate, House or governor will appear with union officers at some [of the job] sites." Conspicuously absent from the article is mention of the presence of candidates sponsored by the separate segregated funds of the international unions at the job sites.

A second article concerning "leaflet day" in the October 23, 1982, issue of the AFL-CIO News (Exhibit #26) noted that member union officials passed out COPE leaflets containing the names of endorsed candidates. The fact that member union officials distributed COPE candidate endorsements rather than the endorsements of their own separate segregated funds demonstrates "control" by the AFL-CIO in either one of two ways:

1. An international union president who is a member of the AFL-CIO Executive Council is in ultimate control of his international union PAC and shares control with other Executive Council members over the AFL-CIO COPE-PCC. Consequently, the president of the union has no misgivings about endorsing COPE candidates rather than his own PAC's candidates because he helps select the endorsements of both entities and these

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endorsements are likely to be identical.

2. If union officials disagree with COPE endorsements but still pass out COPE leaflets, the AFL-CIO has demonstrated its ability to influence the political activities of its unions through sheer power and/or persuasion.

The influence of the AFL-CIO and the coordination between AFL-CIO COPE-PCC and the separate segregated funds of member unions has been made manifest by AFL-CIO sponsorship since 1981 of an annual Solidarity Day. Upon information and belief, the annual "Solidarity Day," consisting of nationwide rallies and marches, is intended to demonstrate that the AFL-CIO possesses homogeneous political views and in fact is intended to mold the member unions, including the activities of the member unions as conducted by their separate segregated funds, into political unity. One way to insure the political unity of international unions is to enlist their help in the planning of Solidarity Day. Consequently, several international union presidents served on a 28-member advisory board in order to help plan for Solidarity Day I. See 28-Member Advisory Board Named For Solidarity Day, "AFL-CIO News", July 25, 1981 at page 3. (Exhibit #27). The American Postal Worker stated in its July 1983 issue at page 3 (Exhibit #28) that the 1983 Solidarity Day "will be another step in building the organizational structure necessary for the 1984 elections." The American Postal Worker added:

> AFL-CIO President Lane Kirkland has urged the full cooperation and support of state and local central bodies, field staff, and all international unions to make this event a success. Kirkland reiterated his

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> concern over the importance of building an organizational structure capable of carrying a <u>united labor movement into the election year</u>.

(Emphasis supplied.) The sharing of publicity between the AFL-CIO and its member unions on Solidarity Day and Leaflet Day in itself indicates affiliation. <u>See</u> MUR #769, General Counsel's Report (January 19, 1979) at 6 (Exhibit #28).

The ability of member unions to cooperate occurs not only in the area of candidate-related politics but also frequently in the legislative lobbying arena. Thus, William W. Winpisinger of IAM, together with the UAW, AFSCME, OCAW, Food & Chemical Workers, and Communication Workers, all have participated in a 200-organization energy Coalition opposed to the decontrol of natural gas prices. <u>See</u> <u>AFL-CIO News</u>, June 27, 1981, at pages 1 and 7 (Exhibit #30). The UAW, IAM, AFSCME, and other AFL-CIO unions all have participated in a coalition opposed to the deregulation of radio and television broadcasting. <u>See</u> <u>AFL-CIO News</u>, July 25, 1981, at page 2 (Exhibit #27). Upon information and belief, a lobbying coalition composed largely of AFL-CIO member unions opposed to pay cuts for federal workers took coordinated actions with respect to certain union separate segregated funds. According to the June 20, 1981, issue of the <u>AFL-CIO News</u>, at pages 1 and 8 (Exhibit #31), the plans of the coalition expressly included "[a] freeze on all political action fund contributions until after Congress completes its actions on the Reagan proposals."

Coordinated action is also taken with respect to job-related boycotts. Based on a statement of the AFL-CIO Union Label and Service Trade Department in the October 3, 1983

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Report of the Executive Council of the AFL-CIO at page 320, the AFL-CIO Executive Council officially sanctions the boycott of the products and services offered by certain firms and seeks the complaince of all trade unionists with respect to these boycotts. For example, the AFL-CIO has pressed a boycott of Adolph Coors Co. products and set up a national coordinator to oversee this concerted activity. See The Washington Post (October 3, 1983) at D-4.

Complainant submits that because of the common social, economic and political objectives of the member unions of the AFL-CIO, as reflected in lobbying coalitions and joint boycotts, the AFL-CIO can easily, perhaps even inexorably, influence the activities of member unions, including their political activities. As the former president of the UAW, Mr. Fraser stated:

> Our [UAW] board believes strongly in the principle of a united labor movement. Reaffiliaton with the federation will strengthen that movement in one of the most difficult periods working people have ever faced. We'll be working out a variety of details in the months ahead with the AFL-CIO officials, but we want to move quickly to solidify joint efforts on a range of economic and political initiatives.

Bureau of National Affairs, Daily Labor Report, June 9, 1981, at page A-9 (Exhibit #32). (Emphasis supplied.)

In conclusion, the AFL-CIO controls not only its own separate segregated fund, AFL-CIO COPE-PCC, but also the separate segregated funds of its member unions. Such control is the declared policy of the AFL-CIO Convention as reflected in Resolutions #176 and #229, is candidly set forth in the statements of union officals, and is demonstrated in events such as the member union moratorium on 1984 presidential

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election endorsements.

2. AFL-CIO Maintenance of Political Activities Affiliated of Unions

Within the meaning of 2 U.S.C. §441a(a)(5), the AFL-CIO and AFL-CIO COPE-PCC have "maintained" the separate segregated funds of member unions, including UAW V CAP, IBEW-COPE, and AFT-COPE. The following evidence clearly demonstrates such maintenance.

The policy of the AFL-CIO has been to vigorously promote the check-off system of political contributions by members of affiliated unions to the separate segregated funds of these unions. At the 1981 Convention of the AFL-CIO, Resolution #198 "calls for a full scale effort by all affiliated unions to promote the check-off voluntary contributions...." See also Resolution #229 of the 1979 Convention (Exhibit #21).

To help affiliated unions establish a successful check-off program, the AFL-CIO COPE has published a booklet Step By Step To Check-Off (Exhibit #17). Such support of affiliated unions is virtually identical to that found to be maintenance in the watershed compliance actions against the American Medical Association PAC ("AMPAC") and the affiliate medical PACs in MUR ## 253/253A/289/302/369/618.

In the August 1, 1979, General Counsel's Report in MUR #253, the Federal Election Commission's General Counsel concluded at pages 93-95 that if the PAC of a parent organization provides legal advice and advice on solicitation, candidate support, and political education techniques to the PACs of member organizations and if the parent organization sponsors this advice, then the parent organization has

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"maintained" the member organization as defined in 2 U.S.C. §441a(a)(5). In the instant matter, the AFL-CIO, through its sponsorship of COPE, has "maintained" the PACs of member unions by providing substantial solicitation advice on the check-off technique. The Step By Step To Check-off publication plainly states at page 2: "Please -- if you have additional questions about the materials which follow contact your International Union or AFL-CIO COPE for help." (Emphasis added). Furthermore, a special workshop on FEC reporting requirements by AFL-CIO special counsel Larry Gold was held in 1982 by COPE to discuss "intricate legal problems." AFL-CIO Federationist (July 31, 1982) at 3. (Exhibit #39).

Another important support publication of COPE for the separate segregated funds of member unions is entitled Labor, Money and Politics, A Reference Manual For Union Political Directors (the index to which is Exhibit #18). This publication largely consists of legal advice and is no different than the legal advice found to be maintenance in MUR #253.

Upon information and belief, COPE has published other materials to assist the separate segregated funds of member unions. Based on the February 12, 1982, article in The Wall Street Journal (Exhibit #11), COPE sponsors workshops, attended by member union officials, to assist the operations of the separate segregated funds of member unions.

In summary, the AFL-CIO is engaged in the "maintenance" of the PACs of its member unions. However, this maintenance is not without reward because the AFL-CIO COPE-PCC raises most of

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its funds through joint fundraising with its member unions and through contributions from the PACs of member unions. The checkoff system helps not only the separate segregated funds of member unions but AFL-CIO COPE-PCC itself. In COPE's Step By Step To Check-Off, at pages 5, 6, 7, 8, and 9 (Exhibit #17), the check-off authorization form makes clear that the contributions raised from individual union members are directed both to the separate segregated funds of the international unions and AFL-CIO COPE-PCC. Although the transfer of funds between two political committees is not ipso facto considered evidence of affiliation if the funds were jointly raised by the two committees, see 11 C.F.R. §110.3(a)(1)(iii)(E), the employment by the AFL-CIO COPE-PCC and the PACs of its member unions of a shared contribution collection system does indicate, and is evidence of, affiliation. See MUR #769, General Counsel's Report (January 19, 1979) at page 6 (Exhibit #29). COPE's dependence on this financing system with the PACs of member unions indicates the existence of a close, mutually supportive relationship, a situation analogous to that found between AMPAC and the PACs of the state medical associations in MUR #253. See MUR #253 General Counsel's Report (August 1, 1979) at page 42. Consequently, because of their dependence upon one another, the cooperation and coordination that has been earlier documented between AFL-CIO COPE-PCC and affiliated union respondents must be expected.

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VI. DOCUMENTATION OF RESPONDENTS' AFFILIATION AND VIOLATIONS OF THE CAMPAIGN ACT

The four Respondent Political Action Committees have engaged in a shared contribution collection system involving joint fundraising and transfers of money on a massive scale. In this regard, they have taken advantage of their affiliated status in joint fundraising, but reject the disadvantage of affiliation previously described herein as a common contribution limitation.

In particular, transfers of funds between AFL-CIO COPE-PCC and affiliated unions totaled $912,072.24 during 1981-82, exceeding the $906,425 amount which AFL-CIO COPE-PCC contributed to all Congressional candidates in the 1982 election on its own. Some of these AFL-CIO COPE-PCC transfers were direct and others are listed as transfers raised through joint fundraising. The United Auto Workers PAC received $215,000,00, the Teachers PAC received $137,500.00, and the Electrical Workers PAC received $114,548.75. 10/

10/ The following joint transfers were also made by AFL-CIO-COPE-PCC during the '82 election to affiliated union PACS:

Railway Clerks	62,770.00,
Bakery Workers	56,233.00,
Government Employees	50,000.00,
Sheet Metal Workers	43,800.00,
Ladies' Garment Workers	34,920.00,
Rubber Workers	28,932.00,
Industrial Workers	26,720.73,

(Footnote continued on next page.)

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This activity among the four named Respondents implements the stated program of the AFL-CIO to urge the establishment of COPE committees in their local unions and the check-off method of voluntary contributions by union members to affiliated unions. See 1981 AFL-CIO Resolution No. 2; 1979 AFL-CIO Resolution No. 229. (Exhibit #21).

The activity reflects a circuitous method of fundraising; joint fundraisers are scheduled, money is split between the sponsors, then disbursed to international union affiliates as necessary. A representative example of this, between the named respondents, follows:

AFL-CIO COPE-PCC DISBURSEMENTS TO IBEW

Date	Amount
1/30/81	$ 6,143.68
2/27/81	6,341,28
3/31/81	107.50

10/ (Footnote continued from preceeding page.)

Oil Workers	25,189.88,
Communication Workers	25,000.00,
Office Employees	24,678.59,
Electrical, Radio Workers	20,000.00,
Seafarers	7,500.00,
Furniture Workers	7,437.00,
Transport Workers	5,500.00,
Painters	5,461.29,
Marine Engineers	5,000.00,
Firemen	4,500.00,
Postal Workers	2,500.00,
State Employees	2,500.00,
Chemical Workers	2,000.00,
Service Employees	2,000.00,
Machinists	1,000.00,
Food Workers	500.00,
Laborers	500.00,
Plumbers	381.00,

See Attached Schedules A & B. (Exhibit #33)

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4/30/81	19,078.19
5/29/81	11,429.84
6/29/81	7,265.97
7/29/81	6,730.64
8/31/81	10,016.69
9/30/81	12,824.22
10/30/81	9,205.43
11/30/81	7,560.92
12/31/81	17,844.39

American Federation of Teacher Disbursements to AFL-CIO COPE-PCC

Date	Amount
8/6/81	$ 7,500.00
12/18/81	15,000.00
9/13/82	115,000.00

AFL-CIO COPE to AFT SSF: Political Education Committee

Date	Amount
1/6/81	$ 568.00
1/30/81	890.00
2/27/81	1,405.00
3/31/81	28.00
5/29/81	150.00
12/31/81	443.00
11/24/82	871.00
12/31/82	570.22

United Auto Workers Disbursements to AFL-CIO COPE-PCC

Date	Amount
9/30/82	$ 100,000.00
10/7/82	10,000.00
10/25/82	105,000.00

The disbursement pattern from AFL-CIO COPE-PCC to IBEW clearly shows a "business" of joint fundraising. There exist no records of repayments to AFL-CIO COPE-PCC as of October 1, 1983 in the public files of the Federal Election Commission. In fact, the affiliates not only joint fundraise for COPE-PCC,

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but also for and between themselves.

Communication Workers of America to COPE-PCC and UAW V-CAP

Date	PAC	Amount
10/22/82	AFL-CIO COPE-PCC	$ 10,000.00
10/22/82	UAW V-CAP	5,000.00

This formal cooperative electoral policy reveals itself in the proliferation of 85 affiliated separate segregated funds between the four respondents.

The affiliated separate segregated PAC's of the AFL-CIO are:

AFL-CIO COPE Political Contributions Committee
Cedar Rapids Building & Trades Reference & Safety Book
Central Labor Council of Santa Clara County
Cleveland AFL-CIO Federation of Labor Committee on Political Education
Franklin County PAC Voluntary Fund
Industrial Union Department AFL-CIO Voluntary Fund
Massachusetts State Labor Council, AFL-CIO, Committee on Political Action
Metropolitan Detroit AFL-CIO COPE Committee
Michigan State AFL-CIO COPE Voluntary Fund
New York City Central Labor Council Individual Fund
Ohio AFL-CIO Committee on Political Education
Oklahoma State AFL-CIO Free Political Campaign Fund
Oregon AFL-CIO COPE -PCC
Quad City Federation of Labor AFL-CIO
Toledo Area AFL-CIO Council
Washington State Labor Council Individual Donations Account
Weather Employees PAC
West Virginia AFL-CIO Voluntary Fund
Wisconsin State AFL-CIO Committee on Political Education
B.U.I.L.D. Fund : Baltimore Building & Construction Trades Council, AFL-CIO
Building & Construction Trade Counsel PAC
Building Trades Council of St. Joseph County PAC
Central Indiana Building and Construction Trades Council C.O.P.E.
Eastern Oklahoma Building & Construction Trades PAC

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Grand Rapids Construction Trade Union Affiliates PAC
Memphis Building Trades PAC
North Central Ohio Building Trades PAC
Political Educational Fund of the Building and Construction Trades Department
Support Kentucky Workers Committee of the KY State Building & Construction Trades Council

The affiliated separate segregated PAC's of the American Federation of Teachers are:

American FED of Teachers Staff Union Committee on Political Education (AFTSU COPE)
American Federation of Teachers Committee on Political Education
COPE-California Federation of Teachers-AFT, AFL-CIO
Harrison County American Federation of Teachers AFL-CIO, Local 3261
Kansas City, Missouri Federation of Teachers Committee on Political Education-COPE
Michigan Federation of Teachers Committee on Political ED.
Minnesota Federation of Teachers Political Fund (COPE) VOL.
Political Action Council of Educators
UFT COPE
United Teachers of DADE/TIGER-C.O.P.E.
Voice of Teachers of Education/Committee on Political Education (VOTE COPE)

The affiliated separate segregated PAC's of the International Brotherhood of Electrical Workers are:

Consolidated Local Union 177 Outside-Inside PAC Fund
COPE Local 1362 IBEW
Electrical Workers Voluntary, Political, Educational & Legislative Fund (IBEW Local #1)
Electro PAC 323
ELECTRO PAC 728 IBEW
ELECTRO PAC 1191
ELECTRO PAC 1205
IBEW Local 359 ELECTRO-PAC
IBEW 349 ELECTRO-PAC
IBEW L U 278 COPE/PAC
IBEW L U 716 PAC
IBEW Local 1066 ELECTRO-PAC
IBEW Local 112 PAC
IBEW Local 480 PAC
IBEW Local 59 Good Citizenship Committee
IBEW Local 606 PAC

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IBEW Local Union 756 PAC
IBEW-Ohio State Conference
International Brotherhood of Electrical Workers Committee on Political Education
International Brotherhood of Electrical Workers Local 98 Committee on Political Education
International Brotherhood of Electrical Workers Local Union 313 PAC
International Brotherhood of Electrical Workers, AFL-CIO, Local 1076 Political Action Fund
Local #41 International Brotherhood of Electrical Workers - PAC
Local 124 Voluntary Political Fund
Local Union #237 PAC
Local Union #8 IBEW Federal PAC
Local Union 2337 PAC
Local Union PAC 759
PAC IBEW 99
PAC of Local Union 915, IBEW
Political Education Committee of Local Union 1238 IBEW
Voluntary Contribution & COPE Fund INT'L Brotherhood of Electrical Workers Local Union 354

The affiliated separate segregated PAC's of the United Auto Workers are:

District 65 Political Action Fund
INT'L Union United Auto Aerospace & Agricultural Implement WRKRS of AMR; CMTE for good GVT
UAW - V - CAP (UAW Voluntary Communtiy Action Program)

That financial assistance to affiliated unions through joint fundraising is a matter of routine practice for AFL-CIO COPE is documented. Consequently these affiliated unions are able to contribute maximum amounts to candidates, beyond their individual ability to raise funds on their own. This distorts the federal electoral process. */

In the case of the International Brotherhood of Electrical Workers, AFL-CIO COPE-PCC disbursed amounts at the end of each and every month of 1981.

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*/ The observation of ABC correspondent Sander Vanocur at the AFL-CIO Convention in October, 1983 readily described the nominating process in this regard: "The fix was in for Mondale. Mondale's victory was well orchestrated by the AFL-CIO leadership." The Washington Post, October 3, 1983 at A2.

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VII. IF THE RESPONDENT SEPARATE SEGREGATED FUNDS OF INTERNATIONAL UNIONS ARE NOT CONSIDERED AFFILIATED WITH AFL-CIO COPE-PCC, SUBSTANTIAL DOUBT ARISES AS TO THE CONSTITUTIONALITY OF 2 U.S.C. §441b(b) AND 11 C.F.R. §114 UNDER THE FIRST AMENDMENT AND THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

The thrust of this complaint is that the separate segregated funds of the international unions of the AFL-CIO are affiliated under 2 U.S.C. §441(a)(5) with the AFL-CIO COPE-PCC. This conclusion flows from the overwhelming evidence contained in the body of this complaint and exhibits attached hereto, which demonstrates that the AFL-CIO COPE-PCC acts in concert with the separate segregated funds of the international unions. The respondents reap every benefit of the advantages of affiliated status under the Campaign Act in coordinated candidate-related spending, but reject the disadvantages of operating under a common contribution limitation. Should the Commission fail to find the violations enumerated within this complaint, it would add further doubt to that already existing as to the constitutional validity of the onerous restraints placed on trade associations and federations of trade associations in relation to the generous treatment accorded labor unions and federations of labor unions. Both as applied, and on its face, the Act is contrary to the principles of the First Amendment and deprives trade associations, federations of trade associations and business oriented corporations generally, of liberty without due process of law in violation of the Fifth Amendment of the Constitution of the United States.

A trade association may only solicit contributions, pursuant to 2 U.S.C. §441b(b)(4)(D) and 11 C.F.R. §114.8(c),

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from the shareholders and the executive or administrative personnel of a member corporation of the trade association if each of the following conditions are satisfied:

1. the member corporation has separately and specifically approved the solicitation;

2. the member corporation has not approved a solicitation by any other trade association during the calendar year.

A federation of trade associations can only solicit contributions, pursuant to 11 C.F.R. §114.8(g), if each of the following conditions are satisfied:

1. The federation of trade associations either conducts joint solicitations with its member trade associations or the member trade association delegates solicitation rights to the federation.

2. The separate segregated fund of the federation of trade associations and the separate segregated funds of the member trade associations agree to consider themselves affiliated.

3. Corporations belonging to member trade associations have approved the solicitation.

These inhibiting restraints must be considered against the liberalized solicitation rights bestowed by the Commission through its promulgation of 11 C.F.R. §114.1(e) on labor unions and on federations of labor unions such as the AFL-CIO.

Under 11 C.F.R. §114.1(e), a member of a union is automatically considered a member of any federation of labor unions to which the union belongs. Without this regulation, a federation of labor unions such as the AFL-CIO could not solicit individuals belonging to its member unions because the Campaign Act only permits a labor organization to solicit its individual members and a federation of labor unions is generally composed of affiliated unions, not individuals. See

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2 U.S.C. §441b(b)(2)(C)(ii); Article III, §1, of the AFL-CIO Constitution (Exhibit #1). Because of 11 C.F.R. §114.1(e), both the union and the labor federation to which it belongs are allowed to simultaneously and separately solicit the union's members without being considered affiliated.[11/] In addition, neither the Act nor the regulations require that the labor federation or a labor union seek the prior permission of any entity before soliciting the individuals who belong to member unions.

These distinctions in favor of the separate segregated funds of labor unions and labor federations violate the First Amendment rights and due process rights of trade associations, federations of trade associations and business oriented corporations generally, unless the discriminatory distinctions can meet an elevated level of judicial scrutiny and are tailored to serve a substantial governmental interest. See Police Department v. Mosley, 408 U.S. 92, 98-99 (1972). See also International Association of Machinists v. Federal Election Commission, 678 F.2d 1092, 1105-06 (D.D.C. 1982), aff'd, 103 S. Ct. 335 (1982). No such governmental interest can exist in the instant matter because "[t]he concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment ...." Buckley v.

11/ Proposed Regulation 1143(a) would permit labor organizations to communicate with respect to their executive and administrative personnel also. 48 Fed. Reg. 9236 (March 4, 1983).

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Valeo, 424 U.S. 1, 48-49 (1976).

A Commission rejection of the affiliation violations set forth in this complaint would intensify and substantially worsen the discrimination already existing against those organizations with a pro-business viewpoint. Such a rejection would further infringe upon their constitutional rights for "[i]t is clear that the constitutional mandate of equal protection governs not only discriminatory legislation or adjudication, but discriminatory executive and administrative behavior as well." L. Tribe, American Constitutional Law, Section 16-17 (1978).

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VIII. DUTY OF THE FEDERAL ELECTION COMMISSION UNDER 2 U.S.C. §437g TO INVESTIGATE UNION VIOLATIONS OF THE CAMPAIGN ACT DESCRIBED IN THIS COMPLAINT

The nation's founding fathers envisioned the political interplay of common interest groups to be a positive phenomenon in a democratic pluralistic society. To maintain a proper balance among competing interest groups in the campaign financing of American elections, the United States Congress has carefully crafted the contribution limitations contained in the Campaign Act as well as certain limited statutory exceptions to the general ban on corporate and union expenditures in connection with an election. See 2 U.S.C. §§441a and 441b: International Association of Machinists v FEC, 678 F. 2d 1092, 1103 (D.C.Cir. 1982). Without vigorous enforcement of the anti-proliferation rules contained in 2 U.S.C. §441a(a)(5), those efforts of Congress to insure the integrity of the American electoral process would be for naught. See H.R. Rep. No. 1057, 94th Cong., 2d Sess. 58 (1976).

The Federal Election Commission is primarily responsible for the civil enforcement of the Federal Election Campaign Act of 1971, as amended. See 2 U.S.C. §437g(a); FEC v. Democratic Senatorial Campaign Committee, 454 U.S. 27,33 (1981). The Commission under 2 U.S.C. §437g(a)(5)(C) has the authority to refer violations to the United States Attorney General for criminal prosecution. The enforcement procedure provisions were enacted by Congress to ensure a prompt and complete investigation of election law violations.

The Federal Election Commission stands as the chief

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election law enforcement agency in the United States. In this capacity, it serves as a repository of reports requiring disclosure of contributions and expenditures in connection with federal elections. The FEC also has responsibility to review these reports and investigate possible violations of the law. Due to limited resources and because of the awesome responsibility for detection of violations carried by the agency, Congress further provided that any person may call to the attention of the Commission violations which have occurred. See 2 U.S.C. §437g(a)(1).

Once a complaint is filed that provides reasonable belief that a union has committed a violation of the Act, the Commission:

> [s]hall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

2 U.S.C. §437g(a)(2). (Emphasis supplied). See also Henry L. Walther v. Federal Election Commission, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶9076 (D.D.C. April 17, 1979) at 50,637.

A "reason to believe" finding by the Commission's own definition means nothing more than "the Commission believes a violation may have occurred if the facts as described in the complaint are true." Federal Election Commission, 1983 Legislative Recommendations, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶9190. Consequently, even if the Commission were undecided as to the possible presence of affiliation in the instant matter, an "investigation seems appropriate to ascertain the actual relationship, if any between these

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committees." See MURs #1425/1426 First General Counsel's Report (May 5, 1982) at 8 (Exhibit #35). Because the facts in the instant matter are well documented, not conclusionary, state violations of 2 U.S.C. §§433(b)(2) and 441a(a)(2) committed by AFL-CIO COPE-PCC and its affiliated committees, see, e.g., MUR 1069 (Exhibit #36) and MUR 1157 (Exhibit #37), and in view of the violations set forth in this complaint, an investigation is required by the Act.

Although complainants believe that the violations set forth herein were committed intentionally, knowingly and willfully by the respondents, see Section V, above, a failure to properly list all affiliated committees and the giving of excessive contributions constitute violations of 2 U.S.C. §433(b)(2) and 2 U.S.C. §441a(a)(2), regardless of whether these activities were knowingly undertaken. 2 U.S.C. §433(b)(2) and 2 U.S.C. §441a(a)(2), do not prescribe a required mental state; they simply prohibit certain specified activities. To be contrasted with these provisions of the Act is 2 U.S.C. §441a(f), which prohibits the knowing acceptance of excessive contributions by a candidate, the situation in Henry L. Walther v. Federal Election Commission 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶9082 (D.D.C. June 14, 1979). Accordingly, in the instant matter, the Commission need only determine if the alleged affiliation is present to determine if there is probable cause that an election law violation has occurred.

The complainants are well aware that in discharging its mandatory obligations under the Campaign Act in investigating this complaint through the use of audits, depositions and other

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discovery tools available to the Commission, the FEC may find itself involved in a substantial undertaking. However, the magnitude of the challenge can in no way minimize the paramount public interest that such an investigation be expeditiously undertaken in order to ensure that the illegal influence of labor organizations coordinating their electoral activity in contravention of the Campaign Act will not be permitted to corrupt the upcoming 1984 presidential election.

IX. RELIEF REQUIRED UNDER THE FEDERAL ELECTION CAMPAIGN ACT

The Complainant requests that the Commission find reason to believe that a violation of the Campaign Act and the Commission's regulations has occurred, and immediately commence a plenary investigation utilizing the investigative tools of the Commission including, but not limited to a full field investigation, audit, and subpoenas of relevant information in order to enable the general counsel to make a recommendation of probable cause that a violation has occurred.

In addition, Complainant specifically requests that Commissioner Thomas E. Harris recuse himself from any participation in the consideration, voting and decisionmaking of this case. Since 2 U.S.C. §437(g) provides for removal of cases to federal district court, the possibility exists that Commmissioner Harris could be called as a witness and have his deposition taken concerning his knowledge of the Seay stipulation which he signed and is attached as Exhibit #6 of this complaint. General principles of recusal requires this action. See Association of National Advertisers, Inc. v. FTC,

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627 F.2d 1151 (D.C. Cir. 1979), cert. denied, 447 U.S. 921 (1980); Cinderella Career & Finishing Schools, Inc. v. FTC, 425 F. 2d 583 (D.C. Cir. 1970).

The Complainant believes that the evidence is persuasive and clearly makes a showing that probable cause exists that an election law violation has occurred. Accordingly, the Complainant further requests that the Commission use informal persuasion or, if necessary, litigation to compel the respondents to amend their respective Statement of Organizations to show their affiliation. All excessive contributions to candidates should be returned, and an appropriate fine assessed the respondents.

Finally, complainant stands ready to amplify and provide to the Commission any materials or information not readily obtainable by it.

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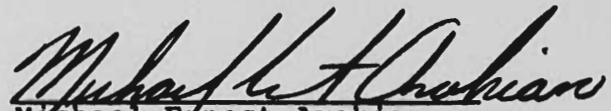
CONCLUSION

For the reasons stated above, the Commission should investigate the de facto and de jure affiliation of the AFL-CIO COPE PCC and the named respondents.

Respectfully submitted,

Date: December 2, 1983

James Edward Antosh



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X. VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)
) ss.
State of Oklahoma)

Pursuant to 2 U.S.C. § 437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 7th day of November 1983.

Denise Kay Almon
Notary Public

My Commission Expires:
September 17, 1986

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XI. DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

November 7, 1983
Date

James Edward Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

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GCC #1195

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

83 DEC 2 P2:44
GENERAL COUNSEL

In Re:

AMERICAN FEDERATION OF LABOR -- CONGRESS OF INDUSTRIAL UNIONS COMMITTEE ON POLITICAL EDUCATION -- POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE-PCC),

and

THOMAS DONAHUE, Individually and in his capacity as Treasurer, AFL-CIO COPE-PCC,

and

UNITED AUTO WORKERS VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP),

and

Donald J. Moll, Individually and in his capacity as Treasurer, UAW V CAP,

and

AMERICAN FEDERATION OF TEACHERS COMMITTEE ON POLITICAL EDUCATION (AFT COPE),

and

Robert G. Porter, Individually and in his capacity as Treasurer, AFT COPE,

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS -- COMMITTEE ON POLITICAL EDUCATION (IBEW-COPE),

and

Ralph A. Leigon, Individually and in his capacity as Treasurer, IBEW-COPE

Matter Under Review

(MUR) NO. 1605

EXHIBITS

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EXHIBITS *

Exhibit Number	Title of Exhibit
1	AFL-CIO Constitution
1A	AFL-CIO Executive Counsel
2	AFL-CIO Call for Resignation of Walter Kupau
3	AFT Constitution
4	IBEW Constitution
5	AFL-CIO News (Aug 13, 1983)
6	Seay Affidavit
7	The New York Times (November 8, 1983)
8	Washington Post (Oct. 11, 1983)
9	AFL-CIO COPE BYLAWS
10	New York Times (Feb. 22, 1982)
11	Wall Street Journal (Feb. 12, 1982)
12	The Government Standard (March 1982)
13	Opinion Polling Course Announcement
14	Facts on Pacs
15	IBEW Journal (Sept. 1982)
16	Grass Roots Lobbying
17	Step by Step to Check-off
18	Labor, Money and Politics-Manual
19	Christian Science Monitor
20	AFL-CIO Resolution #176
21	AFL-CIO Resolution #229
22	Daily Labor Report (Feb. 25, 1983)

*/ The exhibits are annexed in the accompanying bound volume.

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23	Washington Post (April 11, 1983)
24	Wall Street Journal (Sept. 30, 1983)
25	AFL-CIO News (Sept. 25, 1982)
26	AFL-CIO News (Oct. 23, 1982)
27	AFL-CIO News (July 25, 1982)
28	American Postal Worker (July 1982)
29	MUR #769 (Jan. 19, 1979)
30	AFL-CIO News (June 27, 1981)
31	AFL-CIO News (June 20, 1981)
32	Daily Labor Report (June 9, 1981)
33	Schedules A & B
34	U.A. Journal (March 1982)
35	MUR #1425/1426
36	MUR #1069
37	MUR #1157
38	AFL-CIO Statement of Organization
39	AFL-CIO Federationist (July 31, 1982)

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AFL-CIO

Constitution

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS

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CONSTITUTION

of the

American Federation of Labor and Congress of Industrial Organizations

As amended by the Fourteenth Constitutional Convention of the AFL-CIO, November 16-19, 1981

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American Federation of Labor and Congress of Industrial Organizations

LANE KIRKLAND, ***President***

THOMAS R. DONAHUE, ***Secretary-Treasurer***

815 16th St., N.W.

WASHINGTON, D.C. 20006

AFL-CIO Publication No. 1

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CONSTITUTION OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

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PREAMBLE

The establishment of this Federation through the merger of the American Federation of Labor and the Congress of Industrial Organizations is an expression of the hopes and aspirations of the working people of America.

We seek the fulfillment of these hopes and aspirations through democratic processes within the framework of our constitutional government and consistent with our institutions and traditions.

At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship, we shall responsibly serve the interests of all the American people.

We pledge ourselves to the more effective organization of working men and women; to the securing to them of full recognition and enjoyment of the rights to which they are justly entitled; to the achievement of ever higher standards of living and working conditions; to the attainment of security for all the people sufficient to enable workers and their families to live in dignity; to the enjoyment of the leisure which their skills make possible; and to the strengthening and extension of our way of life and the fundamental freedoms which are the basis of our democratic society.

We shall combat resolutely the forces which seek to undermine the democratic institutions of our nation and to enslave the human soul. We shall

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strive always to win full respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I

NAME

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

ARTICLE II

OBJECTS AND PRINCIPLES

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.

2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate,

equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.

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8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to

perform their rightful part in the political life of the local, state and national communities.

ARTICLE III

AFFILIATES

Section 1. The Federation shall be composed of (1) affiliated national and international unions and organizing committees, (2) directly affiliated local unions (such as Local Trade Unions, Federal Labor Unions, and Local Industrial Unions) and national councils thereof, (3) state and local central bodies (such as State and Territorial Federations, City Central Labor Union and Industrial Union Councils), and (4) trade and industrial departments.

Sec. 2. Each national and international union and each federal labor union affiliated with the American Federation of Labor at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation and each national and international union, organizing committee and local industrial union affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution by reason of a charter or certificate of affiliation granted by that federation shall retain its charter or certificate, which shall become and be a charter or certificate of this Federation and, by virtue of the same and as a result of the merger between the American Federation of Labor and the Congress of Industrial Organizations, shall be an

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affiliate of this Federation and subject to its rules and regulations.

Sec. 3. Each such affiliate shall retain and enjoy the same organizing jurisdiction in this Federation which it had and enjoyed by reason of its prior affiliation with either the American Federation of Labor or the Congress of Industrial Organizations. In cases of conflicting and duplicating jurisdictions involving such affiliates the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 4. The integrity of each such affiliate of this Federation shall be maintained and preserved. Each such affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate. When a complaint has been filed with the President by an affiliate alleging a violation of this section by another affiliate, that has not been settled under the provisions of the No-Raiding Agreement referred to in Article XVII, the President shall endeavor, by consultation with the appropriate officers of both affiliates, to settle the matter by voluntary agreement between such affiliates. In the event no such voluntary agreement is reached within a reasonable time the President shall report to the Executive Council with such recommendations as he may deem appropriate. Upon such report being

submitted, the Executive Council shall consider the same, shall hear the appropriate officers of the affiliates involved, and shall make such decision as it believes to be necessary and proper to carry out the provisions of this section. In the event an affiliate shall fail to comply with such decision, the Executive Council shall submit the matter to the convention for such action as the convention may deem appropriate under the provisions of this constitution. *(See Article XX, Page 46)*

Sec. 5. State and Territorial Federations of Labor and Local Central Bodies affiliated with the American Federation of Labor at the time of the adoption of this constitution, and State and Local Industrial Union Councils affiliated with the Congress of Industrial Organizations at the time of the adoption of this constitution, shall become and be affiliates of this Federation and shall, as such, continue to exist as state, territorial and local central bodies, each representing the respective federal labor unions or local industrial unions now affiliated to such central body and such local unions now affiliated to such central body as are affiliated with a national or international union or organizing committee affiliated with this Federation. Provided, however: That a merger of these state, territorial and local central bodies, heretofore affiliated with the American Federation of Labor or the Congress of Industrial Organizations, shall be effected within two years after the adoption of this constitution, through the process of negotiation and

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agreement under the guidance of the President of this Federation and its Executive Council.

Sec. 6. Existing departments of the American Federation of Labor at the time of the adoption of this constitution shall continue as trade departments of this Federation with the rights of and subject to the rules governing trade and industrial departments provided in Article XI.

Sec. 7. The Executive Council shall have power to issue charters or certificates of affiliation to organizations desiring to affiliate with this Federation. This power may be delegated to the President. Subject to the provisions of Sections 2 and 3 of this Article, charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 8. Except as otherwise provided in this constituion no national or international union chartered by or affiliated with this Federation may be suspended from membership in the Federation except by a majority roll-call vote at the convention.

No such national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds majority roll-call vote at the convention.

Sec. 9. No organization officered, controlled or dominated by communists, fascists, or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any fascist organization, or other totalitarian movement, shall be permitted as an affiliate of this Federation or any of its state or local central bodies.

Sec. 10. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation.

ARTICLE IV

CONVENTION

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every two years, beginning in 1955, at a time during the last four months of the year. The time and the place for holding the regular conventions shall be designated by the Executive

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Council which shall give at least 90 days' notice of the time and place designated.

Sec. 3. (a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of national and international unions representing a majority of the total membership of the Federation, as evidenced by the records of the Secretary-Treasurer to the last convention.

(b) In the event a special convention has been called all affiliated organizations shall be given at least 30 days' notice, together with a statement of the paricular subject or subjects to be considered at such convention.

(c) Representation to special conventions shall be on the same basis and subject to like qualifications and procedure governing regular conventions.

(d) A special convention shall be clothed with like authority and power conferred upon regular conventions, its decisions shall be equally binding and it shall be governed by the same procedure applicable to regular conventions; however, such special conventions shall be limited solely to the subject or subjects specifically and definitely indicated in the call for such special convention.

Sec. 4. Each national or international union and organizing committee shall be entitled to the number of delegates indicated in the following scale:

Less than	4,000 members	1 delegate
Over	4,000 "	2 delegates

Over	8,000 members	3 delegates
"	12,000 "	4 "
"	25,000 "	5 "
"	50,000 "	6 "
"	75,000 "	7 "
"	125,000 "	8 "
"	175,000 "	9 "

plus one additional delegate for each 75,000 members over 175,000.

Each directly affiliated local union and each national trade and industrial department shall be entitled to one delegate. Each industrial union council and each state or local central body shall be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

Sec. 5. Delegates to a regular convention of the Federation shall be elected or otherwise designated by the affiliate at least 30 days prior to the convention, except in cases in which the convention of the affiliate meets within this 30-day period. The names of the delegates shall be forwarded to the Secretary-Treasurer of the Federation immediately after their selection.

Sec. 6. No organization that has seceded or has been suspended or expelled by this Federation, the American Federation of Labor, or the Congress of Industrial Organizations, or by any national or international union or organizing committee affiliated with this Federation shall, while under such pen-

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alty, be allowed representation or recognition in the Federation, or in any subordinate body thereof, or in any national or international union or organizing committee affiliated with this Federation, under the penalty of the suspension of the body violating this section. No affiliate which, at the opening date of the convention, is in arrears to the Federation for per capita tax or assessments for two months or more, shall be entitled to recognition or representation in the convention.

Sec. 7. No organization shall be entitled to representation unless such organization has applied for and obtained a certificate of affiliation at least one month prior to the convention, and no person shall be recognized as a delegate who is not a member in good standing of the organization he is selected to represent.

Sec. 8. The number of members of each national and international union, organizing committee and directly affiliated local unions for the purpose of selecting delegates and for roll-call votes at the convention shall be the average monthly number on which per capita tax is paid for the 24-month period of the AFL-CIO's two fiscal years prior to the opening date of the convention. Where affiliation has occurred during this 24-month period, the average shall be computed from the month of affiliation, and the number of members shall be deemed to be one twenty-fourth of such average for each month for which per capita tax has been paid. The Secretary-Treasurer shall prepare for the use of the convention and submit to it a printed list showing the number of votes and the number of delegates to which each affiliate is entitled.

Sec. 9. The President shall appoint, in consultation with the Executive Council, prior to the opening date of the convention and subject to the approval of the convention, such committees as are necessary to conduct the affairs of the convention. Such committees may meet before the opening date of the convention and shall proceed to consider all resolutions, appeals, reports, and constitutional amendments submitted to the convention, and shall report thereon to the convention.

Sec. 10 (a) All resolutions, petitions, memorials and appeals to be considered by any convention of the Federation must be received by the Secretary-Treasurer at headquarters in Washington, D. C., 30 days immediately preceding the opening of the convention; except in instances where such matters have been acted upon and approved at a regular convention of a national or international union, or state central body, or national trade and industrial department held during this 30-day period in which event such proposals shall be received up to the opening date of the convention.

(b) All resolutions, petitions, memorials and appeals received or submitted after the time stipulated above or during the convention shall be referred to the Executive Council, and the Executive Council shall refer all such proposal or proposals

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to the convention with the understanding that consideration of such proposal or proposals is dependent upon the unanimous consent of the convention.

(c) Any or all proposals emanating from directly affiliated local unions shall be referred to the Executive Council for consideration and disposition. The Executive Council shall in turn advise the convention of the disposition made of such proposal or proposals.

(d) Proposals emanating from state central bodies to receive consideration of a convention must first have received the approval of the previous convention of the state central body involved. In the case of local central bodies any proposal or proposals to be considered must have first received the approval of such central labor body at a regularly constituted meeting of such organization.

(e) Each resolution, memorial, petition, or appeal properly received for consideration by the convention, as soon as practical after receipt thereof, shall be classified by the President as to nature, contents and subject matter and referred by him to an appropriate committee, which committee shall make a report thereon to the convention prior to consideration of any such matter by the convention. He shall cause to be distributed copies of such resolutions, petitions, memorials or appeals to the delegates of the convention at the opening session thereof or as soon thereafter as practical, but before any such matters are considered by the convention.

Sec. 11. Not less than 60 days prior to the opening of each regular convention, the Secretary-Treasurer shall furnish each affiliate with credential blanks in duplicate, which must be attested as required on the blanks. The duplicates shall be retained by the delegate, and the original sent to the Secretary-Treasurer. Subject to the provisions of Section 5 of this Article, no credentials shall be accepted later than 20 days prior to the opening date of the convention.

Sec. 12. Prior to the opening date of the convention, the Executive Council shall meet and constitute itself or a subcommittee as the Credentials Committee for the convention. Appeals from its decisions may be made to the floor of the convention. The convention shall not be constituted for business until after the Credentials Committee shall have examined and reported on credentials of all delegates present at the scheduled time on the opening date of the convention.

Sec. 13. All members of the Executive Council who are not elected as delegates shall be ex-officio delegates to the convention with all the rights and privileges of elected delegates, but without vote.

Sec. 14. Fraternal delegates attending conventions of the Federation shall be entitled to all the rights of delegates but shall not be entitled to vote.

Sec. 15. At the opening of the convention, the President shall take the chair and call the convention to order, and preside during its sessions.

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ARTICLE IV—Convention

Sec. 16. One-fourth of the delegates seated at any convention shall constitute a quorum for the transaction of business.

Sec. 17. Questions may be decided by division or a show of hands, but a call of the roll may be demanded by 30 percent of the delegates present. Upon such roll-call each delegate representing affiliated national or international unions, organizing committees and directly affiliated local unions shall be entitled to cast one vote for every member whom he represents. Each state and local central body and national trade and industrial department shall be entitled to one vote.

Sec. 18. The rules and order of business governing the preceding convention shall be enforced from the opening of any convention of the Federation until new rules have been adopted by action of the convention.

Sec. 19. Unless otherwise specified, any action taken by the convention shall take effect immediately upon adoption.

ARTICLE V

OFFICERS

Section 1. The officers shall consist of a President and a Secretary-Treasurer, who shall be the Executive Officers, and 33 Vice Presidents.

Sec. 2. Each officer shall be a member of an affiliated organization.

ARTICLE V—Officers

Sec. 3. The officers shall be elected by the convention, by written ballot, with each affiliate having the number of votes to which it is entitled on a roll-call vote, as provided in Article IV. Nominations shall take place on the third and election on the fourth day of the convention. The Executive Officers shall be elected by majority vote. In the event that more than two candidates are nominated for President or Secretary-Treasurer, and no one candidate receives a majority of the votes cast, all except the two candidates receiving the highest votes shall be eliminated from the list of candidates and a second vote taken. The Vice Presidents shall be elected by plurality vote, and the 33 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote will be taken only among the candidates whose tie prevented the election of 33 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Each ballot must, to be valid, be voted for 33 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting. The ballot shall be signed by the delegate voting, and shall show the affiliation and the voting strength of the delegate. If an affiliate votes by bloc, the ballot shall be signed by the chairman of the delegation and shall show the affiliate and its voting strength. Each candidate may designate an observer who may be present during the tabulation of the signed ballots. The results of the election, including each delegate's vote or, in case of a bloc vote, each

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affiliate's vote shall become an official part of the Convention record.

Sec. 4. Each officer elected at the convention shall take office immediately upon his election and shall serve until his successor is elected at the next regular convention.

Sec. 5. In the event of a vacancy in the office of either the President or the Secretary-Treasurer by reason of death, resignation or otherwise, the remaining executive officer shall perform the duties of the vacant office until a successor is elected. It shall be the duty of such executive officer to issue, within ten days of the date of the vacancy, a call for a meeting of the Executive Council of this Federation, upon ten days' notice, for the purpose of electing an executive officer to fill said vacancy for the unexpired term.

Sec. 6. In the event of a vacancy in the office of Vice President by reason of death, resignation or otherwise, the Executive Council shall have the power to fill the vacancy by majority vote of all its members for the period of the unexpired term.

Sec. 7. The national headquarters of the Federation shall be maintained by the Executive Officers at Washington, D. C.

Sec. 8. The Executive Officers shall, by virtue of their office, hold title to the real estate of the Federation as trustees for the Federation.

Sec. 9. The President and Secretary-Treasurer of the Federation or either of them may retire after having served five years as an Executive Officer of

the Federation, and either having reached age 65 years or having served a total of 20 years. Time served as an officer of any organization affiliated with the Federation, or with the American Federation of Labor or the Congress of Industrial Organizations, shall be included in determining length of service hereunder. In the event of retirement such officers shall have the title of President Emeritus, or Secretary-Treasurer Emeritus and shall render service to the Federation in an advisory and consultative status. They shall be compensated for such service by the Federation for life in an annual amount, payable weekly, equal to 60 percent of either the highest annual salary received by them respectively as an Executive Officer or thereafter paid to the corresponding Executive Officer of this Federation, whichever is greater. If after attaining eligibility for retirement such Executive Officer shall die, either before or after retirement, his surviving widow shall be paid an annual annuity for life, payable in weekly installments, of 30 percent of either the highest annual salary received by such Executive Officer, as an Executive Officer, or thereafter paid to the corresponding Executive Officer of this Federation, whichever is greater. The Executive Council is authorized and directed to enter into a legal and binding agreement with the President and with the Secretary-Treasurer to make these retirement compensation and annuity benefits payable by the Federation for their intended duration, pursuant to the terms and conditions of this Section.

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ARTICLE V—Officers

Sec. 10. No individual shall be eligible to serve either as an Executive Officer or as a member of the Executive Council who is a member of the Communist Party, any fascist organization, or other totalitarian movement, or who consistently pursues policies and activities directed toward the achievement of the program or the purposes of the Communist Party, any fascist organization or other totalitarian movement.

ARTICLE VI

DUTIES OF THE PRESIDENT

Section 1. The President shall function as the chief executive officer of the Federation. He shall exercise supervision of the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council, and General Board. He shall call meetings of the Executive Council at least three times each year.

Sec. 2. The President shall have authority to interpret the constitution between meetings of the Executive Council and his interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council or a convention.

Sec. 3. The President shall receive for his services a salary of $110,000 per annum, payable weekly.

ARTICLE VI—Duties of the President

Sec. 4. The appointment and compensation, direction, suspension and removal of organizers, representatives, agents and employees of the Federation shall be under the direction of the President.

Sec. 5. The President shall make a report of the administration of his office and of the affairs of the Federation to the convention through the report of the Executive Council.

ARTICLE VII

DUTIES OF THE SECRETARY-TREASURER

Section 1. The Secretary-Treasurer shall be the chief financial officer of the Federation and shall receive and collect all moneys due the Federation which moneys shall be paid out only on the approval of the President.

Sec. 2. The Secretary-Treasurer shall be in charge of and preserve all moneys, properties, securities and other evidences of investment, books, documents, files and effects of the Federation which shall at all times be subject to the inspection of the President and Executive Council.

Sec. 3. The Secretary-Treasurer shall issue the call for and act as secretary at conventions, and shall cause the proceedings of all conventions and all sessions of the Executive Council and General Board to be recorded.

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Sec. 4. It shall be the duty of each national and international union, organizing committee, each trade and industrial department, state and local central bodies and each directly affiliated local union, to furnish the Secretary-Treasurer a copy of all official reports issued by such affiliated organizations together with a statement of their membership in good standing and to furnish such additional statistical data in their possession relating to the membership as may be called for by the Secretary-Treasurer of this Federation.

Sec. 5. The Secretary-Treasurer shall give a bond for the faithful performance of his duties in such amount as may be determined by the Executive Council and shall report to the biennial convention of the Federation through the report of the Executive Council, and for his services he shall receive $90,000 per annum, payable weekly.

Sec. 6. The Secretary-Treasurer shall print quarterly, as a separate document, a financial statement of the Federation and forward a copy thereof to all affiliated national and international unions, organizing committees, directly affiliated local unions and state and local central bodies.

Sec. 7. The Secretary-Treasurer shall be required, from time to time, but no less than semi-annually, to provide for an audit of all books, accounts, records and financial transactions of the Federation by an independent public accountant. Such audits shall be furnished to the Executive

Council and a biennial audit shall be furnished to the Convention.

Sec. 8. The Secretary-Treasurer shall, under the direction and instructions of the Executive Council, invest the surplus funds of the Federation in sound securities or deposit the same in a bank or banks.

ARTICLE VIII

EXECUTIVE COUNCIL

Section 1. The Executive Council shall consist of the President, the Vice Presidents and the Secretary-Treasurer.

Sec. 2. The Executive Council shall be the governing body of this Federation between conventions. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the conventions and to enforce the provisions contained in this constitution. Between conventions it shall have the power to direct the affairs of the Federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the Federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose.

Sec. 3. The Executive Council shall meet upon the call of the President at least three times within

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each year at a time and place designated by the President.

Sec. 4. It shall be the duty of the Executive Council to watch legislative measures directly affecting the interests of working people, and to initiate, wherever necessary, such legislative action as the convention may direct.

Sec. 5. The Executive Council shall prepare and present to the convention in printed form a statement of all matters of interest to the convention and of the activities of the Federation between conventions.

Sec. 6. The Executive Council shall have power to make rules to govern matters consistent with this constitution and shall report accordingly to the Federation.

Sec. 7. It is a basic principle of this Federation that it must be and remain free from any and all corrupt influences and from the undermining efforts of communist, fascist or other totalitarian agencies who are opposed to the basic principles of our democracy and of free and democratic trade unionism. The Executive Council, when requested to do so by the President or by any other member of the Executive Council, shall have the power to conduct an investigation, directly or through an appropriate standing or special committee appointed by the President, of any situation in which there is reason to believe that any affiliate is dominated, controlled or substantially influenced in the conduct of its

affairs by any corrupt influence, or that the policies or activities of any affiliate are consistently directed toward the advocacy, support, advancement or achievement of the program or of the purposes of the Communist Party, any fascist organization or other totalitarian movement. Upon the completion of such an investigation, including a hearing if requested, the Executive Council shall have the authority to make recommendations or give directions to the affiliate involved and shall have the further authority, upon a two-thirds vote, to suspend any affiliate found guilty of a violation of this section. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 8. Subject to the provisions of Article III, Section 7, the Executive Council shall use every possible means to assist affiliated unions in the organization of the unorganized and to organize new national and international unions, organizing committees, and directly affiliated local unions.

Until such time as it is feasible to form a new national or international union composed of directly affiliated local unions or to affiliate such unions with an existing affiliated national or international union within whose jurisdiction they might properly come, the Executive Council may group such directly affiliated local unions, in a particular craft

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or industry, into national councils or organizing committees which shall be under the direct supervision and control of the Executive Council and the President.

Sec. 9. In carrying out the provisions of this Article the Executive Council shall recognize that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization and that all workers whatever their race, color, creed or national origin are entitled to share in the full benefits of trade union organization.

Sec. 10. A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

Sec. 11. The Executive Council shall have the power to file charges and conduct hearings on such charges against any Executive Officer of the Federation or other member of the Executive Council on the ground that such person is guilty of malfeasance or maladministration, and to make a report to the convention recommending appropriate action. The Executive Council must serve such officer with a copy of the written charges a reasonable time before the hearing.

Sec. 12. The Executive Council shall have the further power to refuse to seat or to remove from office any member of the Executive Council, or to remove from office any officer, who is found by the Council, by a two-thirds vote after notice and hear-

ing, to be ineligible to serve under the provisions of Article V, Section 10. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 13. In any case in which an affiliate has been suspended from membership, in the Federation by the convention, or by a two-thirds vote of the Executive Council in the cases set forth in Section 7 of this Article, and in which it is shown that the cause for such suspension no longer exists, the Executive Council shall have the power, upon a two-thirds vote, to terminate such suspension.

Sec. 14. No affiliated national or international union or organizing committee shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the convention.

Sec. 15. The Executive Council shall be authorized to reimburse members of the Council for necessary expenses in performing their duties for the Federation.

ARTICLE IX

GENERAL BOARD

Section 1. The General Board of the Federation shall consist of all of the members of the Executive Council of the Federation and the president or

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other principal officer of each of the affiliated national or international unions and each trade and industrial department.

Sec. 2. The General Board shall meet upon the call of the President of the Federation or of the Executive Council.

Sec. 3. The General Board shall decide all policy questions referred to it by the Executive Officers or by the Executive Council.

Sec. 4. Questions coming before the General Board shall be decided in accordance with the applicable provisions of Section 17 of Article IV of this constitution with the president or other principal officer of each affiliated national or international union casting the vote of such union and with the president or other principal officer of each department casting the one vote of such department. The number of members of each national or international union on a roll-call vote of the General Board shall be deemed to be the number of members represented at the last preceding convention except in the case where affiliation has occurred subsequent to such convention or within a 24-month period prior to and including the second month preceding such convention. In such cases the number of members of such affiliate shall be deemed to be one twenty-fourth of the average membership for which per capita tax was paid for each month, prior to the meeting of the General Board, for which such tax was paid.

ARTICLE X

DEPARTMENT OF ORGANIZATION AND FIELD SERVICES

Section 1. The organizing work of this Federation as set forth in Article VIII, Section 8, shall be conducted by the Department of Organization and Field Services under the general supervision of the President. The Department of Organization and Field Services shall be provided the staff and resources necessary to conduct such activities.

Sec. 2. The Department of Organization and Field Services shall be headed by a Director of Organization and Field Services who shall be appointed by the President subject to the approval of the Executive Council.

ARTICLE XI

TRADE AND INDUSTRIAL DEPARTMENTS

Section 1. The Trade and Industrial Departments shall be subordinate to the Federation and shall consist of the following: Building and Construction Trades Department; Food and Beverage Trades Department; Industrial Union Department; Maritime Trades Department; Metal Trades Department; Department for Professional Employees; Public Employee Department and Union Label and Service Trades Department and such other departments as may be established by the Executive Council or the Convention. Each department is to manage and finance its own affairs and may establish local councils of departments. Affiliation to the de-

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partments in the Federation shall be open to all appropriate affiliated national and international unions and organizing committees.

Sec. 2. To be entitled to representation in any department, international unions and organizing committees eligible to join it must first be and remain in affiliation to the Federation.

Sec. 3. To be entitled to representation in local councils of departments, local unions are required to be part of affiliated national and international unions and organizing committees affiliated to departments or to be directly affiliated to the Federation.

Sec. 4. The fundamental laws and procedure of each department are to conform to and be administered in the same manner as the laws and procedure governing the Federation. No department or local council of the same shall enact laws, rules or regulations in conflict with the laws and procedure of the Federation, and in the event of change of laws, rules, regulations and procedures of the latter, departments and local councils are to change their laws, rules and regulations to conform thereto.

Sec. 5. Each department is to be considered an official method of the Federation for transacting the portion of its business indicated by the name of the department, in consequence of which affiliated and eligible organizations should be part of their respective departments and should comply

with the actions and decisions of such departments, subject to appeal therefrom to the Executive Council and the conventions of the Federation. An organization affiliated with one or more departments shall pay per capita tax to each such department upon the number of members whose occupation comes under such department.

Sec. 6. The officers of the various departments shall, during years in which an AFL-CIO Convention is held, submit a report of the work done by their department and its general condition to the President for inclusion in the Executive Council report to the Convention, and shall during years in which a Convention is not held, submit such a report to the President for presentation to an Executive Council meeting designated by the President.

Sec. 7. The chief executive officer of each department shall be present at all regular meetings of the Executive Council of the Federation.

Sec. 8. Departments of the Federation shall have their headquarters in Washington, D. C., and in the headquarters of the Federation unless permitted to locate elsewhere.

ARTICLE XII

COMMITTEE AND STAFF DEPARTMENTS

Section 1. The President of the Federation shall appoint the following standing committees and such other committees as may from time to time be necessary. The President with the approval of the

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Executive Council may combine standing committees. The committees, under the direction of the President, and subject to the authority of the Executive Council and the convention, shall carry out their functions as described herein:

(a) The Committee on Legislation shall undertake to carry out the policies and programs of the Federation in the Congress and in the legislatures of state and local governments;

(b) The Committee on Civil Rights shall be vested with the duty and responsibility to assist the Executive Council to bring about at the earliest possible date the effective implementation of the principle stated in this constitution of nondiscrimination in relation to any member because of race, creed, color, sex, national origin or ancestry;

(c) The Committee on Political Education shall be vested with the duty and responsibility to assist the Executive Council in meeting the need for sound political education and in bringing about the effective implementation of the objectives stated in this constitution of encouraging workers to register and vote, to exercise their full rights and responsibilities of citizenship and to perform their rightful part in the political life of the city, state, and national communities;

(d) The Committee on Ethical Practices shall be vested with the duty and responsibility to assist the Executive Council in carrying out the constitutional determination of the Federation to keep the Federation free from any taint of corruption or communism, in accordance with the provisions of this constitution;

(e) The Committee on International Affairs shall be concerned with international developments facing our nation and the Federation's relationships with the international trade union movement;

(f) The Committee on Education shall promote the widest possible understanding among union members of the aims of the Federation, shall assist affiliated unions in developing their own educational programs and shall implement the Federation's interest in providing the nation with the highest standard of education at all levels;

(g) The Committee on Social Security shall have the responsibility of providing guidance and information in the fields of social insurance and welfare;

(h) The Committee on Economic Policy shall undertake to recommend programs and policies toward the end of promoting prosperity, full employment and full utilization of our resources;

(i) The Committee on Community Services shall stimulate the active participation by members and affiliated unions in the affairs of their

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communities and the development of sound relationships with social agencies in such communities;

(j) The Committee on Housing shall advise on all matters relating to housing programs and policies;

(k) The Committee on Research shall have the responsibility of reviewing and appraising the research activities of the Federation to the end that adequate research facilities are available to the Federation;

(l) The Committee on Public Relations shall review and appraise the needs of the Federation in keeping the general public informed of the goals and policies of the Federation, the extent to which these needs are being met and shall make recommendations in this field;

(m) The Committee on Safety and Occupational Health shall be vested with the responsibility of recommending and promoting ways in which the work places of our nation can be made safe and healthful;

(n) The Committee on Veterans Affairs shall keep all affiliates informed of the rights and benefits available to veterans under federal and state laws and shall propose measures to protect such rights and benefits;

(o) The Committee on Organization and Field Services, in consultation with the Executive Officers and the Director of Organization and

Field Services, shall develop programs and policies to assure a more effective and adequate effort in meeting the challenge of organizing the unorganized and shall report such programs and policies to the Executive Council for its consideration. This section shall in no way affect the jurisdiction of any national or international union of the AFL-CIO.

(p) All other committees shall have the function vested in them by the President, the Executive Council, or the convention, consistent with this constitution.

Sec. 2. Staff departments shall be established where appropriate under the direction of the President to function in the fields of activity described above and in such other fields as may be determined by the President, the Executive Council or the convention.

Sec. 3. The Committees and staff departments shall have adequate staff which shall be under the general direction of the President of the Federation.

ARTICLE XIII

STATE AND LOCAL CENTRAL BODIES

Section 1. Central bodies subordinate to the Federation may be established upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and international unions and organizing committees affiliated with

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the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies as the Executive Council may determine are eligible for affiliation.

Sec. 2. It shall be the duty of all national and international unions and organizing committees affiliated with the Federation to instruct their local unions to join affiliated central labor bodies in their vicinity where such exist. Similar instructions shall be given by the Federation to all local unions affiliated directly to it.

Sec. 3. The Executive Council of the Federation shall issue rules governing the conduct, activities, affairs, finances and property of central labor bodies and providing procedures for the discipline, including suspension and expulsion, of such bodies or their officers. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against central labor bodies, or their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Executive Council and to the convention, but shall provide that decisions appealed from shall remain in full force and effect pending any appeal.

Sec. 4. Upon the dissolution, suspension or revocation of the charter of any state or local central body, all funds and property of any character shall revert to the Federation to be held in trust until such time that the suspended or defunct organization may be reorganized and be able to confine its activities and actions to conform with the constitution and laws of this Federation. It shall be the duty of the officers of a state or local central body which has been dissolved or whose charter has been suspended or revoked, or which has been placed under trusteeship under Section 3 of this Section, to deliver all funds and property to the President of the Federation or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Federation shall reimburse itself from the funds and property recovered.

Sec. 5. Merger of existing state and local central bodies of the American Federation of Labor and the Congress of Industrial Organizations shall be accomplished as provided in Article III, Section 5. Pending such merger state and local central bodies of both the American Federation of Labor and the Congress of Industrial Organizations shall be permitted to exist as state and local central bodies representing the respective local unions or organizations now affiliated to such central bodies.

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ARTICLE XIV

LOCAL UNIONS DIRECTLY AFFILIATED TO THE FEDERATION, ORGANIZING COMMITTEES AND NATIONAL COUNCILS

Section 1. Subject to the provisions of Article III, Section 7, the Federation is authorized to issue charters and certificates of affiliation to organizing committees and directly affiliated local unions.

Sec. 2. The Executive Council of the Federation shall issue rules governing the conduct, activities, affairs, finances and property of organizing committees, national councils, and directly affiliated local unions, and governing the suspension, expulsion and termination of such organizations. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against such organizations, or their officers. They shall provide for notice and hearing in all cases in which such action is taken with respect to directly affiliated local unions, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such local unions and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Executive Council and to the convention, but shall provide that decisions appealed from shall remain in full force and effect pending any appeal.

Upon the dissolution, suspension or revocation of the charter of any such organizations, all funds

and property of any character shall revert to the Federation, which shall to the extent appropriate hold such funds and property in trust until such time that the suspended or defunct organization may be reorganized and be able to confine its activities and actions to conform with the constitution and laws of this Federation. It shall be the duty of the officers of any such organization which has been dissolved or whose charter has been suspended or revoked to deliver all funds and property to the President of the Federation or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be a lawful charge upon the funds and property involved and, on recovery thereof, the Federation shall reimburse itself from the funds and property recovered.

Sec. 3. It shall be the duty of the Executive Council to combine directly affiliated local unions in related fields into national or international unions, organizing committees or national councils when such action appears to be appropriate. Any local union directly affiliated to the Federation or a group of such local unions may request the Executive Council to authorize such combination.

When directly affiliated local unions are grouped into an organizing committee they shall become locals of the organizing committee. The organizing

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committee shall have the same status as a national or international union under this constitution except that it shall be under the direct supervision and control of this Federation, as provided herein.

When directly affiliated local unions are grouped into a national council they shall remain local unions directly affiliated with this Federation.

Sec. 4. The per capita payment to the Federation by local unions directly affiliated to it shall be determined by the Executive Council and shall not be less than $1.50 per month.

Sec. 5. Local Trade and Federal Labor Unions and Local Industrial Unions which are affiliated with this Federation pursuant to Article III, Section 2, of this constitution shall be for all purposes local unions directly affiliated to the Federation under this and all other sections of the constitution.

Sec. 6. The Defense Fund for Local Trade and Federal Labor Unions of the American Federation of Labor, created under its constitution, shall be continued as a defense fund for local unions directly affiliated with this Federation, subject to the rules provided for in Section 2 of this Article and subject to such provisions concerning contributions by and the eligibility of Local Industrial Unions formerly affiliated with the Congress of Industrial Organizations as may be determined by the Executive Council.

ARTICLE XV

PER CAPITA TAX AND ASSESSMENTS

Section 1. A per capita tax shall be paid upon the full paid up membership of each affiliated national or international union, organizing committee and directly affiliated local union.

Sec. 2. Beginning with per capita payments for the month of January 1982, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 24 cents per member per month. Beginning with per capita payments for the month of January 1983, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 27 cents per member per month.

Sec. 3. Directly affiliated local unions shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of not less than $1.50 per member per month, as provided for in the rules governing the organization and activities of such directly affiliated local unions. Each directly affiliated local union shall also pay to the Federation a portion, to be fixed by the Executive Council, of the initiation fee received by such union from its members, but such payment to the Federation shall in no case be less than $1.50 per member.

Sec. 4. Revenue may also be derived from assessments when and as ordered by a majority vote of a convention. The Executive Council may also de-

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clare an assessment of not to exceed 4 cents per member per month on all affiliated unions for a period not to exceed six months in any one year when the interests of the Federation require and when funds available from per capita tax are insufficient to meet the needs of the Federation.

Sec. 5. Any affiliated organization which does not pay its per capita tax on or before the fifteenth of each month, and assessment or assessments when due and payable, shall be notified of that fact by the Secretary-Treasurer of the Federation. Any affiliated organization three months in arrears in payment of per capita tax or assessments automatically becomes suspended from membership in the Federation and can be reinstated only after such arrearages are paid in full.

Sec. 6. Each affiliate, upon the issuance of a certificate of affiliation, shall pay to the Federation the sum of $15.00.

Sec. 7. Each state and local central body affiliated with the Federation shall pay to the Federation an annual fee of $20.00.

Sec. 8. The Executive Council may exonerate any national or international union, organizing committee and directly affiliated local union from the payment of per capita tax or assessments due to the Federation for any month upon a proper showing that, in the opinion of the Executive Council, good cause therefor exists. Exonerated members shall be regarded, for the purposes of this constitution, as paid up members for the period of exoneration.

ARTICLE XVI

AMENDMENTS

This constitution can be amended or altered only by the convention, by a two-thirds vote of those present and voting, either by a show of hands, or, if a roll-call is properly demanded as provided in this constitution, by such roll-call.

ARTICLE XVII

EXISTING AGREEMENTS

Section 1. The agreement for the merger of the American Federation of Labor and the Congress of Industrial Organizations, as approved by the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations and the conventions of both federations is incorporated herein and made a part of this constitution.

Sec. 2. The AFL-CIO No-Raiding Agreement shall be preserved and, with the consent of the signatories, shall be extended for a period of two years from its present expiration date and amended to make it effective as between all unions signatory to it irrespective of their former affiliation. The CIO Organizational Disputes Agreement shall be maintained in force for its term as between the unions which have adhered to it. The AFL Internal Disputes Plan shall be maintained in force for its term with respect to the unions which have adhered to it. A Joint Committee shall be established by

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the Executive Council to formulate the means for incorporating these three agreements into a combined no-raiding and organizational and jurisdictional disputes agreement which can be effective as between all of the unions becoming signatory to it irrespective of their former affiliation and for the purpose of extending, by voluntary agreement, such provisions to all affiliates of this Federation.

ARTICLE XVIII

INITIAL CONVENTION

Section 1. The provisions of this constitution shall govern the initial convention of the Federation except as otherwise provided in this Article.

Sec. 2. The initial convention shall be called, and the time and place determined by the Joint AFL-CIO Unity Committee, subject to the approval of the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations, and the conventions of the two federations.

Sec. 3. The Joint AFL-CIO Unity Committee shall act as the credentials committee for the initial convention and shall be empowered to accredit as delegates to such convention all of the delegates who have been duly accredited to the conventions of the American Federation of Labor and the Congress of Industrial Organizations which approved this constitution. Where the total number of such delegates of any affiliated organization is less than the number of delegates to which such organization is entitled under Article

IV, Section 4, the Joint AFL-CIO Unity Committee shall be empowered to accredit additional delegates from such organization up to such number.

Sec. 4. Delegations representing national and international unions, organizing committees and directly affiliated local unions shall each be entitled to a total number of votes based upon the membership represented by such delegation at the conventions of the American Federation of Labor and the Congress of Industrial Organizations approving this constitution. State and local central bodies and national departments shall each be represented by one delegate and shall each be entitled to one vote.

Sec. 5. The Joint AFL-CIO Unity Committee shall report to the convention, designate temporary officers for the convention, appoint all convention committees, and take such other action with respect to the conduct of the convention as may become necessary by virtue of the fact that it is an initial convention.

ARTICLE XIX

EFFECTIVE DATE

This constitution and the Merger Agreement between the American Federation of Labor and the Congress of Industrial Organizations shall become effective upon approval by the separate conventions of the American Federation of Labor and the Congress of Industrial Organizations and shall govern the affairs of the Federation beginning with the first convention of the Federation.

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ARTICLE XX

SETTLEMENT OF INTERNAL DISPUTES

Section 1. The principles set forth in this Article shall be applicable to all affiliates of this Federation, and to their local unions and other subordinate bodies.

Sec. 2. Each affiliate shall respect the established collective bargaining relationship of every other affiliate. No affiliate shall organize or attempt to represent employes as to whom an established collective bargaining relationship exists with any other affiliate. For purposes of this Article, the term, "established collective bargaining relationship" means any situation in which an affiliate, or any local or other subordinate body thereof, has either (a) been recognized by the employer (including any governmental agency) as the collective bargaining representative for the employes involved for a period of one year or more, or (b) been certified by the National Labor Relations Board or other federal or state agency as the collective bargaining representative for the employes.

Sec. 3. Each affiliate shall respect the established work relationship of every other affiliate. For purposes of this Article, an "established work relationship" shall be deemed to exist as to any work of the kind which the members of an organization have customarily performed at a particular plant or work site, whether their employer is the plant operator, a contractor, or other employer. No affiliate shall by agreement or collusion with any

employer or by the exercise of economic pressure seek to obtain work for its members as to which an established work relationship exists with any other affiliate, except with the consent of such affiliate. This section shall not be applicable to work in the railroad industry.

Sec. 4. In the event that any affiliate believes that such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality or to the constitutional objectives of the AFL-CIO or injurious to accepted trade union work standards to enforce the principles which would apply in the absence of such circumstances, such organization shall nevertheless observe such principles unless and until its claim is upheld in the manner prescribed in Section 17 of this Article.

Sec. 5. No affiliate shall, in connection with any organizational campaign, circulate or cause to be circulated any charge or report which is designed to bring or has the effect of bringing another affiliate into public disrepute or of otherwise adversely affecting the reputation of such affiliate or the Federation.

Sec. 6. Dispute settlements and determinations under this Article shall not determine the general work or trade jurisdiction of any affiliate but shall be limited to the settlement or determination of the specific dispute on the basis of the facts and considerations involved in that dispute.

Sec. 7. The President shall establish procedural rules for the handling of complaints under this

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Article so that all affiliates involved in or affected by a dispute will have notice thereof, will have an opportunity for the voluntary settlement of the dispute, and, in the event of a failure to reach a voluntary settlement, will have a full and fair hearing before an Impartial Umpire. The rules shall be such as to insure a speedy and early disposition of all complaints arising under this Article.

Sec. 8. The President shall appoint a permanent mediator or mediators knowledgeable about the labor movement and with an ability to assist parties to disputes to resolve their differences amicably. Any affiliate which claims that another affiliate has violated this Article may, by its principal officer, file a complaint with the President. Upon receipt of such complaint the President shall designate the mediator and direct that all affiliates involved or affected meet with such mediator in an effort to effect a settlement. The mediator's terms of employment shall be established by the President with the approval of the Executive Council.

Sec. 9. A panel of Impartial Umpires composed of prominent and respected persons shall be established. The members of the panel shall be selected by the President with the approval of the Executive Council. If voluntary settlement of a dispute is not reached within fourteen days after the appointment of a mediator or mediators, a hearing shall be held before an Impartial Umpire selected from such panel. Impartial Umpires shall be assigned on a rotating basis, subject to their availability to

conduct hearings. The terms of employment of the members of the panel shall be established by the President, with the approval of the Executive Council.

Sec. 10. The Impartial Umpire shall make a determination, after hearings, based upon the principles set forth in this Article. He shall make such determination within a time specified by the President, unless an extension of time is agreed to by the parties. The President shall transmit copies of the determination to all affiliates involved. He shall, at the same time, request any affiliate which the Impartial Umpire has found to be in violation of this Article to inform him as to what steps it intends to take to comply with such determination. Any response received, or the fact that no response has been received within a time fixed by the President, shall be communicated to the other parties to the dispute.

Sec. 11. The President may extend any time limit if, in his judgment, such extension will more readily effectuate an early settlement or determination of a dispute. Whenever, in the judgment of the President, pressing reasons require an accelerated settlement or determination, he may shorten or eliminate the mediation process or refer the dispute directly to an Impartial Umpire.

Sec. 12. If no appeal is filed from a determination of the Umpire within five days as provided below the determination shall automatically go into full force and effect. Any affiliate which is adversely affected by a determination of the Um-

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pire, and which contends that the determination is not compatible with this constitution, or not supported by facts, or is otherwise arbitrary or capricious, may file an appeal with the President within five days after it receives the Umpire's determination. Any such appeal shall be referred by the President to a subcommittee of the Executive Council.

Sec. 13. The subcommittee of the Executive Council may disallow the appeal, in which event the determination of the Umpire shall be final, and subject to no further appeal and shall go into full force and effect; or the subcommittee may refer the appeal to the Executive Council Article XX Appeals Committee consisting of the President, the Secretary-Treasurer and seven Vice Presidents drawn from various sectors of the labor movement, in which event the determination of the Umpire shall be automatically stayed pending disposition of the appeal by the Committee. The seven Vice Presidents on the Appeals Committee shall be nominated by the President and approved by the Executive Council and shall serve two-year terms. The President shall not re-nominate more than four of the Vice Presidents initially appointed to the Committee for a second term or nominate a Vice President to serve for more than two consecutive terms. One of the two Executive Officers and five of the seven Vice Presidents shall constitute a quorum. The Appeals Committee shall have full and final authority to establish its procedures, to issue preliminary orders and to affirm, reverse, amend or

modify the Umpire's decision under appeal. Notwithstanding the foregoing the Executive Council shall have full and final authority on its own motion or at the request of any affiliate to consider policy questions under Article XX and to issue from time to time policy statements having prospective effect on the implementation of Article XX, which statements shall from the date issued, supercede inconsistent prior policy statements and case decisions.

Sec. 14. Any affected affiliate may file a complaint with the President that another affiliate has not complied with an effective determination of the Impartial Umpire or of the Executive Council on appeal. Upon receipt of such a complaint the President shall immediately convene a meeting of the subcommittee of the Executive Council referred to above. If non-compliance with the determination is found at such meeting, notice of such non-compliance shall be issued by the President to each affiliated national or international union and department.

Sec. 15. Immediately upon the issuance of such notification, the following shall apply:

(1) The non-complying affiliate shall not be entitled to file any complaint or appear in a complaining capacity in any proceeding under this Article until such non-compliance is remedied or excused as provided in Section 16;

(2) The Federation shall, upon request, supply every appropriate assistance and aid to any organization resisting the action determined to

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be in violation of this Article;

(3) The Federation shall appropriately publicize the fact that the affiliate is not in compliance with the constitution;

(4) No affiliate shall support or render assistance to the action determined to be in violation of this Article.

In addition, the Executive Council is authorized, in its discretion, to:

(1) Deny to such an affiliate the use of any or all of the services or facilities of the Federation;

(2) Deny to such an affiliate any protection under any of the provisions or policy determinations of the Federation;

(3) Apply any other authority vested in the Executive Council under this constitution.

Sec. 16. Any affiliate which has been found to be in non-compliance and which has been deprived of its rights under this Article may apply for restoration of such rights. Notice of such application shall be given to all of the affiliates involved in the determination or determinations as to which there is non-compliance. If such affiliates consent, the President shall be authorized to restore the rights of the non-complying affiliate after it states its intention in writing to comply thenceforth with the provisions of this Article. If any affiliate involved in the cases of non-compliance opposes the application, the rights of the non-complying affiliate shall be restored only under the following conditions:

(a) The non-complying affiliate states its inten-

tion, in writing, to comply thenceforth with the provisions of this Article;

(b) The non-complying affiliate has undertaken whatever measures may be necessary and practicable to remedy the situation;

(c) The application for restoration of rights is approved by two-thirds vote of the Executive Council, or by a majority vote of the convention.

Sec. 17. Any affiliate which claims justification under Section 4, for action, which would, in the absence of such justification violate the provisions of this Article, shall process its claim, prior to taking action, under the provisions of this Section. Such claim shall set forth the basis upon which the claim is made and the action which the affiliate proposes to take. The claim shall thereafter be processed as provided in this Article except that the determination as to whether the facts justify the proposed action shall not be made by the Impartial Umpire. The Impartial Umpire shall determine whether the proposed action would violate the provisions of this Article in the absence of justification, shall find the facts with respect to the claim of the justification, and submit a report to the Executive Council. The Executive Council shall determine on the report of the Impartial Umpire whether the proposed action would violate the provisions of this Article in the absence of justification; and, if it concludes by majority vote that the proposed action would so violate it shall

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find such justification only by a vote of two-thirds of the membership of the Council.

Sec. 18. The President shall be authorized to delegate to such person or persons as he may designate any of his powers or functions under this Article except the authority granted by Sections 12, 14, and 16.

Sec. 19. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between all of the affiliates involved in or affected by the dispute, the provisions of such agreement shall be complied with prior to the invocation of the procedures provided in this Article. If such agreement provides for final and binding arbitration, and an affiliate party to such agreement claims that another such affiliate has not complied with a decision under that agreement, it may file a complaint under the provisions of Section 14 of this Article and the procedures provided in this Article in the case of non-compliance shall be applicable. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between affiliates but involves or affects an affiliate not a party to such an agreement, the affiliate not a party to such agreement may invoke the procedures provided in this Article for the settlement and determination of such dispute.

Sec. 20. The provisions of this Article with respect to the settlement and determination of dis-

putes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached hereunder.

Sec. 21. The provisions of this Article shall take effect on January 1, 1962. Upon such effective date, the provisions of Article III, Section 4, of this constitution, except the first sentence thereof, shall be of no further force and effect. However any dispute which has become subject to a formal complaint under such provision prior to January 1, 1962, shall be disposed of under the procedures and principles theretofore applicable and not under the procedures or principles set forth in this Article, except that any recommendation of the Impartial Umpire issued subsequent to January 1, 1962, shall be subject to the provisions of Sections 14 through 16 of this Article.

Sec. 22. Notwithstanding any other provision of this constitution this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a show of hands, or, if a roll-call is properly demanded as provided in this constitution, by such roll-call.

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AGREEMENT FOR THE MERGER OF THE AMERICAN FEDERATION OF LABOR AND THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Signed February 9, 1955

1. AGREEMENT TO MERGE

The American Federation of Labor and the Congress of Industrial Organizations agree to create a single trade union center in America, through the process of merger which will preserve the integrity of each affiliated national and international union. They further agree upon the following principles and procedures to accomplish this end.

2. PRINCIPLES OF MERGER

(a) It is recognized, as a fundamental basis for the merger of the AFL and CIO, that each national and international union, federal labor union, local industrial union and organizing committee (hereinafter referred to as affiliated union) holding a charter or certificate of affiliation granted by either federation shall retain its charter or certificate and become, by virtue of the merger, an affiliate of the merged federation.

(b) It is further recognized and agreed that the integrity of each affiliated union in the merged federation shall be maintained and preserved. In order to effectuate this principle, the Constitution of the merged federation shall contain a constitutional declaration for respect by each affiliate of the established bargaining relationship of every other affiliate and against raiding by any affiliate

of the established collective bargaining relationship of any other affiliate. The merged federation shall provide appropriate machinery to implement this constitutional declaration.

(c) The parties further agree that, subject to the foregoing, each affiliated union shall have the same organizing jurisdiction in the merged federation as it had in its respective prior organization.

(d) The parties recognize that the above provisions may result in conflicting and duplicating organizations and jurisdictions. Where such is the case, affiliates of the merged federation will be encouraged to eliminate conflicts and duplications through the process of agreement, merger, or other means, by voluntary agreement in consultation with the appropriate officials of the merged federation.

(e) The merged federation shall be based upon a constitutional recognition that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization.

(f) The merged federation shall constitutionally recognize the right of all workers, without regard to race, creed, color or national origin to share in the full benefits of trade union organization in the merged federation. The merged federation shall establish appropriate internal machinery to bring about, at the earliest possible date, the effective implementation of this principle of non-discrimination.

(g) The merged federation shall constitutionally affirm its determination to protect the American

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trade union movement from any and all corrupt influence and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and of free and democratic trade unionism.

The merged federation shall establish appropriate internal machinery with authority effectively to implement this constitutional determination to keep the merged federation free from any taint of corruption or communism.

3. GOVERNMENT AND STRUCTURE OF THE MERGED FEDERATION

(a) There shall be established within the merged federation a Department to be known as the Council of Industrial Organizations. Such Department shall have the status of, and, in general, be comparable to, the existing Departments of the American Federation of Labor, which Departments shall be continued within the merged federation. This Department shall be open to all industrial unions within the merged federation. All other Departments in the merged federation shall be open to all appropriate unions.

(b) The executive officers of the merged federation shall be a President and a Secretary-Treasurer, who shall be elected at the regular conventions of the merged federation. Initially, the President and Secretary-Treasurer shall be elected from the unions now affiliated with the American Federation of Labor.

(c) The Department of Organization of the merged federation shall be headed by a Director

of Organization who shall be appointed by the President, after consultation with the Executive Committee, subject to the approval of the Executive Council.

Initially, the Director of Organization shall be selected from a union now affiliated with the Congress of Industrial Organizations. The Department of Organization shall be provided the staff and resources necessary to conduct organizational activities in cooperation with the various affiliated unions, in the common effort to organize the unorganized into collective bargaining unions which experience has shown to be the most effective and appropriate for the protection of such workers.

(d) The Convention of the merged federation shall be its supreme governing body. The convention shall meet regularly every two years. The delegates of affiliated unions to such convention shall vote the per capita membership of the unions which they represent. State and local central bodies shall be entitled to one vote each at conventions.

(e) In addition to the officers set forth in paragraph (b), there shall be twenty-seven Vice Presidents, to be elected at the regular conventions of the merged federation. The Vice Presidents shall, with the executive officers, constitute the Executive Council. The Executive Council shall meet not less than three times each year. It shall be authorized and empowered to take such action and render such decisions as will be necessary to carry out fully and adequately the decisions and instructions of the conventions and between conventions

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shall have the power to direct the affairs of the federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose. At the first convention of the merged federation, seventeen of the Vice Presidents shall be elected from unions now affiliated with the American Federation of Labor and ten shall be elected from unions now affiliated with the Congress of Industrial Organizations.

(f) There shall be an Executive Committee which shall consist of the Executive Officers and six of the Vice Presidents to be selected by the Executive Council. The Executive Committee shall meet bi-monthly and shall advise and consult with the executive officers on policy matters. Initially, three of the Vice Presidents constituting the Executive Committee shall be selected from unions now affiliated with the AFL and three of the Vice Presidents shall be selected from unions now affiliated with the CIO.

(g) There shall be a body known as the General Board which shall consist of the members of the Executive Council and the President or other principal officer of each of the national or international unions affiliated with the merged federation. The General Board shall meet at least once each year and shall decide all policy questions referred to it by the executive officers, and the Executive Council. The rules of the convention as to voting shall govern the General Board.

(h) The constitution of the merged federation shall provide for standing committees of the federation in appropriate fields of action. These committees shall have appropriate staffs and due recognition shall be given to unions now affiliated with the AFL and the CIO in determining the chairmanships of, and in staffing, such committees.

(i) The constitution shall provide for state and local central bodies of the merged federation. In addition, the constitution shall permit the Council of Industrial Organizations to maintain subordinate councils, as now provided for departments of the American Federation of Labor. Existing state and local bodies of the AFL and CIO shall be merged as provided for in paragraph 6(g) of this Agreement.

4. FINANCES

(a) The merged federation shall succeed to all the assets of the American Federation of Labor and shall assume all of its liabilities and contractual obligations. The merged federation shall succeed to that part of the net assets of the Congress of Industrial Organizations which bears the same relationship to the membership of the Congress of Industrial Organizations (as measured by per capita tax paid as of the date of the 1954 Congress of Industrial Organizations Convention) as the net assets of the American Federation of Labor as of the date of merger bear to the membership of the American Federation of Labor (similarly measured as of the date of the 1954 American

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Federation of Labor Convention). The Council of Industrial Organizations to be established within the merged federation shall succeed to the balance of the assets of the Congress of Industrial Organizations, after all of its liabilities, both accrued and potential, have been provided for. The term assets shall include real estate held in trust for the respective federations.

(b) The per capita tax payable to the merged federation by national, international unions and organizing committees shall be 4 cents per member per month. The per capita tax of federal labor unions and local industrial unions shall be not less than 80 cents per member per month. The Council of Industrial Organizations, acting as a department of the merged federation, shall establish its own per capita tax, as shall all other departments of the merged federation.

5. EXISTING AGREEMENTS

The AFL-CIO No-Raiding Agreement shall be preserved and, with the consent of the signatories, shall be extended for a period of two years from its present expiration date and amended to make it effective as between all unions signatory to it irrespective of their former affiliation.

The CIO Organizational Disputes Agreement shall be maintained in force as between the unions which have adhered to it. The AFL Internal Disputes Plan shall be maintained in force with respect to the unions which have adhered to it. A Joint Committee shall be established to formulate

the means for incorporating these three agreements into a combined no-raiding and organizational and jurisdictional disputes agreement which can be effective as between all of the unions becoming signatory to it irrespective of their former affiliation and for the purpose of extending, by voluntary agreement, such provisions to all affiliates of the merged federation.

6. METHODS OF MERGER

The merger shall be effected by the following procedure:

(a) This agreement shall be submitted for approval to the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations.

(b) Upon approval by them, a proposed constitution for the merged federation, reflecting the provisions of the merger agreement and containing such other necessary and appropriate provisions as may be agreed to, shall be drafted by the Joint AFL-CIO Unity Committee. The proposed constitution of the merged federation shall, consistent with the merger agreement, preserve the essential features of the present AFL and CIO constitutions and the basic rights and obligations of the affiliates of both federations.

(c) The proposed constitution shall be submitted for approval to the Executive Council of the American Federation of Labor and the Executive Board of the Congress of Industrial Organizations.

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(d) Upon approval by them, this Agreement and the proposed constitution, and such other agreements as are necessary to accomplish the merger shall be submitted to separate conventions of the American Federation of Labor and the Congress of Industrial Organizations.

(e) Upon approval by the separate conventions of the two federations of the Merger Agreement and the proposed constitution of the merged federation, a joint convention shall be held. Such joint convention shall constitute the first regular biennial convention of the merged federation.

(f) Initially, the headquarters and field staff of th AFL and the CIO shall be retained as the staff of the merged federation. A special committee shall be established of the present executive officers of the AFL and the CIO which shall, in conjunction with the executive officers of the merged federation, make just, fair and equitable provision for the integration of the staffs of the AFL and the CIO into a single staff for the merged federation.

(g) Merger of existing state and local central bodies of the AFL and CIO shall be accomplished within two years after the date of the merger of the two national federations by the process of negotiation and agreement under the guidance of the officers of the merged federation. Pending the conclusion of such agreements state and local central bodies of both of the AFL and CIO shall be permitted to continue to exist as state and local central bodies representing the respective local unions now affiliated to such central bodies.

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August 1983

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Thomas R. Donahue, Secretary-Treasurer

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EXHIBIT

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New York Times
September 12, 1983

Indicted Hawaii Union Body Chief Defies Kirkland's Order on Leave

Special to The New York Times

HONOLULU, Sept. 11 — The president of the Hawaii A.F.L.-C.I.O., who is under Federal indictment on perjury charges, has defied an order from national headquarters and refused to take a leave of absence pending the resolution of his case.

Delegates to the state A.F.L.-C.I.O. convention in Waikiki voted unanimously Saturday to support the official, Walter H. Kupau, in his refusal to obey Lane Kirkland, president of the American Federation of Labor and Congress of Industrial Organizations. Alan Kistler, national director of field services for the federation, flew here from Washington and tried in vain to persuade Mr. Kupau and the delegates.

Mr. Kupau was indicted Aug. 18 on seven perjury counts involving a grand jury investigation of charges of carpenter union threats against a nonunion contractor on the island of Maui.

The contractor, Walter Mungovan, recorded conversations in which, it is charged, Mr. Kupau threatened Mr. Mungovan to force him to agree to a union contract.

Mr. Kupau is business representative and secretary-treasurer of the 6,000-member Hawaii carpenters union

Mr. Kistler told the 57 convention delegates the national organization was not prejudging Mr. Kupau. But he said it was policy in indictments of this type that Mr. Kupau should not "discharge the duties" of his office while his case is pending.

Mr. Kistler said there would be no objection to Mr. Kupau's re-election (which occurred a few minutes later) if he stepped aside for a new administrator.

After he was re-elected to his eighth consecutive term and sworn in by Mr. Kistler, Mr. Kupau said: "I am going to continue. I do not accept threats. I am not going to walk away from a challenge."

Mr. Kistler tried to dissaude the delegates from adopting a resolution supporting Mr. Kupau in the perjury case. But the resolution was passed without a dissenting vote.

EXHIBIT

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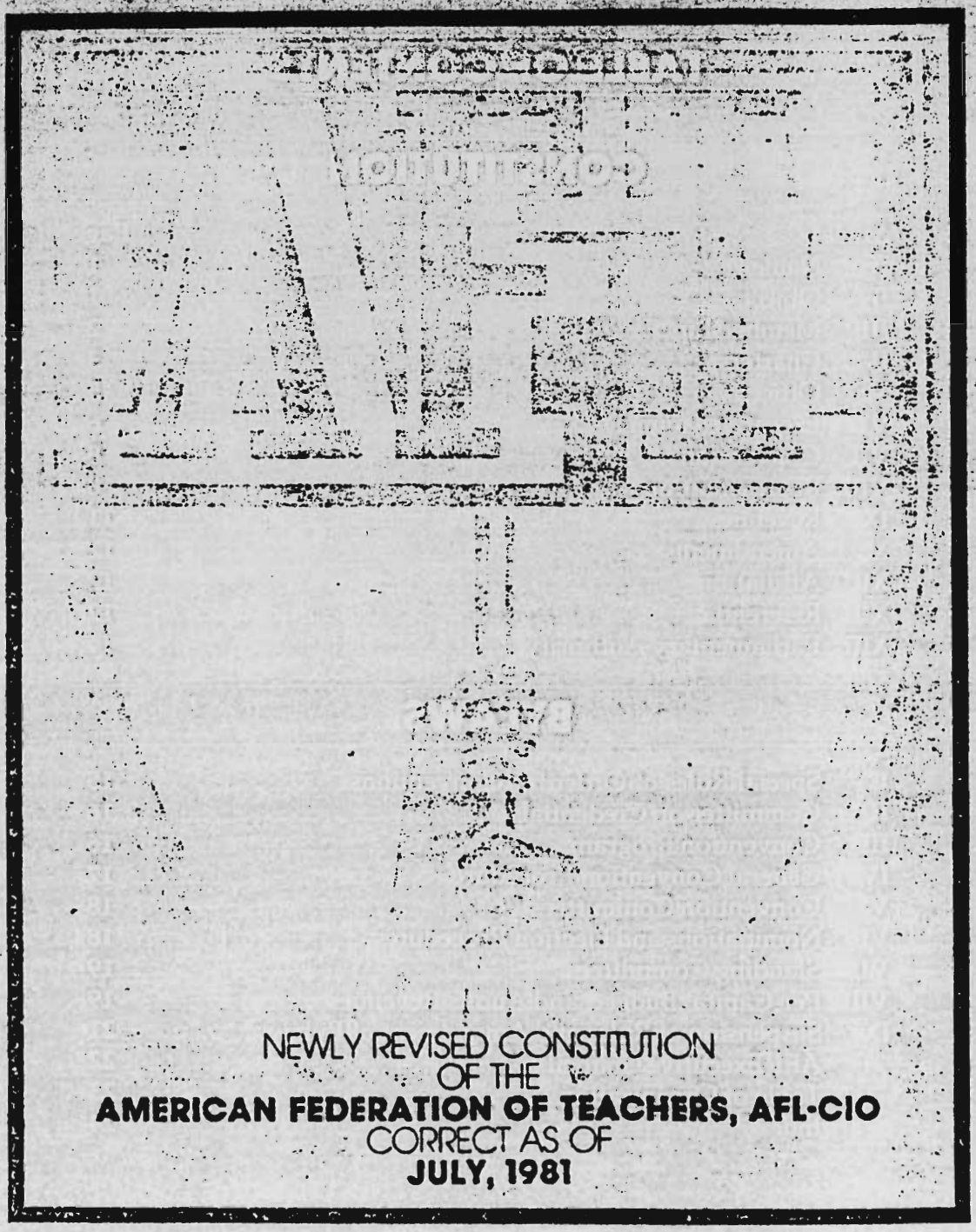
CONSTITUTION



NEWLY REVISED CONSTITUTION
OF THE
AMERICAN FEDERATION OF TEACHERS, AFL-CIO
CORRECT AS OF
JULY, 1981

EXHIBIT

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CONSTITUTION

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

NOTE: Underlined words indicate new language adopted at the 1981 Convention.

ARTICLE I

NAME

Name

This organization shall be known as the American Federation of Teachers.

ARTICLE II

OBJECTS

Bargaining Rights

Section 1. To obtain exclusive bargaining rights for teachers and other workers, with the right to strike.

Mutual Assistance

Section 2. To bring local and state federations of teachers and other workers into relations of mutual assistance and cooperation.

Teacher Rights

Section 3. To obtain for teachers and other workers all of the rights to which they are entitled in a free society.

Improve Educational Standards

Section 4. To improve standards for teachers, educational workers, and other workers, by promoting better preparation, encouraging relevant in-service training, and securing the working conditions essential to the best performance of professional service.

Improve Health Standards

Section 5. To improve the standards for registered nurses, allied health professionals and other health-care employees by advancing economic status, promoting better preparation in basic education programs, encouraging and promoting continuing education, securing working conditions essential to the best performance of services and the most effective delivery of health care.

Improve Education

Section 6. To encourage the hiring and retention of competent teachers and other educational workers, the maintenance of modern well-equipped schools, and the promotion of such educational programs and conditions in American schools, as will enable their students to equip themselves better to take their places in the economic, social, and political life of the community.

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Child Welfare

Section 7. To promote the welfare of children by providing progressively better educational opportunities for all, regardless of race, color, creed, sex, and social, political or economic status.

Promote Welfare

Section 8. To promote the welfare of the health-care consumer by promoting progressively better access to and utilization of health-care resources in this country.

Oppose Bias

Section 9. To fight all forms of bias due to race, creed, sex, social, political or economic status, or national origin.

Promote Democracy

Section 10. To support and promote the ideals of democracy as envisioned in the Constitution of the United States of America, its Bill of Rights and other Amendments, to work for passage and retention of just laws which will improve the educational climate for students, teachers and other workers in education, and to encourage them to exercise their proper rights and responsibilities under these laws.

Organize Retirees

Section 11. To encourage locals to organize chapters of retired members within their jurisdiction.

ARTICLE III

MEMBERSHIP

Jurisdiction

Section 1. This organization shall consist of federations of public and private school teachers, educational workers, nurses, allied health professionals and other health-care employees organized in conformity with the provisions of this constitution. Other employees may be members of any local whose constitution so permits.

Membership

Section 2. Classroom teachers with supervisory authority may be admitted to membership by any local whose constitution so permits.

Membership Outside Local Jurisdiction

Section 3. Any teacher residing outside of the jurisdiction of an established local may be accepted as a member of the nearest local or as a member-at-large of the state federation. The state federation shall have full jurisdiction in the determination of a procedure for participation by these at-large members in all activities of the state federation.

Charters

Section 4. The executive council may exercise its discretion in the chartering of groups of teachers, educational workers, nurses, allied health professionals, other health-care employees or other workers.

Classes of Members

Section 5. Locals may establish the following special classes of membership:

(A) Employees who are eligible for membership whose salary is less than the basic teacher's salary or employees whose salary is less than $8,000, whichever salary is higher. Such locals pay per-capita tax for such members at one-half the regular rate.

(B) Retirees, teachers, laid off employees, employees on unpaid leave, and those employees earning under $5,000. Laid off employees shall be eligible for three years at this reduced rate. Such locals pay per-capita tax for such members at one-quarter the regular rate.

Such members shall be entitled to receive full benefits of membership; however, in determining the delegate strength of the local at any state or national convention their representation shall be in proportion to the rate of dues paid. Any such members who pay the regular membership dues of the local and for whom the full per-capita tax is paid shall be entitled to full membership rights and privileges.

Student Members

Section 6. Where a local of the American Federation of Teachers exists in or near a college or university having a department of education, that local may accept prospective teachers as associate members. Annual dues of $2.50 per year shall be paid directly to the national office by the local for each

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associate member. Associate members shall have only visitors' privileges at the convention. A student teacher may also be accepted as a member-at-large of the state federation.

Membership of Individual College Teachers

Section 7. In jurisdictions where there are no college or university locals of the American Federation of Teachers, membership may be granted to individual college and university teachers by a local in that vicinity. Such membership may be maintained until there is chartered a college or university local in which such a member would be eligible for membership.

Anti-discrimination

Section 8. No discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, social, political or economic status or national origin. Locals may establish procedures for admission of new members except that no discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, social, political or economic status, or national origin.

Supervisory Membership

Section 9. Nothing contained in this article shall permit this organization to admit into membership any organization of nonteaching persons who hold the position of principal or any higher position. This provision shall not be applicable to locals chartered prior to its adoption.

Nothing contained in this article shall permit locals to admit into or retain in membership any nonteaching person who holds the position of principal or any higher position. This provision shall not be applicable to holders of such positions who held membership in any local prior to the adoption of this article.

The executive council may permit locals to admit such persons into membership only where the exclusion of such persons from membership would legally bar a local from achieving exclusive representation for classroom teachers.

ARTICLE IV

CHARTERS

Local Charters

Section 1. Ten or more teachers and/or other workers, upon application to the executive council and the payment of $25.00 may be granted a charter, and such locals shall establish and maintain at least a minimum dues of $50.00 per year unless, in the opinion of the executive council, special circumstances exist.

Non-public Charters

Section 2. Upon application to the executive council and the payment of a fee of $25.00, a charter may be issued to ten or more teachers in educational institutions not supported by public funds.

State Charters

Section 3. Charters may be granted by the executive council to state federations upon the payment of a charter fee of $10.00. A state federation shall consist of no fewer than three locals of the American Federation of Teachers, except when fewer than three locals represent jurisdictions embracing 50 percent of the teacher strength in the state. No dues shall be assessed on the state federations by the national organization except for the members-at-large as provided in the constitution.

Constitutions

Section 4. All locals and state federations shall submit three copies of their constitution and bylaws to the national organization within three months of receiving their charter or of September 1, 1955, whichever is the later date, and they shall similarly submit all subsequent amendments to their constitution and bylaws. No such constitution or bylaws shall be in conflict with the constitution of the American Federation of Teachers.

Section 5. Effec

1982, each affiliated local shall make a reasonable effort to have its constitution or by-laws, or other applicable instrument utilized by the local to deal with dues adjustments, provide for an automatic increase in the local's dues equal to any increase in the per-capita payments that are required to be made to the American Federation of Teachers and to either the state federation or the regional council with which the local is affiliated. This reasonable effort, should it have to be repeated by any local, shall be made annually.

Minimum Membership

Section 6. The charter granted to any local shall not be revoked or suspended because it has a membership of less than ten but not less than seven.

Suspension of Charter

Section 7. A charter issued to any local or state federation may be suspended or revoked by the executive council when the existence of such local or state federation is detrimental to the development of democracy in education. However, except for the nonpayment of dues to this organization, no local or state federation shall have its charter suspended or revoked until the executive council has (a) served the local or state federation with written specific charges, (b) provided the local or state federation a reasonable time to prepare its defense, and (c) afforded a full and fair hearing within the jurisdictions of the local or state federation.

Suspension Appeal

Except for nonpayment of dues, such suspension or revocation may be appealed to the next national convention. The appeal shall be the first order of convention business. The local may present its own case without the right to vote. A two-thirds vote of the convention shall be required to sustain such suspension or revocation.

Disbanding of Local

Section 8. In the event a local or state federation's charter is revoked, or the local or state federation disbands, the balance in the treasury shall be forwarded to the Defense Fund of the American Federation of Teachers.

Anti-discrimination

Section 9. No charter of the American Federation of Teachers which defines or recognizes jurisdiction on a basis of race, creed, sex, social, political or economic status, or national origin, or permits the practice of such jurisdiction, shall be recognized as valid, and the practice of any local in limiting its membership on account of race, creed, sex, social, political or economic status, or national origin shall render its charter void.

Student Charters

Section 10. A student federation of teachers may be chartered in any college or university. There must be a minimum of ten members. Per capita for each member to the national organization shall be $2.50, payable annually.

A student federation of teachers may be chartered in any high school upon an application of the sponsoring local and payment of not less than $10.00 per year for such organization of at least ten members. Locals may establish reasonable dues for members of the student federation.

The executive council shall make such rules and regulations as are necessary for the administration of this section.

Such student-teacher members shall have no voting status in either the national or state federations.

Section 11.

Executive Cou Allocation of Jurisdiction

A. Jurisdiction of Locals

The executive council shall have power to allocate and define and, from time to time, redefine and reallocate the jurisdictions within which locals may exercise their jurisdictions. In doing so the executive council shall be guided by the primary purpose of the American Federation of Teachers which is to organize teachers and other workers into strong, effective unions for the purpose of achieving and engaging in collective bargaining.

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Geographic Jurisdiction

B. Rules for Defining and Allocating Jurisdiction

(1) In the exercise of this power the executive council shall give preference to a local operating within a specific geographic area whose members shall constitute a bargaining unit of employees of a single employer or employees of two or more employers within a geographic area. Where a statute, regulation, or decision by a court or other regulatory agency defines a bargaining unit on some other basis, exceptions may be made to conform thereto.

Multi-employer

(2) It will not be considered an infraction of this principle if there are several employers of teachers and other workers within the same general geographic area and the employees of each such employer are organized separately.

Jurisdiction

(3) No teacher or other worker who is a member of the bargaining unit of a local in a defined jurisdictional area may be a member-at-large of a state federation or be a member of a local having a general jurisdiction.

Member-at-Large Restriction

(4) A teacher or other worker who is a member-at-large of a state federation or a local having a general jurisdiction and is employed within the jurisdiction of another local now or hereafter chartered shall terminate such membership within 30 days.

State Jurisdiction

(5) No local shall have or maintain jurisdiction in an area that crosses state lines or has jurisdiction in more than one state without the specific approval of the executive council.

Duplicate Membership

(6) Nothing in this section shall prohibit a local from representing educational workers employed by labor organizations (other than AFT) in worker education, or by other private employers or government agencies or in places where no AFT local is chartered but any person so employed shall cease to be a member of the first mentioned local within 30 days after the chartering of a local that has jurisdiction of the employees of the employer of any such person.

Charter of Other Educational Workers

(7) Nothing in this section shall prohibit the existence or chartering of locals of educational workers other than teachers (such as clerks, truant officers, nurses, librarians, and the like) where such local is otherwise in conformity with this section; nor shall anything in this section prohibit locals of non-public teachers and other educational workers in the same or overlapping geographic area as another local.

Rules

(8) The executive council may make rules to carry out any of the provisions of this section and shall determine all questions arising hereunder.

Appeal

(9) All decisions of the executive council which the executive council makes in the exercise of the powers defined in Section 11, Article IV, may be appealed to the next national convention.

ARTICLE V

OFFICERS

Executive Council

Section 1. The elected officers of the federation shall be a president and thirty-four vice-presidents. These thirty-five shall constitute the executive council. They shall be elected in the even years by the convention for the term of two years. Vacancies shall be filled as provided in Article VI.

President

Section 2. The president shall be the chief executive officer of the federation and administer all of the affairs of the federation and execute policies of the federation as determined by the convention and the executive council.

Secretary-Treasurer

Section 3. A secretary-treasurer shall be appointed by the executive council. The secretary-treasurer shall become an officer of the federation and shall have a voice but no vote on the executive council and its committees. The secretary-treasurer's duties shall be

prescribed by the executive council and he/she shall be under the supervision of the president. The executive council shall employ the secretary-treasurer under written contract for a term of not more than two years ending concurrently with the term of office of the executive council which employs him/her, with provision for not more than six month's severance pay.

Officer Requirement

Section 4. No one shall be elected an officer of the federation unless he/she is a member of an affiliated local or a state federation.

Vice-President Employment

Section 5. No vice-president shall be a full-time salaried employee of the American Federation of Teachers.

AFL-CIO Delegates

Section 6. The delegates to the convention of the American Federation of Labor and Congress of Industrial Organizations, shall be the president and other delegates elected by the annual convention.

ARTICLE VI

EXECUTIVE COUNCIL

Convention Mandates

Section 1. It shall be the duty of the executive council to obey the instructions of national conventions, except that any action by the convention involving expenditure of funds shall be referred to the executive council with power to revise in conformity with the budget.

Staffing

Section 2. The executive council may employ such employees as it shall deem necessary. Administrative employees shall be employed by individual or union contract with provision for orderly dismissal with the right of hearing and counsel available to the employee.

Other employees may be employed by union contract and procedure shall be established in all such contracts for orderly dismissal with the right of hearing and counsel unless otherwise provided in a union contract. The provisions of this section shall not apply to officers of the federation.

Acting President

Section 3. The executive council shall have the power to designate one of the officers of the federation to act in place of the president in event of temporary or permanent vacancy of the office during his term.

Salary of President

Section 4. The executive council shall set the salary of the president. Such salary shall not be diminished during the president's term in office.

Vacancies

Section 5. The executive council shall have the power to fill vacancies in its membership until the next regular convention.

Duties

Section 6. The executive council shall have the authority to assign duties and areas of responsibility for each vice-president.

Interpretation and Enforcement of Constitution

Section 7. The executive council shall have the power to interpret and enforce this constitution and to make rules not in conflict with this constitution and shall report such rules to the succeeding convention for approval or rejection. Any interpretation of the constitution by the executive council may be appealed at any subsequent convention.

Committees

Section 8. The executive council shall appoint such committees as it deems necessary, not inconsistent with the constitution.

Council Meeting

Section 9. The executive council shall meet at its discretion during the period between conventions. The expenses of executive council meetings shall be paid by the American Federation of Teachers, each member of the executive council submitting an expense account to the national office.

Expenses

Council Authority

Section 10. The executive council shall have authority to deal with all of the affairs of the federation in the period between the conventions.

Investigation of a Local

Section 11. (a) The executive council may authorize the president to appoint a committee of three members of the ex-

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ecutive council to conduct an investigation of a local:

(i) upon the appeal of the officers, or of the executive board, or 30 percent or more of the membership of that local,

(ii) upon the appeal by a two-thirds vote of the officers and executive board of a state federation, or by state convention action, or by 30 percent of the locals affiliated with a state federation, or

(iii) upon the appeal of locals representing 30 percent of the membership of the American Federation of Teachers within the state.

Investigation of State Federations

The executive council may authorize a similar investigation of a state federation or of disputes between a local or locals and a state federation upon the appeal of one or more locals of that state.

Report

In any of these situations the committee shall conduct an investigation and make a full report with recommendations to the executive council, which shall have full power to take appropriate action to resolve the matter. An

Appeal

appeal from the decision of the executive council may be made to the next national convention, but such appeal shall be only on the issue of sustaining the decision of the executive council. One-third of the cost of the investigation shall be borne by the national office. The executive council shall require the initiating party to advance $250.00 before proceeding, but may, in its final decision, assess up to two-thirds of the cost against the parties in such manner as it deems just. At its discretion, the executive council may return the $250.00, or any portion of it, advanced by the initiating party.

Investigations of Locals or State Federations

Section 11. (b) The executive council may, by a two-thirds vote, investigate a local or state federation whose conduct is not in harmony with the principles of the AFT and tends to bring the AFT into disrepute, or a local which fails to maintain affiliation mandated in Sections 2 and 3 of Article XI. The local or state federation shall be given an opportunity to present its position to the committee. The committee shall submit its findings and recommendations to the council, which shall have the power to take action to resolve the matter, including the imposition of the penalty contained in Article XI, Section 3 and/or other appropriate penalties. The action of the council in such cases shall be final unless an appeal is made against the decision to the next national convention. The cost of such an investigation shall be borne by the national office.

Gifts

Section 12. The executive council shall have power to accept gifts and devises to the American Federation of Teachers if the conditions or purposes of any such gift or devise are not inconsistent with this constitution. The executive council may establish trusts or other agencies to hold and administer any such gift or devise and provide for appointment of trustees or managers thereof, upon such conditions as it may determine, subject to ratification at the next regular convention.

Council Power

Section 13. The executive council shall have the power to carry on all the business affairs of the American Federation of Teachers, including, without limitation, the power to do on its behalf any or all of the following:

To Sue

(a) To sue and be sued, complain and defend on behalf of and for the use of the federation;

To Employ

(b) To employ attorneys and counselors to advise the convention, executive council and the national officers and employees on all matters pertaining to its business and affairs;

(c) To employ accountants, agents, and other persons having skills and knowledge needed in the conduct of the business;

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Adopt a Seal

(d) To adopt an official seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof, to be impressed or affixed or in any manner reproduced;

Acquire Property

(e) To purchase, take, receive, lease as lessee, take any gift, devise, or bequest, or otherwise acquire, and to own, hold, use, deal in or with any real or personal property, or any interest therein;

Sell Property

(f) To sell, convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of its property and assets;

To Invest

(g) To purchase, take, receive, or otherwise acquire, own, hold, vote, and use shares or other interests in or obligations of domestic or foreign corporations, associations, partnerships, or individuals; and to sell, mortgage, loan, pledge, or otherwise dispose of, such shares, interests, or obligations;

To Contract

(h) To make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for federation purposes at such rates of interest and terms and conditions as they may determine; to issue notes, bonds, and other obligations; and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income;

To Invest

(i) To invest the funds of the federation from time to time in any real or personal property; and to take and hold real and personal property as security for the security of funds so invested or loaned; and

(j) To do anything they deem necessary or appropriate to the exercise of the foregoing power or any other power granted to the executive council in this constitution.

Regional Councils

Section 14. (a) The executive council may establish and/or revise regional councils to facilitate organization, professional growth, political and legislative activities and other purposes for the good of the union.

Membership Eligibility

(b) The executive council may provide for the affiliation of locals to a regional council in lieu of the requirement of Article XI, Section 2, and that these locals shall not be comprised of employees of local education agencies, colleges or universities or locals affiliated with existing state federations on July 1, 1981.

Additional Per-capita

(c) The executive council shall establish and the AFT shall collect additional per capita from such locals to provide services to the regional council. By mutual agreement state federations may combine to form regional councils with the approval of the executive council.

ARTICLE VII

CONVENTIONS

Time and Place

Section 1. Conventions of this organization shall be only at such time and in such place as the previous annual convention or the executive council may determine.

Executive Council Delegates

Section 2. The members of the executive council who are not delegates from their local or state federation shall be ex-officio delegates at the conventions and shall have one vote at the convention.

ARTICLE VIII

REPRESENTATION

Election of Delegates

Section 1. (a) Delegates and/or alternates to the convention from a local shall be elected by secret ballot. Members of each local must be given suitable opportunity to nominate candidates for the office of delegate and alternate. Notice of the right to make nominations must be sent to each member or given a prominent place in the

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local publication and on bulletin boards. Notice of the right to make nominations and notice of the election may be combined in one notice. Written notice announcing the time and place of election of delegates must be mailed to each member at least 15 days prior to the election. The results of the election must be published and the ballots kept for one year.

Councils of Locals

Section 1(b) Locals with fewer than 100 members each, but in the aggregate fewer than 300 members from a contiguous geographic area, may form councils of locals for the exclusive purpose of electing a common delegate to the convention. Locals which form such a council under this section: (1) shall adopt a common resolution to establish the council in a regular meeting of such local no later than five months prior to the convention; (2) shall nominate at the same meeting of each local a member or members, if any, for the council's delegate to the convention; (3) shall elect at a meeting of each such local or by mail ballot agreed to by all locals in the council and in conformity with federal law no later than three months prior to the convention a delegate and alternate, if any, by a secret ballot common to each local in the council listing all nominees and their local numbers, the nominee receiving the highest number of votes totalled among all locals in the council to be the delegate and the second highest, if any, the alternate; (4) shall forward properly signed credentials from each local in the council for the duly elected delegate and alternate, if any, of the council in time to reach the national office no later than two months prior to the convention; and, (5) the executive council shall approve procedures consistent with the requirements of this section for the election of the council delegate. The secretary-treasurer shall forward such procedures to all locals reporting fewer than 100 members in per-capita and to all state federations seven months prior to the convention. No local participating in the council shall have any other delegates seated in the convention. The voting strength of the council's delegate shall be based on the aggregate of the members in the locals which credential the council's delegate.

Councils

This section shall also authorize the executive council to recognize a council of locals organized for the convenience of doing business with one employer common to all of the council's locals for the purpose of electing delegates to the convention. Nomination procedures shall be established by such council to permit all such locals to nominate from their respective memberships at least thirty days in advance of the election, which shall be conducted by mail ballot in conformance with federal law. The election of such council's delegates shall be further subject to the provisions of Article VIII, Section 2 of this constitution, provided that no other delegates shall be seated in the convention from any individual local of the council unless such local has notified the national office three months prior to convention that it is not participating in such council for the purposes of electing delegates to the convention. The voting strength of such council shall be based upon the aggregate membership of all such locals which individually credential all delegates common to the council.

State Federation Delegates

Section 1 (c) Delegates and alternates of state federations shall be elected according to its constitution provided that the delegates to the state convention are themselves elected by secret ballot as herein provided, subject to applicable federal and state laws and rules and regulations promulgated pursuant thereto.

Delegate Lists

Section 1 (d) Each local or state federation must send by registered or certified mail to the national office a certified list of all elected delegates and alternates not later than fifteen days prior to the opening date of the conven-

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tion. Only delegates and alternates on this certified list shall be registered and seated at the convention.

Seating of Delegates

Section 1 (e) In the event of nondelivery to the national office of the certified list of the elected delegates and alternates, the executive council may recommend the seating of the delegates and alternates only upon the submission by the president, secretary, or ranking delegate of the local or state federation of a statement certifying the list of elected delegates and alternates accompanied by the duly authorized duplicate credentials and receipts showing that the originals were sent to the national office by registered or certified mail, postmarked no later than fifteen days prior to the opening date of the convention.

Per-Capita Qualifications

Section 1 (f) To be entitled to representation at the convention, the full per-capita tax of the local and all other monies due the American Federation of Teachers, credited by any amount due the local or the state federation by the American Federation of Teachers, shall be paid through June 30th, preceding the convention date, such payment to be made to the national office no later than fifteen days prior to the opening date of the convention.

Delegate Allocation

Section 2. One delegate to the annual convention may be elected by each affiliated local having a membership of twenty-five or less.

(For each 100 members or major fraction thereof, one additional delegate may be elected.)

Determining Average Membership

Section 3. For the purpose of this article, membership shall mean the average number on which the per-capita tax has been paid for the first twelve months of the fourteen-month period immediately preceding the month in which the convention meets, provided:

Local Eligibility

(a) That no local in arrears for two months at the time of the convention shall be entitled to representation.

(b) That, in the case of locals which have been chartered during the year preceding the convention, the average shall be computed on the basis of the number of months of affiliation, the minimum for such computation to be two.

Delegate Size Agency Fees

Section 4. That, in the case of locals which receive fees from nonmembers for representing them under an agency shop agreement, the average number on which the per-capita tax has been paid shall be increased by including, as if it were per-capita tax, the sum equal to the per-capita tax paid as required by Article VIII, Section 1 of the bylaws.

State Federation Delegates

Section 5. State federations, upon compliance with Article VIII, Section 1, shall have the right to send delegates to the conventions of the American Federation of Teachers. Each state federation may elect one delegate to the annual convention, regardless of its at-large-membership. Additional delegates may be elected by the state federations, according to their at-large membership, by applying the formula established for locals as set forth in Section 2 of this article.

All such delegates shall be either members of the state federation, or its affiliated locals, provided such locals are in full compliance with Section 1 of this article. All state delegates shall be members of the convention, with all privileges, and shall be entitled to cast votes for their state federation pursuant to Section 6 of this article.

Full-time Staff Restrictions

Section 6. Locals entitled to two (2) delegates may not elect more than one (1) who is a full-time, paid, elected official of the local. Locals entitled to more than two (2) delegates may not elect more than one-third who are full-time, paid, elected officials of the local.

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Roll Call Voting Strength

Section 7. On all roll calls at the annual convention, each local represented shall be entitled to a number of votes equal to the average membership as defined in Section 2 of this article.

Distribution of Votes

The votes of a local shall be distributed as evenly as possible among the delegates present at the time of the voting, but votes shall not be fractioned. All additional votes shall be assigned by lot or by an objective formula which has been previously reported to the secretary-treasurer of the American Federation of Teachers, with no delegate getting more than one of the additional votes. In the election of officers and delegates to the AFL-CIO convention, all voting shall be by roll-call vote and each local represented shall be entitled to the average membership as defined in Section 2 of this article.

Alternates

Section 8. When a delegate leaves the convention, his place in the convention may be taken by an alternate, if any has been certified as provided in Section 1, Article VIII, and in the order as listed. No other transfer or substitution of voting rights shall be allowed.

ARTICLE IX

REVENUES

Militancy Fund

Section 1. Twenty-five cents (25¢) of each member's per-capita shall be set aside for an AFT Militancy Fund. The executive council shall establish clear guidelines and procedures which guarantee that the benefits available through the fund shall be distributed on an equitable basis. Benefits shall not be provided unless the strike action is in conformity with the AFT strike policy. An annual financial report of the Militancy Fund shall be made to the AFT executive council and to the convention.

Defense Fund

Section 2. Two cents of each member's monthly per-capita tax shall be set aside for the Defense Fund.

Publications

Section 3. The payment of the per-capita tax shall entitle each member to a subscription to the official periodicals of the American Federation of Teachers.

Members-at-Large

Section 4. State federations shall pay to the national office, for each member-at-large, the prevailing per-capita tax required for each member of a chartered local.

Per-Capita Report

Section 5. The treasurer of each affiliated local shall fill out and forward to the national office, on or before the 15th of each month, the report of members in good standing, together with mailing addresses, on the first day of that month, together with all taxes and assessments due the American Federation of Teachers. Locals which have once submitted names and addresses of the members shall revise and correct the membership list with each per-capita payment.

Per-Capita Delinquency

Section 6. Any affiliated local not paying its per-capita tax on or before the 15th of each month shall be notified of the fact by the national office, and if at the end of three months it is still in arrears, it shall become suspended from membership and can be reinstated only by a majority vote of the executive council upon payment of arrearages in full. A local which the executive council refuses to reinstate shall have the right to appeal to the next annual convention.

Appeal

Treasurer's Certification of Membership

Section 7. The treasurer of each affiliated local shall report monthly to the national office on forms furnished by the latter for that purpose, and shall certify that the report is for the full number of members in good standing in the local.

Executive Council Audit Powers

Section 8. The executive council shall have power to employ an auditor to examine the books of any affiliated local or state federation upon the direction of a majority vote of the executive council.

Local Financial Statement

Section 9. Beginning January 1, 1971, each local shall submit a financial statement for the local including a statement of assets and liabilities and a statement of income and expenses to the AFT secretary-treasurer within five months of the end of the fiscal year for the local.

ARTICLE X

AMENDMENTS

Procedure

Section 1. Proposed amendments to the constitution may be submitted to the annual convention either by request of the executive council, or the convention or executive council of any state federation, or by request of a local. All amendments shall bear the signature of at least two elected officers of the federation introducing the amendment. The officers signing the amendment shall certify that the amendment was approved for submission to the convention by the executive board or membership of the local, or by the executive board or convention of the state federation, or by the executive council of the AFT.

Referendum Vote

Section 2. Proposed amendments may be submitted to a referendum vote under the procedure set up in Article XII.

Time Limitations

Section 3. If a proposed amendment is to be submitted to a national convention, it must reach the national office by March 15th and must be sent by the national office to the locals by April 15th.

Two-Thirds Vote Requirement

Section 4. The constitution shall be amended at the convention by two-thirds (majority) of the votes cast.

ARTICLE XI

AFFILIATION

AFL-CIO

Section 1. This organization shall immediately affiliate with the American Federation of Labor and Congress of Industrial Organizations and shall permanently maintain that affiliation.

State Fede Requireme

Section 2. Effective September 1, 1968, each local union of this organization shall maintain affiliation with its state federation, and delegate representation of each local in the state federation shall be no less than the formula delineated in Section 2 of Article VIII of this constitution. Each state federation shall, in its convention, follow all voting procedures as delineated in Section 7 of Article VIII of this constitution.

Local and AFL-CIO Labor Cou

Section 3. Effective September 1, 1969, each local union of this organization shall maintain affiliation with its AFL-CIO state labor council and its local AFL-CIO labor council(s), if such council(s) exist. Failure of any local union to maintain the affiliations as required in Sections 2 and 3 of this article shall be grounds for denial of delegate representation at any state or national convention of this organization or other appropriate penalties set by the executive council.

ARTICLE XII

REFERENDA

Initiation

Section 1. Proposed actions, including actions of the convention and amendment to the constitution and the bylaws, shall be submitted to a referendum vote by order of the convention or of the executive council or by request of fifteen (15) or more locals representing not less than fifteen (15) percent of the members then in good standing, or by petition signed by not less that ten (10) percent of the members, except that the executive council shall not order a convention action to be submitted to referendum; provided, however, that in no case shall a referendum be held whose termination date is between June 1 and November 1; and, provided that

actions taken by the executive council concerning:

(a) actions of the convention involving expenditure of funds;

(b) the employment, reemployment, or dismissal of officers, organizers, office employees, and other general employees who are appointed and whose salaries or other remuneration are fixed by the executive council;

Limitations

(c) the power to interpret and enforce the constitution and to make rules and bylaws not in conflict with the constitution subject to report to succeeding convention for approval, rejection, or modification;

(d) the power to appoint committees not inconsistent with the constitution;

(e) the time and place for the meetings of the executive council and the expenses involved therein;

(f) the power to fill vacancies on the executive council, and

(g) the power to investigate locals shall not be the subject of referendum; and further provided that action taken by the convention under authority of the bylaws, Article VI, governing nominations and elections procedures, shall not be the subject of referendum.

Time Limit

Section 2. After receipt of order or request for referendum, it shall be the duty of the AFT president to transmit the question to be voted on to the locals within two weeks of its receipt by him/her. Following this, there shall be a period of six weeks during which the proponents and opponents shall be given opportunity to debate the issue through the regular channels of the union, at the end of which time the president shall send to the individual members of all locals in good standing ballots upon which the members shall cast their votes and shall also send to the members-at-large of the state federations, ballots upon which the members-at-large of the state federations shall cast their votes.

Ballot Counting Procedure

Section 3. The president of the AFT shall rent a postal deposit box. The individual members will mail the ballots to this postal box. The closing date of the referendum shall be 30 days from the date ballots are mailed from the national office. At the end of 30 days, the president, or the president's representative, accompanied by at least two representatives of each side of the issue on the ballot, shall remove the ballots and cause them to be counted. Ballots received after the opening of the postal box will not be counted. In the alternative, the president, with the consent of the executive council, may engage an independent agency to conduct the balloting and to count the votes. In such event the agency shall count only those ballots received during the thirty-day period following the mailing of the ballots to the members.

Ballot Verification

Section 4. The number of the local shall appear on the ballot and only those ballots of members of locals or of state federations in good standing shall be counted. These votes shall not exceed in number the number of members and members-at-large for which per-capita was last paid prior to the date on which ballots were sent from the national office. Should the number of ballots cast by any local or state federation exceed the number to which that local or state federation is entitled, the "ayes" and "nays" shall be reduced proportionately to come within the required number.

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Notification of Results

Section 5. The president shall notify the locals of the results of the referendum as soon as possible, but no later than two weeks following receipt of the count. The president shall also publish the results in the official publication of the American Federation of Teachers.

Referendum Duration

Section 6. AFT policy adopted by referendum shall not be considered by the first convention following the referendum.

ARTICLE XIII

PARLIAMENTARY AUTHORITY

Robert's Rules

The rules contained in *Robert's Rules of Order—Revised*, shall govern this federation in all cases to which they are applicable and in which they are not inconsistent with rules regularly adopted by the federation.

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BYLAWS

NOTE: Underlined words indicate new language adopted at the 1981 Convention.

ARTICLE I

SPECIAL RULES OF ORDER FOR CONVENTIONS

Program

Section 1. The convention shall be called to order and conducted according to the printed program as prepared by the convention committee and approved by the executive council subject to such modification as the convention may make from time to time.

Adjournment

Section 2. The convention shall not adjourn before three o'clock on the fifth day unless all business of the convention has been finished.

Speech Time Limitations

Section 3. Limitations of speeches in debate shall be three minutes instead of ten minutes as provided in *Robert's Rules of Order—Revised*, unless time is extended by majority vote of the convention.

Roll-Call Vote

Section 4. A motion calling for a roll-call vote shall require a one-fourth vote for adoption. When a roll-call vote has been ordered, the presiding officer shall at once call for the next item on the agenda, action on the pending motion being automatically postponed pending the tabulation of the results of the roll-call vote. No debate, amendment, or other motion affecting the question on which the roll-call vote was ordered may be made after a roll-call has been ordered. The ballots shall be distributed to the ranking delegates of each delegation under the direction of the presiding officer of the credentials committee. (These ballots shall be prepared in advance by the president.) Each delegate voting shall enter on his/her ballot the number of the roll-call, the number of his/her local, his/her full name, the number of votes he/she is casting, how he/she is voting. This record shall be included in the convention proceedings. The ranking delegate shall tabulate the votes of the delegation on a summary sheet and submit the sheet along with the ballots to the credentials committee. If a delegate's ballot is not collected promptly, he/she may deliver his/her ballot directly to the committee on credentials. No vote shall be accepted later than one hour following the ordering of a roll-call vote. The results of the roll-call vote shall be tabulated by the committee on credentials and reported to the convention immediately upon completion of the tabulation according to the following procedure:

(a) The total vote shall be read.

Vote Challenge

(b) If any delegate challenges the vote of his/her local, the roll of delegates from that local shall be read, and each delegate shall rise as his/her name is called, announce his/her vote and state the number of votes he/she is casting.

(c) The report on the roll-call vote shall then be revised to agree with the oral vote just taken.

(d) A copy of the roll-call vote shall be posted showing the vote of each delegate, and shall remain posted until the end of the convention.

Delegate Seating

Section 5. Delegates shall be seated upon acceptance by the convention of the report of the credentials committee and the list of delegates shall be made available to the members of the convention. The right of any delegate to be seated as a member of the convention shall be subject to challenge within a twenty-four-hour period after he/she has been declared seated by the convention. Delegates may vote unless or until successfully challenged but, in the event of a roll-call vote, a successful challenge invalidates the individual's vote.

Vote Distribution

Section 6. In the case of locals represented by fewer delegates than the number of votes to which they are entitled, the votes shall be distributed in accordance with the constitutional provision (Article VIII, Section 7), and any remaining votes shall be distributed as determined by the delegation.

Order of Business

Section 7. The order of business for business sessions of the convention shall be as follows:

(a) report of committee on credentials (credentials committee shall make supplemental reports at the beginning of each business session of the convention);

(b) action on minutes of the previous convention as summarized in the delegate's reports prepared by the convention reporter;

(c) reports of officers and executive employees;

(d) report of executive council;

(e) reports of convention committees;

(f) reports of special committees;

(g) installation of officers.

Reports

Section 8. Reports of officers and executive employees given before the seating of delegates shall be referred without debate and without action of the convention to the appropriate committees.

Quorum

Section 9. A quorum for the conduct of business at a convention shall be 25 percent of the delegates who have been seated.

ARTICLE II

COMMITTEE ON CREDENTIALS

Registration of delegates and visitors.

Appointment

Section 1. The committee on credentials shall be appointed by the executive council and shall be notified of their appointment at least two weeks prior to the convention. The committee shall consist of at least five members and shall be responsible for registration of delegates, council members, and visitors.

Registration Procedure

Section 2. Registration of delegates, members of the executive council, and visitors shall begin at 1 p.m. on the day preceding the convention. Before the time for registration, the president shall furnish the committee on credentials with copies of the lists of delegations and the duplicates of credentials as reported to him/her by the various locals. Each delegate, member of the executive council, and visitor shall be furnished with an appropriate official badge to be worn at the convention.

ARTICLE III

CONVENTION PROGRAM

Program Committee

Section 1. The committee on convention program shall be appointed by the executive council not later than the midyear meeting of the executive council. This committee shall prepare the

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tentative program of the next convention and shall submit it to the president at least six weeks before the convention. The president shall send a copy of the tentative program to each delegate as soon thereafter as possible.

Committee Session

Section 2. The convention program shall provide for a minimum of six (6) business sessions including one for nominations and shall make available a minimum of three (3) hours for meetings of convention committees.

Time Limitation

Section 3. In setting up the convention program, reports of convention committees shall be scheduled to begin not later than the afternoon session of the second day of the convention.

ARTICLE IV

GENERAL CONVENTION PROCEDURE

Time and Place

Section 1. The convention shall convene during the months of July and/or August at the time and place determined by the executive council.

Speech Duplication

Section 2. In case any motion is passed that any convention address be mimeographed or printed, the maker and seconder of the motion shall constitute a committee to secure the address in printable form and to submit it to the president.

Convention Floor Admission

Section 3. Only credentialed delegates and members of the executive council shall be admitted to the convention floor except invited guests who are participating in the program of the convention. All visitors shall secure a pass from the credentials committee and shall be seated only in a special section reserved for them.

Resolution Procedure

Section 4. Resolutions to the convention may be introduced by locals, state federations or the executive council of the American Federation of Teachers. No resolution shall be introduced later than six weeks prior to the opening of the convention except by two-thirds vote of the convention. All resolutions shall bear the signture of at least two elected officers of the federation introducing the resolution. The officers signing the resolution shall certify that the resolution was approved for submission to the convention by the executive board or membership of the local, or by the executive board or convention of the state federation, or by the executive council of the American Federation of Teachers. The resolution shall contain the title and shall be submitted to the president of the American Federation of Teachers in typewritten form, in quadruplicate. Resolutions so submitted shall be mailed from the AFT national office to locals and state federations prior to the convention.

Sergeants-at-Arms

Section 5. The president or presiding officer of the convention shall appoint an appropriate number of ushers whose duty it shall be to see that only persons entitled to admission shall be admitted to the convention hall. The ushers shall see that visitors are seated in the section assigned to them. They shall assist the presiding officer in such other ways as may be directed.

Priority of Constitutional Amendments Committee

Section 6. The constitutional amendments committee shall be heard in full prior to other committee reports. The constitutional amendments committee shall report only the proposed amendments, which it recommends for adoption, with or without amendments. At the conclusion or immediately after the conclusion of the committee's full report, any delegate may move adoption of a proposed amendment not recommended by the committee. The chair shall allow one statement for the proposed amendment and one statement against the proposed amendment. The chair shall then immediately put the question of whether the convention desires to debate the proposed amendment. If this motion prevails by a one-third vote, the proposed amendment shall be before the convention.

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Committee Reporting

Section 7. Each other committee shall select the three resolutions or items of business it considers most important for its initial report. When these have been acted upon or at the end of an hour, whichever comes first, of each committee's partial report, debate shall be closed and all pending questions shall be put to a vote immediately unless the time of debate is extended by majority vote of the convention. After all committees have had an opportunity to make their first reports, additional committee reports may be made in the order selected by the president.

Resolutions Duration

Section 8. Resolutions upon which no action has been taken shall die when the convention adjourns.

Rules Adoption

Section 9. A copy of the rules should be provided for delegates and visitors upon convention registration and should be voted on at the opening session on the first day of the convention.

ARTICLE V

CONVENTION COMMITTEES

Appointment

Section 1. Convention committees shall be appointed by the executive council. In appointing such committees, the council shall give consideration to the expressed choices of delegates as indicated on the committee choice cards, which shall be sent by the president to each delegate promptly upon receipt of credentials. However, the council shall not be bound by the choice cards, but shall give equal weight and consideration to service on standing committees and to the proper balancing of committees. Members of standing committees who are delegates shall be appointed to the corresponding convention committees so far as feasible in order to coordinate the work of convention and standing committees.

Committee Choice

Section 2. A delegate interested in a specific problem of a resolution shall have an opportunity to present his/her viewpoint to the appropriate committee at a time designated by the committee chair.

Committee Changes

Section 3. Changes in assignments of delegates to committees shall be made only by a committee of the executive council upon application. Such application shall include a written statement of the reason for desiring the change. No change shall be made after 5:00 p.m. on the first day of the convention.

Order of Committee Reports

Section 4. Reports of convention committees shall be received at the time designated in the printed program or as designated by the convention. Reports shall be made in the order assigned by the chair of the convention committee and the president who shall make such assignments upon application by the chair of committees except as the convention may desire to receive reports in a different order.

Debate Limit

Section 5. Debate in committees may be limited by a two-thirds vote of the committee.

ARTICLE VI

NOMINATIONS AND ELECTION PROCEDURES

Procedures

Section 1. All nominations of officers and delegates to the AFL-CIO convention shall be by petition signed by at least fifty delegates and presented to the secretary-treasurer no later than 8:00 a.m. on the third day of the convention. Declination of nominations shall be made prior to 8:30 a.m. on the same day. Candidates shall be introduced to the convention between 8:30 a.m. and 10:00 a.m. on the same day with the option of making a two-minute speech of acceptance. Presidential candidates shall be allotted five minutes for their acceptance speeches and remaining time allotted equally among vice-presidential candidates with the option of pooling their time. Candidates for

Speech Limitation

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delegate to the AFL-CIO convention shall be allotted two minutes for their speech with the option of pooling their time. No other business shall be conducted during this time.

Election

Section 2. Balloting for election of officers shall take place from 4:30 p.m. until 7:30 p.m. of the third day of the convention under the supervision of the elections committee. No other official business of the convention shall be conducted during balloting. Only delegates who are seated by 5:00 p.m. of the second day of the convention may vote in the election.

Presidential Vote Requirement

Section 3. A majority of the ballots cast for the office of the president shall be required to elect the president. In the event that no candidate for president receives a majority, a run-off election between the two candidates receiving the highest number of votes shall be conducted by roll-call vote.

Vice-Presidential Vote Requirement

Section 4. Vice-presidential candidates receiving the highest number of votes corresponding to the number of positions to be filled shall be declared elected. In the event that there is a tie for the final positions, a run-off election for that position between the tied candidates shall be conducted by roll-call vote.

ARTICLE VII

STANDING COMMITTEES

Appointment

Section 1. The standing committees shall be established and appointed by the executive council not later than the midyear meeting of the council each year. The presiding officer and as many members of standing committees as possible shall be appointed at the post-convention meeting of the council.

Continuity

Section 2. As a matter of policy the executive council shall endeavor to maintain continuity of personnel of standing committees.

Written Reports

Section 3. Each standing committee shall make a written report for submission to the appropriate convention committee.

Committee Against Racism

Section 4. In addition to the standing committees established and appointed by the executive council, there shall be a standing committee against racism in education. The executive council shall appoint the chair and other members of the committee which shall perform the following functions:

(a) Coordinate and aid local and regional conferences on racism in education, and work with locals to help establish effective local committees against racism in education.

(b) Evaluate textbooks and develop curriculum materials for use by teachers in correcting the omissions and distortions of history especially regarding the role of the Afro-American and other minority groups.

(c) Evaluate existing local contracts with regard to provisions for the teaching of Afro-American history and the elimination of racism in education.

(d) Conduct an annual summer workshop on racism in education and the teaching of Afro-American history and culture.

The committee shall submit a report on its activities to the annual convention and a copy shall be sent to each local.

ARTICLE VIII

PER-CAPITA, BUDGET, AND AUDITS REVENUES

Per-Capita Tax

Section 1. (a) Effective September 1, 1981, each affiliated local shall pay directly to the national office for each member a per-capita tax of $4.00 per month. Effective September 1, 1982, each affiliated local shall pay for each

member a per-capita tax of $4.40 per month. Effective January 1, 1975, the national office shall pay back to the office of each state federation for each member a per-capita of 20 cents per month.

Agency Fees

Section 1.(b) Where a local receives fees from non-members for representing them under an agency shop agreement, it shall pay to the national office a sum equal to the per-capita tax for all such non-members, and shall also pay to the state federation of teachers a sum equal to the per-capita of the state federation for all such non-members. Effective September 1, 1977, each affiliated local that has members within a unit where the bargaining rights have been won by another organization and where the other organization has obtained an agency shop or fair-share clause in the contract, the local shall pay per-capita tax at one-fourth the regular rate on those members required to pay agency or fair-share fees to another organization. Representation at the AFT or the state convention shall also be computed at one-fourth the constitutional formula for apportionment of delegate and voting strength. Locals whose members pay agency or fair-share fees to another organization may elect to pay full per-capita for such members and receive full representation.

State Rebate

Procedure for Objections to Agency Fees

Section 1.(c) Any local which receives service or fair-share payments in lieu of dues from employee(s) represented by the local shall adopt procedures for such employee(s) to object during a specific time period each year to the expenditure of his/her portion of such payments for certain purposes. Such procedures shall provide that employee(s) may object to expenditure of his/her portion of such payments for activities or causes of a political nature only incidentally related to collective bargaining. Employee(s) may object to the expenditure of his/her portion of such payments for activities or causes involving controversial issues of public importance only incidentally related to collective bargaining. Employee(s) may not object to expenditures of his/her portion of such payments used for collective bargaining including but not limited to negotiating, organizing, servicing, educational research and union administration. That portion of such fees spent by the union, local, state and national level for the above described purposes will be determined in each fiscal year by the respective chief fiscal policy-making body and rebate of a prorated portion of his/her service or fair-share fees corresponding to such proration shall be made to each individual who has filed a timely notice of objection each year.

Time Limitations

Section 1.(d) The procedures adopted shall provide for the right to object during a specific time by registered/certified mail and for the determination of appropriate portions of money spent for purposes described in paragraph (1). The employee(s) shall have rights of appeal internally and if not satisfied, shall have the right to appeal to an independent, outside review panel whose decision shall be final and binding.

Appeal

State Laws

In the event that service or fair share fees are established through procedures of state law in such a way as to meet the above objections, then sections 1(c) and 1(d) shall not apply.

Budget

Section 2. The budget shall be prepared and adopted by the executive council at the post-convention meeting and shall be subject to subsequent revision when needed.

Audit

Section 3. It shall be the responsibility of the executive council to cause the auditing of the financial records of the organization annually and to submit said audits to each convention.

Per-Capita Tax Changes

Section 4. Proposed changes in per-capita must be sent to the national of-

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fice by March 15 and must be sent by the national office to the locals by April 15.

ARTICLE IX

SUSPENSION OF RULES AND AMENDMENT OF BYLAWS

Suspension of Bylaws

Section 1. The special rules of order contained in Article I of these bylaws may be suspended by a two-thirds vote in the same manner as provided by *Robert's Rules of Order—Revised*, for the suspension of all regular rules of order.

Amendment of Bylaws

Section 2. The bylaws may be amended by the same procedure as in Article X, Sections 1 through 3, of the constitution. All such amendments shall require a majority vote for their adoption except those relating to bylaws, which themselves require more than a majority vote, in which case the same vote shall be required to adopt the amendment as required by the bylaws to be amended.

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AFT EXECUTIVE COUNCIL

ALBERT SHANKER
President

ROBERT PORTER
Secretary-Treasurer

VICE-PRESIDENTS

JAMES E. BALLARD	HERBERT MADISON
CONSTANCE CABELL	RICHARD MANLEY
PAUL COLE	EDWARD J. McELROY, JR.
ANTONIA CORTESE	JAMES McGARVEY
PATRICK L. DALY	JOHN P. MURRAY
KENNETH J. DEEDY	CANDICE OWLEY
HUGO DENNIS, JR	IRWIN H. POLISHOOK
PAUL L. DEVLIN	MARIA PORTALATIN
SANDRA FELDMAN	MARY ELLEN RIORDAN
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SANDRA IRONS	JUDY SOLKOVITS
LORRETTA JOHNSON	WALTER TICE
EUGENE G. KOLACH	PAT TORNILLO, JR.
JULES KOLODNY	JACQUELINE VAUGHN
NATHANIEL LaCOUR	SAMUEL WAKSHULL

Affiliated with
American Federation of Labor and Congress of Industrial Organizations
Department of Professional Employees, AFL-CIO
Industrial Union Department, AFL-CIO
International Federation of Free Teacher Unions
Public Employee Department, AFL-CIO
Union Label Department, AFL-CIO

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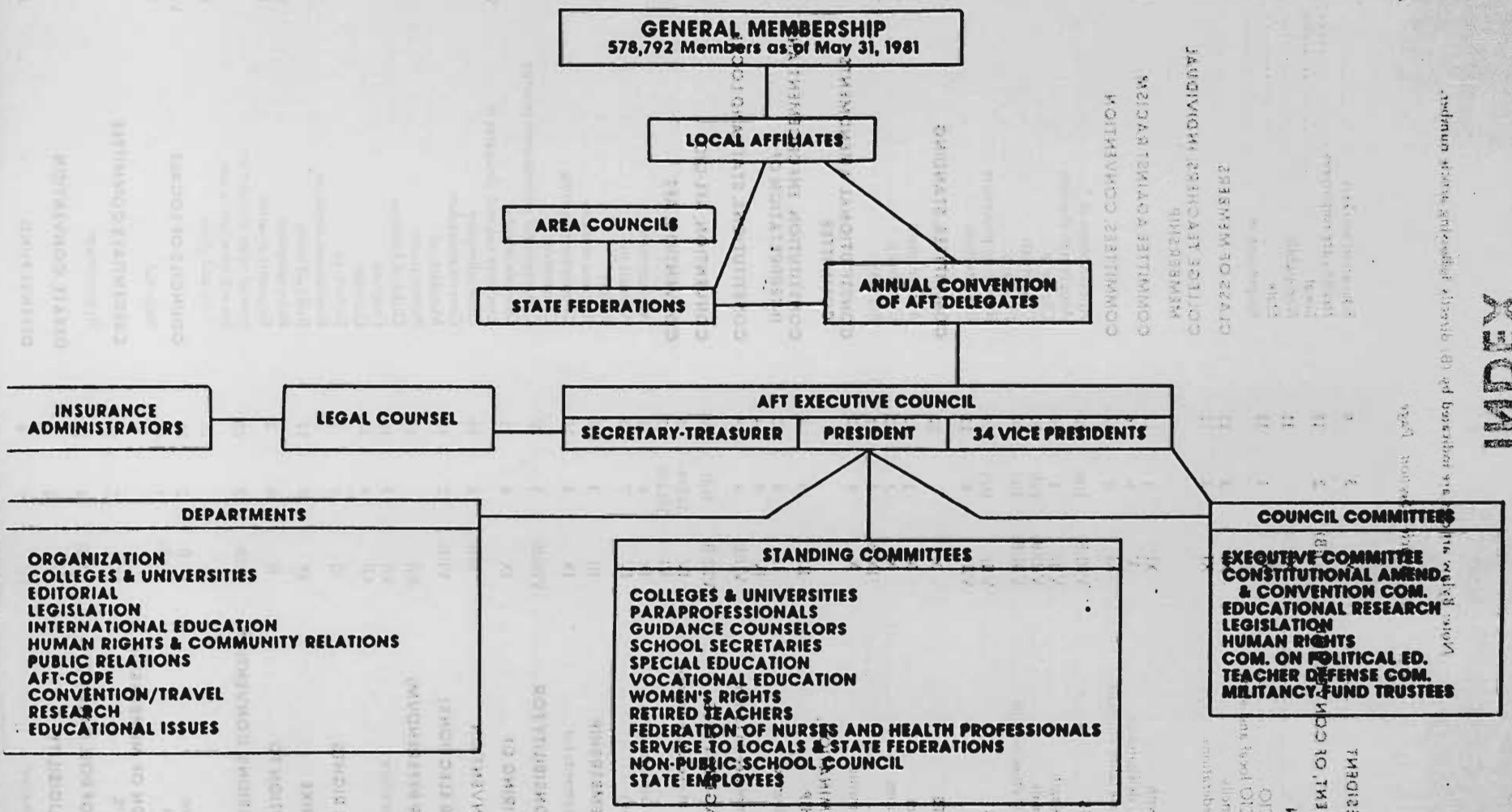
TABLE OF ORGANIZATION



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FOR ADDITIONAL COPIES,
WRITE TO:

AMERICAN FEDERATION OF TEACHERS, AFL-CIO
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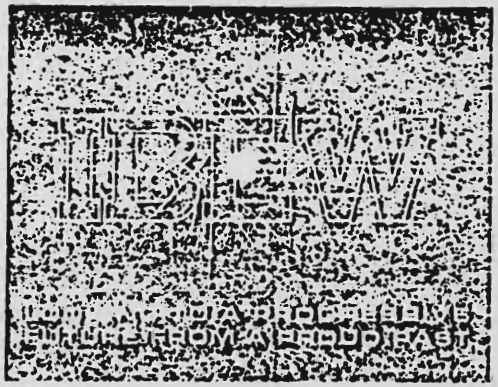

1982

IBEW Constitution

And Rules for Local Unions and Councils under its jurisdiction

As amended at the 31st Convention,
Atlantic City, New Jersey,
October, 1978
Revised April, 1982

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EXHIBIT 4

Declaration

of the

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Our cause is the cause of human justice, human rights, human security.

We refuse, and will always refuse, to condone or tolerate dictatorship or oppression of any kind.

We will find and expel from our midst any who might attempt to destroy, by subversion, all that we stand for.

This Brotherhood will continue to oppose communism, nazism or any other subversive "ism." We will support our God, our Nations, our Union.

SEP 27 1982

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS IBEW

CONSTITUTION
IBEW
SRPI
OCT 01 1982

Constitution

And Rules for Local Unions and Councils under its jurisdiction

As amended by the 31st Convention,
Atlantic City, New Jersey,
October, 1978
Revised April, 1982

ORDER OF BUSINESS

For Local Unions

1. Opening. (See Ritual.)
2. Roll Call of Officers and Reading of Minutes.
3. Communications and Bills.
4. Reports of Executive Board and Officers.
5. Propositions for Membership.
6. Reports on Candidates.
7. Balloting or Voting for Candidates.
8. Obligation of Candidates. (See Ritual.)
9. Reports of Delegates and Committees.
10. Reports of Accidents, Sickness or Death of Members.
11. Roll Call of Members. (This is optional with Local Unions.)
12. Unfinished Business.
13. New Business. (Under this heading come matters relating to any Election and Installation of Officers.)
14. Good of the Union.
15. Receipts and Expenses. (Read Constitution.)
16. Closing. (See Ritual.)

EXECUTIVE OFFICERS

International President .....Charles H. Pillard

International Secretary .....Ralph A. Leigon

International Treasurer .....Thomas Van Arsdale

INTERNATIONAL VICE PRESIDENTS

First District--Canada .....Ken G. Rose
45 Sheppard Avenue East, Suite 401
City of North York
Willowdale, Ontario, Canada M2N 5Y1

Second District .....John E. Flynn
Batterymarch Park
Quincy, Massachusetts 02169

Third District .....J. J. Barry
222 Mamaroneck Avenue
White Plains, New York 10605

Fourth District .....B. G. Williamson
7710 Reading Road, Suite 9
Cincinnati, Ohio 45237

Fifth District .....Dan H. Waters
Suite 113
No. 2 Metroplex Drive
Birmingham, Alabama 35209

Sixth District .....James P. Conway
373 Schmale Road, Suite 201
Carol Stream, Illinois 60187

Seventh District .....Orville A. Tate, Jr.
2701 Avenue E-East, Suite 412
Arlington, Texas 76011

Eighth District .....Lawrence C. Farman
Suite 264-C
2460 West 26th Avenue
Denver, Colorado 80211

Ninth District .....S. R. McCann
150 North Wiget Lane, Suite 100
Walnut Creek, California 94598

Tenth District .....Andrew M. Ripp
O'Hare Office Building 1, Suite 720
10400 W. Higgins Road
Rosemont, Illinois 60018

Eleventh District .....Jack F. Moore
300 South Jefferson, Suite 300
Springfield, Missouri 65806

Twelfth District .....John A. Hightower
Franklin Building, Suite 515
Chattanooga, Tennessee 37411

INTERNATIONAL EXECUTIVE COUNCIL

Chairman, Wesley Taylor
Executive West, Suite 207
2421 Production Drive
Indianapolis, Indiana 46241

First District ..... John McNulty
431 Wyoming Ave., Scranton, PA 18503

Second District ..... James F. Mulloney
6 Deacon Benham Drive
Stow, Massachusetts 01775

Third District ..... Richard D. Acton
1590 E. 23rd Street
Cleveland, Ohio 44114

Fourth District ..... Harry Bexley
501 Pulliam Street, S.W.
Atlanta, Georgia 30312

Fifth District ..... Robert R. Missey
2131 59th Street, St. Louis, Missouri 63110

Sixth District ..... T. H. Pursley
Drawer J
Galveston, Texas 77551

Seventh District ..... Glen G. McCall
P.O. Box 3138
Salem, Oregon 97302

Eighth District—Canada ..... Herbert H. Fulton
225 Gordon Street
Thunder Bay, Ontario, Canada P7E 4T4

OBJECTS

The objects of the International Brotherhood of Electrical Workers are:

- To organize all workers in the entire electrical industry in the United States and Canada, including all those in public utilities and electrical manufacturing, into local unions,
- To promote reasonable methods of work,
- To cultivate feelings of friendship among those of our industry,
- To settle all disputes between employers and employes by arbitration (if possible),
- To assist each other in sickness or distress,
- To secure employment,
- To reduce the hours of daily labor,
- To secure adequate pay for our work,
- To seek a higher and higher standard of living,
- To seek security for the individual,
- And by legal and proper means to elevate the moral, intellectual and social conditions of our members, their families and dependents, in the interest of a higher standard of citizenship.

READY REFERENCE FOR MONTHLY DUES PAYMENTS TO THE I. O. EITHER THROUGH LOCAL UNIONS OR TO THE PARTICIPATING WITHDRAWAL CARD DEPARTMENT

Effective January 1, 1979

"A" MEMBERS

Members admitted to "A" membership before their 56th birthday pay 1/1/79 $14.30
.....1/1/80 $14.80
.....1/1/81 $15.30

Members admitted to "A" membership after their 56th birthday and those "A" members who failed to pass physical examination, pay 1/1/79 $13.10
.....1/1/80 $13.60
.....1/1/81 $14.10

In accord with Article XIV, Section 11, in order to cover the cost of maintaining the continuous standing and benefits of "A" members in military service, all other "A" members except those on I.B.E.W. pension, shall pay an assessment of ten cents (10¢) each month beginning January 1, 1951. This amount is included in the above figures.

Note: Dues figures quoted here represent amount paid when joining I.B.E.W. as "A" members at stated ages. The member's dues do not decrease at age fifty-six (56). *Members on Participating Withdrawal Card*—Same as above.

"BA" MEMBERS

All "BA" members pay:

1/1/79 $3.00 per month
1/1/80 $3.50 per month
1/1/81 $4.00 per month

MEMBERS DESIRING NOT TO MAINTAIN THEIR STANDING MAKE NO PAYMENTS TO THE I.O. See Article XXVI.

ARTICLE 1 — NAME AND CONSTITUTION

Sec. 1. This organization shall be known as the International Brotherhood of Electrical Workers, with jurisdiction over all electrical workers in the United States and Canada as defined in Article XXVIII of this Constitution, including all workers in public utilities and electrical manufacturing plants, and shall consist of an unlimited number of local unions acknowledging its jurisdiction and subject to its laws and usages, and it shall not be dissolved while there are five (5) dissenting local unions.

Sec. 2. This organization, in the merging together of all electrical workers in the United States and in Canada, fully recognizes the sovereignty of each of our great nations and the advancement of industry compatible with the laws of each country and the objects of this Constitution.

Sec. 3. This Constitution, and all acts and proceedings which, in the future and in due course may be enacted, shall be absolutely binding on all L.U.'s, officers and members. The initials "L.U.'s" as used, throughout this Constitution shall include Railroad Councils, System Councils and other subordinate bodies where applicable.

Sec. 4. The following abbreviations, when used herein, and in reports and other documents, shall mean:

I.B.E.W.—International Brotherhood of Electrical Workers.

I.E.C.—International Executive Council.

I.P.—International President.

I.V.P.—International Vice President.

I.S.—International Secretary.

I.T.—International Treasurer.

I.R.—International Representative.

I.C.—International Convention.

I.O.—International Office.

E.W.B.A.—Electrical Workers' Benefit Association.

L.U.—Local Union.

R.S.—Recording Secretary.

F.S.—Financial Secretary.

Sec. 5. Words used in this Constitution in the masculine gender shall include the feminine.

ARTICLE II — INTERNATIONAL CONVENTION

Sec. 1. The I.B.E.W. shall meet in regular convention every four (4) years on the third Monday in September, at such place as shall be decided upon by the I.E.C.

Sec. 2. The I.E.C. has power to change the date on which an I.C. is to convene, but any change made shall not be for more than ninety (90) days before or after the original date fixed.

Sec. 3. Upon petition filed with the I.S. by any fourteen (14) L.U.'s in good standing—not more than two (2) L.U.'s from any one I.E.C. district—the question of holding a special I.C. shall be submitted to a referendum; but petitions for a vote must specify the place, time and date at which this I.C. is proposed to be held, and the questions must be specified by each of the fourteen (14) L.U.'s in good standing before any referendum shall be

taken. No special I.C. shall be called except in this manner.

The result of the referendum shall be published in full in the I.B.E.W. official JOURNAL. If a majority vote in favor of a special I.C., the I.S. shall issue the call.

Sec. 4. Immediately after the International Convention is opened the I.E.C. shall report on credentials and rules, and the I.P. shall appoint the following committees:

1. I.P.'s Report.
2. I.S.'s Report.
3. I.T.'s Report.
4. I.E.C.'s Report.
5. Appeals.
6. Resolutions.
7. And any special committee deemed necessary.

These committees shall each consist of thirteen (13) members, at least one from each I.V.P. district.

Sec. 5. The I.S., prior to the I.C. shall deposit sufficient funds in the convention city to be used to defray expenses of the I.C.

Sec. 6. A quorum for the transaction of business shall consist of one-third of the delegates seated. The business of the I.C. shall proceed in the following order:

1. Call to Order.
2. Presentation of Credentials.
3. Report on Credentials and Rules.
4. Appointment of Committees.

5. Communications and Bills.
6. Resolutions, etc.
7. Reports of Committees.
8. Unfinished Business.
9. Nomination and Election of Officers.
10. New Business.
11. Adjournment.

Sec. 7. No L.U. shall be entitled to representation at an I.C. unless it has been in continuous good standing six (6) months prior to the I.C.

Sec. 8. The basis of representation at the I.C. shall be as follows:

Each L.U. shall be entitled to a per capita tax vote on "A" and "BA" members; that is, one (1) vote for each member in good standing three (3) calendar months prior to the first of the month in which the I.C. is held.

Each L.U. shall be entitled to the following:

(a) 1 delegate for the first 250 members, 1 delegate for each additional 250 members or majority fraction thereof:

Membership	*Number of Delegates*
UP to 375	1
376 to 625	2
626 to 875	3
876 to 1,125	4
1,126 to 1,375	5
1,376 to 1,625	6

(b) 1 more delegate for each additional 500 members:

Membership	*Number of Delegates*
1,626 to 2,125	7
2,126 to 2,625	8
2,626 to 3,100	9

(c) 1 more delegate for each additional 3,000 members—maximum 15 delegates:

Membership	*Number of Delegates*
3,101 to 6,000	10
6,001 to 9,000	11
9,001 to 12,000	12
12,001 to 15,000	13
15,001 to 18,000	14
18,001 and over	15

Delegates representing only "BA" membership shall not be entitled to discuss, or vote on, matters affecting Articles XII and XIII.

Sec. 9. For transportation, sleeping and living expenses enroute to the I.C., the I.T. will, from the Convention Fund, pay each delegate a sum equal to thirty-six cents (36¢) a mile, one way, by the shortest practical route.

Each delegate remaining until the close of the Convention shall be paid an additional Three Hundred Fifty Dollars ($350.00). L.U.s may pay their delegates additional sums.

If after the I.C., moneys allotted to defray its expenses remain, they shall be redeposited in the Convention Fund.

All over $3,000,000 in this Fund at any time may be transferred to the General Fund by the I.E.C.

Sec. 10. No member shall be nominated as a delegate or alternate unless he is present or signifies his willingness

in writing nor shall he be eligible to be a delegate or an alternate unless in continuous good standing in his L.U. at least twenty-four (24) months immediately prior to the I.C., providing his L.U. has been in existence that long. However, no such member shall be disqualified because his L.U. has been merged or amalgamated with another L.U. or L.U.'s.

The two years membership requirement shall not be applicable to members of L.U.'s affiliated with System Councils, who are employed by a single employer and who transfer between L.U.'s within a System Council, provided, however, that any such member must have been a member in continuous good standing for two (2) years in at least one of the L.U.'s affiliated with the System Council involved.

Where the L.U. Bylaws specify, prior to election to a particular elective office, that one of the functions of said elective office shall include service as a delegate to the I.C. or other body, special election of the officer holding such office to be a delegate is not necessary. In the event a vacancy should occur in the said elective office and it is filled pursuant to Article XVIII, Section 16, the person appointed to the vacancy shall acquire all the functions of said office including that of serving as delegate.

Delegates and alternates shall be elected by secret ballot. Members in good standing in the L.U. shall be given at least fifteen (15) days notice of the time, place and manner of making nominations and of the election, and may participate therein, except for those who may be expressly prohibited by approved provision of the L.U. bylaws. The election of delegates and alternates shall be decided for those receiving the most votes and

ballots and records of the election shall be retained for one (1) year.

Sec. 11. Credentials of the delegate and alternate shall be in the hands of the I.S. or in the mails at least sixty (60) days prior to the I.C. Failing to comply with this, the delegate or alternate shall receive no mileage or other payments from the Convention Fund. (The Credential Committee shall pass upon whether such delegate or alternate shall be seated.)

Sec. 12. Any International or L.U. officer, or any member, who wilfully commits fraud in connection with obtaining or furnishing credentials for delegates to the I.C.—or who is connected with any fraud in voting during the I.C.—shall be tried by the I.E.C. The I.E.C. shall render decision and decide the penalty.

Sec. 13. The I.C. shall elect two delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations; two delegates to the Building and Construction Trades Department; two delegates to the Metal Trades Department; one delegate to the Union Label and Service Trades Department; one delegate to the Maritime Trades Department; one delegate to the Industrial Union Department; and two delegates to the Canadian Labour Congress.

The I.P. shall appoint all other delegates to any conventions at which the I.B.E.W. is entitled to representation. He may appoint a substitute for any delegate who does not desire, or is unable to attend, any convention to which he is elected. All such delegates shall serve a term of four (4) years and be compensated at fifty dollars ($50.00) a day for time spent in attending and traveling to and from the convention, and be reimbursed for actual expenses.

ARTICLE III — INTERNATIONAL OFFICERS

Sec. 1. The officers of the I.B.E.W. shall be the International President, Secretary, Treasurer, twelve Vice Presidents and nine Executive Council members. The officers shall be nominated and elected, by duly elected delegates, at the International Convention. They shall assume office thirty (30) days after their election, and shall serve for four (4) years or until their successors are elected and qualified or until the 1st of the month following their 65th birthdate.

Sec. 2. No one shall be eligible as an officer except a member having five (5) years' continuous good standing in the I.B.E.W. immediately prior to nomination and who qualifies under the age requirement in Section 1.

Sec. 3. The election of officers--also delegates to other conventions--shall be by roll call, per capita tax vote (except as provided below) when there is more than one candidate, and shall require a majority of all votes cast to constitute an election. When there are more than two candidates for the same office, at every unsuccessful balloting the one receiving the lowest number of votes shall be dropped, the voting then to continue until one has received a majority over all.

However, the choice for I.V.P.'s and the I.E.C. (excepting the I.E.C. Chairman) shall be recommended to the convention by each district. The convention shall adopt the district's recommendation as its own action, by the I.S. casting one ballot for the district's choice. The choice of each district shall be decided by a majority of the L.U.'s of the district represented at the convention--and present at the time the choice is made--on the basis

of one vote for each L.U., by secret ballot, not by a delegate or per capita tax vote. If the district is unable to determine its choice, then the convention shall decide any contest by a roll call, per capita tax vote.

The vote of each L.U. shall be decided by a majority of its delegates. If the delegates of a L.U. are equally divided, then that L.U. shall have no vote. When there are more than two candidates for the same office in the district, at every unsuccessful balloting the one receiving the lowest number of votes shall be dropped, the voting then to continue until one has received a majority over all.

(Nothing in this Constitution shall be construed to conflict with the above section.)

Sec. 4. At all elections when it becomes necessary to have a roll call, the presiding officer shall appoint two tellers and a judge. He shall announce the names of the candidates in rotation. Each candidate may be present or be represented by a member at the count. All election records and ballots shall be preserved for a period of one year.

Sec. 5. The officers shall attend the I.C. and all their expenses shall be paid out of the General Fund. They shall have voice but no vote, and no officer shall be eligible to represent his L.U. as a delegate. The officers, except I.V.P.'s shall have their reports printed and ready for distribution to the delegates when the convention is organized.

Sec. 6. Each officer elected shall sign and file in the I.O. the following pledge and oath of office:

"I, ..., do hereby solemnly
(Give name)

pledge on my honor, that I will faithfully discharge my duties as an officer of the International Brotherhood of Electrical Workers. I will support by every means within my power its Constitution, and I will enforce it to the best of my ability. At the expiration of my term of office, I shall deliver to my successor all books, papers, money and other property in my possession belonging to the I.B.E.W. or its L.U.'s and I shall not be relieved from any bond or obligation unless and until I comply with this law."

(Signed) ..... (Witness) .....

Sec. 7. All officers at the expiration of their term shall deliver to their successors all books, papers, money and other property in their possession, belonging to the I.B.E.W. or its L.U.'s, and shall not be relieved from their bonds or obligations until this law is complied with.

Compensation and Benefits

Sec. 8. The annual compensation of officers and senior representatives shall be :

I.P.	$97,500
I.S.	86,500
I.T.	22,000
I.V.P.	60,000
I.E.C. Chairman	22,000
I.E.C. Members	19,000
Senior Representatives	44,000

All such officers and representatives shall be reimbursed for actual expenses when away from home on

business of the I.B.E.W. in accordance with rules promulgated by the I.P.

Sec. 9. The services of the I.E.C. chairman shall be available to the I.B.E.W. in an advisory capacity and for fulfilling other assignments in the interests of the I.B.E.W.

Sec. 10. Members employed by the I.B.E.W. as officers or in any other capacity, who become permanently disabled while so engaged, shall receive $500 a month while incapacitated. The period of incapacitation shall not be deducted from service record.

Sec. 11. (1) Members in the I.B.E.W. service, employed by it as officers, representatives or assistants, who have attained the age of sixty-five (65), shall be retired the 1st of the month following their 65th birthdate, or who have attained the age of sixty (60) and have twenty (20) or more years service, shall upon request of the individual be retired by the I.E.C. The annual rate of compensation payable upon retirement shall be 3 percent of the average annual salary for the four (4) years during which the highest salary was payable to the individual, multiplied by the number of years of service, not to exceed twenty (20) years, payable monthly.

(2) Officers, representatives or assistants who have fifteen (15) or more years service may apply to the I.E.C. for retirement and if placed on retirement shall receive retirement compensation on the same basis as provided in Paragraph (1) above.

(3) Officers, representatives or assistants who become permanently disabled while employed by the I.B.E.W. shall receive retirement compensation on the same basis as provided in Paragraph (1) of this Section, or as pro-

vided in Section 10 of Article III above, while incapacitated.

(4) Any officer, representative, or assistant who leaves I.B.E.W. service after completing five (5) or more years of service before becoming eligible for retirement under Paragraph (1) above may elect either to have his contributions returned to him or to be granted a vested right to retirement compensation which will entitle him to receive, commencing at age sixty-five (65), retirement compensation on the same basis as provided in Paragraph (1) above.

(5) Officers, representatives or assistants in the I.B.E.W. service shall have 5 percent deducted from their monthly salary as their contribution to this retirement plan.

(6) In lieu of the payment of retirement compensation on the basis outlined in Paragraphs (1), (2), and (4), an officer, representative or assistant may elect immediate payment of his pension in reduced amount or payment of reduced pension on a joint and survivor basis with payments continuing to his surviving spouse. In each such case the reduced amount of retirement compensation payable under such election shall be actuarially equivalent to the retirement compensation otherwise payable. To be effective, all such elections shall conform to the rules and regulations adopted for such purpose by the I.E.C. The provisions of this paragraph shall not apply to those officers, representatives or assistants who retired on or before September 14, 1962.

(7) In the event of death of an officer, representative, assistant or spouse, any unused portion of his 5 percent contribution shall be payable in a lump sum to the designated beneficiary.

In the event of death of both—the officer, representative or assistant and his spouse—any unused portion of the 5 percent contribution shall be payable in a lump sum to his beneficiary.

(8) The I.E.C. shall enter into a trust agreement with a reliable and long-established trust company to act as trustee in the handling and disbursement of the retirement pay.

(9) The I.S. shall, from time to time, turn over to such trust company all contributions made by officers, representatives, or assistants under this article. He shall also turn over to such trust company from the General Fund, the amount necessary to assure that each eligible officer, representative or assistant shall receive his retirement pay when due.

(10) Any officer, representative or assistant receiving retirement compensation under this article or having been granted a vested right to retirement compensation in accordance with Section 11 (4) above, shall not engage in any electrical work of any kind, or hold any position connected with electrical work, nor shall he participate in the affairs of the I.B.E.W. or any of its local unions.

(11) The I.E.C. is authorized to make such changes or amendments necessary to qualify this plan under Section 401(a) of the Internal Revenue Code.

(12) Any employee of the I.B.E.W. not covered by Section 11, Paragraphs (1) through (11) above, who is sixty-five (65) years of age, shall upon request of the individual, be retired by the I.E.C. on recommendation of his superior or employing officer, or by personal application to the I.E.C. The annual rate of compensation

payable upon retirement shall be 2½ percent of the average annual salary for the five (5) years during which the highest salary was payable to the individual, multiplied by the number of years of service, not to exceed twenty (20) years, payable monthly.

(13) Any employee of the I.B.E.W. not covered by Section II, Paragraphs (1) through (11) above, who has been in the employ of the I.B.E.W. for twenty (20) years or more and is sixty (60) years of age or more, may be retired by the I.E.C. on recommendation of the employing officer or by personal application to the I.E.C. The annual rate of compensation payable upon retirement shall be 2½ percent of the average annual salary for the five (5) years during which the highest salary was payable to the individual, multiplied by the number of years of service, not to exceed twenty (20) years, payable monthly.

(14) Any employee of the I.B.E.W. not covered by Section II, Paragraphs (1) through (11), who is totally disabled after twenty (20) or more years service and whose application for disability pension has been approved by the I.E.C., shall receive retirement compensation on the same basis as provided in Paragraph (12) above. Benefits will be paid only after six (6) whole calendar months from date of commencement of total disability. Application for disability pension must include such medical evidence of disability as the I.E.C. requires under Article XII, Section 1(b).

(15) Any employee of the I.B.E.W. not covered by Section II, Paragraphs (1) through (11) above, who leaves I.B.E.W.'s service after completing ten (10) or more years service before becoming eligible for retirement under Paragraphs (12) or (13) above, shall be

granted a vested right to retirement compensation but not to disability pension benefits. This vested right will entitle such employee to receive, commencing at age sixty-five (65), compensation on the same basis as provided in Paragraph (12) above.

(16) The I.E.C. shall enter into a trust agreement with a reliable and long-established trust company to act as trustee in the handling and disbursement of the retirement pay of employees covered by Paragraphs (12) through (15) hereof.

(17) The I.S. shall turn over to such trust company from the General Fund the amount necessary to assure that each eligible employee covered by Paragraphs (12) through (15) hereof shall receive his retirement pay when due.

(18) Anyone receiving such compensation must observe this Constitution and the principles it sets forth and shall do nothing directly or indirectly to injure the I.B.E.W. or its members.

(19) The I.E.C. is authorized to make such changes or amendments necessary to qualify this plan under Section 401(a) of the Internal Revenue Code.

(20)(a) Insofar as Canadian officers and employees of the I.B.E.W. are concerned, the I.E.C. is authorized to make such changes and amendments in the Pension Plan as it deems appropriate and necessary to provide the minimum benefits required by applicable dominion or provincial laws and to establish, on actuarial advice, rates of contribution (different from the rates prescribed by Article III) to be paid by such Canadian officers and employees which will take into account the increased cost of such benefits.

(b) The I.E.C. is authorized to effect such changes and amendments in benefits and to increase the rates of contribution by rules and regulations.

(21) The I.E.C. is empowered to establish such rules and regulations as it deems appropriate and to modify same for the effectuation and administration of the provisions of this Article. The I.E.C. is further authorized to make definitions of the terms used in this Article and to make interpretations of these Constitutional provisions and its rules and regulations, which shall be final and binding. The decisions of the I.E.C. on all questions arising hereunder, including cases of eligibility for and computation of the amount of benefits, shall be final and binding.

(22) In no event shall any officer, representative or assistant or any other employee of the I.B.E.W. who retires under this Section 11 be paid a monthly pension benefit (as determined before any reduction required by the election of option under Paragraph (6) above) that is less than he would have received under Section 11 of the Constitution prior to September 30, 1974. The amount paid officers, representatives or assistants prior to September 30, 1974 shall remain unchanged.

ARTICLE IV — INTERNATIONAL PRESIDENT

Sec. 1. The I.P. shall give a bond of $100,000 to the I.E.C. for the faithful performance of his duties. Should the amount in his hands at any time exceed the bond, he and the I.E.C. shall have the bond increased accordingly. He shall preside at all sessions of the I.C. When unable to preside he shall select someone else to do so. He shall

perform such other duties as are outlined in this Constitution and are necessary to protect and advance the I.B.E.W.

Sec. 2. The I.P. shall see that all other officers perform their duties. In case of non-performance of duties or disability or incompetence of any I.V.P. or the I.S. or I.T., the I.P. has power to remove such officer, with such removed officer having the right of appeal to the I.E.C.

He shall fill all vacancies, including those on the I.E.C., by appointment. Such appointments must be approved by the I.E.C.

Sec. 3. The I.P. is empowered as follows:

(1) To call a meeting of the I.E.C. whenever in his judgement such a meeting is necessary.

(2) To decide all questions of law, disputes or questions in controversy however arising, all his decisions being subject to appeal, including policy decisions, first to the I.E.C. and then the I.C. (Notice in writing of appeal from any decision of the I.P. must be filed with the I.S. and I.P. within thirty (30) days from date of such decision.)

(3) To establish such departments in the organization or in the I.O., as in his judgment are necessary to protect or advance the interests, or to meet the needs of the I.B.E.W.

(4) To employ International Representatives who shall be reimbursed for actual expenses while away from home, and to employ such assistants as, in his judgment, are necessary to carry on the work of the organization, and to decide the compensation to be paid, except as provided elsewhere in this Constitution.

He shall appoint a Government employes' representative on a full-time basis.

All representatives and assistants shall work under direction of the I.P. and he has power to discharge them.

(5) To employ an attorney or attorneys to act as counsel and give any other legal assistance, as he deems necessary.

(6) To authorize in writing any I.V.P. to audit the books and records of any L.U. in his district or to engage an accountant for the purpose, whenever he deems such action necessary for the protection of the L.U. and its members.

(7) To prefer charges through the I.E.C. against any member who, in his judgment, is violating the Constitution or working against the welfare of the I.B.E.W. Any member against whom charges are preferred shall be so notified by the I.P. in writing, and said member shall have the right to appear before the I.E.C. in his own defense.

(8) Either to suspend or revoke the charter of any L.U., or have the I.S. reject the per capita tax from any L.U. that fails or refuses to observe the laws and rules of the I.B.E.W.

(9) To take charge of the affairs of any L.U. when in his judgment such is necessary to protect or advance the interests of its members and the I.B.E.W., but for a period not to exceed six (6) months. If the I.P. or his representative cannot or has not adjusted the affairs of the L.U. involved at the end of this period, then he shall refer the entire case to the I.E.C. which shall render a decision at its next regular meeting. The I.P. may suspend any local officer or member who offers interference in such cases.

(10) To remove or suspend any L.U. officer, representative, appointee or agent, or any officer, general chairman or representative of Railroad System or Regional Councils, for incompetence, or for nonperformance of duties, or for failure to carry out the provisions of this Constitution and the rules herein, or the bylaws and agreements of the L.U. or Railroad Council, or for putting into effect or allowing to be put into effect any practice, rule, agreement, bylaw or policy not having approval of the I.P., or for failure to observe or carry out instructions or decisions of the I.P. When the I.P. suspends or removes any officer, representative, appointee, agent or any officer, general chairman or representative of Railroad System or Regional Councils, then he can fill any such office or position by appointment of others.

(11) To appoint, if he so decides, a referee who may or may not be a member, to take testimony and report to him.

(12) To enter into, or authorize an I.V.P., representative, or assistant to enter into, agreements with any national or international labor organization or association of employers, or with any company, corporation or firm doing an inter-state, or inter-provincial business in electrical work, to cover the entire jurisdiction of the I.B.E.W.

(13) The I.P. or his representatives shall not enter into agreements affecting wages, hours and conditions of employment where local union agreements covering such employment already exists, without first notifying at least thirty (30) days in advance of such agreements,

the local unions so concerned or affected, in a district, and then only by procuring consent of a majority of the local unions in the district or the individual local union affected by this agreement.

The following statement of the Law Committee non-concurring in the resolutions which would have amended Article IV, Section 3 (13) was adopted by the 31st International Convention:

When negotiating agreements with any national or international labor organization, or association of employers, or with any company, corporation or firm doing an inter-state, or inter-provincial business in electrical work, it is imperative that the I.P. have the authority to negotiate and enter into these agreements, or withdraw from these agreements, as circumstances so require.

(14) To edit and publish the I.B.E.W. official JOURNAL and to conduct it as a technical, economic and trade union publication; to use its obituary section for members only, and at his discretion to publish communications in accordance with policy as defined.

(15) To develop an appropriate I.B.E.W. Honorary Membership Card which may be issued to persons outside of the regular membership who have contributed to the welfare of the I.B.E.W.

Sec. 4. The I.P. can, in any situation, delegate the powers of his office to an International Representative, Vice President or Assistant.

Sec. 5. Nothing in this Constitution shall be construed to conflict with any of the provisions of this article.

ARTICLE V — IMPERATIVE MANDATE

Sec. 1. If at any time charges are filed against the I.P. and such are forwarded to the I.S. with the signatures of the L.U. president and secretary, and under the seal of five (5) percent of the L.U.'s comprising the I.B.E.W., the I.S. shall immediately furnish a copy of such charges to the I.P. He shall answer them within ten (10) days. The I.S. on receiving the answer of the I.P., shall mail a copy of the charges together with the answer of the I.P., to every L.U., and shall enclose a blank ballot, calling for a referendum vote on the question: "Shall the I.P. be upheld?"

The R.S. of each L.U. shall forward the result to the I.S. within sixty (60) days from the date the ballots are mailed. The votes shall be published in full in the I.B.E.W. official JOURNAL. The ballots shall be enclosed in a sealed package and entrusted to the I.S. to be delivered to the next I.C. If a majority vote not to uphold the I.P., the charges are thereby upheld and the I.E.C. shall then declare the office vacant and elect his successor.

ARTICLE VI — INTERNATIONAL SECRETARY

Sec. 1. The duties of the I.S. shall be:

To keep correct records of the proceedings of the I.C. and preserve all important papers of I.B.E.W. business; to deposit all funds in a bank or banks approved by the I.E.C., in the name of the I.B.E.W., subject to joint signatures of the I.S. and I.T.

To pay all bills and claims legally due, and any

disputed item when directed by the I.P., and no item when directed not to do so.

To keep a general roll of all members with the name, age, number of card and date of admission, together with those suspended, expelled, transferred, etc., and also to keep a correct financial account between each L.U. and the I.B.E.W.

To receive all applications for charters, sign and grant them when authorized by the I.P., and retain charge of the seal of the I.B.E.W. and affix same to all official documents.

To receive all petitions for referenda or other votes, and to mail out the same with ballots when approved by the I.E.C., and to prepare for publication in the I.B.E.W. official JOURNAL the results of all votes and all questions submitted to the I.E.C.

To prepare for publication in the I.B.E.W. official JOURNAL each year, the annual I.B.E.W. audit by the certified public accountant employed by the I.E.C.

To publish at least once a year a correct directory in pamphlet form of all L.U.'s with names and addresses of the B.S., F.S. and business manager or representative of each L.U.

Sec. 2. The I.S. shall, fifteen (15) days prior to the month in which the I.C. convenes, furnish to the I.E.C. a correct record of the convention vote to which each L.U. is entitled.

Sec. 3. The I.S. and the I.P. are jointly empowered to make any investment of I.B.E.W. and pension funds and to manage, change, exchange and sell any such investments and to make reinvestments and to borrow money—this power also includes the purchase, transfer, lease or sale of real estate—all subject to approval of the I.E.C.

Sec. 4. The I.S. shall perform such other duties as are prescribed by this Constitution, and he shall give a bond of $100,000 to the I.E.C. Should the amount in the hands of the I.S. at any time exceed the amount of his bond, he and the I.E.C. shall have the bond increased accordingly.

ARTICLE VII — INTERNATIONAL TREASURER

Sec. 1. The I.T. shall give a bond to the I.E.C. for $100,000. Should the amount in his hands at any time exceed the bond, he and the I.E.C. shall have the bond increased accordingly. All withdrawals shall be subject to the joint signatures of the I.S. and I.T.

ARTICLE VIII — INTERNATIONAL VICE PRESIDENTS

Sec. 1. The I.V.P.'s shall work under instructions of the I.P. and shall hold a progress meeting yearly, with the business manager and one elected delegate from each L.U. in their districts. The L.U. or its Executive Board may elect the one delegate, as the L.U. may decide. However, no L.U. is required to have anyone attend.

The I.V.P.'s may hold additional progress meetings if they deem this necessary, with approval of the I.P. The time and place of progress meetings shall be decided by the I.V.P.'s (The I.P. or his authorized representative

shall attend a progress meeting in each district once every two (2) years when possible.) The I.V.P.'s shall perform such other duties as are stated in this Constitution.

Sec. 2. An I.V.P. shall be elected from each of the following districts:

First—Canada.

Second—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Third—Delaware, New Jersey, New York, Pennsylvania.

Fourth—Kentucky, Maryland, Ohio, Virginia, West Virginia, District of Columbia.

Fifth—Alabama, Florida, Georgia, Louisiana, Mississippi, Panama Canal Zone, Puerto Rico.

Sixth—Illinois, Indiana, Michigan, Minnesota, Wisconsin.

Seventh—Arizona, Kansas, New Mexico, Oklahoma, Texas.

Eighth—Colorado, Idaho, Montana, Utah, Wyoming.

Ninth—Alaska, California, Hawaii, Nevada, Oregon, Washington, Pacific Islands.

Tenth—The United States, its territories and Canada, on railroad matters.

Eleventh—Iowa, Missouri, Nebraska, North Dakota, South Dakota.

Twelfth—Arkansas, North Carolina, South Carolina, Tennessee.

ARTICLE IX — INTERNATIONAL EXECUTIVE COUNCIL

Sec. 1. The duties of the I.E.C. shall be:

To meet quarterly; to employ a certified public accountant who shall audit all the books and accounts of the International Officers, and to have the quarterly audits condensed into a yearly audit at the end of the fiscal year; to act on all applications for pension, disability, or retirement benefits; to determine all proposed Constitutional amendments submitted for referendum vote, and to attend to all business properly brought before it.

Sec. 2. The members of the I.E.C. may vote and transact business by correspondence with the I.S., and each other, but five (5) members must concur to make such action valid.

Sec. 3. The I.E.C. shall be the committee on rules and credentials at all regular or special conventions and shall submit its report as such immediately after the convention opens.

Sec. 4. The I.E.C. shall have the power to try any L.U. or member charged with injuring the interests of the I.B.E.W. by actions in violation of the I.B.E.W. laws or the obligation of the member, and may revoke or suspend charter or membership. (Nothing in this Constitution shall be construed to conflict with this power of the I.E.C.)

Sec. 5. When an appeal from any decision of the I.P. is made to the I.E.C. then the I.E.C. shall render a decision at its next regular meeting. However, the I.E.C. may, when it feels such is practical, act on an appeal by correspondence.

Sec. 6. Either to suspend or revoke the charter of any L.U.—or have the I.S. reject the per capita tax from any L.U.—that fails or refuses to observe the laws and rules of the I.B.E.W. or decisions rendered by proper I.B.E.W. authority.

Sec. 7. To take charge of the affairs of any L.U. when in its judgment such is necessary to protect or advance the interests of its members and the I.B.E.W., and to suspend any local officer or member who offers interference in such cases.

Sec. 8. If at any time the I.E.C. deems a new law necessary, it shall recommend a clause or clauses for the L.U.'s to vote upon, and should a majority vote support the recommendation, it shall become a law.

Sec. 9. In case of a vacancy in the office of the I.P., the I.E.C. shall immediately convene and elect a successor to fill the office for the unexpired term.

Sec. 10. The minutes and report of each I.E.C. meeting shall be published in full in the I.B.E.W. official JOURNAL.

Sec. 11. A member of the I.E.C. shall be elected from each of the following districts, except the chairman who shall be elected at large:

First—Delaware, New Jersey, New York, Pennsylvania.

Second—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Third—Indiana, Kentucky, Michigan, Ohio, West Virginia.

Fourth—Alabama, Florida, Georgia, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, District of Columbia, Panama Canal Zone, Puerto Rico.

Fifth—Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin.

Sixth—Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Seventh—Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Pacific Islands.

Eighth—Canada.

ARTICLE X — DIVISION OF FUNDS & PER CAPITA TAX

Sec. 1. The receipts of the I.B.E.W. shall be divided into five funds: General Fund, Defense Fund, Death Benefit Fund, Convention Fund and Pension Benefit Fund.

Sec. 2. The monthly per capita tax for each "A" member shall be apportioned as follows:

1/1/79	1/1/80	1/1/81	
$ 2.70	$ 3.20	$ 3.70	and all admission fees and all other receipts shall go into the General Fund
10.00	10.00	10.00	Pension Fund
.12	.12	.12	JOURNAL Fund
.11	.11	.11	Defense-Assistance Fund
.07	.07	.07	Convention Fund
$13.00	$13.50	$14.00	

Sec. 3. The monthly per capita tax for each "A" member on Withdrawal card shall be apportioned as follows:

1/1/79	1/1/80	1/1/81	
$ 2.70	$ 3.20	$ 3.70	and all admission fees and all other receipts shall go into the General Fund
10.00	10.00	10.00	Pension Fund
.12	.12	.12	JOURNAL Fund
.11	.11	.11	Defense-Assistance Fund
.07	.07	.07	Convention Fund
$13.00	$13.50	$14.00	

To comply with Article XIV, Section 11 to cover the cost of maintaining the continuous good standing and benefits of "A" members in military service, all other "A" members except those on I.B.E.W. pension shall pay an assessment of ten cents (10¢) each month beginning January 1, 1951.

Sec. 4. Each "A" member having reached his 18th birthday but not past his 56th birthday shall pay two dollars ($2.00) upon joining the L.U. as admission fee in the E.W.B.A.

Should the "A" member not be eligible for admission to the E.W.B.A. the $2.00 will go into the Death Benefit Fund toward payment of the death benefit as provided in Article XIII.

Sec. 5. "A" members who have reached age eighteen (18), and those who had not reached age fifty-six (56) when becoming an "A" member, and who were not rejected by the E.W.B.A. for medical reasons, shall pay one dollar and twenty cents ($1.20) per month (in addition to the per capita tax stipulated above) for deposit in the E.W.B.A. or in the Death Benefit Fund, as provided in Article XIV.

Sec. 6. The monthly per capital for each "BA" member shall be apportioned as follows:

1/1/79	1/1/80	1/1/81	
$ 2.70	$ 3.20	$ 3.70	and all admission fees and all other receipts shall go into the General Fund
.12	.12	.12	JOURNAL Fund
.11	.11	.11	Defense-Assistance Fund
.07	.07	.07	Convention Fund
$ 3.00	$ 3.50	$ 4.00	

Sec. 7. All money going into the General Fund shall be used for the management of the I.B.E.W. and the payment of all benefits under this Constitution not otherwise provided for.

Sec. 8. Any assessments levied shall be paid within ninety (90) days of the issuance of notice by the I.S. and he shall reject the per capita tax of any member failing to pay any assessment within this time, and such member shall stand suspended and without rights of any kind until the assessment is paid.

ARTICLE XI — DEFENSE FUND

Sec. 1. The Defense Fund shall be for the sole purpose of providing legal defense. No disbursements shall be made from this fund except for the legal defense of L.U.'s and their members, or for the defense of an Inter-

national Officer or Representative whose activity in the interest of the I.B.E.W. and in conformity with its laws results in legal involvement.

Sec. 2. All appeals for legal assistance shall be investigated by the I.P., or I.S., who shall make recommendations to the I.E.C. for action. The I.E.C. decision shall be final.

Sec. 3. Any amount over $5,000,000.00 in the Fund at any time may be transferred to the General Fund by the I.E.C.

ARTICLE XII — PENSION BENEFIT FUND

Sec. 1. An "A" member who retires from the electrical trade after January 1, 1967, shall be entitled to benefits in accordance with the following rules as to eligibility;

(a) (1) *Normal Pension.* An "A" member of the I.B.E.W. in continuous good standing with twenty (20) or more years immediately preceding his application, who has attained the age of sixty-five (65) years, shall receive pension benefits computed on the basis of two dollars ($2.00) per month for each full year of such continuous "A" membership. In no event shall any "A" member retired under this Section 1(a) be paid a monthly pension benefit less than he would have received under the pension benefit provisions of the Constitution prior to January 1, 1967.

(a) (2) *Optional Early Retirement Pension.* An "A" member of the I.B.E.W. in continuous good standing

with twenty (20) or more years immediately preceding his application, who has attained the age of sixty-two (62) years, may elect to receive reduced pension benefits as long as he lives, computed on the basis of two dollars ($2.00) per month for each full year of such continuous "A" membership reduced by six and two-thirds percent (6⅔%) for each year or part thereof the said "A" member was under the age of sixty-five (65) at the date of his retirement. The election of this option must be made on a form prescribed by the I.S. and will become effective on the date he is placed on pension. The election of this option shall be irrevocable.

(a) (3) *Optional Spouse's Benefit.* Each "A" member retired under Section 1 (a) (1) or Section 1 (a) (2) may, in lieu of the payment of pensions as outlined above, elect to receive a reduced pension as long as he lives, with the provision that after his death one-half of such reduced pension shall continue to be paid to his spouse thereafter as long as such spouse survives him. The amount of such reduced pension payable under this election shall be actuarially equivalent to the pension otherwise payable. This election must become effective on the date he is placed on pension or six (6) months following approval of the application by the I.E.C., whichever is the later date. The election of this option shall be irrevocable except that the election shall be void in the event of the spouse's death during such six-month period.

(b) *Disability Pension.* An "A" member of the I.B.E.W. who is totally disabled and has continuous good standing of twenty (20) or more years immediately preceding his application shall receive disability pension benefits, if such application is approved, computed on

the basis of two dollars ($2.00) per month for each full year of such continuous "A" membership.

(1) Benefits will be paid commencing on the first day of the month in which it has been determined that the member became totally disabled, provided that no period of total disability shall be considered to commence before the "A" member has completed twenty (20) or more years in continuous good standing, or before January 1, 1967, whichever occurs last.

(2) The applicant for disability pension benefits must maintain his continuous good standing as an "A" member until the date of approval of his application by the I.E.C. and shall, in the event of such approval, receive a full refund of I.O. dues from the date of commencement of his total disability. The period following the commencement of total disability shall not be counted in computing the amount of disability pension benefit.

(c) *Vesting.* An "A" member who has completed twenty (20) or more years of "A" membership in continuous good standing and who ceases being engaged in the electrical trade prior to the attainment of age sixty-five (65) shall, if an application is filed and approved, obtain a vested right to pension benefits, but not disability pension benefits or death benefits. This vested right will entitle him to receive, commencing at age sixty-five (65), pension benefits computed on the basis of Two Dollars ($2.00) per month for each full year of such continuous "A" membership less Two Dollars ($2.00) per month for each year or part thereof the said "A" member was under the age of sixty-five (65) at the date his application was received. The applicant for vested pension rights must maintain his continuous good

standing as an "A" member until the date of approval of his application by the I.E.C., and shall, in the event of such approval, receive a full refund of I.O. dues from the month following receipt of his application. The period following the receipt of such application shall not be counted in computing the amount of vested pension rights.

Sec. 2. *Death Benefits.* Upon the death, after January 1, 1967, of a non-retired "A" member who then has at least six (6) months continuous and active good standing, the beneficiary named by the "A" member to receive the death benefits payable under this paragraph shall be paid the sum of one thousand dollars ($1,000.00) if the said "A" member died from natural causes or the sum of two thousand dollars ($2,000.00) if the said "A" member died by accidental means. Upon the death from either natural causes or accidental means of an "A" member retired under Section 1 (a) or 1 (b) after January 1, 1967, the beneficiary named by the "A" member to receive the death benefits shall be paid a sum computed by subtracting from one thousand dollars ($1,000.00) all pension benefits paid by the I.B.E.W. Pension Benefit Fund to the retired member. The death benefits provided by this section shall be in addition to the death benefits provided by the Electrical Workers' Benefit Association or the I.B.E.W. Death Benefit Fund.

(For rules governing who may be named a beneficiary, see Article XIII, Section 2. The beneficiaries recorded under the E.W.B.A. or Death Benefit Fund will also receive any death benefits provided by the Pension Benefit Fund, unless a different beneficiary has been recorded on the "Designation of Beneficiary for I.B.E.W. Pension Benefit Fund Death Benefits" form.)

Sec. 3. *Pension Benefits of "A" members retired prior to January 1, 1967.* The pension benefits of an "A" member of the I.B.E.W., who has retired from the electrical trade and was placed on the pension rolls prior to January 1, 1967, are as follows:

(a) Each "A" member so retired prior to June 1, 1957, shall continue to receive the fifty dollar ($50.00) monthly pension benefit from the I.B.E.W. Pension Benefit Trust Fund under the Employees Benefit Agreement, as heretofore, provided that, if for any reason whatsoever, such payment is not made by the said I.B.E.W. Pension Benefit Trust Fund then the said fifty dollar ($50.00) monthly pension benefit shall be paid by the I.B.E.W. Pension Benefit Fund.

(b) Each "A" member so retired from and after June 1, 1957, to December 31, 1961 shall continue to receive the fifty dollar ($50.00) monthly pension benefit from the I.B.E.W. Pension Benefit Fund, as heretofore.

(c) Each "A" member so retired from and after January 1, 1962, but prior to January 1, 1967, who is not covered by the Employees Benefit Agreement, shall continue to receive the fifty dollar ($50.00) monthly pension benefit from the I.B.E.W. Pension Benefit Fund, as heretofore. Any such "A" member who receives a monthly pension benefit from the I.B.E.W. Pension Benefit Trust Fund under the Employees Benefit Agreement shall continue to receive such benefit as heretofore and, in addition shall be entitled to receive a twenty-five dollar ($25.00) monthly pension benefit from the I.B.E.W. Pension Benefit Fund retroactive to January 1, 1966. If for any reason whatsoever the payment of the monthly pension benefit from the I.B.E.W. Pension Benefit Trust Fund under the Employees Benefit Agreement is not made to the latter group, then the fifty dollar ($50.00) monthly pension benefit shall be paid by the I.B.E.W. Pension Benefit Fund.

Sec. 4. *General Provisions.*

(a) *"Continuous Good Standing."* Any period of membership used in determining eligibility or in computing benefits shall include only consecutive years of "A" membership in good standing in the I.B.E.W., except that years of membership when on pension or disability pension shall not be counted: *Provided further* that, if a member who has been granted a normal pension, a disability pension, or a vested pension right returns to the electrical trade and "A" membership, a benefit based on the period of continuous "A" membership after such return shall be added to the amount of his previous normal pension, disability pension, or vested pension right.

(b) *Waiver.* Any member who desires to waive any portion of his pension, either monthly or yearly, may do so by notifying the I.S. Any portion of the pension so waived will not be returned to the pensioner at a later date.

(c) *Per Capita Tax of Members on Pension, Disability Pension or With a Vested Pension Right.* The I.S. shall pay from the Pension Benefit Fund the portion of the per capita tax owing to the Electrical Workers' Benefit Association or to the I.B.E.W. Death Benefit Fund from each "A" member on the pension rolls except members who have been granted a vested pension right, and as provided for in the Employees Benefit Agreement, first made September 3, 1946. All other portions of the per capita tax otherwise owed by said "A" members to the I.B.E.W. are hereby waived.

(d) *Prohibition of Work.* It is a condition for admission to pension benefits, including vested pension right and the continuation thereof, that the member shall not perform any work of any kind coming under the I.B.E.W.'s jurisdiction either for compensation or gratis for anyone. He shall be permitted to attend L.U. meetings without voice or vote. He shall observe his obligation of membership and show due obedience to I.B.E.W. laws and the bylaws of its L.U.'s.

(e) *Non-Assignment of Benefits.* No member, pensioner or beneficiary shall have the right to assign, transfer, sell, mortgage, encumber or pledge any pension or death benefits, and such assignment, transfer, sale, mortgage, encumbrance or pledge shall be void and of no effect whatsoever. So that such benefits shall not in any way be subject to any legal process, execution, attachment or garnishment or be used for the payment of any claim against any member, pensioner or beneficiary, or be subject to the jurisdiction of any bankruptcy court or insolvency proceedings by operation of law or otherwise, the I.E.C. shall have the right to postpone any payment under this Plan to a pensioner or beneficiary.

(f) *Interpretations, Definitions and Decisions.* The I.E.C. is authorized to make definitions of the terms used in this article of the Constitution and to make interpretations of these constitutional provisions and its Rules and Regulations which shall be final and binding. The decisions of the I.E.C. on all questions arising hereunder, including cases of eligibility for, and computation of the amount of, benefits shall be final and binding.

No benefits are authorized other than those expressly

stated in the I.B.E.W. Constitution and the Rules and Regulations of the I.E.C.

Sec. 5. Members on withdrawal cards who have maintained their continuous good standing in the I.B.E.W. and who make application for pension benefits, shall be governed and their applications handled in the same manner as active members of L.U.'s, except that notice of application shall be given to the L.U. in the jurisdiction where the applicant resides and to the L.U. that issued the withdrawal card to the member to fill out blanks on the application.

Sec. 6. Any member violating any of the provisions of this article, or any member aiding or abetting a member to do so, after investigation by the I.E.C. and being found guilty, may be permanently barred from ever participating in these benefits, and may be suspended, expelled, or assessed as the I.E.C. may decide.

Sec. 7. The procedures for applications for benefits and for making determinations thereon shall be as prescribed in the Rules and Regulations of the I.E.C.

ARTICLE XIII DEATH BENEFIT FUND

Sec. 1. Every "A" member qualified in accordance with Article XXII and in continuous good standing for six (6) months or more, immediately preceding his death, shall in case of death, except as provided in Article XXII, be entitled to a death benefit of $1,000.00.

These benefits shall be paid from the Death Benefit Fund and the two dollar ($2.00) admission fee and one dollar and twenty cents ($1.20) of the monthly per

capita paid by members entitled to these benefits, shall be placed in the Death Benefit Fund.

These benefits shall not be available to members belonging to L.U.'s in states, territories or provinces where the E.W.B.A. is in operation.

Sec. 2. Every "A" member shall have the right to name the person or persons, including his estate, who are to be his beneficiary or beneficiaries under the death benefit system of the I.B.E.W., provided such beneficiaries shall be, at the date of the member's death, confined to the families, heirs, blood relatives, affianced husband, affianced wife, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepchildren, stepbrothers, stepsisters, children or parents by legal adoption, the member's estate, the I.B.E.W. Pension Benefit Fund, a charitable, benevolent, educational or eleemosynary institution, or to persons dependent upon the member or upon whom he is dependent. Every member shall have the privilege of changing his beneficiary within the limitations of this section. Upon the failure of any member to name an original beneficiary, or to name a new beneficiary after the death or inability to inherit of one previously named, the death benefit shall be payable to the next of kin who are entitled to take the personal property of the deceased member, in accordance with the laws of the domicile of such deceased member governing the distribution of personal property in case of intestacy. The relationship to the member of the beneficiary named by him, shall be stated by him. If any member shall name a beneficiary who does not bear to him the true relationship stated by him, and who does not fall within the classes of persons

permitted by this section to be named as beneficiary, the I.B.E.W., upon discovery and actual communication to the I.B.E.W. of the falsity of said statement of relationship, before it has paid the benefit, shall pay it to the next of kin who are entitled to take the personal property of the deceased member in accordance with the laws of the domicile of such member, governing the distribution of personal property in case of intestacy. If said falsity of statement of relationship is not discovered and actually communicated to and received by the I.B.E.W. until after the payment to the beneficiary so named, the I.B.E.W. shall not be under any obligation again to pay such benefit to any other person.

The amount of death benefit shall be paid as provided above, except that the I.S. may apply this benefit, or part of it, toward the decent burial of the deceased member if the beneficiary cannot be located—or if any other contingency arises which, in the judgment of the I.S. would require the burial expense to be advanced before a deceased member could be buried—the amount expended not to exceed three hundred dollars ($300.00).

Presentation and Payment of Claims

Sec. 3. The designation of an original beneficiary or a new beneficiary (including contingent beneficiaries) shall be made on a form furnished, and in the manner prescribed by the I.B.E.W. The designation of [illegible] ficiary, if valid under Section 2 of this article, shall [illegible] come effective from midnight of the date received in the L.O., or if forwarded by mail and the postmark clearly indicates a place and date of mailing, from midnight of the date the designation was mailed.

Sec. 4. When a member eligible for benefit dies, those claiming death benefits shall present within thirty (30) days after the death, to the L.U. of which he was a member, a certificate of facts concerning the death from a reputable physician or proper authorities located in the city or town where such death occurred or nearest to it, and it shall then be forwarded by the F.S. to the I.S. with all papers required.

Sec. 5. Any claim for which the proof has not been received by the I.S. within ninety (90) days after death, shall be declared invalid, except in cases where it is impossible to communicate within the specified time.

Sec. 6. Upon proof of claim, the I.S., if satisfied the claim is legal, shall immediately pay it. If the I.S. doubts the legality of the claim, he shall submit the same to the I.E.C. whose decision shall be final.

Sec. 7. Any member in arrears for dues, for more than three (3) months but less than six (6) months, shall not be entitled to a death benefit, nor shall he again become eligible for benefit until he is six (6) months in continuous good standing, except as provided in Article XXIV, Section 6.

Sec. 8. Any member or officer using improper means to obtain a death claim, or who makes false statements as to age or who knowingly presents or signs any claim of a fraudulent character, shall upon conviction be suspended or expelled.

Sec. 9. If a L.U. advances or lends money on any claim it shall do so at its own risk.

ARTICLE XIV — PAYMENTS TO INTERNATIONAL SECRETARY

Sec. 1. Any L.U. hereinafter organized shall pay to the I.S. five dollars ($5.00) (which shall include two dollars ($2.00) to the benefit feature of the I.B.E.W.) for each "A" member admitted as a charter member, except for those who are under age eighteen (18), or those who have passed their 56th birthday, on whom the fee shall be three dollars ($3.00).

Any L.U. hereinafter organized shall pay to the I.S. one dollar and fifty cents ($1.50) for each "BA" member admitted as a charter member except as may be otherwise decided by the I.P.

Each such L.U. shall receive free of cost the initial supplies.

The charter of new L.U.'s may be kept open for the reception of additional charter members for sixty (60) days after permanent organization, during which time applicants shall pay the amounts paid by the other charter members.

The charter shall not again be opened except by consent of the I.P. and the admission fee shall be the amount approved by the I.P. (However, applicants for "A" membership shall pay the $2.00 to the death benefit feature of the I.B.E.W.)

Sec. 2. L.U.'s already organized shall pay to the I.S. fifty percent (50%) of the admission fees collected from all new members, but the maximum fee to the I.S. shall not be more than sixty dollars ($60.00).

Sec. 3. Fifty percent (50%) of all money collected by L.U.'s from members of the I.B.E.W. as differences in

admission fees shall be sent to the I.S., but the maximum fee to the I.S. shall not be more than sixty dollars ($60.00).

Sec. 4. L.U.'s shall pay the I.S. one-half of the ten dollars ($10.00) reinstatement fee collected from "A" members in arrears. "BA" members shall pay a three dollars ($3.00) reinstatement fee, one-half of which shall be sent to the I.S. All members, before reinstatement, shall pay all arrearages to date of reinstatement.

Sec. 5. In addition to the portion of the admission fee to be paid the I.S., each L.U. shall pay two dollars ($2.00) on each "A" member as admission fee to the benefit feature of the I.B.E.W., to be used as an admission fee to the E.W.B.A., or as per Article XIII, except that L.U.'s shall not be required to pay this $2.00 out of the admission fee of any new "A" member who is under age eighteen (18) or who has passed his 56th birthday.

Sec. 6. Each L.U. shall pay to the I.S. as per capita tax the amounts set forth in Article X.

If any member is in arrears for dues to the L.U. and later pays such dues, the per capita tax for each month shall be paid to the I.S.

Should a member take out a traveling card, his per capita tax must be paid for the full life of the card at the time it is taken out. This must be sent to the I.S. with the next per capita payments sent after the card has been issued.

Withdrawal card members shall pay such amounts as set forth in Article X.

Sec. 7. All per capita tax collected from members

shall be in the hands of the I.S. or in the mails on or before the 10th of the following month.

Sec. 8. Any L.U. three (3) months in arrears in its payments to the I.S. shall, unless good cause is shown, stand suspended and can be reinstated only upon payment of an assessment of twenty-five dollars ($25.00) to the I.S. in addition to making its reports and remittances in full.

Sec. 9. Payments due the I.S. shall be held in the treasury as a standing appropriation and do not require any vote of the L.U. to be sent to the I.S.

Sec. 10. A system of bookkeeping approved by the I.S. shall be used in all L.U.'s and the books and supplies shall be furnished at cost by the I.S.

Sec. 11. Any "A" member having twelve (12) months or more continuous good standing immediately prior to the first of the month in which he is drafted into or enters military service or military training—under the laws of the United States or Canada—shall be issued a Military Service Card by the F.S. of his L.U. on application by such member.

One designated portion of the card shall be sent the I.S. by the F.S. of the L.U. within thirty (30) days after issuance.

The member receiving such a card, upon being released or discharged from military service or training, shall within sixty (60) days thereafter deposit it with the F.S. of the L.U. that issued the card and resume payment of his local union dues.

All "A" members on participating withdrawal cards shall be covered by the above, except that the Military Service Card shall be issued to them by the I.S.

Any member who remains in or reenters military service or training, without being required to do so, shall not be entitled to retain the Military Service Card nor shall he be issued a new one in such circumstances.

Where a L.U. provides local benefits, it shall decide whether any member issued a Military Service Card shall continue to be covered by such benefits. However, the I.B.E.W. shall in no manner be held responsible regarding the payment or nonpayment of local benefits. (Members holding Military Service Cards shall not lose their eligibility to be candidates for L.U. office or for International Convention delegates.)

To cover the cost of maintaining the continuous good standing and benefits of "A" members, as provided above, all other "A" members—except those on I.B.E.W. pension—shall pay an assessment of ten cents (10¢) each month.

Should the ten cents (10¢) assessment later prove insufficient to cover the cost, then the facts and figures shall be published in the I.B.E.W. official JOURNAL and notice sent the L.U.'s involved. After such publication, the Executive Council shall be empowered to increase the assessment to the necessary amount but not to exceed an additional fifteen cents (15¢).

Should the I.E.C. determine there is more money in this fund than is needed, then the I.E.C. may authorize the I.S. to transfer such amount to the Pension Benefit Fund.

When the I.E.C. decides that no further need exists for this fund, then it shall be discontinued and all remaining moneys shall be transferred to the I.B.E.W. Pension Benefit Fund.

(No reference is made here to "BA" members because those members entering military service can have the Honorary Withdrawal Card without cost. The words "Military Service" should be stamped on their Honorary Withdrawal Cards.)

ARTICLE XV — LOCAL UNION CHARTERS

Sec. 1. A L.U. may be organized by not less than ten (10) electrical workers or employes coming under the I.B.E.W.'s jurisdiction. The I.S. shall grant a charter when authorized by the I.P.

Sec. 2. The type of work and the territory or jurisdiction covered by a charter must be defined in approved local union bylaws. The I.P. has the right and power to divide or change the territory or jurisdiction covered by any L.U., or to take charge of and direct certain jobs or projects in or passing through any territory, when in the judgment of the I.P. such should be done.

Sec. 3. The I.P. has the right and the power to merge or amalgamate L.U.'s in any community or section where the facts, developments or conditions—in the judgment of the I.P.—warrants such action, also to decide the terms or details of any merger or amalgamation when the L.U.'s involved cannot or do not agree.

Sec. 4. When a L.U. does not—in the judgment of the I.P.—organize or protect the jurisdiction or territory awarded it, then its charter may be suspended or revoked by the I.P. and a new L.U. established, or the jurisdiction or territory awarded to another L.U. or L.U.'s.

Sec. 5. When there is more than one branch of workers under I.B.E.W. jurisdiction represented in a L.U., the members of each branch shall define their own scale of wages, hours and working conditions.

(However, this section shall not apply when different branches, divisions or classifications come under one blanket agreement. When these come under one agreement they shall vote as a group.)

Sec. 6. Units may be established within a L.U. by provision in the L.U. bylaws when its jurisdiction covers more than one city, town or community, or includes in its membership, employes engaged in several of the branches, divisions or classifications of the electrical industry.

A unit is to assist the L.U. in giving service to the membership and shall have no power or duties not provided in the L.U. bylaws. All unit officers and committees shall be under the supervision of the L.U. and its executive board.

Sec. 7. "A" and "BA" members may transfer from one type of membership to another in accordance with the bylaws of a L.U. but must retain such changed membership for not less than twelve (12) consecutive months, except when change is made necessary on account of transferring to a different type of work.

Sec. 8. The I.P. is empowered to authorize L.U.'s to cover such "A", "BA", or "A" and "BA" types of membership as, in his judgment, the progress of the I.B.E.W. demands. The authorized coverage shall be stated in the L.U. bylaws.

Sec. 9. Any employe engaged in work coming under the jurisdiction of I.B.E.W. charters, as above indicated and as interpreted by the I.P., may become a member of any L.U. subject to all the provisions of the Constitution.

Sec. 10. "BA" members shall not participate in the funds or benefits established and maintained under Article XII and XIII or in benefits provided through the E.W.B.A.

ARTICLE XVI — RAILROAD COUNCIL CHARTERS

Sec. 1. Railroad System or Regional Councils shall be formed and composed of Railroad L.U.'s of the I.B.E.W., as conditions require and as decided by the I.P.

Sec. 2. Each council must be chartered by the I.P. The I.S. shall grant such charters when authorized by the I.P. The type of work and the territory or jurisdiction covered by a charter must be defined in the approved bylaws. The I.P. has the right and power to divide or change the territory or jurisdiction covered by such charter when in his judgment such should be done to advance the interests of the I.B.E.W. on railroads.

Rules for Railroad Councils

Sec. 3. The method of representation in Railroad Councils shall be determined by the L.U.'s affiliated therewith. However, each delegate to the council shall be elected in the same manner as are the officers of the L.U. he represents.

Sec. 4. Such councils shall charge a per capita tax for their support and for proper handling of their business on railroads, and such per capita tax shall not be less than one dollar ($1.00) a month from the members of railroad L.U.'s.

Sec. 5. The secretary of each council shall furnish to its L.U.'s and to the International Officer in charge of railroad matters, and to the I.S., a quarterly financial report showing all receipts and disbursements.

Sec. 6. Each council shall adopt bylaws and rules to meet the needs of, or to protect and advance the interests of the I.B.E.W. on railroads. Such bylaws or rules shall in no way conflict with this Constitution. Where any doubt appears this Constitution shall be supreme. All bylaws, amendments or rules, all agreements, jurisdiction, etc., of any and all kinds, shall be submitted in duplicate form to the International Officer in charge of railroad matters for his approval.

Sec. 7. No such council shall put into effect, nor shall its officers, general chairman or representative put into effect or allow to be put into effect, any bylaw, amendment, rule, or agreement of any kind without first securing approval of the International Officer in charge of railroad matters. All these shall be null and void without such approval, and this International Officer has the power to correct bylaws, amendments, rules and agreements to conform to this Constitution and the policies of the I.B.E.W.

Sec. 8. Each council shall cooperate in the manner directed by the International Officer in charge of railroad matters with such organizations as he may decide.

Sec. 9. When the I.P. deems it necessary to protect or advance the interests of I.B.E.W. members on railroads, or to organize or protect their jurisdiction, the I.P. is empowered to require such councils to employ a full-time general chairman, or a sufficient number of assistant general chairmen to cover the jurisdiction or territory involved.

Sec. 10. The general chairman of each such council shall be held responsible to the council and to the I.P. for results in organizing its territory, for establishing friendly relations with representatives of the railroads, and in protecting the jurisdiction of the I.B.E.W. He shall attend all meetings of the Executive Board of the council. It shall be his responsibility to keep accurate statistics—or to see that such statistics are kept—as required by the I.P., and to cooperate fully with the Research Department of the I.B.E.W. and the International Officer in charge of railroad matters.

Where a council has more than one general chairman, or representative, one shall be elected to be in full charge. He shall appoint any additional general chairmen, representatives or assistants, and these shall work directly under him and be subject to his authority. He may discharge them at any time. When a representative or assistant is dismissed by the general chairman in charge, he shall not be reemployed or paid by the council in any capacity during the term of office of the general chairman in charge without his consent.

Sec. 11. The officers, general chairmen, and representatives of such councils shall be guided and governed by the same rules—where such apply to them—which guide and govern the officers and representatives of the L.U.'s of the I.B.E.W.

Sec. 12. The I.P. has the power at any time to enter any situation or controversy involving a council, and the decision of the International Officer in charge of railroad matters shall be accepted by such council and its officers, subject to appeal to the I.P. and to the I.E.C. and I.C.

ARTICLE XVII — RULES FOR LOCAL UNIONS

Sec. 1. No L.U. shall start action in the courts against the I.B.E.W. or against the decision of any International Officer or the I.E.C., until it has made use of the process available to it, including any appeal or appeals from any decision against it, which may be open to it within the I.B.E.W. Such violation shall automatically suspend its charter; provided, however, that within fifteen (15) days after notice of suspension, the I.P. shall file charges in writing for the revocation of the charter with the I.E.C.

The I.E.C. will notify the L.U. of the time and place of the hearing and may assign one or more of its members to take testimony and report to the full I.E.C. for determination. The L.U. shall have the right to submit any and all evidence in its defense and may be represented by any member of the I.B.E.W. If the I.E.C. upholds the charges, the L.U. charter shall be revoked and it shall be returned to the I.S. with all records and property of the L.U. If the charges are not upheld, the suspension of the charter is terminated.

Any officer or member who wilfully participates in or who is a party to initiating such court action without first making use of a four (4) month period of the process available to him under the I.B.E.W. Constitution, including any appeal or appeals from any decision against him, shall be tried under the procedures prescribed in Article XXVII and shall be subject to the penalties provided therein.

The provisions of Section 1 shall also be applicable to all Railroad Councils, System Councils and other subordinate bodies of the I.B.E.W. and their officers and members.

Sec. 2. No L.U. shall meet more than twice monthly unless specifically called. Special meetings may be called only by the business manager, railroad general chairman, or the L.U. Executive Board.

Sec. 3. Each L.U. shall adjourn its meetings not later than 11 p.m. prevailing time, and no other meetings shall be held on the same day or night. Any action taken after this hour shall be null and void. Anyone presiding over the meeting shall be held personally liable and subject to penalty from the I.P. for permitting violation of this provision. (When a L.U.'s members are engaged in operations of a continuous nature, and it is impossible or impractical to comply with the above provision, the I.P. may grant special dispensation in such cases.)

Sec. 4. Any L.U. failing to hold a regular meeting for a period of one month shall forfeit its charter, unless it shows good cause for not doing so. Seven (7) members in good standing shall constitute a quorum, provided the L.U. has a membership of twenty-five (25) or more. If the L.U. has less than twenty-five (25) members, then five (5) shall constitute a quorum.

Subject to the same penalty for not holding a meeting, each L.U.—any of whose members belong to the E.W.B.A.—shall, at not less than one meeting every

month, before or after the regular L.U. meeting, hold a meeting of the local lodge, composed of its members who are also members of the E.W.B.A. At the meeting of the E.W.B.A. lodge, no member of the I.B.E.W. who is not also a member of the E.W.B.A. shall vote or participate therein.

Sec. 5. L.U.'s shall affiliate, or shall not affiliate, with state, provincial, central or trades councils or bodies, as decided by the I.P.

Sec. 6. No L.U. shall allow any member who becomes an electrical employer, or a partner in an electrical employing concern, to hold office in the L.U. or attend any of its meetings, or vote in any election of a L.U. The L.U. shall allow such a member to continue his membership in the L.U. or take a withdrawal card for deposit in the I.O.

Sec. 7. L.U.'s are empowered to make their own bylaws and rules, but these shall in no way conflict with this Constitution. Where any doubt appears, this Constitution shall be supreme. All bylaws, amendments and rules, all agreements, jurisdiction, etc., of any kind or nature, shall be submitted in duplicate form to the I.P. for approval. In the case of agreements, however, additional copies are required by the I.O. Therefore, six (6) signed copies of construction trades agreements or amendments and five (5) signed copies of all other agreements or amendments shall be submitted to the I.P. No L.U. shall put into effect any bylaw, amendment, rule or agreement of any kind without first securing such approval. All these shall be null and void without I.P. approval. The I.P. has the right to correct any bylaws, amendments, rules or agreements to conform to this Constitution and the policies of the I.B.E.W.

Approval of L.U. collective bargaining agreements by the I.P. does not make the International a party to such agreements unless the I.P. specifically states in writing that the International is a party to any such agreement.

Sec. 8. This Constitution and the rules herein shall be considered a part of all L.U. bylaws and shall be absolutely binding on each and every L.U. member.

Sec. 9. All L.U. bylaws or rules in conflict with this Constitution and the rules herein are null and void.

Sec. 10. Except when decided otherwise by the I.P., agreements between L.U.'s and employers must contain a condition that the L.U. is part of the I.B.E.W. and that a violation or annulment of agreement with any L.U. annuls all agreements entered into with the same employer, corporation or firm and any other L.U. of the I.B.E.W.

Sec. 11. All L.U.'s shall be compelled to live up to all approved agreements unless broken or terminated by the other party or parties, which fact shall first be ascertained by the I.P. No agreement of any kind or nature shall be abrogated without sanction of the I.P.

Sec. 12. No L.U. shall allow its members to work for any employer in difficulty with any other L.U. of the I.B.E.W., providing the I.P. has recognized such difficulty.

Sec. 13. No L.U. shall cause or allow a stoppage of work in any controversy of a general nature before obtaining consent of the I.P. The I.P., or his representative, has the power at any time to enter any situation or controversy involving a L.U. or any of its members, and the decision of the I.P., direct or through his representative,

shall be accepted by the L.U. and its officers, subject to appeal to the I.E.C. and I.C.

Sec. 14. No L.U.'s shall by any action, law, rule, agreement or understanding, refuse to furnish members to, or prevent their members working for outside employers who have work within their jurisdiction, under the same working conditions and wages that the L.U. members work for local employers, provided that such outside employers recognize the I.B.E.W. as the collective bargaining agency on their other work.

Sec. 15. Each L.U. has power to adopt, or subscribe to, an apprenticeship system, training program, or helper rules, as the conditions may require. However, such shall not conflict with applicable standards or policies of the I.B.E.W. or to which it is a party.

After such an apprentice has worked one year in the jurisdiction of a L.U., he shall be admitted into the I.B.E.W. through the L.U. without further action by the L.U.

Apprentices, helpers and groundmen may or may not have a voice and vote at L.U. meetings or elections as the L.U. decides and as provided in the L.U. bylaws.

Sec. 16. Each L.U. shall have a safety committee which shall: investigate and report serious accidents and fatalities; cooperate with the I.O. on safety matters; promote safety; and cooperate with safety organizations as determined by the L.U. and as directed by the I.O.

Sec. 17. Each L.U. shall establish the amount of its admission fee subject to approval of the I.P. Such fees must be stated in the L.U. bylaws; and in case of a dispute, the fees recorded in the bylaws shall be conclusive of the correct amount.

Sec. 18. In no case shall a L.U. charge any member of the I.B.E.W. an examination fee.

Sec. 19. No L.U. shall send out, or approve the sending out of, financial appeals of any kind without first having consent of the I.P. No L.U. shall recognize or pass upon any financial appeals, etc., it may receive without such appeals having received approval of the I.P.

Sec. 20. Whenever the I.P. deems it necessary to protect or advance the interests of a L.U. and the I.B.E.W., or to organize and protect its jurisdiction, the I.P. may require the L.U. to employ a sufficient number of representatives to cover the jurisdiction or territory involved.

Sec. 21. Railroad L.U.'s shall join Railroad System Federations and System or Regional Councils where such are formed. Railroad L.U.'s must contribute to the support of and conform to the laws of Railroad Council's where such are formed. Railroad L.U.'s shall cooperate in the manner directed by the International Officer in charge of railroad matters with such organizations as he may decide.

Sec. 22. L.U.'s outside the railroad industry may form System Councils for bargaining purposes with approval of the I.P., and shall do so when directed by the I.P. Where formed, the L.U.'s affected or involved shall affiliate, and remain so, and shall pay for the support of, and conform to the approved bylaws of such System Councils.

The I.S. shall grant a charter to such System Council when authorized by the I.P. The type of work and the territory or jurisdiction covered by the charter must be

defined in the approved bylaws. Each delegate to the System Council shall be elected in the same manner as are the officers of the L.U. he represents.

Such System Councils, and their officers and representatives, shall be subject to and be governed by the same rules and laws (where such apply to them) as appear in this Constitution for L.U.'s.

Sec. 23. No L.U. shall withdraw from the I.B.E.W. or dissolve as long as five (5) members in good standing object thereto. Before withdrawal, written notice must be given to the I.P., and all books, papers, charters, funds and all property are to be forwarded to the I.S.

Sec. 24. L.U.'s, Railroad Councils or System Councils whose charters have been revoked or suspended for violation of this Constitution, or for noncompliance with decisions rendered by proper International authority, shall have no right or power to take any action, except actions necessary to comply with the Constitution or decisions rendered by proper I.B.E.W. authority. After such action has been taken, no further action can be taken until notice from the I.P. is received that revocation or suspension has been terminated.

Parliamentary Rules

1. The chairman may save time in deciding certain questions by asking if there are any objections. If there are none, he shall declare an action adopted.

2. He shall not allow any member of the L.U. to speak more than once on the same subject until all members desiring the floor have spoken, and not more than

twice, and not more than seven minutes at any one time, except those making reports.

3. Sectarian discussions shall not be permitted under any circumstances.

4. When members desire all talk or debate stopped and a vote taken, they may call for the previous question. When this is done it shall be put to a vote at once in this form: "Shall all debate be closed and the main question voted upon?" If this carries by a majority vote, then a vote shall be taken at once on the question before the meeting.

5. An appeal may be taken to the meeting on any ruling of the chairman, but not when a question of law is involved. When an appeal is taken to the meeting, the chairman shall state it in these words: "Shall the decision of your chairman be upheld?" The member making the appeal shall then state his grounds and the chairman shall give the reason for his decision. The vote shall then be taken without further debate.

6. A question can be reconsidered only at the same meeting or at the next regular meeting. If reconsidered at the same meeting, a majority vote is sufficient. If reconsidered at the next meeting, a two-thirds vote is required. A motion to reconsider must be made and seconded by two members who voted with the majority.

7. A motion can be amended only twice.

8. If a motion has been amended, then the amendment shall be voted upon first. If more than one amendment has been offered, then the vote shall be first on the amendment to the amendment; next on the amendment to the motion; and last on the original motion.

meeting of the L.U. or by notifying the L.U. president in writing.

Sec. 10. No member shall be nominated for office unless he is present or signifies his willingness in writing, nor shall he be eligible for any office unless he has been a member in continuous good standing at least two (2) years in the L.U. immediately prior to nomination, providing the L.U. has been in existence for this length of time. When it is impracticable or impossible for a L.U. to elect officers with the required standing, the I.P. may grant special dispensation.

The two (2) year members requirement shall not be applicable to members of L.U.'s affiliated with System Councils, who are employed by a single employer and who transfer between L.U.'s within a System Council, provided, however, that any such member must have been a member in continuous good standing for two (2) years in at least one of the L.U.'s affiliated with the System Council involved.

Sec. 11. The L.U. shall decide the manner in which the nominations and election shall be held, and such shall be stated in the L.U. bylaws. This shall not conflict with the I.B.E.W. Constitution. There shall be one judge and as many tellers as are required. These shall be selected as the L.U. decides. The number of tellers and the method of selection shall be stated in the L.U. bylaws.

Sec. 12. Elections of officers shall be held in the month of June of election years as provided in the L.U. bylaws. However, the I.P. may grant special dispensation to hold the elections in a different month and to

extend the time for conducting the elections when he is satisfied good cause is shown. Where such change is to continue, the month shall be stated in the L.U.'s bylaws. Each L.U. shall set a definite date and time for the elections.

All elections shall be decided for the candidate receiving the most votes, unless the local union bylaws provide otherwise.

However, election to the L.U. Executive Board or Examining Board shall be decided for the candidates receiving the most votes. Where a majority of the votes cast is required and no candidate receives such majority, a run-off election will be held between the two candidates receiving the highest number of votes. The time for holding a run-off election shall be stated in the L.U. bylaws, where a majority vote is required.

Sec. 13. The installation of officers shall occur at the first meeting held in July following the elections. However, the I.P. may grant special dispensation for a different time for the installation of officers when he is satisfied good cause is shown. When such dispensation is granted, the time shall be stated in the L.U.'s bylaws.

Sec. 14. Any officer failing to discharge the duties of his office for two (2) consecutive meetings, unless satisfactory excuse is given in writing, shall have his office or position declared vacant by the L.U. president, and the Executive Board shall then fill such vacancy until the next regular election.

Sec. 15. When it is decided by proper authority, and in accordance with these laws, that any L.U. officer shall be suspended or removed from office, then the L.U. president shall at once declare such office vacant. If this

9. Motions to lay on the table, or to read a paper or document, or to adjourn, are not debatable.

10. All resolutions and resignations must be submitted in writing.

11. All other parliamentary questions not decided in these rules shall be decided by Robert's Rules of Order, revised.

ARTICLE XVIII — OFFICERS OF LOCAL UNIONS

Sec. 1. Each L.U. shall have a president, vice president, recording secretary, financial secretary, treasurer, and Executive Board of not more than seven (7) nor less than three (3) members, provided that where deemed necessary for better representation in L.U.'s, the Executive Board may, with the consent of the I.P., have more than seven (7) members and, if the L.U. so decides, an Examining Board of not more than five (5) nor less than three (3) members.

Sec. 2. L.U.'s requiring a local business representative or representatives, shall elect one person to be known as a business manager. He shall appoint any and all other representatives or assistants. These shall work directly under him and be subject to his authority. He may discharge them at any time. When a representative or assistant is discharged by the business manager, he shall not be reemployed or paid by the L.U. in any capacity during the term of office of such business manager without his consent. However, this does not disqualify any discharged assistant or representative from running for office at the next election.

Sec. 3. Each L.U. shall also have a press secretary, registrar and as many inspectors and door foremen as the L.U. president deems necessary. These shall not be considered officers and shall be appointed by the president. They shall perform such duties as he directs. He may remove any of them and appoint others at any time.

Sec. 4. No other local offices shall be created without consent of the I.P.

Sec. 5. No L.U. shall combine the office of financial secretary and treasurer unless by special dispensation from the I.P.

Sec. 6. In each L.U. whose members belong to the E.W.B.A., no member shall be eligible to be nominated to the office of F.S. unless he is also a member of the E.W.B.A. This rule may be waived by the I.P. for good cause.

Sec. 7. No L.U. shall allow dues to officers or appointees for services rendered, but the L.U. may fix such salaries for them as it decides.

Sec. 8. The officers shall serve three- or four-year terms as the L.U. bylaws may provide, or until their successors are qualified.

Sec. 9. Nominations for officers shall be held in the month of May of election year as provided in the L.U. bylaws. However, the I.P. may grant special dispensation to hold the nominations in a different month when he is satisfied good cause is shown. Where such change is to continue, the month shall be stated in the L.U.'s bylaws. Any member nominated can withdraw his name any time prior to the election, either by announcement at the

applies to the president, then the vice president shall declare his office vacant.

Sec. 16. Vacancies occurring in any L.U. office shall be filled by the L.U. Executive Board until the next regular election, except when filled by the I.P. The eligibility requirements for election to the office shall apply. Vacancies in the position of press secretary, registrar, door foreman, or inspector shall be filled by the L.U. president.

Sec. 17. During the temporary absence of any officer, the president shall appoint a member to serve pro tem. In the absence of the president, the vice president shall automatically perform his duties. In the absence of both the president and the vice president, the recording secretary shall call the L.U. meeting to order and the L.U. shall name a temporary chairman. (This does not apply to the business manager.)

Sec. 18. All officers, at the expiration of their terms of office, shall deliver to their successors all books, papers, money and other property in their possession belonging to the I.B.E.W. or the L.U. and shall not be relieved from their bond or obligation until this has been done.

Sec. 19. All officers, appointees or employes, shall turn over all books, papers and property of the L.U. in their possession to the I.P. or his representative upon his demand.

Sec. 20. No officer of a L.U., Railroad Council or System Council shall improperly use, or allow anyone to improperly use, the mailing list of members to communicate with them regarding union politics or candidates for union office. Any officer having such a list shall be held personally liable for its misuse.

ARTICLE XIX — DUTIES OF LOCAL OFFICERS

President

Sec. 1. The L.U. President shall be held responsible for the strict enforcement of this Constitution and the rules herein and the L.U. bylaws. He shall be held personally liable and subject to penalty by the I.P. for failure to conduct orderly meetings or failure to carry out the responsibilities and duties imposed upon him herein.

He is empowered and shall do as follows:

(1) Preside at all meetings of the L.U. and see that each meeting is promptly adjourned not later than 11 p.m. prevailing time. When he deems it necessary to preserve order, he shall appoint members to aid him in doing so and in carrying out his rulings.

(2) He shall promptly have removed from the meeting room any intoxicated member, any disturber, or anyone not conducting himself in a gentlemanly way, or anyone who disturbs the harmony or peace of the meeting, or who fails promptly to abide by his rulings or the action of the meeting. He shall suspend from attendance at all meetings any member who commits any of these offenses, but such suspension shall be for not more than three (3) months at a time. He shall repeat as often as he deems proper the sentence of suspension of any persistent offender, and he shall see to it that such suspended member shall not be allowed by the foreman, or foremen, to enter the door of the meeting during such suspension.

(3) He shall decide all questions of order according to the parliamentary rules stated herein, and in case the

deciding vote in case of a tie, and see that all assessments are paid and all penalties enforced.

(4) He shall appoint all committees, act as an ex-officio member of all committees, appoint all delegates to central, trades, and political councils or bodies, with which the L.U. is affiliated. Where the L.U. has a business manager, then he and any of his assistants shall be named by the president as delegates to the Building and Construction Trades Council and to the Metal Trades Council; and he shall appoint the registrar as delegate to conferences of bodies on political education and activity with which the L.U. is affiliated.

(5) He shall see that all committees perform the duties assigned to them within a reasonable time. He shall promptly remove any committee member not performing his duties and appoint another.

He shall see that the registrar promotes political education and activity as determined by the L.U., keeps such records as are found to be necessary to encourage all members to register and vote, and keeps the membership informed on candidates worthy of support and pending legislation of vital importance to the country, the community, and the members of the L.U.

(6) He shall either appoint an auditing committee of three members, or he or the L.U. Executive Board, as the L.U. decides, shall employ a public accountant to audit the books and accounts of the L.U. every three months, and he shall inspect the bank book or books of the treasurer to see that L.U. moneys turned over to the treasurer have been properly and promptly deposited in the name of the L.U.

(7) He shall see that all funds of the L.U. are de-

posited in a reputable bank or banks in the name of the L.U., subject to withdrawal by check signed in the name of the L.U. and countersigned by the president and treasurer, and see that no disbursements are made except on an order countersigned by the R.S. and himself after action of the L.U. However, no action of the L.U. is necessary to pay regular or standing bills such as rent, salaries, and payments due the I.S.

(8) He shall notify in writing any bank, or all banks, in which the L.U. makes deposits, that the L.U. empowers the I.P. to stop withdrawal of any L.U. funds when in the judgment of the I.P. such action is necessary to protect the L.U. and its members. He shall notify such bank or banks that they are to honor and abide by any notice from the I.P. to stop withdrawals should the occasion arise. He shall send to the I.S. a copy of such letter or notice to any bank or banks to be made a matter of record.

(9) He shall see that the amount of bonds on the L.U. officers and employes is sufficient to protect the L.U. against any loss. The minimum bond shall be $2,500, and the bonds are to be made through the I.O.

(10) He shall cooperate with the business manager of the L.U., if the L.U. has one, and shall not work in conflict with him. Where the L.U. has no business manager, the president shall keep accurate statistics, or see to it that such statistics as required by the I.P. are kept by the F.S. or person designated, and shall cooperate fully with the Research Department of the I.B.E.W.

He shall perform such other duties as are prescribed herein, or may be assigned to him by his L.U. when such duties are not in conflict with this Constitution and these rules.

Vice President

Sec. 2. The vice president shall assist the president in the discharge of his duties and shall fill his place in case of the president's absence and perform such other duties as are required by this Constitution and the bylaws of the L.U.

Recording Secretary

Sec. 3. The R.S. shall keep correct minutes of each meeting of the L.U., answer all correspondence in accordance with instructions given him by the L.U. or the president, make out all orders on the treasurer for the payment of authorized bills, notify the I.S. of all changes in officers giving names and addresses, and perform such other duties as are directed by the president or required by this Constitution and the bylaws of the L.U.

Financial Secretary

Sec. 4. The F.S. shall keep such books and records, and issue such receipts, as are required or approved by the I.S. He may, when necessary and when approved by the L.U., employ an assistant or assistants. He shall be responsible for all moneys collected by the L.U. until such funds are turned over to the treasurer or deposited in the L.U.'s bank account without delay. When he deposits any L.U. funds, he shall furnish the treasurer with the bank record of all such deposits not later than the close of the month. He shall make known to the L.U. the receipts received at such time as the L.U. decides. He shall mail to the I.S. the per capita report, and the money due, by the 10th of the month, unless special arrangements with the I.S. are made. (The L.U. shall be responsible to the I.S. for such payments.) If the F.S. fails to do this as required, the L.U. shall be assessed twenty-five dollars ($25.00). He shall keep a record of each member, the full name and address and notify the I.S. of all suspended or expelled members.

Sec. 5. The F.S. of each railroad L.U. shall also collect all moneys and fees due Railroad System or Regional Councils, and forward these to the council secretary on or before the 10th of the month. He shall make reports on official triplicate forms provided by the I.S., sending one to the council secretary, one to the I.S., and keeping one for the L.U. records. He shall also send on or before the 10th of the month, a list giving the complete standing of members, showing members admitted, those leaving with traveling cards, suspended, expelled or dropped from the rolls, and those not working.

Sec. 6. The F.S. shall submit his books and records for inspection or audit when called upon by the I.P., the I.S., the L.U. president, or Executive Board.

Treasurer

Sec. 7. The treasurer shall receive from the F.S. all moneys collected or the bank record of money deposited in the L.U.'s bank account and give proper receipt for the same. He shall deposit all L.U. moneys turned over to him by the F.S. in a bank or banks designated by the L.U. in the name of the L.U. He shall make no disbursements without sanction of the L.U., except for payments of regular or standing bills such as rent, salaries and payments to the I.S. which do not require a vote of the L.U. and upon an order or warrant signed by the president and the R.S. He shall make an itemized statement to the L.U. as and when required by the L.U. or the president. He shall submit his books and records for inspection or audit when called upon by the I.P., the I.S., the L.U. president or Executive Board.

Business Manager

(Where a Local Union has one)

Sec. 8. The business manager shall be held responsible to the L.U. and to the I.P. for results in organizing his territory, for establishing friendly relations with employers, and for protecting the jurisdiction of the I.B.E.W. It shall be his responsibility to keep accurate statistics, or to see that such statistics as required by the I.P. are kept, and shall cooperate fully with the Research Department of the I.B.E.W.

He shall attend all meetings of the L.U. Executive Board and have a voice but no vote. He shall have such authority and perform such other duties as are provided in this Constitution or may be provided for in the L.U. bylaws.

Executive Board

Sec. 9. The L.U. Executive Board shall meet between regular meetings of the L.U. It shall have the power to take any action that the L.U. can take, and which should be taken prior to the next regular meeting of the L.U. Matters referred to the board by the business manager, or any of his assistants, or the general chairman of a Railroad Council, shall take precedence over all other matters before the board.

Sec. 10. A quorum of the board shall consist of the majority of its members.

Sec. 11. The board shall see that all members, officers, or others who are not entitled to remain in the board meetings, shall retire after they have been heard and submitted their business to the board. When a board member is directly interested or involved in any case before the board, he shall retire.

No board member shall sit in a case which affects his own employer, or which involves a member working for the same employer. In such case the board member shall be disqualified and the president of the L.U. shall appoint a substitute or substitutes. If the president is a member of the board and is disqualified, then the vice president shall appoint a substitute or substitutes. If the vice president is also disqualified, then the substitute or substitutes shall be named by the remaining board members. That portion of this paragraph which refers to an employer shall not apply to those L.U.'s where at least seventy-five percent (75%) of the membership is in the employ of one employer.

Sec. 12. The Executive Board shall act as the trial board and hear all charges and try all members, except officers and representatives of L.U.'s Railroad Councils, and System Councils, for any violation of this Constitution, or the bylaws and working rules of the L.U. (See Article XXVII.

The board may reopen and reconsider any case or cases when it feels the facts or circumstances justify doing so, any time within thirty (30) days from the date decision was rendered, and it shall do so when directed by the I.V.P. or I.P.

Sec. 13. The board shall submit a report of its actions and findings to each regular meeting of the L.U. for approval, except that no approval or disapproval is to be made or action taken by the L.U., nor is any discussion to be allowed when the board reports on the cases of members charged with violations of this Constitution, or the bylaws and working rules of the L.U.

Sec. 14. The Executive Board shall cooperate fully

with other officers and the representatives of the L.U. to the end that the interests of the L.U. and its members may be properly protected and advanced. The board shall perform such other duties as are outlined in this Constitution or as may be provided for in the bylaws of the L.U.

Examining Board

Sec. 15. The Examining Board is to examine all applicants for membership to determine their qualifications for the trade, except for those selected as apprentices under provisions of the collective bargaining agreement. They shall examine such qualifications of members as provided in Article XXI of this Constitution.

The Board shall meet at least quarterly for the examination of applicants when there are applicants to be examined. The Board shall retain all records of examinations given for at least two years.

A report on the results of all examinations shall be furnished to the Executive Board and the L.U. by the Examiners.

ARTICLE XX DUES—ASSESSMENTS—FUNDS

Sec. 1. L.U.'s shall collect dues from members either monthly or quarterly in advance. The L.U. monthly dues shall be not less than fifty cents (50¢) in addition to applicable per capita and assessments due the I.O.

Sec. 2. All assessments imposed shall be charged by the F.S. against the member as regular dues and must be paid within the time required to protect the member's continuous good standing and benefits.

Sec. 3. No assessment shall be levied by the L.U. except by a majority vote of the members present, and no assessment can be ordered upon the night of its introduction, but must be laid over for at least two weeks for consideration.

Sec. 4. All disbursements must be on an order drawn on the treasurer signed by the president and recording secretary. However, no action of the L.U. is necessary for payment of regular or standing bills such as rent, salaries, and payments to the I.S.

Sec. 5. The funds and property of a L.U. shall be used only for such purposes as are approved by the I.P., or as are specified in this Constitution and as may be necessary to transact, properly manage and conduct its business.

Sec. 6. The funds and property cannot be divided among the members individually, except in the form of such benefits as may be provided by the L.U. after approval of the I.P.

Sec. 7. The funds and property are for the legitimate purposes of the L.U. while five (5) members remain therein. Should a L.U. finally dissolve, its charter, books, papers and funds shall at once be forwarded to the I.S.

ARTICLE XXI QUALIFICATIONS OF MEMBERS

Sec. 1. Any worker coming under the I.B.E.W.'s jurisdiction, of good character, not less than sixteen (16) years of age, is eligible to membership, provided he passes a satisfactory examination when required to do so by the L.U.

Sec. 2. If, after being admitted to membership, it is later found upon investigation that a member is not sufficiently acquainted with the branch or type of work on which he is engaged to earn or command the established wages, then a L.U. can, through its Executive or Examining Board or an especially appointed committee, require such member to revert to the proper apprentice grade and pay rate, to attend electrical study classes or devote time toward becoming a competent, properly informed electrical mechanic or employe.

Sec. 3. Any applicant for "A" membership disqualified because of physical condition, but otherwise qualified, may be admitted but shall not be entitled to a benefit from the Death Benefit Fund of the I.B.E.W., and his physical disqualification shall be reported to the I.S. for the information of the E.W.B.A.

Sec. 4. Any "A" member who was over fifty-five (55) years of age when initiated and who was initiated prior to January 1, 1947 as an "A" member but otherwise qualified after one year or more of continuous standing, shall upon death be entitled to a death benefit of one hundred fifty dollars ($150.00) payable from the General Fund of the I.B.E.W.

ARTICLE XXII — ADMISSION OF MEMBERS

Sec. 1. No L.U. can admit an applicant who does not reside in, or who is not employed at the trade, in the jurisdiction of the L.U., unless the L.U. is directed to admit him by the I.P.

No L.U. can admit any applicant who formerly was a member of the I.B.E.W., or who was suspended or

expelled by, or indebted to any L.U., without consent of the I.S. and without first consulting the last L.U. of which the applicant was a member in regard to his character and record. The I.P. shall decide any case in dispute.

Sec. 2. Each applicant for membership shall fill out an application blank furnished or approved by the I.S., and answer all questions. The original application or a copy must be sent to the I.S.

Sec. 3. The acceptance of an application for membership, and the admission of the applicant into any L.U. of the I.B.E.W., constitutes a contract between the member, the L.U. and the I.B.E.W., and between such member and all other members of the I.B.E.W.

Sec. 4. Each applicant admitted, shall, in the presence of members of the I.B.E.W., repeat and sign the following obligation:

"I, ..., in the
(Give name)
presence of members of the International Brotherhood of Electrical Workers, promise and agree to conform to and abide by the Constitution and laws of the I.B.E.W. and its local unions. I will further the purposes for which the I.B.E.W. is instituted. I will bear true allegiance to it and will not sacrifice its interest in any manner."

Sec. 5. The obligation card signed by the applicant shall be sent to the I.S.

The L.U. shall have each applicant, except as provided in Section 10 of this article, take the obligation before a regular meeting, or if it so decides, this may be done outside the regular meeting in the presence of the president or the vice president or the recording secretary.

Sec. 6. Each applicant shall pay the admission fee fixed by the bylaws of the L.U. to which he applies, or such fee as approved by the I.P. and ten percent (10%) or more of such fee must accompany the application. Admission must be completed within ninety (90) days after application is made.

Sec. 7. The names of all applicants shall be read at a regular meeting of the L.U. The president shall appoint a committee to pass and report upon the applications, or the Executive Board may perform this function as the L.U. may decide.

Sec. 8. If the applicant or applicants are reported upon favorably, a ballot or vote shall be taken as the L.U. may decide, except as provided in Article XVII. If a majority of members present vote in the negative, the applicant or applicants shall be rejected, and his or their names shall not again be proposed for six (6) months, and the admission fee shall be returned to the applicant.

Sec. 9. Any candidate failing to present himself for admission within one (1) month after his election and notification thereof, unless he gives good and sufficient reasons, forfeits his admission fee and cannot again be proposed for six (6) months.

Sec. 10. Any worker or employe coming under the I.B.E.W.'s jurisdiction and residing where there is no L.U., who can qualify according to this Constitution, may become a member by filling out a regular application and sending it to the L.U. having jurisdiction; and if accepted, he shall sign the obligation card and send it to the L.U.

The I.S. may accept such an applicant directly if he feels there are good reasons for doing so.

Sec. 11. Every applicant for "A" membership except those who are under age eighteen (18) or those who have passed their 56th birthday, shall, at the time of submitting his application, also submit an application for membership in the E.W.B.A. on its application blank. The admission fee of two dollars ($2.00) to the E.W.B.A. shall accompany the application in addition to the fee that must be deposited on the application for admission into the I.B.E.W. No L.U. shall consider an application for "A" membership in the I.B.E.W. unless this section is complied with.

If the applicant is admitted to membership in the L.U., the application for membership in the E.W.B.A. and the $2.00 admission fee shall be sent to the I.S. for transmittal to the E.W.B.A.

If the applicant is not admitted to membership in the E.W.B.A., the $2.00 fee shall be returned unless the applicant is eligible for benefits from the Death Benefit Fund of the I.B.E.W., in which event the $2.00 fee shall be placed in the Death Benefit Fund.

Sec. 12. In the case of an organizing campaign requiring membership as a governmental regulation, Sections 7, 8 and 9 of this Article may be waived by the I.P.

ARTICLE XXIII — MEMBERS IN ARREARS

Sec. 1. No member is entitled to notice of the monthly or quarterly dues of his L.U., nor of arrearages, but must take notice when payments are due.

Sec. 2. When a member's working card has expired, he at once, without notice, stands suspended from all L.U. benefits.

Sec. 3. Any member indebted to his L.U. for three months' dues, or having any past due indebtedness to the I.B.E.W. for dues or assessments, shall stand suspended, and the L.U. may refuse to accept dues from any member who is indebted to it. Such member cannot be reinstated until all indebtedness has been paid, unless waived by the L.U. However, dues cannot be waived.

(However, when any "BA" member is *working under an agreement* requiring monthly payment of dues, a grace period of only twenty-one (21) days after the first of the month following the indebtedness shall be allowed unless the grace period is extended by the L.U. involved.)

Sec. 4. Any member indebted to his L.U. for six (6) months' full dues shall be dropped from membership by the F.S. and cannot become a member in good standing again in the I.B.E.W. except by joining as a new member.

(However, when any "BA" member is *working under an agreement* requiring monthly payment of dues, a grace period of only twenty-one (21) days after the first of the month following the indebtedness—shall be allowed before being dropped from membership, unless the grace period is extended by the L.U. involved.)

Sec. 5. Members in arrears forfeit all rights and previous standing in the I.B.E.W. and if reinstated, their continuous good standing and benefits shall date only from the time of their reinstatement. However, they shall retain their former card number.

ARTICLE XXIV — REINSTATEMENT OF MEMBERS

Sec. 1. Any member suspended for being in arrears for three (3) months, but less than six (6) months, may apply for reinstatement.

Sec. 2. Any member in arrears, if eligible for reinstatement, shall pay his L.U. all arrearages and assessments, and reinstatement fees. "A" members shall pay a reinstatement fee of ten dollars ($10.00) and "BA" members shall pay a reinstatement fee of three dollars ($3.00). Half of all such fees are to be sent to the I.S. In addition all "A" members shall pay a pension reinstatement fee of ten dollars ($10.00), all of which shall be forwarded to the I.S. for the Pension Benefit Fund. Any reinstated applicant shall be subject to the limitations imposed by this Constitution.

Sec. 3. A reinstated member shall not be entitled to any L.U. benefits until six (6) months after reinstatement.

Sec. 4. Reinstated members' standing in the I.O. shall be the same as that of new members except as provided in Sections 6 and 7 of this article.

Sec. 5. A suspended member traveling, or at a long distance from his L.U., can be reinstated in the nearest L.U. by consent of the one in which he formerly held membership.

Sec. 6. Any reinstated "A" member desiring to regain his continuous good standing in the I.B.E.W. Death Benefit Fund, must be in good health and free from physical disability or bodily ailment and may then do so

by paying ten dollars ($10.00) to such fund at the time of reinstatement.

Sec. 7. For pension purposes only, an "A" member suspended because of an arrearage in his dues who is reinstated pursuant to the provisions of the Constitution, shall be restored to the continuous good standing he enjoyed prior to his suspension.

ARTICLE XXV — TRAVELING CARDS

Sec. 1. Any member traveling, or visiting any L.U., shall be admitted to its meetings, provided he presents his official receipt for dues showing he is a member in continuous good standing and he identifies himself as the rightful owner of such receipts.

Sec. 2. Any member desiring to transfer his membership may apply to the F.S. for a traveling card for a stated time not to exceed three (3) months. This card shall be null and void unless deposited in some L.U. or renewed by the L.U. granting it on or before the date of its expiration. No fraction of a month shall be recognized, and all cards must date from the first day of the month and expire on the last day of the month.

Sec. 3. If a member is in continuous good standing and not under charges, the F.S. shall grant the card without a vote of the L.U. upon payment of all dues in advance for the full time for which the card is granted.

Sec. 4. The L.U. issuing the card shall pay the I.S. the per capita for the time the card holds good. The L.U. shall be held liable for any unpaid per capita, premiums,

assessments or other items due the I.O. and which the F.S. neglected to collect.

Sec. 5. Traveling cards may not be deposited in any L.U. which does not include the type of membership for which the card was issued, unless the member transfers to a type of membership covered by the L.U. In such case he shall be given credit for the last initiation fee he paid. Nor may a traveling card be deposited in a L.U. by a member of another L.U. wishing to transfer his membership, until and unless that member has been accepted by the L.U. into which he wishes to transfer. Each L.U. shall have full autonomy to accept or reject all request for transfers. (Except as provided in Section 10.)

Sec. 6. No member shall work in the jurisdiction of another L.U. until his traveling card has been accepted, or he receives a working card, except by consent of the I.P. in special cases, and except in cases where L.U.'s allow their members to work by agreement or understanding in the jurisdiction of each other.

Any member violating this provision is subject to assessment at the discretion of that L.U., but the assessment shall not exceed the wages earned by such member while the violation continued. However, any member violating the working rules of another L.U. shall be subject to such punishment as decided by that L.U.

Sec. 7. When a member is away and sends dues to his home L.U., the F.S. of the home L.U. shall notify the L.U. of the same branch of the trade in whose jurisdiction the member is located, giving his name, address and card number.

Sec. 8. A member not having five (5) years' continuous good standing in the I.B.E.W. shall pay any difference in admission or initiation fee to the L.U. to which he applies. No L.U. shall require a member to pay any such difference at a greater rate than one dollar ($1.00) a day for each day he works. The L.U. may require him to pass its examination.

Sec. 9. No member of the *same* branch of trade with five years or more continuous good standing shall be required to take any examination or pay any difference in admission fee, *except when he changes* his classification within the same branch, if the L.U. so decides. (This applies within a L.U. or when transferring to another L.U.) No member with five (5) years' or more continuous good standing—transferring to a *different* branch of the trade—shall be required to pay any difference in admission fee. However, he shall pass a practical examination if the L.U. so decides.

Sec. 10. No L.U. shall refuse to accept promptly the card of and readmit any member into his home L.U. provided he has maintained his continuous good standing in the I.B.E.W. while absent from the L.U. The L.U. where a member was originally admitted into the I.B.E.W. shall be considered his home L.U. Where a L.U. or any part thereof has been amalgamated into another L.U. that L.U. shall be considered the home L.U.

No L.U. shall be required to accept the card of a member who was admitted by the L.U. when the member has changed his classification during his absence.

No L.U. shall collect any difference in admission fee from a member who was admitted by the L.U. and who has maintained his continuous good standing in the

I.B.E.W. during his absence from the L.U., except in cases where the L.U. permits a change of classification on his return to the L.U., and the L.U. has established a difference in fees between the two classifications.

Sec. 11. The member's dues shall begin the first of the month after acceptance of his card. Any dues paid in advance of this date shall be returned to him by his former L.U. less the per capita.

Sec. 12. Any member leaving the jurisdiction of a L.U. owing just debts to it shall be required to pay up at the rate of not less than one dollar ($1.00) for each day worked and shall pay up within six (6) months of notice or be dropped from membership. The indebtedness shall be collected by the F.S. of the L.U. in which the member has deposited his card. In no case shall a new traveling card be issued to such member until his indebtedness is paid.

Sec. 13. A member admitted on a traveling card shall not vote on questions of agreement, trouble or wages, until six (6) months after his card has been accepted, nor shall he be permitted to vote in the L.U. election unless he has been a member in that L.U. sixty (60) days prior to the election.

This section shall not be applicable to members of L.U.'s affiliated with Railroad Councils or System Councils who are employed by a single employer and who transfer between L.U.'s within the council, provided, however, any such member must have been a member in continuous good standing in one of the L.U.'s affiliated with such council for six (6) months or sixty (60) days specified above.

ARTICLE XXVI WITHDRAWAL CARDS—PARTICIPATING AND HONORARY

Sec. 1. Any member who becomes a general manager or superintendent, or who retires from his trade, may apply to the F.S. for a withdrawal card. It shall require a majority vote at a meeting to grant such card. But the L.U. has the right to require such a member to take out a withdrawal card if it so decides.

Sec. 2. Any member receiving a participating withdrawal card and desiring to maintain his standing in the I.B.E.W. shall deposit the duplicate portion of the withdrawal card in the I.O. and pay his per capita in advance to the I.S., as well as any I.O. assessments, and he shall be entitled to all benefits of the I.B.E.W. as long as he complies with its laws and maintains his continuous good standing. The participating withdrawal card shall not entitle the holder to any L.U. benefits or admittance to any L.U. meeting. Upon returning to the trade, the recipient of this card shall deposit it in the L.U. which issued it. No member on participating withdrawal card is entitled to notice of any payments due the I.O.

Sec. 3. Any member not desiring to maintain his standing who retires from the trade or is unemployed, or in such other cases as may be decided by the L.U., may be issued an honorary withdrawal card provided dues are paid for the previous month or the current month if the application is made after the 15th of such month.

Upon returning to the trade, or again becoming employed, and having complied with this article, he shall deposit his withdrawal card in the L.U. that issued

it and continue membership by paying the current month dues. No new initiation fee is necessary, except that any "A" member shall pay the two dollar ($2.00) fee as required in Article X.

Sec. 4. "BA" members not employed under the jurisdiction of the L.U. for at least a month can be shown as on honorary withdrawal without actual issuance of the card, unless the L.U. bylaws provide otherwise. Officers of the L.U. are not entitled to withdrawal status without forfeiture of their office.

However a "BA" member, shown as on honorary withdrawal or on honorary withdrawal card not exceeding two (2) months, may retain his continuous good standing in the L.U., and eligibility for local union office and as delegate to the I.C., by paying dues for the months of unemployment before becoming indebted to his L.U. for three (3) months' dues had he been employed.

Sec. 5. The validity of any withdrawal card shall be dependent upon the good conduct of the member. It can be annulled by any L.U. or by the I.P. for violation of the laws of the I.B.E.W., or the bylaws and rules of any L.U., or for working with or employing non-members of the I.B.E.W. to perform electrical work, or for any action of the holder detrimental to the interests of the I.B.E.W. Membership in the I.B.E.W. is automatically terminated upon annulment of any withdrawal card.

A member on a withdrawal card may be subject to charges, trial and appropriate penalty in accordance with provisions of this Constitution.

ARTICLE XXVII — MISCONDUCT, OFFENSES AND PENALTIES

Sec. 1. Any member may be penalized for committing any one or more of the following offenses:

(1) Violation of any provision of this Constitution and the rules herein, or the bylaws, working agreements, or rules of a L.U.

(2) Having knowledge of the violation of any provision of this Constitution, or the bylaws or rules of a L.U., yet failing to file charges against the offender or to notify the proper officers of the L.U.

(3) Obtaining membership through fraudulent means or by misrepresentation, either on the part of the member himself or others interested.

(4) Engaging in activities designed to bring about a withdrawal or secession from the I.B.E.W. of any L.U. or of any member or group of members, or to cause dual unionism or schism within the I.B.E.W.

(5) Engaging in any act or acts which are contrary to the member's responsibility toward the I.B.E.W., or any of its L.U.'s, as an institution, or which interfere with the performance by the I.B.E.W. or a L.U. with its legal or contractual obligations.

(6) Working for, or on behalf of, any employer, employer-supported organization, or other union, or the

representatives of any of the foregoing, whose position is adverse or detrimental to the I.B.E.W.

(7) Wronging a member of the I.B.E.W. by any act or acts (other than the expression of views or opinions) causing him physical or economic harm.

(8) Entering or being present at any meeting of a L.U., or its Executive Board, or any committee meeting while intoxicated, or drinking intoxicants in or near any such meeting, or carrying intoxicants into such meeting.

(9) Disturbing the peace or harmony of any L.U. meeting or meeting of its Executive Board, using abusive language, creating or participating in any disturbance, drinking intoxicants, or being intoxicated, in or around the office or headquarters of a L.U.

(10) Making known the business of a L.U., directly or indirectly, to any employer, employer-supported organization, or other union, or to the representatives of any of the foregoing.

(11) Fraudulently receiving or misappropriating any moneys of a L.U. or the I.B.E.W.

(12) Causing or engaging in unauthorized work stoppages or strikes or other violation of the laws and rules of the I.B.E.W. or its L.U.'s.

(13) Wilfully committing fraud in connection with voting for candidates for L.U. office, or for delegates to conventions.

(It shall not be considered an offense when a L.U. mails out—or posts in a conspicuous place—a sample of the official ballot to be used in any L.U. election. However, the sample shall not carry any markings of any kind—except that the word "SAMPLE" shall appear prominently across the face of the ballot. The sample shall otherwise be an exact duplicate of the official ballot to be used.)

(A) Notwithstanding the above, and in addition to the sample ballot, a L.U. may distribute an official publication which shall list all candidates for L.U. office, together with a factual record of activities within the L.U., committee assignments performed, offices held and experience gained for and in behalf of the L.U. This publication shall be prepared under the supervision of the duly designated L.U. Election Committee.

(B) The distribution of this official L.U. publication, properly prepared as set forth above, shall not be in violation of Article XVIII, Section 20.

(14) Soliciting advertising for yearbooks, programs, etc., when the name of a L.U. or the I.B.E.W., or the names or pictures of L.U. or International Officers appear in such matter without consent of the I.P. Any member, any officer or representative of any L.U., or other organization coming under the I.B.E.W.'s jurisdiction, shall be held liable for allowing individuals or agencies to solicit such advertising without consent of the I.P. or for in any way violating this provision.

(15) Failure to install or do his work in a safe, workmanlike manner, or leaving work in a condition that may endanger the lives or property of others, or proving unable or unfit mentally, to learn properly his trade.

(16) Causing a stoppage of work because of any alleged grievance or dispute without having consent of the L.U. or its proper officers.

(17) Working for any individual or company declared in difficulty with a L.U. or the I.B.E.W., in accordance with this Constitution.

(18) Wilfully committing fraud in connection with obtaining or furnishing credentials for delegates to the I.C. or being connected with any fraud in voting during the I.C.

(19) Allowing another person to use, or altering in any manner, his membership card, receipt, or other evidence of membership in the I.B.E.W.

Any member convicted of any one or more of the above-named offenses may be assessed or suspended, or both, or expelled.

If an officer or representative of a L.U. is convicted of any one or more of the above-named offenses, he may be removed from office or position, or assessed or suspended, or both, or expelled.

Charges and Trials

Sec. 2. All charges, except against officers and representatives of L.U.'s, shall be heard and tried by the L.U. Executive Board which shall act as the trial board in accordance with Article XIX. A majority vote of the board shall be sufficient for decision and sentence.

(This section shall not be construed to conflict with power of the I.P. or the I.E.C. to take action in certain cases as provided in Articles IV and IX.)

Sec. 3. All charges against a member or members must be presented in writing, signed by the charging party, and specify the section or sections of this Constitution, the bylaws, rules or working agreement allegedly violated. The charges must state the act or acts considered to be in violation, including approximate relevant dates or places.

Sec. 4. Charges against members must be submitted to the R.S. of the L.U. in whose jurisdiction the alleged act or acts took place within sixty (60) days of the time the charging party first became aware, or reasonably should have been aware, of the alleged act or acts. The charges shall be read but not discussed at the next regular meeting of the L.U. following the filing of the charges. The R.S. shall immediately send a copy of such charges to the accused member at his last known address together with written notice of the time and place he shall appear before the trial board.

Sec. 5. The trial board shall proceed with the case not later than forty-five (45) days from the date the charges were filed. The board shall grant a reasonable delay to the accused when it feels the facts or circumstances warrant such a delay. The accused shall be granted a fair and impartial trial. He must, upon request, be allowed an I.B.E.W. member to represent him.

Sec. 6. When the trial board has reached a decision, it shall report its findings, and sentence, if any, to the next regular meeting of the L.U. Such report or action of the board shall not be discussed or acted upon by the L.U. The action of the trial board shall be considered the action of the L.U., and the report of the board shall conclude the case, or cases, except for the accused having the right of appeal to the I.V.P., then to the I.P., then to the I.E.C. and then to the I.C. However, the board may reopen and reconsider any case or cases when it feels the facts or circumstances justify doing so anytime within thirty (30) days from the date decision was rendered. The board shall reopen any case or cases when directed to do so by the I.V.P. or the I.P.

Sec. 7. If the accused wilfully fails to stand trial—or attempts to evade trial—the trial board shall proceed to hear and determine the case just as though the accused were present.

Trials of Officers and Representatives

Sec. 8. All charges against an officer or representative of a L.U. must be presented in writing, signed by the charging party, and specify the section or sections of this Constitution, the bylaws, rules or working agreement violated. The charges must state the act or acts considered to be in violation, including approximate relevant dates and places; and must be made within sixty (60)

days of the time the charging party first became aware, or reasonably should have been aware, of the alleged act or acts.

Such charges must be filed with the I.V.P. in whose district the L.U. is located where the alleged act or acts took place, or as directed by the I.P., should more than one district be involved. However, if such charges are against an officer or representative of a railroad L.U., or an officer, general chairman or representative of a Railroad Council, these shall be filed with the I.V.P. in charge of railroad matters.

(This section shall not be construed to conflict with power of the I.P. or the I.E.C. to take action in certain cases as provided in Articles IV and IX.)

Sec. 9. The I.V.P. shall pass upon and determine such case or cases, with the accused having the right of appeal to the I.P., then to the I.E.C., then to the I.C. Any such appeal, to be recognized, must be made within thirty (30) days from the date of the decision appealed from. No appeal from the I.V.P. shall suspend operation of any decision.

Sec.10. The I.V.P. may require that all evidence, testimony, or statements be submitted to him in writing for review, decision and sentence (if any) or he may hear the case in person. If he so decides, he may appoint a referee, who may or may not be a member, to take testimony and report to him.

Sec. 11. The I.V.P. may reopen any case or cases when there is new evidence or testimony, facts or circumstances, which he feels are sufficient to justify such being done.

Appeals

Sec.12. Any member who claims an injustice has been done him by any L.U. or trial board, or by any Railroad Council, may appeal to the I.V.P. any time within forty-five (45) days after the date of the action complained of. If the appeal is from an action of a railroad local union, or a Railroad Council, it must go to the I.V.P. in charge of railroad matters.

A copy of any appeal must be filed with the L.U., or with the Railroad Council, as the case may be.

Sec. 13. No appeal for revocation of an assessment shall be recognized unless the member has first paid the assessment, which he can do under protest. When the assessment exceeds twenty-five dollars ($25.00), payments of not less than twenty dollars ($20.00) in monthly installments must be made. The first monthly installment must be made within fifteen (15) days from the date of the decision rendered and monthly installments continued thereafter or the appeal will not be considered.

Sec. 14. When a decision has been rendered by the I.V.P. it shall become effective immediately.

Sec. 15. No appeals from decisions of the I.V.P., or from the I.P., or from the I.E.C., shall be recognized unless the party or parties appealing have complied with the decision from which they have appealed. However, this section may be waived by the party making the decision if good and sufficient reasons are furnished and he is requested to do so.

Sec. 16. Appeals to the I.P. and to the I.E.C., and to

the Convention, to be considered, must be made within thirty (30) days from the date of the decision appealed from. (Appeals to the I.E.C. and to Conventions must be filed with the I.S.) If no appeal is made within thirty (30) days from the date that any decision is rendered, such decisions shall be considered final.

Sec. 17. Any member penalized or otherwise disciplined for an offense may appeal.

Sec. 18. When an appeal is taken above the I.V.P., only the evidence submitted in the original case of appeal shall be considered.

In cases where parties claim they have new and important evidence affecting a case in which decision has been rendered, they may submit this within thirty (30) days to the authority who rendered the first decision, with a request that the case be reopened. Such authority shall decide whether the matter submitted justifies reopening the case.

ARTICLE XXVIII — JURISDICTION

Sec. 1. The charter issued this organization by the American Federation of Labor states that it was granted "for the purpose of a thorough organization of the trade."

There must be a systematized knowledge of the science of electricity in all of its various applications of electron transfer and electromagnetism. This requires a thorough understanding of the many means of production, transference, control and utilization of electricity and of the foundation or preparatory work to be performed. It is quite necessary, therefore, that the jurisdiction of the I.B.E.W. be recognized as one covering:

(a) The manufacture, assembling, construction, installation or erection, repair or maintenance of all materials, equipment, apparatus and appliances required in the production of electricity and its effects.

(b) The operation, inspection and supervision of all electrical equipment, apparatus, appliances, or devices by which the energy known as electricity is generated, utilized and controlled.

Sec. 2. Electrical workers shall be organized under five general branches of the I.B.E.W., namely: Outside and Utility Workers; Inside Electrical Workers; Communications Workers; Railroad Electrical Workers and Electrical Manufacturing Workers.

Sec. 3. Keeping in mind progress for the I.B.E.W., and that all electrical work be done by its members, it is impractical to classify or divide jurisdiction of work in every detail between the various branches in this organization to meet all situations in all localities. Therefore, the classifications and divisions outlined below are necessarily of a general nature, and L.U.'s whose jurisdiction with other L.U.'s of the I.B.E.W., or whose agreements are harmonious and conducive to the progress of the I.B.E.W., shall not be disturbed. But when harmony and progress do not prevail, or when disputes arise, the I.P. shall determine what L.U. will do certain work or jobs, consistent with the progress and best interests of the I.B.E.W. in obtaining and controlling the work in question.

Outside and Utility Workers

Sec. 4. These shall include: Foremen, linemen, electrical rail grinders, groundmen and helpers. Outside elec-

trical inspectors, cable splicers, technicians, trimmers, maintenance men, and clerical workers. Aerial and underground cable men and combination trouble men working for distributing companies. Load dispatchers, metermen, station attendants and switchboard operators in lighting and power stations. Telephone switchboard operators and trouble men working for distributing companies. Fire and police operators, maintenance and battery men, signalmen and electrical layout men. Operators of electrical apparatus when generating, furnishing or supplying electricity.

All employes of utility employers generating or producing or transmitting or distributing electricity, gas or water.

They are to have jurisdiction over the following:

The operation, maintenance and repair of equipment owned or operated by utility employers. All electrical construction work outside of isolated plants and the property lines of any given property, but not electric signs, and not street electrical decorations, except when messenger or guy wire is necessary for support and when fed and controlled from the street.

Series arc lamps and wiring when fed and controlled from the street. All line work consisting of wood, concrete or metal (or substitutes therefor), poles or towers, including wires, cables or other apparatus supported therefrom. Line work in public, private or amusement parks.

All work necessary to the assembling, installation, erection, operation, maintenance, repair, control, inspection and supervision of all electrical apparatus, devices,

wires, cables, supports, insulators, conductors, ducts and raceways when part of distributing systems outside of buildings, railroads and outside the directly related railroad property and yards. Installing and maintaining the catenary and trolley work on railroad property, and bonding of rails. All underground ducts and cables when they are installed by and are part of the system of a distributing company, except in power stations during new construction, including ducts and cables to adjacent switch racks or substations. All outdoor substations and electrical connections up to and including the setting of transformers and the connecting of the secondary buses thereto.

Inside Electrical Workers

Sec. 5. These shall include: Wiremen, technicians, fixture men, crane men, crane repair men, signal men, load dispatchers, trouble men, switchboard operators and erectors, operators of electrical apparatus when generating, supplying or furnishing electricity for other than distributing companies. Inside cable splicers, picture machine operators when the machines are used for educational or advertisement purposes other than theatrical.

Inspectors, shop men, bridge operators, crane operators, meter testers and installers, inside battery men, fire and burglar alarm installers and repair men, marine electrical workers, glass tube benders and pumpers.

They shall have jurisdiction over the following:

All electrical signs, all street electrical decorations when no messenger or guy wire is necessary for support. Installation, construction, inspection, operation, maintenance and repair of all electrical work in isolated plants

and within property lines of any given property, and beginning at the secondary side of the transformer, except line work consisting of poles and towers, including wires or cables and other apparatus supported therefrom and except all outdoor substations as defined in Sec. 4. hereof.

When aerial wires or cables are used to provide electric current for buildings or structures within the property lines of any given property, the inside men's jurisdiction shall start immediately after the first point of attachment of such aerial wires or cables to such buildings or structures.

Communications Workers

Sec. 6. These shall include the following divisions and classifications:

(a) Radio, television and recording engineers, technicians, operators, installers, inspectors, maintenance and repairmen and service men, engaged in the application of electricity to the transmission and transference of voice, sound and vision for commercial, educational and entertainment purposes, excepting employes of common carrier companies.

They shall have jurisdiction over the following work:

The installation, operation, inspection, maintenance, repair and service of radio, television, recording, voice, sound and vision production and reproduction apparatus, equipment and appliances used for domestic, commercial, educational and entertainment purposes.

(b) Telephone, telegraph and other workers, employed by common carrier communications companies, engaged in the erection, installation, operation, maintenance, repair and service work associated with telephone, telegraph and intercommunication electrical apparatus used in the transmission, transference production and reproduction of voice, sound and vision in the public or private communications services supplied by common carriers.

They shall have jurisdiction over the following work:

The erection, installation, operation, maintenance, repair and service of such telephone, telegraph and intercommunication facilities, beginning at the first point of distribution or the first terminal inside of building or property lines.

Railroad and Pullman Electrical Workers

Sec. 7. Railroad and pullman electrical workers are those employed by railroad and pullman companies, including wiremen, technicians, fixture men, armature winders, meter men, electrical inspectors, switchboard operators, generator, motor and substation attendants, electric crane operators, cable splicers, signal men and signal maintainers, power, telephone and telegraph linemen and repairmen, ground men, electrical rail grinders, rail bonders, electrical bridge operators, battery men and all electrical workers employed by railroad and pullman companies.

They shall have jurisdiction over all electrical work on the property of the railroad and pullman companies.

It is hereby provided, however, that under no circumstances shall they do any construction or reconstruction work where building trades mechanics are doing work in connection with it, unless by mutual agreement between the I.V.P.'s whose L.U.'s are involved. If these fail to agree, the matter may be referred to the I.P. for decision.

Electrical
Manufacturing Workers

Sec. 8. These shall include: All employes of companies engaged in the manufacture of products, components, equipment, apparatus, machines, devices and appliances used in the production, transmission, conversion, control, distribution, measurement and utilization of electricity.

They shall have jurisdiction over the following:

All work performed by such employes in the manufacture, testing, rebuilding and repair of these products on the premises of the company.

Sec. 9. All government workers may be organized under any of the above general branches of the I.B.E.W., as stated in Section 2.

ARTICLE XXIX — AMENDMENTS TO THIS CONSTITUTION

Sec. 1. This Constitution and the rules herein can be amended in three ways:

(1) By referendum, on petition of five (5) L.U.'s of which no two (2) L.U.'s may be from the same state or

province. Proposed amendments, before being submitted by the I.S. for vote, must have the approval of the I.E.C. A vote on any proposal taken by referendum shall be returned to the I.S. by each L.U. voting, within sixty (60) days from the date submitted. A majority of those voting shall be necessary to sustain any proposal. (L.U.'s may cast the vote of their members, if they so decide.) After receiving from the L.U.'s a record of votes cast for or against any proposal, the I.S. shall prepare for publication in the next issue of the I.B.E.W. official JOURNAL a report of the exact votes for and against the proposed amendment. Amendments adopted by referendum shall become effective thirty (30) days after adoption.

(2) If the I.E.C. deems an amendment is necessary, it may have the I.S. submit the same to the L.U.'s for vote.

(3) By the majority vote represented at a regular session of the I.C., amendments adopted by the I.C. shall become effective thirty (30) days after adoption.

Sec. 2. The I.P. shall appoint a Law Committee consisting of thirteen (13) delegates elected to the I.C., at least one from each I.E.C. District. These shall meet in the I.O. fifteen (15) days prior to the opening of the I.C. This committee shall consider all proposed amendments to be submitted to the I.C., and the committee shall have a printed report ready for the first day's session of the I.C.

Only proposed amendments approved by L.U.'s and recommendations of International Officers shall be considered. All these must be submitted to the I.S. forty-five (45) days prior to the opening of the I.C.

(Resolutions other than amendments to the Constitution 15 days prior to the opening of the I.C.)

The compensation of members of the Law Committee shall be fifty dollars ($50.00) a day and reimbursement for actual expenses. This shall cease the day the I.C. opens.

Sec. 3. If any section of this Constitution or part thereof should be held inoperative or invalid by a tribunal of competent jurisdiction, the remainder of this Constitution, or the application of said section or part thereof to persons and circumstances, other than those to which it has been held invalid, shall not be affected thereby.

The I.E.C. shall have the authority to suspend the operation of such invalid section or part thereof in the event it is declared inoperative or invalid by a tribunal of competent jurisdiction. It is further authorized in those circumstances to substitute an appropriate and legal section for the invalid or inoperative section. The said revised section shall be reported to the next succeeding convention for its approval or disapproval.

The International Executive Council is empowered to establish such rules and regulations as it deems appropriate and to modify same for the effectuation and administration of the provisions of Solution Number One relating to pension and death benefits as approved by the resolution adopted by the 28th Convention of the I.B.E.W. on September 22, 1966, and to prescribe the rights of members retired prior to the effective date of said resolution of September 22, 1966, providing that such retired members shall in no event receive less than the amount received by them currently from the I.B.E.W.

Pension Trust Fund under the Employees Benefit Agreement and/or the I.B.E.W. Pension Benefit Fund respectively. The International Executive Council is further empowered to amend the I.B.E.W. Constitution to conform to the provisions of such rules and regulations including the deletion of Article XII, Section 1, the deletion of cancellation provisions in the last paragraph of Article XII, Section 2, and the waiver of per capita tax for retired members other than the amount owing to the E.W.B.A. or the I.B.E.W. Death Benefit Fund.

The International Executive Council is also empowered to direct the International Secretary in his compilation and editing of the new Constitution to make such changes as are necessary to correlate the subject matter.

Sec. 4. This Constitution was adopted at St. Louis, Mo., Nov. 1891. It was amended: Chicago, Ill., Nov. 1892; Cleveland, Ohio, Nov. 1893; Washington, D.C., Nov. 1895; Detroit, Mich., Nov. 1897; Pittsburgh, Pa., Oct. 1899; St. Louis, Mo., Oct. 1901; Salt Lake City, Utah, Sept. 1903; Louisville, Ky., Sept. 1905; Chicago, Ill., Sept. and Oct. 1909; Rochester, N.Y., Sept. 1911; Boston, Mass., Sept. 1913; St. Paul, Minn., Sept. and Oct. 1915; by referendum in Feb. 1916; Atlantic City, N.J., Sept. 1917 and by referendum in April 1918; and, in March 1919. It was again amended at New Orleans, La., Sept. 1919; St. Louis, Mo., Sept. and Oct. 1921; Montreal, Quebec, Aug. 1923; Seattle, Wash., Aug. 1925; Detroit, Mich., Aug. 1927; Miami, Fla., Sept. 1929, and by referendum in March, 1930. It was altered, amended and revised at Washington, D.C., in July 1930; amended by referendum, April 1931; March 1933; March 1935; May 1935; July 1935; March 1937; Dec. 1940. It was

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amended at St. Louis, Mo., Oct. 1941; by referendum Sept. 1943, and Dec. 1943. It was amended at San Francisco, Calif., Sept. 1946, and by referendum April 1947 and July 1947. It was again amended at Atlantic City, N.J., Sept. 1948, and at Miami, Fla., Oct. 1950, and by referendum June 1951, Jan. 1952, and Oct. 1952. It was further amended at Chicago, Ill., Aug. and Sept. 1954, and by referendum July 1955, November 1955, and August 1957. It was amended at Cleveland, Ohio, Sept. and Oct. 1958. Amended March 1959 by the Executive Council as authorized by the 1958 Convention. It was amended at Montreal, Quebec, Sept. 1962; at St. Louis, Missouri, Sept. 1966; and at Seattle, Washington, Sept. 1970. Amended June 1972 by the Executive Council as authorized at Seattle, Washington, Sept. 1970. Amended Sept. 1974 at Kansas City, Mo.

Amended Oct. 1978 at Atlantic City, N.J.

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Council adopts October schedule for decision on '84 endorsement

AFL-CIO news

VOL. 28, NO. 32
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Both Board, convention slated to act

By John M. Barry

Boston — The AFL-CIO Executive Council voted to advance the federation's decision on a pre-primary presidential endorsement from December to October to boost labor's effectiveness in the 1984 election campaign.

The date for the decision had been tentatively set for mid-December when the council first considered the pre-primary endorsement question at its August 1982 meeting. The procedures and timetables were subject to review with the final determinations to be made at the August 1983 meeting just concluded.

"Time is precious," AFL-CIO President Lane Kirkland said as he announced the council's action. "There has been a very substantial compression of the timing of the primaries in the various states, so that we are deeply concerned that we have ample time to prepare ourselves and do the necessary groundwork that will put us in a position to give the best account of ourselves on behalf of our members during what promises to be a relatively short time span after the first primary. And it was strongly felt that we needed all the time we could get for our own effectiveness. . . ."

Kirkland reported that the council, acting on recommendations of its Committee on Political Works, directed that a meeting

EXHIBIT

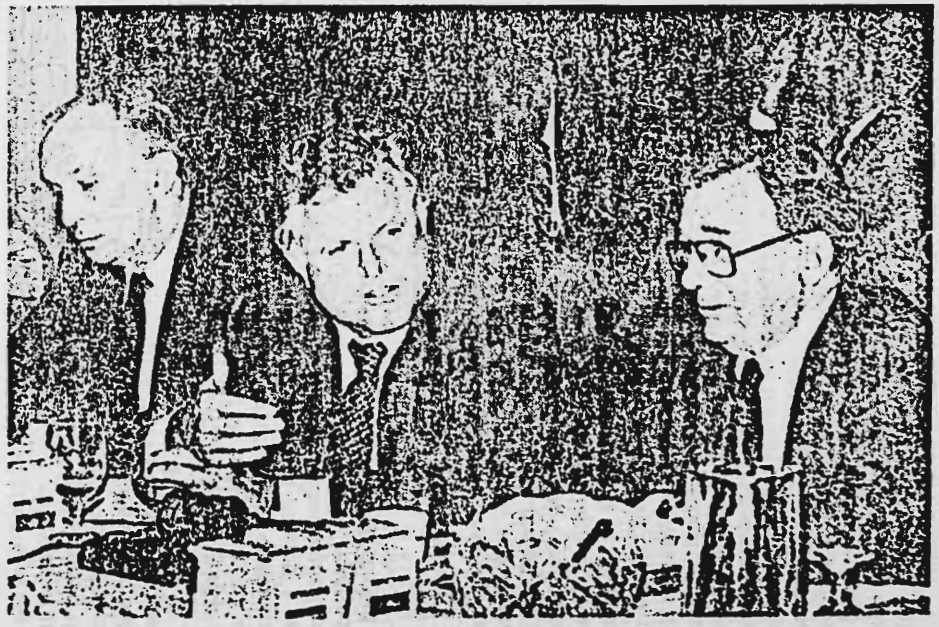
AT&T tactics held cause of phone strike

Boston — The AFL-CIO backed the tand of the Bell Telephone workers and alled on its affiliates to support their nationwide strike against AT&T "in every way possible."

An Executive Council statement charged AT&T, "one of the richest and largest ompanies in the world," with having orced the strike by the Communications Vorkers and the International Brotherood of Electrical Workers.

The 525,000 telephone workers represented by CWA and the 100,000 the IBEW epresents struck on Aug. 7 when their ontracts expired. They were joined by 0,000 other Bell System workers represented by the unaffiliated Telecommunications Workers.

AT&T posted a record profit of $7.2 illion last year and the workers who elped achieve it "deserve a fair share."



Sen. Edward M. Kennedy addresses Executive Council meeting. He is flanked by AFL-CIO Sec.-Treas. Donahue and Federation President Kirkland.

For healthy economy

Kirkland reported that the council, acting on recommendations of its Committee on Political Works, directed that a meeting of the AFL-CIO General Board be called immediately prior to the federation convention, which is scheduled to open Oct. 3 in Hollywood, Fla.

The General Board, which in past years has had the assignment of deciding national endorsement questions, this year will be asked to develop a recommendation. If that recommendation is for endorsement, it will be reported to the Executive Council and conveyed to the convention for action.

Two-thirds needed

The two-thirds majority required for AFL-CIO political endorsements at all levels will apply to the actions of the General Board and the convention, with the votes weighted in both cases according to per capita payments to the federation.

The General Board consists of members of the Executive Council plus the president or other general officer of each affiliated national or international union and each trade and industrial department. For purposes of the endorsement recommendation, the council has voted to expand the composition of the board to include representatives of state federations and local central bodies, each of which will have one vote. Kirkland will vote on behalf of directly affiliated local unions.

In addition to enhancing the AFL-CIO's effectiveness in the election campaign, the

Continued on Page 3

ions behind

rate went down from 14 to 12.3 percent.

President Reagan, who has consistently blamed the sharp rise in unemployment during his Administration on the problems he inherited from his predecessors, promptly claimed credit for the improvement. It shows his policies have been working, Reagan said.

At a news conference during the Executive Council meeting, AFL-CIO President Lane Kirkland said he hoped the jobs pickup will continue strong.

But Kirkland reminded the questioner that just over a year ago, before the re-

Timetable advanced for endorsement decision

Continued from Page 1

new timetable and procedures for the endorsement "afford our most representative body—the convention—an opportunity to act upon the question," Kirkland pointed out, "and that ought to be taken full advantage of. . . . We think that will contribute to continued solidarity, cohesiveness and harmony and, as a consequence, our effectiveness."

In other actions related to the endorsement, the council urged affiliates to continue the policy of "self-restraint" and refrain from public announcement of their presidential preferences until after the General Board meeting.

Kirkland reported that the council vote on advancing the endorsement timetable was 23 to 6, with the opposing votes cast by Vice Presidents Kenneth T. Blaylock, Wayne E. Glenn, Barbara Hutchinson, Frederick O'Neal, Vincent R. Sombrotto and William W. Winpisinger.

Kirkland noted that the six dissenters stressed in subsequent discussions that they will support the decision of the council and "continue to work in solidarity with the rest of the trade union movement."

At his news conference following the announcement of the council's action, Kirkland rejected any suggestion that the fortunes of particular candidates were a factor in the vote.

"It was taken entirely in terms of what would contribute the most to our capacity to give a good account of ourselves in our participation in this democratic process," he said.

In response to other questions from reporters, Kirkland had these comments and observations:

- "There's only one risk that concerns me" with respect to the early endorsement "and that is the great risk of doing nothing and letting other people run your life. . . . It is far preferable for working people—and that is why they form unions—to be among the authors of events rather than the victims of events, as in the absence of our playing a forceful and energetic role in the political life of this country."
- "The endorsement is a method of instructing the national AFL-CIO to take a position in these primaries on behalf of our affiliates and their members and to do the best we can to advance the broad program we are concerned about through this democratic process in every way we can. It will make possible for the first time since 1968 the participation of our state federations of labor, our city central bodies, with the concerted support and cooperation of all our affiliated organizations."
- "As far as whether or not labor support is of value to a candidate or hurts him, I would presume that you ought to be able to judge that by the evident expressions of the candidates in the pursuit of their own self-interest. We have not been spurned exactly by any of them."

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GEORGE L. SEAY, et al, Plaintiffs, vs. McDONNELL DOUGLAS CORPORATION, GRAND LODGE INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL DISTRICT LODGE 1578, INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL DISTRICT LODGE 720, INTERNATIONAL ASSOCIATION OF MACHINISTS, Defendants.	No. 67-1394-HP No. 71-498-HP STIPULATION

WHEREAS, the plaintiffs have given notice of the taking of the depositions of certain officers of the American Federation of Labor and Congress of Industrial Organizations and have served upon each of them a Subpoena Duces Tecum calling for the taking of their depositions.

WHEREAS, an agreement has been reached with respect to the principal facts which plaintiffs are seeking to develop.

NOW, THEREFORE, the plaintiffs and the defendants

EXHIBIT

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agree as follows:

1. The defendant INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS (IAM) is a union affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO);

2. The Grand Lodge of the IAM pays a per capita tax to the AFL-CIO. The per capita tax so paid has been as follows for the fiscal years ending June 30, 1961 through June 30, 1972, and these payments have been credited to the General Fund of the AFL-CIO:

Fiscal Year Ending June 30	Per Capita	Assessments
1961	$389,220.90	$90,288.18
1962	440,336.05	56,293.56
1963	541,376.43	
1964	550,635.89	
1965	549,474.24	
1966	567,021.21	
1967	640,739.75	
1968	673,425.13	
1969	689,635.66	
1970	849,630.18	
1971	781,684.90	
1972	930,547.90	

3. The Grand Lodge of IAM has made additional payments to the AFL-CIO for the support of its Committee on Political Education, (hereinafter COPE) and such payments have been as follows for each of the years indicated:

1963	$19,367.04
1964	32,180.00
1966	58,150.00
1968	40,955.00

4. The Machinists Non-Partisan Political League (hereinafter MNPL) has made the following payments to the AFL-CIO for the support of AFL-CIO COPE for the indicated years:

	Individual Contribution Fund	Educational Fund
1964	$ 2,506.00	$
1965	200.00	
1966	30,000.00	10,000.00
1967	20,571.30	7,000.00
1968	57,511.14	35,000.00
1969	30,155.83	5,468.76

	Individual Contribution Fund	Educational Fund
1970	$ 66,790.88	$ 5,000.00
1971	21,705.47	12,209.26
Totals	$229,440.62	$74,678.02

5. Some of the local and district lodges of the IAM are affiliated with state and local AFL-CIO central bodies and make payments thereto; and, pursuant to the provisions of the constitutions of such state and local bodies, portions of such payments are earmarked for political activities by the State COPE Committees and by some of the local COPE Committees. The amounts of such payments are not reported to the national AFL-CIO offices.

6. The AFL-CIO is a labor federation. It has many functions which are set out in Article II of its Constitution, a number of which include political and legislative activities, including the advocacy of legislation which it deems to be in the interest of organized labor and the election of candidates favorable to its legislative policies. One of its largest departments, the Committee on Political Education, is devoted exclusively to such matters. In addition to the activities carried on by COPE, the President and the Secretary-Treasurer and some other representatives and employees of the AFL-CIO devote a portion of their time to furthering the political and legislative objectives of the organization and in pursuing activities designed to secure maximum support for these objectives by affiliated unions, and state and local AFL-CIO councils and committees, including their involvement in and planning and preparing for political activities.

7. Each successive president of the IAM has been a vice president of the AFL-CIO and as such a member of the Executive Council of the AFL-CIO from at least 1961 to the present, and in this capacity has participated in the determination of the political policies and procedures of the Federation.

8. While on occasion it has disagreed with some candidate endorsements by the AFL-CIO the IAM has generally been in accord with the political policies of the national AFL-CIO as well as its recommendations with respect to candidates for public office.

9. With the exception of 1972 the officers of the IAM and its Machinists Non-Partisan Political League have generally cooperated with AFL-CIO COPE in carrying out the political and legislative activities and objectives of AFL-CIO COPE.

10. National COPE seeks to coordinate the political activities of the national and international unions affiliated with the AFL-CIO and of state and local AFL-CIO central bodies. COPE's national staff is headquartered on the 6th floor of the AFL-CIO building in Washington, D. C. The Administrative Committee of COPE is headed by the President of the AFL-CIO, and consists of the members of the AFL-CIO Executive Council. The operations of COPE are under the immediate direction of Alexander E. Barkan, its national director, Joseph M. Rourke, Deputy Director, and John Perkins, Assistant Director. The headquarters staff includes a research director and an assistant research director, a national field coordinator, a data processing director, a publications director, and various other staff assistants. COPE currently has 18 area directors and field representatives stationed in various areas of the country, and having responsibility for COPE activities in specific states. Included among the 18 field staff are field coordinators for minority groups and women.

11. The President of the IAM is a member of the Administrative Committee of the AFL-CIO COPE. The Secretary-Treasurer of the IAM, the Director of the MNPL, and at least one other IAM Grand Lodge Representative, serve as members of the Operating Committee of COPE.

12. With the exception of the year 1972 the AFL-CIO COPE and the Machinists Non-Partisan Political League (MNPL) have

closely coordinated their political activities and functions and have cooperated in carrying on joint political functions and activities with other politically active unions. Prior to 1972 the IAM cooperated in the data processing program of COPE by supplying IAM members names and addresses and use of the IAM computer to assist COPE.

13. There are attached to this Stipulation and made a part hereof Appendices A, B and C the following: Appendix A - Volume II, Proceedings of the AFL-CIO Seventh Constitutional Convention, Executive Council Reports; Appendix B - Volume II Proceedings of the AFL-CIO, Eighth Annual Convention, Executive Council Reports; Appendix C - Report of the AFL-CIO Executive Council, Ninth Convention. Attached as Appendix D is the interim financial report of the AFL-CIO for the period January 1 - June 30, 1972.

14. With minor exceptions the expenses of COPE, including salaries of the COPE staff personnel, travel expenses, office space, office supplies, telephone and telegraph, printing, and general overhead expenses are paid by the AFL-CIO out of the general fund of the AFL-CIO, a fund which is derived principally from per capita taxes received from affiliated national and international unions including the International Association of Machinists.

15. In addition to the expenditures of COPE referred to in the foregoing paragraph some of the other departments of the AFL-CIO including the public relations department, the publications department, the research department, the education department, the civil rights department and the legislative department carry out some functions and activities which are integrated with the political and legislative activities of the AFL-CIO and COPE. No records or accounts are maintained by AFL-CIO in a manner which would permit a proportionate allocation of the expenses of these various departments to the political and legislative activities and

functions of AFL-CIO and COPE.

16. The official newspaper of the AFL-CIO, the AFL-CIO News, and some of the printed materials prepared and distributed by the Educational Department and other departments of the AFL-CIO seek to influence the reader toward political and ideological positions favored and supported by AFL-CIO and COPE. Copies of editions of the AFL-CIO News dated May 6, 1972, May 20, 1972, July 8, 1972 and November 18, 1972, are attached hereto as Appendices E-1, E-2, E-3 and E-4 respectively.

17. AFL-CIO and COPE officials seek to maintain close liaison with political party officials in various states and in various congressional districts, and COPE officials sometimes participate in the process of selecting candidates, campaign planning and policy decisions respecting the mechanics and strategy of the election campaigns of candidates for national, state and local offices. Through coordination with affiliated international unions and their state and local representatives COPE assists in providing financial, organizational and manpower resources for the campaigns of such candidates. In congressional and senatorial election years COPE divides the marginal congressional districts and key Senate races and approximately 10 of the major national and international unions affiliated with AFL-CIO generally accept special responsibility for specific congressional districts or Senate races. These affiliated unions, in turn, assign staff representatives to these strategic areas. In order to provide these staff representatives with necessary training in political strategy and techniques COPE conducts political seminars and conferences at various locations throughout the country at various times during the year. Such conferences and seminars are held in off-years as well as in election years in order to insure the existence of a large corps of politically trained union staff personnel available for assignment to actual campaign operations.

18. A portion of COPE Educational Fund monies, derived ultimately from membership dues are frequently used for the preparation, printing and dissemination of political brochures and other materials which support particular candidates for federal office. Such funds are also used for the purpose of making direct cash contributions to candidates for non-federal offices, such as state gubernaterial races. Attached hereto as Appendices E, F, G, H, and I, are copies of reports filed by COPE with the Clerk of the House of Representatives for the years 1967 through 1971 showing cash contributions and other expenditures relative to the campaigns of various candidates for public office. Attached as Appendix J are copies of reports filed by COPE with the United States General Accounting Office under the Fair Elections Act of 1971.

19. One of COPE's major operational tools is voter registration. By using its computerized voter identification program, COPE seeks to determine whether union members are registered and to which political party the union member belongs. The use of this program greatly facilitates the registration of union members and their families. COPE registration drives are now carried on in various states according to the laws of such state, throughout the year, utilizing staff personnel made available by affiliated unions, including salaried staff personnel of the IAM.

20. A report on COPE activity in 1972 was published as a special supplement to the AFL-CIO News of November 18, 1972, a copy of which is attached hereto as Appendix K.

21. Attached hereto as Appendix L is a reprint of an article entitled Political Activities of Labor, by Alexander E. Barkan which appeared in Issues In Industrial Society, Vol. 1, No. 2, 1969, published by New York State School of Industrial and Labor Relations at Cornell.

22. Copies of The Federationist, official monthly magazine of the AFL-CIO for April, June and August 1972 are attached

hereto as Appendices M, N, and O. Appendices P and Q are copies of the publication entitled Memo From COPE dated January 31 and May 8, 1972.

23. The following paragraph appears in Theodore H. White's book, The Making of the President 1968, and the quotation attributed therein to Lane Kirkland, Secretary-Treasurer of the AFL-CIO is substantially correct.

> "In a sense, the challenge of Wallace had been a challenge to the leadership of labor itself. Their own membership polls had, as early as midsummer, shown Wallace picking up 25 percent of the labor vote in Pennsylvania, 32 percent in Connecticut, in Maryland even higher. By September, in Flint, Michigan, at the large Buick plant there, a poll of the 8,000 autoworkers in Local 599 showed Wallace outstripping both other candidates with 49 percent of the total; in Norfolk, Virginia, the Wallace challenge within the union was the springboard in an attempt to overthrow the local's internal leadership; in Pennsylvania, in Baltimore, in Gary, steelworkers were breaking to Wallace. Totally dismayed by the early confusion in Humphrey's headquarters in Washington, the AFL/CIO leadership considered its support of the Democrat and its drive against Wallace almost a mission of its own. 'We had to do what we did,' said Lane Kirkland, executive assistant of the AFL/CIO's president, 'because the Party was bankrupt intellectually and financially. I reached the point where I said I'd never go into Democratic headquarters. I'd go in feeling good and come out feeling terrible. The only useful thing they did was television, in the last couple of weeks; and beyond that they didn't do a god-damned thing except cry.'"

We concur in the foregoing stipulation

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the A.F.L.-C.I.O., Blue Notebooks for Mondale

y HOWELL RAINES
ecial to The New York Times

NGTON, Nov. 7 — At a in a Washington hotel this a group of 37 employees of ..-C.I.O. received blue plas- ooks with the word "Confi- stamped on their covers. In- notebook was a manual ti- anizing for Delegate Selec-

e distribution of these manu- American Federation of l Congress of Industrial Or- ns began training almost its d staff of professional union s to operate as political or- in behalf of former Vice Walter F. Mondale's Presi- mpaign.

ay, 80 union organizers and ees of COPE, the federa- mittee on Political Educa- have passed through a olitical workshops here and heir notebooks. The reas- and retraining of its organ- is among several actions n by the federation and its nions to convert its official ent of Mr. Mondale on Oct. n.

l have full-time supervision a state," said John Per- director of COPE and a itect of the A.F.L.-C.I.O.'s gain its political influence ng a candidate prior to the litical conventions.

ndale's rivals have jeal- nated the endorsement's 20 million. Union leaders too strenuously, that the o high.

sure to Show Support

the endorsement has ut of the news in recent has been feverish activity t of union political strate- re under pressure to show deration's approximately nembers support the lead- cision to endorse Mr. Mon-

of figuring out how to use scle for Mr. Mondale — strict limits set by laws on cal activity — has fallen to s and a group of top Mon- ers, including Robert G. campaign manager; Paul . Mondale's labor coordi- mas Donilan, a political and Michael Ford, the or.

weeks, according to a par- these meetings, the group scussing the organization e banks to be run mainly s of the Communications

EXHIBIT

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The New York Times/Paul Hosefros

Organizers and employees of A.F.L.-C.I.O. at conference on aiding Walter F. Mondale's Presidential campaign.

Workers of America and the American Federation of State, County and Municipal Employees.

Union leaders have also discusseda "personnel inventory" intended to provide a list of the political operatives in all of the federation's 96-member unions who will available for campaign work. Because many unions have large political staffs the inventory is expected to produce a list of several hundred seasoned workers who can be dispatched to key primary and caucus states.

Lawyers have been called into some of these meetings between labor officials and the Mondale advisers in an effort to see that the laws proscribing a merger of the campaigns are not violated. "It is two separate operations," said Mr. Perkins.

However, the level of cooperation is high. Mr. Jensen, for example, was among the speakers at the campaign school today where the A.F.L.-C.I.O.'s organizers got their instructions.

The federation's basic national tactical plan seems, however, to be pretty much its own creation. It is designed to, one, turn out the union vote for Mr. Mondale, and, two, to control the internal squabbling that has fragmented labor's political strength in other elections.

In every state, there is to be a labor coordinating committee representing all the A.F.L.-C.I.O. unions in the state. The Mondale campaign director for that state will deal directly with a few key players on that committee, rather than with the heads of the individual unions.

Each state will also have a "delegate selection committee" intended to resolve disputes among the union leaders as to which of them will run as Mondale delegates. In the event that the local committee cannot agree, a decision is to be made by a national A.F.L.-C.I.O. delegate-selection committee headed by Mr. Perkins.

Competition for Delegate Seats

"That's going to be a big battle," said William J. Olwell of the United Food and Commercial Workers, the largest member union. The competition for delegate seats, he added, will have to be handled "with class and understanding and every now and then a head-knocking. It's going to be a big problem, because that's where the local egos are involved. We'll start to see it in December, January and February."

In fact, the apportioning of delegate seats among labor unions is part of a larger problem facing Mr. Mondale as the all-constituency candidate. Mr. Mondale adviser are bracing not only for intraunion struggles, but for battles between labor and other Mondale support groups for delegate slots. A major reason for the creation of the A.F.L.-C.I.O.'s delegate-selection committees was to spare Mr. Mondale having to take sides among his supporters.

But for the time being, Mr. Perkins and Lane Kirkland, the federation president, are credited with achieving a rare sense of peace and unity with their endorsement strategy. A major reason is the meticulous organization represented by Mr. Perkins's blue notebooks.

These books, designed by Mr. Perkins and John Rendon, a former executive director of the Democratic National Committee, contain meticulously detailed plans for the identification and recruitment of Mondale voters.

The plan for Iowa illustrates the organization potential for Mr. Mondale. On Oct. 22, Mr. Perkins and the political directors of 12 major unions met in Des Moines with 13 "central body coordinators."

They, in turn, are to organize a meeting on Dec. 10 of 207 "local union liaisons." By Janaury, those 207 people will have recruited 2,814 "union town-ward coordinators."

It is campaign-building on the pyramid principle. By early 1984, when tens of thousands of precinct captains and individual union members are involved, telephone banks and direct-mail letters will be zeroing on in union members who are still undecided.

This dazzling blend of grass-roots and high-tech campaigning is the most up-to-the-minute battle plan yet produced for the 1984 campaign. But it still depends on the old-fashioned political glue of unity.

In that regard, said Mr. Perkins, the A.F.L.-C.I.O. has gotten some powerful help. "We're doing it by persuasion," he said, swinging his chair toward his view of the White House, "and the best thing that we've got going for us is this guy over here across the park."

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Labor Leaders Say Unions Will Row Together to Elect Mondale

By Kathy Sawyer
Washington Post Staff Writer

HOLLYWOOD, Fla.—Organized labor has affixed an unbeatable winged keel to former vice president Walter F. Mondale's campaign for the Democratic presidential nomination, according to union leaders and political operatives at the AFL-CIO national convention here last week.

Questions about rank-and-file support of the leadership float on the surface. But those who understand the process say the question is what submerged mines the Mondale and labor forces may set off as they make their way through uncharted political waters opened the AFL-CIO's pre-primary endorsement of a presidential candidate.

The delicate art of slating delegates to the Democratic National Convention is a major source of queasiness because labor's magnified political role is expected to shrink the individual roles of some politically well-connected labor officials.

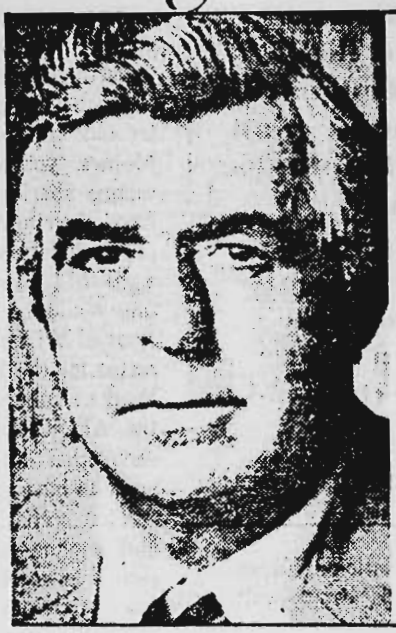
"I expect there will be some phenomenal fights" in areas where two rival unions are pitted against one another in their quest for delegates, one union official said. "I don't know how Mondale will appease everybody."

But Mondale campaign staff and AFL-CIO political lieutenants profess to be delighted to have such problems. They were huddling here on the off-season beachfront at the AFL-CIO convention to dovetail their efforts after the federation's formal endorsement of Mondale last week.

Labor leaders say they are confident that Mondale will win the nomination, but they expect Sen. John Glenn (D-Ohio) to put up a tough fight. If their man stumbles, said Glenn Watts, president of the Communications Workers of America, "we're going to pick him up," partly because labor is fighting not only for Mondale but to prove itself.

"Now that they've done this, it's got to be more than just a big show," said Robert A. Georgine, head of the mammoth Building Trades Department of the AFL-CIO. "We've got to back it up."

"The candidate is secondary," the top political official of a major union said privately. "Those who aren't solid Mondale supporters will be turned on by the process .... Labor's credibility is on the line."



Donald Ephlin, a United Auto Workers vice president: "I expect we'll have more credibility with members because this time we are united. Before, when we were fighting each other, they had a hard time taking us seriously."

The political machinery that was officially mobilized this week under the management of the Committee on Political Education (COPE), the AFL-CIO's political arm, is generally believed to be in its best form since 1968, the last time labor was unified behind a presidential candidate, that year Hubert H. Humphrey. Never before has it entered the fray before the two party conventions, much less before the first primaries and caucuses.

Labor not only is motivated by having more at stake than ever before, but also has enhanced its capabilities with modern technology. In the two years since he took over, COPE director John Perkins has brought labor's crusty operation into the age of direct-mail appeals, computerization, polling and other techniques pioneered by Republicans and conservatives.

The campaign timetable, with its compression of the primaries and caucuses into a shorter time, favors labor's brand of organization.

"The name of the game is organization," said Paul Jensen, a young Mondale aide who will serve as the campaign's chief liaison with COPE. "The result is [convention] delegates."

In addition, said Donald Ephlin, a vice president of the United Auto Workers union, "I expect we'll have more credibility with members because this time we are united. Before, when we were fighting each other, they had a hard time taking us seriously."

Mondale and labor officials are careful to emphasize that neither is taking over the other's operations but that they are consulting and coordinating.

Labor is expected to concentrate on educating union households to the virtues of Mondale—which does not count against his federal campaign spending limits—freeing the candidate's campaign resources for other efforts.

"We've moved already in a lot of states," said Gerald McEntee, president of the American Federation of State, County and Municipal Employes, which he said has budgeted up to $1 million for the primaries.

COPE will serve as central coordinator and referee conflicts between unions and their locals around the country, Mondale aides and labor officials said.

Even local and state labor officials with strong political ties to the Mondale campaign have been informed that they should refrain from contacting the candidate's people on their own, but should go through COPE, said Dick Murphy, political director for the Service Employes

THE WASHINGTON POST
Tuesday, October 11, 1983

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more ...

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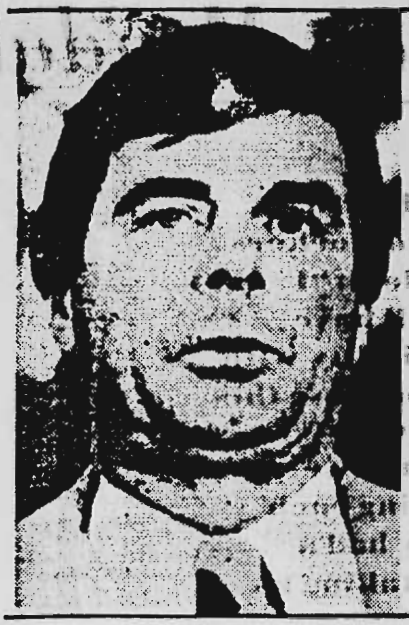

Gerald McEntee, president of the American Federation of State, County and Municipal Employes: "We've moved already in a lot of states." He says his organization has budgeted up to $1 million for the primaries.

union. "And I believe that's what they are going to do. I think they've gotten the message."

The patterns, rules and problems vary greatly from state to state, said Jensen. "The unions and their leaders are not uniformly capable .... There are talkers and there are doers."

However, the most painful personal conflicts, in the view of some political professionals, will come when, instead of dividing among several candidates, labor activists compete to be slated as Mondale delegates in the caucuses and primaries. And they will be competing with other constituencies that the Mondale campaign has to consider.

Generally, COPE will be expected to resolve the conflicts among unionists, either at the state or national level, designating those most likely to attend the national convention.

"You get what you earn," Jensen said. "It's not in the candidate's interests to do pre-caucus deal-making on delegates. The objective is to get as many to the caucus as possible."

There could be a system of "centralized trading," he said, "where we drop a Food and Commercial Worker in Iowa but agree to pick one up in some other state."

The abrasions might get especially sore in a state such as Illinois, where the AFL-CIO-affiliated American Federation of Teachers competes head on with its much larger rival, the unaffiliated National Education Association. COPE can't arbitrate that, and "the Mondale people may have to bite some bullets over it," one said.

Under the new party rules, 14 percent of the Democratic delegates are to be elected and party officials, most of whom are white males. But the rules also require that the candidate sign off on each delegate slate and that it meet affirmative-action requirements for women and minorities.

"Even though we have more blacks and women than ever before," one union political operative said, "if you look around this room you still see mostly white males .... We just have to realize our expectations may not be met."

Perkins said COPE officials have not decided how to resolve such conflicts, except that "I've offered to hand-wrestle Bob Beckel," Mondale's campaign director. But he said he doesn't expect demographics to be the main problem.

"It's the numbers .... If there are only five to be elected, which five, and how many of the five will come from labor?"

All this fighting over slots, in a sense, could mean a "marvelous involvement" by labor in the process, Murphy said.

In fact, about a dozen unions that have never gotten into politics before, for fear they lacked the clout or strength to make a good showing, have been emboldened to take part this time, Perkins said.

The potential for new kinds of conflict notwithstanding, officials are expecting far less of the old kind.

In the last presidential round, in an old building in downtown Des Moines, "you would see two or three unions sharing space. They'd each have their own phone banks, and one would be working for [Sen. Edward M.] Kennedy [D-Mass.] and one would be for Carter-Mondale," recalled William Olwell, political director for the Food and Commercial Workers' union, now the largest in the AFL-CIO. "And they'd cancel each other out. This time we're all going to have one joint phone bank."

That scenario of pulling together and pooling resources is being repeated in nearly every state, in campaign activities ranging from union newsletters featuring Mondale's picture, voting record and platform, to classes in the state's delegate selection rules, union officials report.

COPE has tracked each state's party plans, computerized them and held workshops and mock conventions to teach it all to the troops.

The Mondale camp shrugs off highly publicized polling results and criticism by Glenn that questions the AFL-CIO endorsement process and rank-and-file support for Mondale.

They say the statistics are being interpreted incorrectly and miss the point.

When confronted with one poll's finding that 70 percent of union members were never contacted by their leaders for their opinion on the endorsement, Rochelle Horowitz, political director for the American Federation of Teachers, responded: "You mean to say that we DID contact 30 percent? That's a terrific percentage by the standards of polling."

Those figures translate to about 4 million rank-and-file members contacted by union leaders.

In any case, one Mondale aide said, Glenn's criticism is "silly," because national polls do not focus on the people who will be active in caucuses and primaries.

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Rules Governing

Committees on Political Education of State and Local Central Bodies

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RE-ISSUED FEBRUARY 1978

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The COPE rules printed in this pamphlet were embodied in new rules governing AFL-CIO state and local central bodies issued by the AFL-CIO Executive Council Feb. 26, 1973.

The COPE rules are printed here as extracted from a larger pamphlet covering all responsibilities of state and local central bodies. The numbering of the rules listed here follow their numbering in the larger pamphlet.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

815 16th STREET N.W., WASHINGTON, D.C. 20006

LANE KIRKLAND
President

THOMAS R. DONAHUE
Secretary-Treasurer

Rules Governing Committees on Political Education of State Central Bodies

The following rules are an amendment of and are supplemental to the Rules Governing State Central Bodies and are issued by the Executive Council of the AFL-CIO pursuant to the authority of the Constitution of the AFL-CIO. They shall govern all State Central Bodies and all their Committees on Political Education. They supersede the COPE bylaws previously issued and revised in August, 1962.

29. Each AFL-CIO State Central Body shall have a Committee on Political Education which shall be a standing committee of the State Central Body and shall be responsible to the State Central Body. Each State Central Body COPE shall be governed by the applicable provisions of the Constitution of the AFL-CIO, by the Rules Governing AFL-CIO State Central Bodies, including these Rules, by the Constitution and bylaws of the State Central Body and by such special bylaws as may be adopted by the State Central Body COPE which are not in conflict with the Constitution, rules or bylaws of the National AFL-CIO or of the State Central Body. Such special bylaws shall be approved by the State Central Body in accordance with its established procedures.

30. The State COPE shall be composed of the officers and members of the executive board of the State Central Body, the State COPE director if there is one, the State Volunteer in Politics director if there is one, and such other members as may be prescribed by appropriate bylaws duly adopted pursuant to Rule No. 29. It shall not be a delegate body, but shall function as a committee.

31. The president and secretary-treasurer of the State AFL-CIO Central Body shall be the chairman and secretary-treasurer, respectively, of the State COPE.

32. The State COPE shall be responsible for developing and executing approved programs of sound political education which will encourage

union members and their families to exercise their full rights and responsibilities as citizens and to take their rightful place in the political life of the local, state and national communities.

33. In addition to such other duties as may be assigned by the State AFL-CIO the State COPE shall be responsible for planning, initiating, stimulating and assisting campaigns to:

a—encourage the qualification and registration to vote of members of affiliated unions of the AFL-CIO and their families.

b—insure maximum voting participation on election day.

c—encourage qualified candidates to seek public office.

d—educate members and their families and develop community educational programs on the political issues of the day through study, discussion and other appropriate means.

e—support or oppose candidates and ballot propositions in both primary and general elections, pursuant to procedures set forth in Rule 43.

f—assist, within its geographical jurisdiction, in the effective solicitation of individual voluntary contributions to the Political Contributions Committee of the Committee on Political Education of the AFL-CIO.

g—carry out a statewide voter identification program in cooperation with local central body COPEs.

34. The State COPE shall provide assistance, direction and coordination to the political education work of the Local Central Body COPEs within the state.

35. The State COPE shall have the power to establish a sub-division of the State COPE in each city, county or congressional district where there is no local central body, but where there is a substantial number of AFL-CIO members. Such COPEs shall undertake normal local COPE responsibilities and shall be organized so as to be fairly representative of the AFL-CIO unions in the district. In case of a subdivision of State COPE established by the State AFL-CIO under this rule such subdivision shall make its recommendations regarding candidates for the State Legislature or a State Constitutional Convention, and for the U.S. House of Representatives directly to the State COPE.

36. The State COPE shall have the power to establish an administrative subcommittee of which the chairman and the secretary-treasurer shall be members, to carry on the non-policy functions of the State COPE and to expedite the routine functioning of the State COPE.

37. The State COPE shall meet at such times as it may determine and shall also meet on call of the chairman. The chairman shall call a meeting of the committee upon request of twenty-five percent of the committee members.

38. The State COPE should establish a VIP for the purpose of achieving full participation of trade union members and their families in the activities of the State Central Body COPE. A VIP when established, shall be governed by the State COPE and shall operate in accordance with the established policies of the National and State COPE. It shall operate under the supervision of the State COPE chairman.

39. When a VIP is established the State COPE chairman shall appoint, subject to approval of the State COPE, one person with the title of State VIP Director, who shall be responsible for calling on each affiliated Local Central Body to implement the VIP program as established under State and National COPE policies.

40. The VIP where one exists, shall consist of the State Director of the VIP and the chairperson of all VIP groups of the Local Central Body COPEs in the State.

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41. The State Director of VIP shall not be a candidate for any public or political party office or be an officer of any political club or organization without prior approval of the State AFL-CIO.

42. Files and membership lists made available to the VIP by duly constituted authorities are subject to Rule 24 of the Rules of the AFL-CIO Governing State Central Bodies and shall not be inspected or given to anyone except in conformity with said rule and upon written authorization of the State COPE chairman.

43. The endorsement procedure of the State AFL-CIO shall be as follows:

(a) Action by the State AFL-CIO, or by State COPE when acting for the State AFL-CIO, to support or oppose shall be limited (1) to candidates in primary and general elections (i) for the State Legislature or a State Constitutional Convention, (ii) for the U.S. House of Representatives, (iii) for the U.S. Senate, (iv) for Governor, (v) for all statewide offices, and (2) to constitutional and other ballot issues of state-wide nature.

(b) Action to support or oppose candidates and state-wide ballot issues shall be taken by the State AFL-CIO at a regular or special convention acting on the report of the State COPE or the action may be taken by the State COPE when duly authorized by the State AFL-CIO.

(c) It shall be the responsibility of the State COPE to prepare appropriate recommendations concerning candidates and state-wide ballot issues for consideration by the State AFL-CIO.

(d) Action to support or oppose candidates for the State Legislature or a State Constitutional Convention shall be taken only after first considering the recommendations, if any, of the appropriate Local Central Bodies. In the absence of such recommendations the State AFL-CIO may act on its own initiative.

(e) Action to support or oppose candidates for the U.S. House of Representatives and the U.S. Senate shall be taken only after considering the information available from the AFL-CIO and National COPE. In the case of candidates for the U.S. House of Representatives action shall be taken only after considering the recommendations, if any, of the appropriate Local Central Bodies and Congressional District COPEs established under Rule 35 and in the absence of such recommendations the State AFL-CIO may act on its own initiative.

(f) The State AFL-CIO and the State COPE shall support the action of the National AFL-CIO on candidates for President and Vice President of the United States. No State Central Body shall make any endorsements direct or implied, with respect to the offices of President and Vice President of the United States.

(g) All final actions to support or oppose candidates or ballot issues, whether by the convention, or by the State COPE when acting for the State AFL-CIO, shall require a two-thirds majority of the votes cast. In the absence of a two-thirds majority, either to support or oppose, the State AFL-CIO shall be neutral.

44. Officers and members of the State COPE shall conform their activities with regard to candidates and ballot issues to the position of the State AFL-CIO or the appropriate Local Central Body, as the case may be.

45. The State COPE shall be financed by funds earmarked, or appropriated, by the State AFL-CIO, and by such funds as may be made available by National COPE, for all its educational activities and programs, subject to the restrictions of federal, state and local laws.

46. The financial records of the State COPE shall be subject to the reporting and auditing provisions of the constitution of the State AFL-CIO and to the requirements of the Rules of the AFL-CIO Governing State Central Bodies and of applicable federal, state and local laws.

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Rules Governing Committees on Political Education of Local Central Bodies

The following rules are an amendment of and are supplemental to the Rules Governing Local Central Bodies and are issued by the Executive Council of the AFL-CIO pursuant to the authority of the Constitution of the AFL-CIO. They shall govern all Local Central Bodies and all their Committees on Political Education. They supersede the COPE bylaws previously issued and revised in August, 1962.

29. Each AFL-CIO Local Central Body shall have a Committee on Political Education which shall be a standing committee of the Local Central Body and shall be responsible to the Local Central Body. Each Local Central Body COPE shall be governed by the applicable provisions of the Constitution of the AFL-CIO, by the Rules Governing AFL-CIO Local Central Bodies, including these Rules, by the Constitution and bylaws of the Local Central Body and by such special bylaws as may be adopted by the Local Central Body COPE which are not in conflict with the Constitution, rules or bylaws of the National AFL-CIO or of the Local Central Body. Such special bylaws shall be approved by the Local Central Body in accordance with its established procedures.

30. The Local Central Body COPE shall be composed of the officers and members of the executive board of the Local Central Body, the Local Central Body COPE Director if there is one, the Local Central Body VIP Director if there is one, and such other members as may be prescribed by appropriate bylaws duly adopted pursuant to Rule No. 29. It shall not be a delegate body, but shall function as a committee.

31. The president and the chief financial officer of the Local Central Body shall be the chairman and chief financial officer, respectively, of the Local Central Body COPE.

32. The Local Central Body COPE shall be responsible for developing and executing approved programs of sound political education which will encourage union members and their families to exercise their full rights and responsibilities as citizens and to take their rightful place in the political life of the local, state and national communities.

33. In addition to such other duties as may be assigned by the Local Central Body the Local Central Body COPE shall be responsible for planning, initiating, stimulating and assisting campaigns to:

(a) encourage the qualification and registration to vote of members of affiliated unions of the AFL-CIO and their families.

(b) insure maximum voting participation on election day.

(c) encourage qualified candidates to seek public office.

(d) educate members and their families and develop community educational programs on the political issues of the day through study, discussion and other appropriate means.

(e) support or oppose candidates and ballot propositions in both primary and general elections, pursuant to procedures set forth in Rule 42.

(f) assist, within its geographical jurisdiction, in the effective solicitation of individual voluntary contributions to the Political Contributions Committee of the Committee on Political Education of the AFL-CIO.

(g) carry out a voter identification program in cooperation with the State COPE.

34. The Local Central Body COPE shall cooperate with the State COPE in the establishment of a subdivision of the State COPE where more than one Local Central Body COPE exists, for the purpose of coordinating the political education activities within the Congressional District.

35. The Local Central Body COPE shall have the power to establish an administrative subcommittee of which the chairman and the chief financial officer shall be members, to carry on the non-policy functions of the Local Central Body COPE and to expedite the routine functioning of the Local Central Body COPE.

36. The Local Central Body COPE shall meet at

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such times as it may determine and shall also meet on call of the chairman. The chairman shall call a meeting of the committee upon request of twenty-five percent of the committee members.

37. The Local Central Body COPE should establish a VIP for the purpose of achieving full participation of all trade union members and their families in the activities of the Local Central Body COPE. A Local Central Body VIP when established shall be governed by the Local Central Body COPE and shall operate in accordance with the established policies of the National, State and Local Central Body COPEs. It shall operate under the supervision of the Local Central Body COPE chairman.

38. When a Local Central Body VIP is established the chairman of the Local Central Body COPE shall appoint, subject to approval of the Local Central Body COPE, one person with the title of VIP. She or he shall be responsible for calling on each local union affiliated with the Local Central Body to implement the volunteer program as established under Local, State and National COPE policies.

39. The VIP where one exists, shall consist of the Director of the Local Central VIP, the chairman of all VIP of the local unions in the Central Body's jurisdiction and of the volunteers who contribute time to the various COPE programs.

40. The Director of the VIP Program shall not be a candidate for any public or political party office or be an officer of any political club or organization without prior approval of the Local Central Body.

41. Files and membership lists made available to the VIP by duly constituted authorities are subject to Rule 24 of the Rules of the AFL-CIO Governing Local Central Bodies and shall not be inspected or given to anyone except in conformity with said rule and upon written authorization of the Local Central Body COPE Chairman.

42. The endorsement procedure of the Local Central Body shall be as follows:

(a) Action by the Local Central Body to support or oppose shall be limited (1) to candidates in primary and general elections for local offices (municipal, county, school board and other local offices) within the territorial jurisdiction of the Local Central Body, and (2) to local ballot issues.

(b) Action to support or oppose candidates and local ballot issues and to make recommendations to the State COPE as provided for in paragraph (d) of this rule shall be taken at a regular or special meeting of the Local Central Body acting on the report of the Local Central Body COPE.

(c) It shall be the responsibility of the Local Central Body COPE to prepare appropriate recommendations concerning candidates and ballot issues for consideration and action by the Local Central Body.

(d) It shall be the responsibility of the Local Central Body, after considering the report of the Local Central Body COPE, to make appropriate recommendations to State COPE regarding candidates for: (1) the state legislature or a State Constitutional Convention, and (2) for Congress, from districts wholly or partially within the territorial jurisdiction of the Local Central Body.

(e) Recommendations to the State COPE regarding candidates for the state legislature or a State Constitutional Convention shall be made only after first considering the records of the candidates and the information available from the State AFL-CIO and the State COPE. It shall be the responsibility of each Local Central Body to cooperate with other Local Central Bodies which share the same State Legislative District to secure a joint recommendation, if possible.

(f) Recommendations to State COPE by Local Central Bodies regarding candidates

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for the U.S. House of Representatives shall be made only after first considering the records of the candidates and the information available from National AFL-CIO and National COPE. It shall be the responsibility of each Local Central Body to cooperate with other Local Central Bodies which share the same Congressional District to secure a joint recommendation, if possible.

(g) The Local Central Body shall support the action of the National AFL-CIO on candidates for President and Vice President of the United States, and the State AFL-CIO's action on candidates for the state legislature, for delegates to a State Constitutional Convention, the U.S. House of Representatives, the U.S. Senate, governor and all statewide offices and ballot issues. No Local Central Body shall make any endorsement, direct or implied, with respect to any of the offices enumerated in this paragraph other than the recommendations provided for in paragraphs (c), (d), (e) and (f) of this rule.

(h) All final actions to support or oppose candidates or ballot issues and on recommendations to State COPE by the Local Central Body shall require a two-thirds majority of the votes cast. In the absence of a two-thirds majority either to support or oppose or to recommend to State COPE, the Local Central Body shall be neutral, except that the Local Central Body shall support the final action of the National AFL-CIO and the State AFL-CIO on candidates and issues covered by paragraph (g) of this rule.

43. Officers and members of the Local Central Body COPE shall conform their activities with regard to candidates and ballot issues to the position of the State AFL-CIO or the Local Central Body as the case may be.

44. The Local Central Body COPE shall be financed by funds earmarked, or appropriated, by the Local Central Body, and by such funds as may be made available by the State and/or National COPE, for all its educational activities and programs, subject to the restrictions of Federal, State and Local Laws.

45. The financial records of the Local Central Body COPE shall be subject to the reporting and auditing provisions of the constitution of the Local Central Body and to the Requirements of the Rules of the AFL-CIO Governing Local Central Bodies and of applicable Federal, State and Local Laws.

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THE NEW YORK TIMES, MONDAY, FEBRUARY 22, 1982

Labor Turns to Polls and Computers to Recoup 1980 Election Losses

By SETH S. KING

Special to The New York Times

BAL HARBOUR, Fla., Feb. 21 — After the 1980 election losses of so many of labor's good friends in Congress and in many state legislatures, the A.F.L.-C.I.O.'s Committee on Political Education is now mustering all available political technology to keep this from happening again this fall or in 1984.

With about $3.5 million now available, the committee, called COPE, has begun expanding its computerized voting lists of union members and their families, refined this year with the demographic data used in the reapportionment of Congressional districts in many states.

For the first time, the political arm of the labor federation will test a plan to recruit Congressional and local candidates in selected districts where there is no pro-labor candidate or where union organizations are having difficulty finding someone to run.

Polling Operation Set

At its twice-yearly meeting here this week, the 35-member executive council of the A.F.L.-C.I.O. also created an Institute for Public Affairs. One of its major efforts will be a new polling operation to survey union households on issues and candidates.

Technically, the 102 unions belonging to the 15-million-member federation are nonpartisan. But except for supporting a few liberal Republicans, COPE has usually put all its resources behind Democrats.

A year ago, when the executive council met here, the union movement was still in a state of shock from the 1980 elections. According to a New York Times-CBS Poll, taken shortly after the election, at least 42 percent of the persons in union households voted for Ronald Reagan, while only 49 percent supported Jimmy Carter, their reluctant leaders' choice.

The unions themselves had been losing members, and their once-powerful officials were bemoaning their loss of political influence over their own state and local organizations.

But with more than 9.3 million workers now unemployed and with the country in a painful recession that is deepening in spite of President Reagan's economic recovery program, these same union leaders now say that the political winds are shifting in their favor.

"One thing Reagan has done for the labor movement, he has put us back together," said John Perkins, COPE's new director.

Both Mr. Perkins and the executive council expressed caution about labor's political prospects this fall, saying they would depend largely on the state of the economy by late summer.

The council did not see any chance of the Democrats' regaining control of the Senate. Its early surveys indicate that the Democrats might manage a net gain of five Senate seats, at the most. The prospects were better, a council spokesman said, for a gain of five to 20 Democratic seats in the House.

Mr. Perkins said COPE was going to focus on improving its links to local union members.

"All our efforts are going to be directed to labor households, not the general public," he said. "We are talking in terms of better identifying our own members and determining their own parochial needs and their attitudes toward issues and candidates."

Under a new financing arrangement, COPE will be allocated 2 cents a member from the dues individual unions pay the American Federation of Labor and Congress of Industrial Organizations. This, Mr. Perkins said, was expected to increase by about $500,000 the $3 million the committee had for the 1980 elections.

A large part of this money would be shared with the A.F.L.-C.I.O.'s state labor federations and their local unions, he said. These groups will be expected to use this money to expand their computerized voter list. They would also use it in selected Congressional and state races to conduct direct personal mail campaigns like those the conservative political action groups used so successfully in 1980, Mr. Perkins added.

Conservatives' Tactics Rejected

"But we have no intention of going into a state and targeting an anti-labor candidate," as the National Conservative Political Action Committees did against liberals in 1980, he said. "We'll limit our activities this fall to organizing our own members behind candidates they will accept and support."

COPE will also organize joint ventures with its own state federations in recruiting pro-labor candidates in selected districts and in teaching them campaigning and fund-raising, Mr. Perkins said.

"Another thing Reagan's economic policies have now done is stir up the nonpolitical coalitions we have worked with before only on legislative issues," he said. "They are now saying they want to go beyond this issue lobbying and join us in getting people registered and out to vote for their candidates."

EXHIBIT 10

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February 23, 1982

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AFL-CIO Will Plot Politics This Weekend To Elect Foes of Reaganomics to Congress

By JOANN S. LUBLIN
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — The AFL-CIO's ruling executive council this weekend starts shaping some innovative political strategies to elect more opponents of Reaganomics to Congress next fall.

But it's unclear whether the bolder approaches to be endorsed at the council's winter meeting in Bal Harbor, Fla., will succeed in reversing the 1980 conservative tide. President Reagan's personal popularity still runs high. And a group of senior Reagan officials, including Vice President George Bush and Secretary of State Alexander Haig, will be calling to court the union leaders. They hope to soften many unions' anti-Reagan sentiments, temper the sting of the stepped-up AFL-CIO campaign and possibly win the federation's support of increased defense spending and some foreign policy initiatives.

Their appearances culminate a two-month-long administration effort to soothe strained relations with the AFL-CIO through more top-level consultation. In early December, Mr. Reagan held a fence-mending White House session with the executive council. Last week, he and Mr. Bush met with a smaller group of labor leaders to discuss the Poland crisis and rising unemployment.

'Better Climate'

"There's a better climate for exchange of ideas" that didn't exist before December, one Reagan aide says. "Perhaps they (the AFL-CIO leaders) are a little less likely to attack us or they do it with more understanding."

AFL-CIO officials concede communications with the White House have improved. But they remain opposed to most of Mr. Reagan's economic program. The federation hopes to translate its unhappiness with the President into ballot-box victories later this year, by spending a lot more on campaigns and using the sophisticated political tactics of the New Right. "It's an essential, critical year for us," says one union's top political operative. "Continuation of the old policies won't work."

'Parochial Interests'

John Perkins symbolizes this changed focus. Last month he succeeded 72-year-old Alexander Barkan, longtime head of the Committee On Political Education, or COPE, the federation's political arm. Critics on the executive council felt Mr. Barkan symbolized the old order.

In his first council appearance as COPE director, the 48-year-old Mr. Perkins will describe his plans to use direct mail, polls and phone banks in new ways. "We'll be able to focus in on (members') parochial interests" and then try to link their worries to sympathetic candidates, he explains.

For instance, in some crucial congressional districts he intends to send unionists computer-written "personalized" letters, pegged to the recipients' particular jobs and signed by their local union president. The AFL-CIO's previous political efforts largely have depended on a deluge of anonymously addressed leaflets. The new COPE chief also says he'll conduct intensive workshops this spring to teach local union officials how to screen candidates for their positions and records.

At the same time, federation leaders are expected to exhort the executive council's 35 members to get involved personally in critical races, to help settle labor squabbles over which candidates to endorse and to begin voter-registration drives among union members in June rather than October.

"There's going to be a great deal more coordination in the (candidate) selection process so there's less likelihood of splits," predicts Glenn Watts, president of the Communications Workers of America. But Sol Chaikin, president of the International Ladies' Garment Workers Union, concedes that in some areas "It will take an act of statesmanship" for unions with different political agendas "to unite behind one candidate."

Dues Increase

To bolster its political role further, the AFL-CIO recently voted a $14 million, two-year dues increase for its roughly 15 million members. It also has been rebuilding its ties with the Democratic Party. A new labor council formed last month by the Democratic National Committee will give union leaders the chance to provide a greater voice in the selection of candidates this year.

One union aide believes labor can help Democrats capture up to 35 Republican seats in the House of Representatives. Unions will back moderate Republicans, too, federation officials emphasize, when those candidates share their antagonism toward President Reagan's economic policies.

But organized labor's new political aggressiveness might not be sufficient to defeat many Reagan supporters. "We have a problem," says Mr. Chaikin of the Ladies' Garment Workers. "How do we break through the feeling on the part of too many Americans that we have to give the guy (Mr. Reagan) a chance, that somehow Reagan is dissociated from his policies?" The union leader adds, "That's why these (council) meetings have a special urgency."

EXHIBIT
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The Government Standard
March 1982
p. 5

Kirkland pledges AFL-CIO's full support, technical aid in AFGE's 'political offensive'

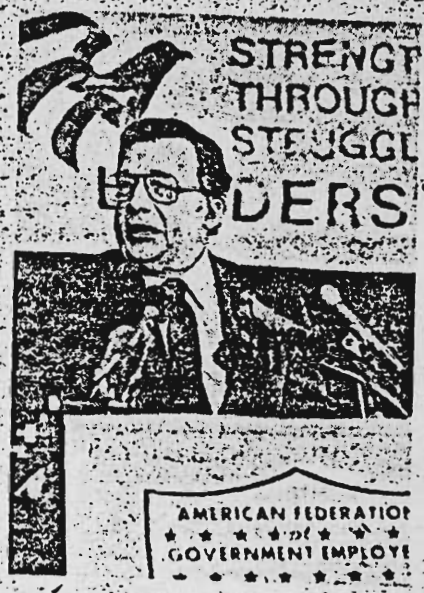
"The full resources" and "the support of your 15 million brothers and sisters" were pledged to AFGE's 1982 "political offensive" by AFL-CIO Pres. Lane Kirkland, who spoke to the 300 conference delegates.

Two new advantages AFGE will gain by working with AFL-CIO in the political campaign were explained by Kirkland:

- "We have begun a major modernization of our capacity for internal and external communications that will help us mobilize our forces more effectively around legislative and political issues," Kirkland said.
- That will enable AFL-CIO to give "expert technical and professional skills in telecommunications to tell labor's story more effectively and to help rally our members and our allies around public issues," he added.

Why AFGE members can rely on AFL-CIO's backing and expertise in the upcoming political campaign also were made plain by Kirkland.

- "By virtue of its size and militance, and above all by virtue of its strong and able leadership, AFGE now holds a central place in the American labor movement," he said.
- "Your members made invaluable contributions to the success of Solidarity Day last September," he said, adding:
- "For this, and for the continuing contributions of your President, Ken Blaylock to the work of the AFL-CIO Executive Council and to the federation's Public Employees Department, the AFL-CIO is deeply grateful.



KIRKLAND

"All the old arguments that federal employees enjoy special protections and privileges, job security and social status that set them apart have gone up in smoke," Kirkland said.

"Arbitrary actions of this Administration are making government jobs and working conditions more precarious than those of any other workers in America.

"Those who are unable to come up with creative policies prefer to lodge the blame elsewhere," Kirkland charged, "but the fact is that when government policies go wrong, it is from the top down, not from the bottom up."

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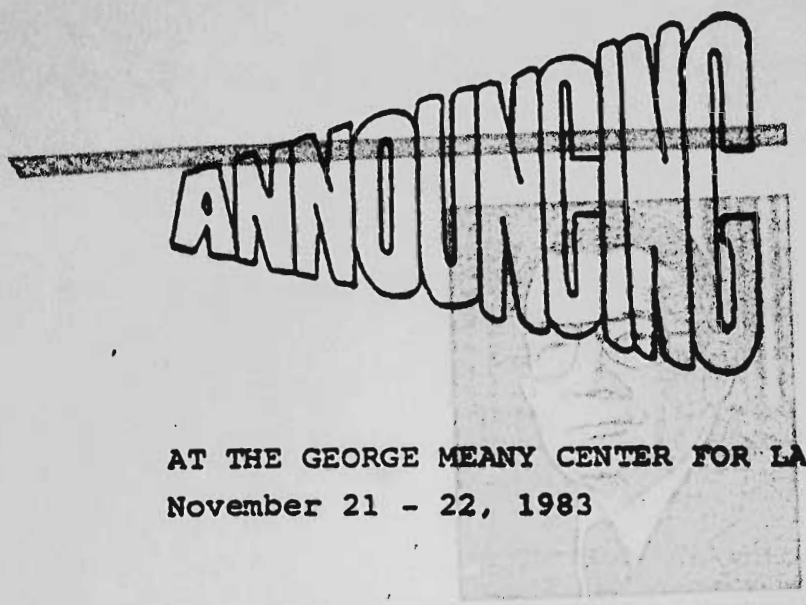

A TWO-DAY SEMINAR

ON OPINION POLLING

AT THE GEORGE MEANY CENTER FOR LABOR STUDIES

November 21 - 22, 1983

Measuring public opinion has become a major ingredient of the U.S. political process, a key to successful legislative campaigns, an essential to modern marketing. A number of labor organizations have used opinion polling successfully.

This seminar will give interested officers and representatives -- organizers, researchers, publicists, lobbyists and political directors -- a chance to share their experiences on the uses, the costs and the limitations of polling.

Polling specialists will report on the state of this art/science and explain their methods of sample selection, interviewing, phrasing questions and interpreting results.

Union representatives will report their experiences using polling methods in organizing, measuring members' attitudes toward their union and toward political candidates and on legislative issues.

There is no tuition charge. Participation is limited to AFL-CIO affiliates.

An application form is attached.

Enclosure

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EXHIBIT

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10000 New Hampshire Avenue
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The George Meany Center reflects a growing recognition within labor that, in the modern world, the necessary tools of the union leader's trade have become far more numerous and complex. No longer is it possible to get by on force of personality alone.

Today you have to be ready to speak or write persuasively for your members on a host of matters. You need to be a little bit of an economist, a bit of a lawyer, a bit of a salesman and publicist, a bit of an accountant and actuary, a bit of a sociologist and psychologist, a bit of an engineer and a bit of a philosopher—in short a bit of a lot of other people's specialties.

You need to know enough or sense enough to lose your awe of the experts, and to challenge them when necessary. That's what you can learn at the George Meany Center. This catalogue attests to the opportunities the Center offers. I urge every union to make the most of this important arm of the labor movement.

Lane Kirkland

Notice of Nondiscriminatory Policy as to Students

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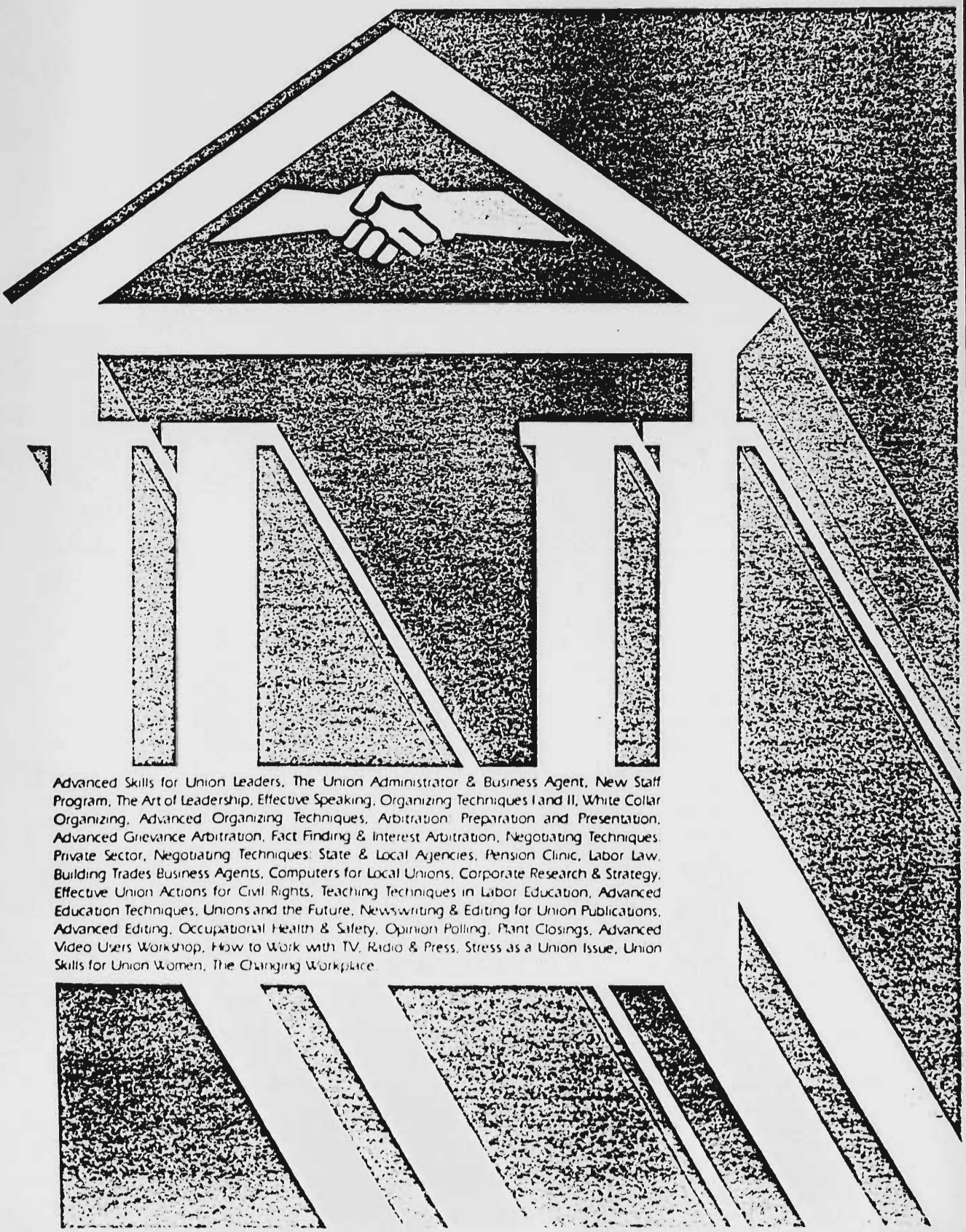
GEORGE MEANY CENTER FOR LABOR STUDIES

1983-1984 CATALOGUE



Advanced Skills for Union Leaders, The Union Administrator & Business Agent, New Staff Program, The Art of Leadership, Effective Speaking, Organizing Techniques I and II, White Collar Organizing, Advanced Organizing Techniques, Arbitration: Preparation and Presentation, Advanced Grievance Arbitration, Fact Finding & Interest Arbitration, Negotiating Techniques: Private Sector, Negotiating Techniques: State & Local Agencies, Pension Clinic, Labor Law, Building Trades Business Agents, Computers for Local Unions, Corporate Research & Strategy, Effective Union Actions for Civil Rights, Teaching Techniques in Labor Education, Advanced Education Techniques, Unions and the Future, Newswriting & Editing for Union Publications, Advanced Editing, Occupational Health & Safety, Opinion Polling, Plant Closings, Advanced Video Users Workshop, How to Work with TV, Radio & Press, Stress as a Union Issue, Union Skills for Union Women, The Changing Workplace.

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Facts on PACs

Our Union Political Committee— Questions and Answers

EXHIBIT

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Q: What is a PAC?

A: A PAC is a political action committee formed to help achieve the goals of an organization and its members through the political process.

Q: How many PACs are there?

A: The number grows each year. There are now more than 3,000. Of these some 300 are union PACs. Most of the rest are PACs run by individual corporations, trade associations and right wing groups. Union PACs have just about reached their limit in number. For the others, the sky's the limit.

Q: Why does our union have a PAC?

A: There are a lot of reasons. The fundamental one, however, is that more and more the decisions made by politicians affect the economic well-being of our members. So, what unites our members economically also joins us politically. That doesn't mean we all should be Republicans or we all should be Democrats. It *does* mean that we all should understand the need for certain protections, certain laws, and certain directions in political life that work to *our* benefit, our family's and our union's. And we should aid candidates of either party who recognize these needs and are willing to help with them.

Q: What are the specific purposes of our union PAC?

A: Number One—we want to involve all our members and voting-age members of their families in the democratic process, at least to the extent of registering and voting. And we want to arm our members with information on important issues and candidates' records. We do this because we honestly believe our democracy will be strengthened by increased participation of its citizens. Number Two—Obviously we want to help elect as many candidates as possible at all levels of government who will enact laws good for our members and our families, and defeat proposals harmful to our members and our families.

Q: How are our PAC and its activities financed?

A: Our efforts to register our members, educate them on issues and records of candidates and get them out to vote on election day are financed from treasury (dues) money. The federal election law allows this as long as the activity is *aimed at our members.*

Q: Does any of that money go to candidates for federal office?

A: No. Federal election law prohibits contribution of union treasury funds to candidates for U.S. House, U.S. Senate or President.

Q: Yet, our union PAC *does* contribute money directly to candidates for federal office. Where do those funds come from?

A: From you and other members . . . but only

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when you contribute *voluntarily* to our PAC. We rely on *your* voluntary contributions to enable us to help friendly candidates.

Q: But why shouldn't I, instead, contribute directly to candidate(s) of my choice?

A: By all means do, if you wish to. But give to our PAC, also. It's much more effective than your personal contribution to a candidate. It's the old story of strength in numbers. Candidates won't sit up and take notice of a $10 or $20 contribution (though they'll welcome it). But they *will* note a contribution of several thousand dollars (in some cases as much as $5,000 in a primary and $5,000 in a general election, which is the limit a PAC is allowed by federal law to contribute to any one candidate). When we can pool contributions by our members and give substantial sums to a candidate *as a union*, then when key issues come up in Congress that really bear on our particular needs and our family's, that House or Senate member will listen carefully and considerately to our concerns on the issue.

Q: Isn't that buying support?

A: No. We don't "buy" support. We don't want to. We don't deal with politicians whose support is up for sale. But, frankly, we do gain access with our contributions, and a full and fair hearing . . . and that's all we ask. On most issues, we are confident the rightness of our position—not the fact of a campaign contribution—will be persuasive.

Q: Why should I support our PAC? Aren't PACs getting too strong politically?

A: Good question. In a perfect world, we'd have a perfect campaign finance law, and there would probably be *no* PACs. Indeed, our union and others would like to change the election laws so that campaigns for U.S. House and Senate are financed by public funds, as presidential campaigns are. Then we wouldn't *have* to raise funds and we could concentrate exclusively on registration, education and getting out the vote. But we haven't reached that perfect system yet. Meanwhile, the PACs of the corporations, trade associations and the anti-union right wing amass tremendous sums of money to help *their* candidates, who oppose our positions on key issues of jobs and job safety, on better unemployment compensation and educational opportunities for our children, on changing trade arrangements that flood the land with imports from low-wage nations and wipe out hundreds of thousands of American jobs, on health, housing, nutrition, consumer protections and, yes, even on Social Security, which most of them would cut back.

Q: When you say "tremendous sums of money," how much are you talking about?

A: We're talking about a range of nearly $100 million in federal campaigns and millions more in state campaigns . . . and going up every year—that's about what the PACs of the corporations, trade groups and right wing pour into campaigns. This contrasts with about $18 million contributed by *all* labor PACs together. We're on the short end of a 5-1

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margin in federal elections and more than 10-1 counting state elections.

Q: How can workers and our unions ever match the PACs of corporations, the big trade groups and the right wing dollar for dollar?

A: We *can't* . . . and we don't *have* to. All we want to do is narrow the margin so that we can help keep our candidates *competitive* with theirs, so that none of our endorsed candidates loses *only* because of lack of sufficient funding.

Q: Speaking of endorsed candidates, what voice do I have in the endorsement?

A. You have plenty of voice. Your local union tries to find out how you and your other members feel about the candidates. Then, it is represented at the State AFL-CIO endorsing convention where it has the opportunity to speak for and vote for your choice. You might not *always succeed*. But the process is totally open and democratic.

The Bottom Line

Q: Okay, say I want to contribute to our PAC. How can I best do it?

A: We'll take your contribution in any form you're willing to give it, including pennies. But, the *best* way is for you to authorize *check-off* of your voluntary contribution to our union PAC.

Q: What do you mean "check-off?"

A: If you sign a card authorizing a certain contribution to our union PAC, by agreement that automatically will be "checked off" by management periodically and forwarded to our union PAC, in the same way dues are checked off and forwarded to the union.

Q: What's the advantage of check-off?

A: There are a lot of advantages to it. (1) It helps us plan. When members check off, it means our PAC can count in advance on a certain sum for contributions to endorsed candidates. (2) This, in turn, helps our candidates plan. Everything they do in a campaign costs money. With some assurance that certain funds will be available, the candidates can line up television time, produce and distribute printed materials, and plan other essential campaign activities. (3) It saves our PAC the need to come to you every year, year after year, hat in hand, seeking a contribution, and frees our PAC volunteers for other productive political activities—like registration, education and getting out the vote. (4) In the end, if you check off, and other members do, our PAC will increase its funding and narrow the gap with opposition PACs, making us better able to help elect more of our endorsed candidates and, because of this, we'll have stronger support for our issues in Congress . . . which will benefit all of us, all our families, and our union.

And *that's* the bottom line.

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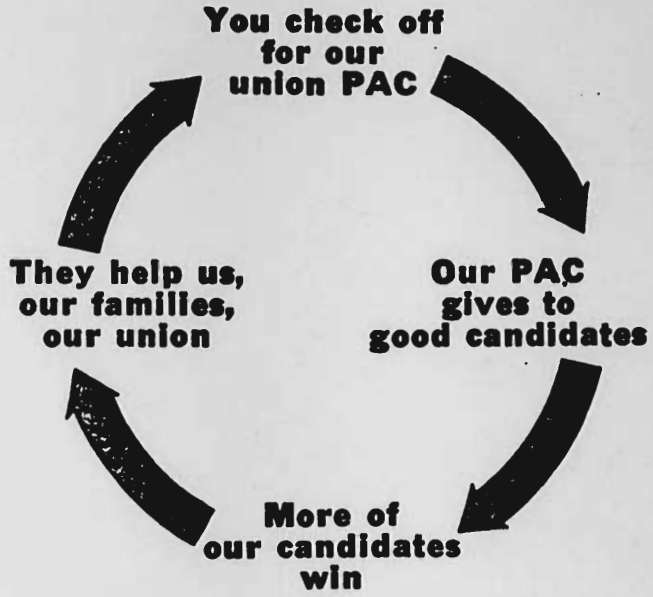
Full Circles and Bottom Lines



The Bottom Line

Check off for our union PAC

AFL-CIO COPE • Washington, D.C.
LANE KIRKLAND, Chairman
THOMAS R. DONAHUE, Sec.-Treas.
COPE Publication 307C

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IBEW Journal
September 1982
p. 7

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Display and Information Booths

For the convenience of the delegates arrangements have been made for an IBEW-COPE booth where delegates and guests can pick up very informative pamphlets on IBEW-COPE activities and AFL-CIO COPE materials which will be located in the lobby of the Convention Center. IBEW emblem jewelry will be on display and for sale at an IBEW Jewelry booth located in the lobby of the Convention Center. An IBEW-NECA National Joint Apprenticeship and Training display booth will be located in the lobby of the Convention Center. An American Red Cross booth will be located in the lobby of the Convention Center where delegates and guests can have their blood pressure taken free of charge. Union-made Memorial Bibles will be on sale at a booth located in the lobby of the Convention Center.

EXHIBIT

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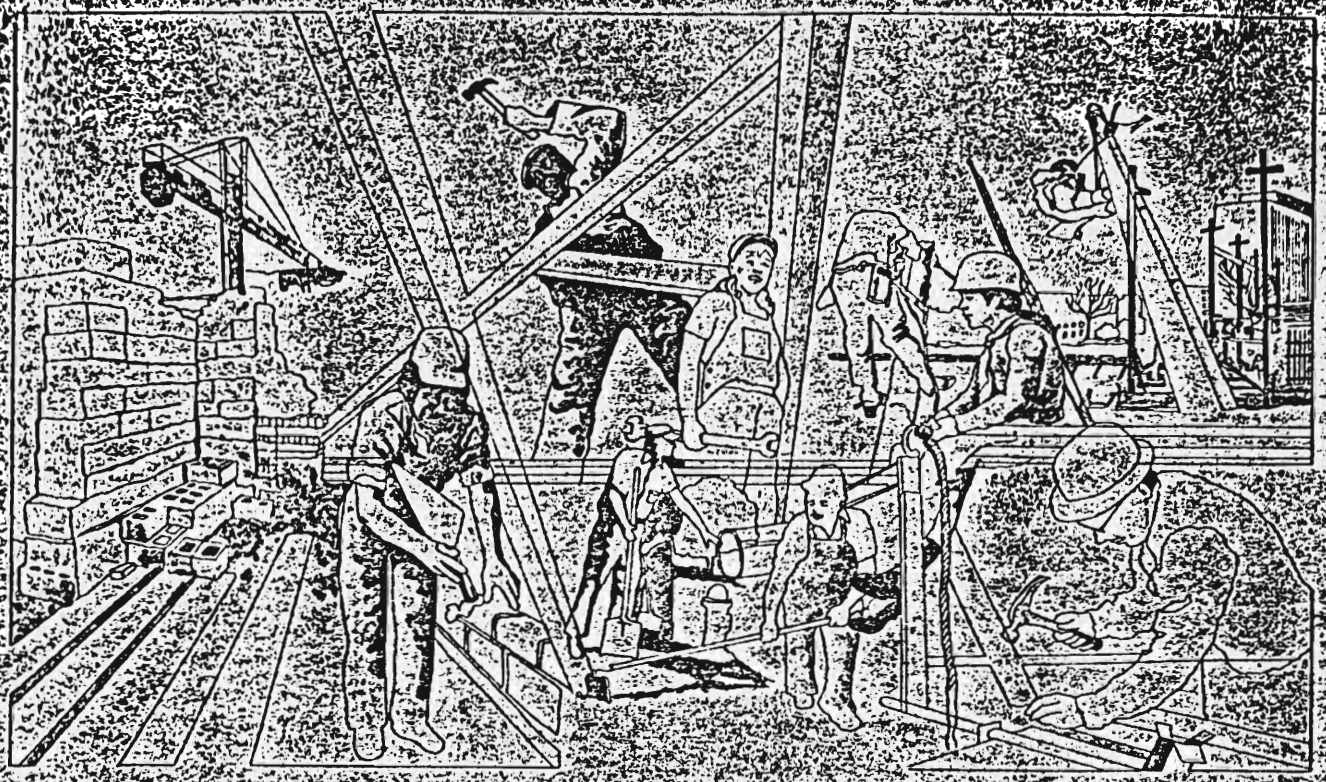

Building & Construction Trades Department AFL-CIO

GRASS ROOTS LOBBYING

A Manual for Local Building & Construction Trades Councils

BUILDING CONSTRUCTION TRADES DEPT. ORGD. FEB. 10, 1908 — AMERICAN FEDERATION OF LABOR — CONGRESS OF INDUSTRIAL ORGANIZATIONS — AFL CIO

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EXHIBIT
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A. Why Grass Roots Lobbying?

Lobbying in the traditional sense—that is, communication with Congress by a full-time professional representing an organization which serves as an intermediary between the people and the government—has suffered a decline in legitimacy in recent years. In its place has grown the idea that the government should be directly in touch with "the people."

The voice of "the people," of course, remains elusive. Pollsters attempt to measure it; journalists attempt to manipulate it; new lobbying organizations attempt to speak in its name; and direct-mail companies attempt to mobilize it for their own ends. Whether all this has resulted in any increased contact between people and their government is doubtful. What is certain is that lobbying tactics which create the appearance of grass roots pressures have found a responsive audience in Congress.

Currently, almost half of our elected House representatives have served in Congress for less than two terms (and in the Senate almost half are in their first term). Many of them come from marginal districts, often made up of newer, suburban areas that lack a strong labor movement. At the same time, internal House reforms have weakened the ties of party cohesiveness, resulting in increased independence and unpredictability on the part of newer members. Under these circumstances, members of Congress are especially attuned to constituency pressures that may affect their reelection.

Unfortunately, most of the constituency pressure arises from a relatively narrow base—the more affluent, highly educated middle-class voters who have the resources, skills and leisure time to get involved in public issues. It has long been the task of organizations like the BCTD AFL-CIO to speak in behalf of those less likely to be activists. It is now time, however, to supplement our traditional "inside" lobbying effort with pressure from the outside—directly from union members and other working people whose voices most need to be heard in Washington. For this reason, the BCTD AFL-CIO has launched a major grass roots lobbying campaign to strengthen its impact in Washington.

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B. Does It Work?

Grass roots lobbying is like the continuation of a political campaign. During the campaign, the labor movement communicates with union members to encourage them to register and to vote for COPE-endorsed candidates. After the election, members must be encouraged to do something more difficult than voting; that is, to communicate with their elected officials.

The impact of this communication is often surprisingly large. For those legislators who are undecided how to vote on an issue, as few as thirty letters from individuals in their district can affect the outcome. These "undecided" legislators will be the primary targets of our grass roots campaign.

For elected officials who are hostile to labor's program a grass roots campaign may not get their vote (although on non-ideological issues you may be surprised), but it may cause them to become less active in opposition. There are many steps in the legislative process, affording lgislators the opportunity to vote with us some of the time, even though they won't be with us on final passage. Pressure from the district may also cause the opposition vote to be absent during the roll call.

For elected officials who are sympathetic to Building Trades goals, a grass roots lobbying effort can increase their commitment to more actively support our legislation. Some legislators with good voting records are absent when the crunch comes. Don't ever take their votes for granted. Information is always helpful to a legislator. He can't keep up with everything unless his staff and constituents keep him informed.

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C. Congressional District Organization

Each Building & Construction Trades Council should appoint an individual in each congressional district to serve as the coordinator of the grass roots lobbying campaign. In areas of urban concentration, there may be one coordinator for several congressional districts. In some rural areas where members are widely spaced, there may be more than one coordinator within a single congressional district. Although specific techniques will vary in different geographic areas, the objectives of each congressional district coordinator must be consistent with national Building & Construction Trades programs. The responsibilities of the congressional district coordinator are as follows:

1. *Steering Committee.* The coordinator will set up a steering committee of labor activists who will assist the coordinator in carrying out the lobbying functions. There is no size limit for the committee. It should be large enough to insure performance of the functions listed below, but small enough to be workable. You may wish to appoint one steering committee member for each of the tasks listed below.

2. *Issues and Resource Information.* The steering committee will serve as a communication link between the congressional district activists and the rest of the labor structure in order to relay information about labor issues, the progress of bills, and the position of legislators.

3. *Volunteer Coordination.* The steering committee will recruit a corps of activists, who will carry out the activities required to stimulate union member communication with the Congress. (See section on Union Membership Communication)

4. *Coalitions.* The steering committee will provide other groups with speakers and information in order to enlist their support in a coalition for labors legislative program. (See section on Coalition Building)

5. *Media and Publicity.* The steering committee will develop contacts with the local press, radio and television people in order to keep them informed of labor issues and local activities, issue local news releases, and increase labor issue visability in the community. (See section on Media Publicity)

6. *Reporting Results.* The steering committee will keep track of the activities carried out and attempt to measure their results in terms of the funds spent. This and other information relating to the issues position of the legislator should be reported directly to the Building & Construction Trades Dept. in Washington.

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D. Methods of Grass Roots Lobbying

There are three main targets of grass roots lobbying campaigns. The first is *Building Trades members*—to persuade them to communicate directly with their representative by means of mail, telephone and person-to-person visits. The second is *outside organizations*—to persuade them to join a coalition to lobby Congress using their resources and membership. The third is *media*—to publicize support for labor issues in order to influence the legislator to vote our way.

I. Building Trades Member Communication

Union members may communicate with elected officials through letters, post cards, telegrams, telephone calls, in-person visits, and attending meetings addressed by the elected representative.

a. Letters. Individually written letters are very persuasive lobbying tools. Since it is often difficult to compose a letter, the Building Trades Department will periodically provide congressional district coordinators with sample letters to distribute to members.

The best place to get letters written is at a meeting or organizational rally. Simply asking people to write won't work. You need to pass out pens, pencils, paper (different shapes and colors), stamps, and sample letters, then ask the people to complete their letters while you are waiting. Most importantly, collect the letters so that they can be mailed directly.

If you wish to design your own letters, please use the following guidelines:

1. *Keep the letter short*, rarely more than one page. Type if you can; otherwise, write clearly.
2. Write it in your own words, and include your own thoughts.
3. Cover only *one issue*; save other issues for later letters.
4. Show your familiarity with the subject and with the current status of the legislation (mention the bill number if possible). This will indicate that you are serious about the issue, unlike the casual, uninformed correspondents who produce the bulk of constituent mail.
5. Be specific as to what you want your representative to do.
6. Give reasons for your position. Cite your own experience and observation if possible. If the bill has a local impact, indicate that fact so that your representative realizes that the bill has a direct effect on his district.
7. Ask your representative a direct question about his own position on the bill. You want to receive a clear answer, not a form letter.
8. Don't mention your membership in your local union or in organized labor (unless it's directly related to an experience you're describing). The individual citizen's letter is what counts, not the letter which was obviously inspired by the labor movement.
9. If you can, mention your legislator's vote on a recent issue to show your awareness of his record.
10. In general, be helpful rather than threatening. You can best show your genuine concern for the issue not by threatening to campaign against him, but by offering to provide further information on the subject.
11. When Congress is in session, address all letters to your representative in Washington. At other times, write them in care of his home address, or local district office if available.
12. Finally, remember: ANY LETTER IS BETTER THAN NO LETTER! Post cards are second best; but better than no word at all.

b. **Post Cards.** Although post cards are not as effective as individually written letters, they can serve as a counterbalance to post cards organized by the opposition, so that the legislator cannot legitimately claim to be hearing only one point of view from his district. The Building Trades Department will periodically print large numbers of cards and send them out for distribution and collection.

The most important rule to remember in distributing post cards is to take nothing for granted. Don't simply pass out the cards and hope that they get mailed. Ask people to fill out the cards, put stamps on them, and turn them in to you so that you can mail the cards. This is the only sure way to guarantee their delivery to the post office.

c. **Telegrams.** When speed and high visibility are essential, you may want to send your lobbying message by telegram. Western Union offers a "public opinion telegram" at the rate of two dollars for fifteen words, not counting names and addresses, or an overnight mailgram at two dollars for 100 words or less. The same rules that apply to letter writing apply to the composition of telegrams, except, of course, they must be more concise and to the point. And don't forget to include your own name and address in the message so that the legislator knows you are one of his constituents.

d. **Telephone calls.** Phoning your representative is also a legitimate and common method of lobbying. Before making your call, however, be sure to have a clear idea of the points you want to get across, your arguments to support these points, and what specified action you would like taken on the matter. If you are unable to reach your representative, you should still register your views with one of his legislative aides. To call your representative in Washington, dial the U.S. Capitol (202-224-3121) and ask for his office.

In order to get a large number of telephone calls through in a very short time, some labor activists have organized phone banks, where volunteers are asked to come in and make calls to both their legislators' offices and to other union members to persuade them to do the same thing.

Some congressional district coordinators may wish to organize a "telephone tree." You need to recruit five to ten reliable people who will serve as "activators," and 50-75 other persons who will serve as "callers." Each time a crucial vote approaches, the "activators" will be asked to contact from five to ten "callers" on their list to ask them to telephone the congressional office. The callers should represent different unions, different age groups and different constituencies.

e. **Visits.** Nothing is more effective in communicating your position on a given issue than face-to-face contact with your representative. Since all representatives are busy, however, make sure that they come away from a meeting feeling that the time was well spent. You can insure this by being well prepared, and by keeping your comments brief and to the point.

It is often helpful to go with a delegation of like-minded constituents to indicate broadbased support for your position. Although such a group is preferable, don't put off going by yourself if action is necessary immediately or if you have trouble rounding up others to accompany you.

Many citizens hesitate to lobby their representative, feeling ill-equipped to persuade him to support their viewpoint. It it important, however, to realize that representatives have an incredible number of bills to follow. As a result, a large part of lobbying is simply educating legislators. If you can get your representative to focus on the particular bill that you are concerned about and present him with a few basic arguments for the position you advocate, you may well win his support. Be prepared to ask him specifically how he stands on the main issues of the legislation.

f. **Attending meetings.** Develop a friendly relationship with the staff of your senators and representatives home offices and maintain contact with them in order to learn when the legislators will be in the district and what their schedule of public appearances will be. Try to get union members to attend these public meetings in order to raise questions about our issues. If the meeting is not open to the public, try to get one of your press contacts to raise the appropriate questions. Public responses by the legislator toward our bills, positive or otherwise, should be communicated immediately to Washington.

Note on recruiting volunteers. Many of the activities described above will require the involvement of many volunteers. The congressional district coordinator should develop a recruitment and training program to make sure that enough volunteers are available to make a big push when the

crunch comes. Each local union should be contacted and asked to submit names of people who would like to help. Many large locals already have legislative chairmen, and those that do not should be asked to appoint them. A card file should be kept of all active volunteers, including a record of their participation and interests. Special meetings should be held to keep the volunteers informed about progress, and, when possible, they should be included in strategy discussions and planning sessions. Recognition should be given to the individuals and local unions who produce the most results.

II. Building Coalitions

In addition to activating our own members, we need to broaden our impact by building coalitions with other groups. Don't forget to include local chapters of our own labor support groups—Frontlash, the A. Philip Randolph Institute, the Labor Council for Latin American Advancement and Concerned Seniors for Better Government.

STEP 1) Compile a list of local organizations likely to join with labor on a given issue. Seek to balance the list with representatives from varied organizations: religious, civil rights, minority, women's, public interest and community service.

STEP 2) Develop a list of well known individuals who generally support Building Trades issues, i.e., radio-TV personalities, state legislators, lawyers, "good" business leaders, civic leaders, religious leaders, etc.

STEP 3) Contact the individuals and the heads of the organizations and ask them to join with you in endorsing a statement of principle as the first step. Be prepared to mail a copy of the statement with a cover letter inviting their participation. Follow up with a phone call.

STEP 4) Develop a steering committee of 6 to 10 people who you know will work. Call them together and present to them a list of possible activities for their organizations and the other members of the coalition. Solicit the advice of the steering committee.

STEP 5) You should set up a local speakers bureau to make presentations to interested groups. Solicit opportunities to speak. The Building Trades Department is setting up a national speakers bureau which you can sometimes call on for assistance.

STEP 6) When asking a group for its support, be specific in the kind of action you are requesting. For example, you should provide them with a sample resolution to consider. The BCTD will periodically send out such sample resolutions to the congressional district coordinators. Once a resolution is passed, make sure that it gets sent to the appropriate elected officials and the local media. Send a copy to the BCTD as well.

STEP 7) Keep in touch with your coalition participants, share materials and information with them, and call and meet with them occasionally. Request them to do specific things; for example: a) ask each organization to get 50 letters to their representative and senators; b) generate 25 telephone calls to their representatives; and c) participate in the speakers bureau, represent the coalition on radio programs, write a letter to the editor, etc.

STEP 8) Issue press releases periodically about the activities and good work of the coalition.

STEP 9) Notify the BCTD of your coalition so that we can advertise it. (Remember you don't have to love your coalition members and all that they stand for in order to achieve the common goals.)

III. Media Publicity

Although the media have often been hostile to the interests of labor, they cannot be ignored for grass roots lobbying purposes. The media can serve two functions. First, they constitute an indirect means of communication with legislators and their staffs, who often pay close attention to the local media as a gauge of public response to issues in their district. Second, the media can serve as a means of educating the public about the legislator's views on particular issues and increasing public sympathy toward the aims of organized labor.

In the meantime, don't forget the publicity value of the labor press. All union journals, central council newsletters or labor newspapers should have special articles on the legislative campaign. The BCTD will send you a weekly newsletter with the latest developments.

A. What Should be Publicized?

In all publicity efforts, two themes should be stressed. The first is that most labor legislation is primarily aimed at helping the general public, especially unorganized workers, and not the existing union structure. The unifying element is usually human rights. In all cases, we are attempting to expand the potential for democratic participation by individuals in large institutions through the electoral and the collective bargaining systems. Most union members already enjoy the fruits of this participation; our target is the non-union workers.

Second, the publicity should feature the problems of individual "rank and filers" and their families, not union leaders. Human interest stories are best. There are large numbers of persons in any congressional district who have first-hand experience with the law's deficiencies —whatever the issue. The trick is first to locate these people, and then to tell their story to the public.

After the appropriate individuals are found and screened for media "presentability," you should begin a campaign to put their story across in the public media.

B. How to Get Publicity

Effective media operations are essential. But it is never a substitute for ORGANIZATION. If you have little or nothing to show, it becomes obvious even more quickly through publicity.

1. *The Beginning — Building a Relationship with the Media*

There are times when the media needs you almost daily — primarily to fill space. You must take advantage of this. Build a *relationship* with local journalists. Treat it like any other political relationship — DEVELOP AND KEEP IN TOUCH.

Compile a card file listing all newspaper, radio stations, television stations, along with their news editors, phone numbers, and addresses. On each card, keep a record of all contacts and discussions, so that you can remember what transpires during successive conversations.

Send a press kit explaining the issue involved (include brochure, newspaper clippings, reports on local activities, etc.). Follow with a phone call and/or appointment to discuss the local project activities and goals.

Issue the first press release personally. Afterwards, call as often as you have something to say. Furnish the media with concrete facts and percentages, such as polls, studies of the law's impact on local population groups, etc. The press generally loves statistics.

Once local journalists learn you are a source of reliable information, then your job is infinitely easier. NEVER LIE, and be cautious of exaggerating. Lies and inflated figures eventually reveal themselves and your credibility is irretrievably lost.

2. *Media Techniques*

There are several basic methods of reaching local media, and through them, your audience: the press release, the press conference, local television news, the television interview, the radio talk show, the editorial reply, and the letter-to-the-editor.

a. The *Press Release* will be your most common contact with the media. Press releases usually should be issued at least twice a month, though this is by no means a rigid rule. The idea is to keep *the issue before the public eye.* Don't expect to get each release printed, but by issuing releases on a regular basis, local newspeople will know you're alive. This legitimacy pays off in the long run.

The release MUST BE TYPED AND DOUBLE-SPACED. Some newspapers will ask you to conform to a certain space per line format (60 or 65, usually). ONLY RARELY SHOULD A PRESS RELEASE EXCEED ONE PAGE; except when you present statistical information or a very lucid analysis.

- The lead paragraph should contain the MOST NEWSWORTHY ITEM OF THE RELEASE. It should be concise, direct, and no more than three lines.
- The second paragraph should contain specifics—the classic "who, what, where, when, why" of journalism.
- If the release is simply an announcement, the five W's should be in the lead paragraph. In any case, the most important information should be in the first three paragraphs (inverted pyramid style).
- ALWAYS INCLUDE A NAME AND PHONE NUMBER AT THE TOP OF THE PRESS RELEASE. Be consistent with the name. Don't switch "press secretaries" at a whim.

b. *Press Conferences* are useful when you have something new and important to communicate. Be prepared; know what you are talking about. A press conference should be given only two or three times a year, unless you become involved in something continuously newsworthy.

The best locations for press conferences are the public place where most political and governmental press conferences are held. Local reporters will know where to go, and using this location adds a touch of professionalism. To notify stations, follow these guidelines:

- Send an introductory press release a few days beforehand, giving the station some notice before the event.
- Call sometime in the morning (afternoons are usually busy), when you think your release has arrived. Provide additional details and answer any questions. Do they plan to cover the event? *Don't be discouraged if they're noncommittal,* assignments are not set until the day of the event.
- Be sure you talk to the *Assignment Editor.* Don't be put off by a secretary.
- Print journalists are usually more flexible than TV types. Follow the same basic format, just don't repeat calls so much. They'll have more definite plans than TV, anyway.

On the day of the event, call your media contacts between 8 and 8:30 a.m.

Sample Schedule:

Feb. 10—Send press release.
Feb. 12—Follow-up call: station received press release? possibility of coverage? cooperative?
Feb. 14—Event Day: call at 8:15 a.m. to remind station; check whether they will show up.

- *Press conferences should be staged in the morning for maximum TV coverage.* Schedule on Monday or Friday—light news days. Optimum time is 10:30 a.m. —earlier if you're aiming primarily for afternoon newspaper coverage.
- *APPEARANCE TIPS:* Wear blue. Talk directly to the reporter. Occasionally glance straight into the camera's lens: REMEMBER! YOU ARE TALKING TO PEOPLE IN THEIR LIVING ROOMS, not to the people in the general vicinity.
- DON'T FIDGET ON CAMERA—People will be distracted by your movements. In an "action" news conference, *don't look uneasily into the camera.*
- PREPARE A PRESS KIT. Include a copy of your statement and relevant information. The printed material should be CONCISE AND BRIEF, no more than three double-spaced pages.
- The presentation area should contain the *namecards* for all speakers. Charts, graphs and other visual aids are helpful and give the TV cameras something to vary their shots with.
- For the presentation itself, introduce yourself and fellow speakers (if any). Give a brief background statement followed with a talk or presentation on your topic. *Take no longer than fifteen minutes for the entire procedure.*
- Ask for questions at the end of your statement, permitting 15-20 minutes. THEN END THE CONFERENCE CLEARLY, with short thanks. Do not permit the conference to drag on or trail off. *Take control—begin it and end it.*

c. Television is the single most effective communication weapon with which to reach the public. There are two basic avenues: 1) the local news, and 2) the interview show.

- *Local news.* It is not that difficult to get good coverage in most areas. Use the techniques for calling a press conference. A more common and effective method of attracting television crews is an "action event," such as a labor day rally, a mock legislative hearing featuring testimony from rank and file individuals whose stories illustrate the need for a change, a meeting with your Congressman, etc.
- Most local television stations feature either weekly or daily interview programs. These shows usually feature local VIPs and groups discussing local issues. Use interview shows to the fullest extent possible. Many of them may already have scheduled topics for discussion that include Building Trades issues. Simply write the news director regarding your wish to appear. Enclose relevant information and follow with a phone call or visit. *Keep a log of all dealings with television stations, so that other people can use your file with some idea of past station relations.*

d. *Radio* is perhaps best-suited to labor's needs because it is easily accessible, easy to use effctively, and has a selective and easily-reached audience.

The *radio talk show* and the *public service announcement* are basic tools. The *talk show* reaches more working people and is therefore more valuable. Follow the same technique you use for television talk show appearances.

Some stations prefer to make the spot *public service announcements* (PSAs) of 20, 30, 60 seconds with their own disc jockeys, while others like to use the voice of an organization spokesman. Usually they're flexible.

Send the station a letter with all the details of your event, with an outline of the announcement you have in mind. This will per-

mit them to create their own version if they don't like yours. And give them a termination date for the broadcast. *Event PSA's should run about one month, while message PSA's can run as long as three months.* Most stations, however, simply take them off the air without consulting you.

Always keep a card file detailing your contacts with radio, plus a log of transactions. Know the news director and the PSA director.

· CHOOSE THE STATIONS THAT REACH YOUR TARGET GROUP. Use rock, soul, or jazz stations for direct messages to young people. *Commercials are a good clue to the station's audience.*

Do not neglect student and college radio stations—they reach students and are invaluable sources of technical help and para-professional announcers. Some student stations will help you make pre-recorded spots in their studios, which you could take to commercial stations.

e. When a station broadcasts a *disagreeable editorial* (either locally or network), you have the right to reply, under the equal time ruling, if you represent a "responsible" group. If you're not permitted to respond, call the FCC, legislators, etc.; take them to court—raise a fuss.

If another group wishes to reply, the *station may try to divide you. Call the competing group, press your point of view, attempt to be jointly represented.* If you're cut out of the action, threaten court actions against the station. The *rebuttal right* is heavy with First Amendment implications, and many broadcasters are intimidated by it.

In a rebuttal, you read a statement into the camera on prime time evening news. Be concise, simple and professional in the 60 to 90 seconds available. *Ask the station for a text of the offensive material or a viewing of the tape; work from these materials.*

Type the statement in CAPITAL LETTERS, so it is easy to read. Write in a conversational style—avoid choppy sentences.

Be pleasant and reasonable. *Your strength is found in your defense of individual working people against corporate power.* The most poised and articulate person in the coalition should make the presentation. In the viewers' eyes, you'll be surrounded by professionals, and the comparison is rough.

f. *Letters to the Editor* have tremendous value. They put our position in print in one of the most well-read sections of the newspaper.

Organize a group of *volunteers to write a series of letters*, spaced appropriately over a few months, to *keep a particular issue before the public eye.*

3. *How to Fight a Smear*

As any campaign sponsored by labor heats up, the greater the chance that certain people who oppose our efforts will attempt to smear you and labor's program. How to respond, or even whether to, is a question of political strategy, and your media relations must fit whatever course of action is decided upon.

Except when the smear is to be totally ignored, it is imperative that your counter-attack in the media be undertaken *immediately.* Otherwise, if you wait for several days, neither their attack nor your response is "news," and chances for wide coverage are diminished.

To get coverage, use standard procedures already outlined, but with this additional facet: call the media with an attitude of controlled anger or "righteous indignation," as long as you feel you are right. Explain that you have been smeared, and that you wish—nay, demand the right—to remove the aspersions cast upon you, etc.

The biggest propaganda techniques used in a smear are the classic "Big Lie" (Reagan: "Secret Papers Show $72 million AFL-CIO Political Fund") and the equally ancient "divide and conquer" tactic. Both these can be undercut by taking refuge in the truth and in facts. By being "reasonable" and "logical" you make a deliberate contrast with the stridency of the original smear.

The smear tactic will probably always be with us, but you can minimize its impact by having good media contacts and experience, which allow you to reply quickly and professionally. And always, in your reply, bring up in public what you believe the motivations of offenders are. This directs attention away from their original smear to their own interest in having you become less effective.

4. *Conclusion*

These are not meant to be hard and fast rules, but only general guides which may be altered to suit local situations. There are many different approaches that can and should be undertaken, and the sky is the limit when it comes to your own media creativity.

What is important is to see media as a tool for our own utilization, not as an inaccessable adversary. With every new experience in media, we become more professional, and the last big gap between us and the moneymen narrows a little more.

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E. Reporting Results

The congressional district coordinator should be concerned with two kinds of reports. The first concerns the *legislator's reactions to your grass roots lobbying efforts*, including any replies or public statements made which would indicate his or her position on an upcoming vote. When a vote deadline is approaching, please report any information of this kind immediately to the BCTD in Washington.

The second type of report is concerned with measuring the results of your activities. Grass roots lobbying is so new that we don't always know what methods work the best. Therefore, it is important to keep records of the results of each activity and to account for the costs of each activity.

Attached to this manual are samples of four kinds of reports that should be turned in periodically to the BCTD.

One is a record of meetings with your elected officials; one is for member communications; one is for the coalition effort; and one is for the media campaign.

In order to submit these reports, you will have to gather reports from the other members of the steering committee and from volunteers engaged directly in the lobbying activities. These reports serve the additional function of giving volunteers a greater stake in completing their assignments. If no one ever asks a person about the results of his or her work, the suspicion may arise that no one thinks the assignment is important. Your cooperation in completing these reports will be appreciated.

We need to hear from you about what works in your area. Without your feedback and suggestions, this effort will not succeed.

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I. RECORD OF MEETINGS WITH ELECTED OFFICIALS

State: _____ Congressional District _____

Coordinator's Name _____ Date _____

Period Covered _____

Date of Visit Or Meeting	Location of Meeting	Number and Type of Persons Attending	Topics Discussed	Response of Elected Official

II. DIRECT COMMUNICATION WITH CONGRESS

Method Used	Topic	Date(s) started and completed	Approx. costs and method used to finance activity	No. of pieces sent or calls completed	Response of elected official (if any)
Letters					
Post Cards					
Telegrams					
Telephone Calls					
Other					

III. COALITION BUILDING

State: _____ Congressional District _____

Coordinator's Name _____ Date _____

Period Covered _____

Record of contacts with non-labor groups and individuals.

Group or Ind. Contacted (name, mailing address, phone #)	What was requested 1. use of name 2. group endorsement 3. pass resolution 4. sponsor event 5. write or phone congressman 6. show film 7. hear speaker 8. other-describe	What was response

IV. MEDIA

Type of Activity	Dates	Describe Topic and Format	Individuals Involved in Activity	Results (attach examples when possible)
Press releases				
Press conferences				
Media "events"				
TV-Radio news				
TV-Radio talk show				
TV-Radio public service announcements				
TV-Radio editorial replies				
Letters to the editor				

Examples of hostile media generated by other side

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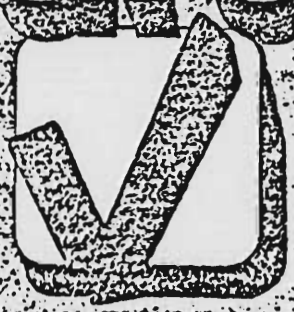
STEP BY STEP TO CHECK-OFF



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The Need for Check-Off

In recent years, huge sums of money poured into the campaigns of ultra-conservative candidates by the political action committees (PACs) of corporations, trade associations, and right wing organizations have had enormous impact on election results.

Their PACs outnumber labor PACs 10-1. Their funding now runs nearly 5-1 ahead of our funding. In 1980, opposition PACs pumped $65 million-plus into aid for their candidates in federal elections. Labor PACs contributed $14.1 million. In state elections, too, opposition PACs outspent labor by comparable margins.

As recently as 1976, labor PACs held their own against opposition PAC spending. In that year, labor contributed $7.4 million compared to $10 million given to candidates by opposition PACs. By 1978, their funding had moved far ahead of our own: $24 million to $10.3 million, and as the figures above demonstrate, that trend continues.

There is a way to reverse this trend, a method of fund-raising that will make it possible to keep pro-worker candidates competitive with the anti-worker candidates of opposition PACs.

This method is check-off of voluntary political contributions by members to their union PACs. Political check-off can achieve the objectives set for it—not to match opposition PACs dollar for dollar (we can't equal their resources), but to keep our candidates in the ballpark.

This manual is designed to help local unions implement voluntary political check-off. It should provide most of the information you need on check-off. However, we cannot provide the answers to every question in this limited format. Please—if you have additional questions about the materials which follow—contact your International Union or AFL-CIO COPE for help. Remember it's better to ask before you act.

Three Ways to Check-Off

There are three ways to start a political check-off program:

- You can negotiate for it.
- Under some circumstances, you can demand—and get—it.
- You can use a non-contractual method like vacation fund or credit union check-off or bank transfers.

Negotiating for Political Check-Off

Political check-off is a legitimate item for collective bargaining and can be negotiated like any other contract demand. Ideally, political check-off should be negotiated as part of your overall collective bargaining agreement with your employer. However, if you are presently a party to a collective bargaining agreement which does not include political check-off and you don't want to wait until the next round of contract talks to start a political check-off, you may want to try to negotiate a supplemental agreement with your employer. Your supplemental agreement, like any other agreement with an employer, should be in writing. Sample contract language is provided below (of course, you'll want to check with your International Union first to see what language it is recommending).

Sample Check-Off Article for Contract

The employer agrees to deduct and transmit to the treasurer of *(name of union PAC)* the amount specified for each hour worked from the wages of those employees who voluntarily authorize such contributions on the forms provided for that purpose by *(name of union PAC)*. These transmittals shall occur (specify: *weekly, monthly)* and shall be accompanied by a list of the names of those employees for whom such deductions have been made and the amount deducted for each such employee.

Check-Off on Demand

Unions are entitled to demand political check-off as a matter of right if their employer (or any of its subsidiaries, branches, divisions, or affiliates) uses check-off to facilitate the making of contributions by its shareholders and/or managerial employees to its PAC.

If your employer uses PAC check-off for its managerial employees and/or shareholders (or has a subsidiary, branch or division

which is using it), you must assert your right to use check-off for your members' contributions to the union's PAC in written request to your employer. The following letter was prepared for that purpose by AFL-CIO Counsel:

> **"[Union] represents members working for your corporation including its subsidiaries, branches, divisions, and affiliates. The Federal Election Campaign Act Amendments of 1976 provides that:**
>
> **'Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions and affiliates.'**
>
> **This letter is the written request which will oblige you to make available to us the methods of soliciting voluntary contributions, or facilitating the making of voluntary contributions used by the corporation (including its subsidiaries, branches, divisions and affiliates).**
>
> **We request that you state to us the methods of soliciting voluntary contributions or facilitating the making of voluntary contributions used by the corporation (including its subsidiaries, branches, divisions and affiliates). We will then determine which of these we will also use.**
>
> **This request is made on the understanding that our correlative rights are qualified by the obligation to reimburse the corporation for any expenses incurred thereby. We are, of course, prepared to meet that obligation.**
>
> **To minimize unnecessary paperwork, this request is intended to be of a continuing nature. If the corporation (or its subsidiaries, branches, divisions, and affiliates) determine in the future to utilize a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, we expect to be promptly advised of that action. We will then determine whether or not to take advantage of our correlative rights.**

Payroll Check-Off—Authorization Cards

Members' participation in a payroll political check-off must be based on individually-signed authorization cards. Federal law requires that certain information appear on such authorization cards. For this rea-

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son, you should use one of the sample check-off authorization cards which appear below.

Three different formats are provided because federal election law requires certain additional language when a union suggests a guideline amount for members' contributions.

Sample card Number One should be used only when no guideline amount is suggested.

Sample card Number Two should be used when a guideline amount is suggested. It allows a member to either contribute the guideline amount or some other amount which is more or less.

Sample card Number Three should be used only when a guideline amount is suggested and your employer insists that deductions for political check-off contributions must be in a uniform amount. It advises members that they are free to contribute more or less than the guideline amount suggested by some method other than check-off.

SAMPLE ONE: (no guideline suggested)

CHECK-OFF AUTHORIZATION CARD

TO: _____ DATE: _____

I hereby authorize and direct the company named above to deduct from my pay the sum of _____ cents per hour for all compensated hours as your employee and to remit that amount to *(name of union PAC.)*

This authorization is voluntarily made based on my specific understanding that:

- **The signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the union or of employment by my employer;**
- **That I may refuse to contribute without reprisal;**
- **And that *(name of union PAC)* which is connected with *(name of international union)* and AFL-CIO COPE use the money they receive for political purposes, including but not limited to making contributions to and expenditures for candidates for federal, state and local offices and addressing political issues of public importance.**

This authorization shall remain in full force and effect until revoked in writing by me.

Name _____ Signature _____

Social Security #_____

Authorized by *(name of international union)* and the AFL-CIO on behalf of a joint fund-raising effort for *(name of union PAC)* and the AFL-CIO Committee on Political Education.

SAMPLE TWO: (guideline amount or other amount checked off)

CHECK-OFF AUTHORIZATION CARD

TO: _____ DATE: _____

I hereby authorize and direct the company named above to deduct from my pay the sum of two cents ($.02) or *_____cents ($) per hour for all compensated hours as your employee and to remit that amount to *(Name of union PAC)*. (* Fill in amount other than suggested guideline above.)

This authorization is voluntarily made based on my specific understanding that:

- **The signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the union or of employment by my employer;**
- **The guideline amount indicated above is only a suggestion and that I may contribute more or less and will not be favored or disadvantaged by the union for doing so;**
- **That I may refuse to contribute without reprisal;**
- **And that *(name of union PAC)* which is connected with *(name of international union)* and AFL-CIO COPE use the money they receive for political purposes including but not limited to making contributions to and expenditures for candidates for federal, state and local offices and addressing political issues of public importance.**

This authorization shall remain in full force and effect until revoked in writing by me.

Name _____ Signature _____

Social Security # _____

Authorized by *(name of international union)* and the AFL-CIO on behalf of a joint fund-raising effort for *(name of union PAC)* and the AFL-CIO Committee on Political Education.

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SAMPLE THREE: (employer will only agree to deduct a uniform amount)

CHECK-OFF AUTHORIZATION CARD

TO: _____ **DATE:** _____

I hereby authorize and direct the company named above to deduct from my pay the sum of two cents ($.02) per hour for all compensated hours as your employee and to remit that amount to *(name of union PAC)*.

This authorization is voluntarily made based on my specifc understanding that:

- **The signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the union or of employment by my employer;**
- **The guideline amount indicated above is only a suggestion; and that I may contribute to *(name of union PAC)* through other available methods a greater or lesser amount than that provided through payroll check-off and will not be favored or disadvantaged by the union for doing so;**
- **That I may refuse to contribute without reprisal;**
- **And that *(name of union PAC)* which is connected with *(name of international union)*, and AFL-CIO COPE use the money they receive for political purposes (including but not limited to making contributions to and expenditures for candidates for federal, state and local offices and addressing political issues of public importance).**

This authorization shall remain in full force and effect until revoked in writing by me.

Name _____ **Signature** _____

Social Security # _____

Authorized by *(name of international union)* and the AFL-CIO on behalf of a joint fund-raising effort for *(name of union PAC)* and the AFL-CIO Committee on Political Education.

Vacation Fund Check-Off

Vacation fund check-off provides a means that does not require negotiations with your employer by which your members can check-off contributions to the union's PAC. Vacation funds belong to the contributing member and not to the employer or the union. Members are there-

fore entitled to check off a portion of these funds as a voluntary contribution to the union's PAC. See FEC Advisory Opinion 1979-60.

In setting up a vacation fund check-off program, it is important that you do the following:

1. Ask each member who wants to contribute in this manner to sign an individual authorization card, like the one provided below, instructing the vacation plan trustees in writing to make deductions for the union's PAC.

2. Satisfy the requirements of the Employee Retirement Income Security Act of 1974 (ERISA) by: (1) amending the plan documents to state that benefits payable under the plan may, at the direction of the participant, be paid to a third party in addition to the participant or beneficiary; and (2) providing that the political check-off deductions will only be made at such time[s] as the contributing member becomes eligible for a payment from the plan—usually a semi-annual or annual event.

SAMPLE VACATION FUND AUTHORIZATION CARD

I hereby authorize and direct the _____ Vacation Benefit Fund to deduct from the vacation benefits payable to me from the fund, the sum of _____ cents ($_____) per contributed hour and to remit that amount to *(name of union PAC)*.

This authorization is voluntarily made based upon my specific understanding that: the signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the union or of employment by my employer; that I may refuse to contribute without reprisal; and that *(name of union PAC)* which is connected with *(name of international union)* and AFL-CIO COPE use the money they receive for political purposes, including but not limited to making contributions to and expenditures for candidates for federal, state and local offices and addressing political issues of public importance.

This authorization shall remain in full force and effect until revoked in writing by me.

Name _____ Signature _____

Social Security No. _____

Authorized by *(name of international union)* and the AFL-CIO on behalf of a joint fund-raising effort for *(name of union PAC)* and the AFL-CIO Committee on Political Education.

**Note: The format of this card must be modified if the union is going to suggest a guideline amount for contributions. Use the language of the sample payroll authorization cards on Pages 5-7 to modify the middle paragraph as needed.

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Credit Union Check-Off

Like vacation fund money, a member's credit union savings belong to him/her and may be used to make a check-off contribution to the union's PAC. Credit union check-off is another way to make political check-off available to your membership that does not require negotiations with your employer.

A formal vote by credit union may be needed to enable the credit union to make political check-off available to your members who have credit union accounts. A sample motion is provided below:

SAMPLE CREDIT UNION MOTION

Moved that the _____ Credit Union agrees to deduct from the accounts of those *(name of union)* members who voluntarily authorize such contributions in writing such sums as may be designated by each individual and to remit such contributions within thirty (30) days from the date they are deducted to *(name of union PAC)* pursuant to the instructions received from *(name of local union)*.

CREDIT UNION AUTHORIZATION CARD

I hereby authorize the _____ Credit Union to deduct from my account the sum of $_____ each _____ and to transfer that amount to *(name of union PAC)*. This authorization is voluntarily made based upon my specific understanding that: the signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the union or of employment by my employer; that I may refuse to contribute without reprisal; and that *(name of union PAC)*, which is connected with *(name of international union)* and the AFL-CIO COPE, use the money they receive for political purposes, including but not limited to making contributions to and expenditures for candidates for federal, state and local offices and addressing political issues of public importance.

This authorization shall remain in full force and effect until revoked in writing by me.

Name _____ Signature _____

Social Security #_____

Authorized by *(name of international union)* and the AFL-CIO on behalf of a joint fund-raising effort for *(name of union PAC)* and the AFL-CIO Committee on Political Education.

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You should also note that credit union check-off plans must conform to various state banking laws and the Federal Credit Union Act. Because of the complexity of these laws, you should have the check-off plan reviewed by union counsel.

Bank Transfers

Members may be able to arrange with their banks for periodic transfers from their accounts to either the account which the local union uses to deposit and transmit voluntary political contributions to the international's PAC (see discussion under *Segregating Voluntary Funds*) or directly to the account of the international's PAC. In either case, such contributions must be received by the international's PAC within 30 days from the date they are deducted from members' accounts. Members who use the same bank should arrange for their contributions to be deducted on the same day so that they can be transmitted together. Bank transfers of political contributions should be based on a written request (use the language suggested for a credit union authorization card, modified as necessary) signed by the contributing member.

Rules for Soliciting Check-Off Contributions

1. Members Only. Only union *members* should be asked to make check-off contributions to your PAC. Non-members should not be solicited. *Members and their families* can also be asked to contribute to the international's PAC and/or AFL-CIO COPE through other means.

2. Political Contributions Must be Voluntary. Contributions are voluntary when a member has been informed in plain language that:

- the making of a contribution is not a condition of membership in the union or of employment by his employer;
- he/she may refuse to contribute without reprisal;
- his/her contribution will be used for political purposes.

If the union is going to suggest a guideline for check-off contributions, a member must also be informed that:

- The guideline amount is only a suggestion.
- He/she is free to give more or less without being favored or disadvantaged by the union for doing so.

The easiest way to do this is to use one of the sample authorization cards provided herein. A union should never enforce a suggested guideline for voluntary contributions.

3. Dues Money Prohibited. In contrast to the money in a member's vacation fund, credit union, or bank account, a member's dues money may *not* be checked off as a contribution to the union's PAC. Federal law prohibits the use of union treasury money in connection with federal elections.

Segregating Voluntary Funds

Voluntary money *must be kept separate* from all other funds. This means that members' political check-off contributions and all other contributions collected for the union PAC must not be deposited into the union's general treasury money bank accounts nor into the personal account of a union officer or member. By the same token, treasury money should not be deposited into an account containing voluntary funds. Voluntary money which is commingled (i.e., put into the same account) with either treasury money or personal funds may not be used in connection with federal elections. It is therefore critical that voluntary contributions be kept separate from other types of funds.

In order to comply with federal election law requirements that voluntary money be segregated from other union funds, a local which is acting as a fund-raising agent for the international's PAC and AFL-CIO COPE should establish a separate non-interest bearing bank account called the "Voluntary Contributions Fund" account. This account should only be used for the following purposes: (1) to deposit voluntary political contributions collected at the local level; (2) to transmit all or a portion of those contributions to the international's PAC; and (3) to make contributions to *state* and *local* candidates in those states which require that any money contributions to such candidates be from voluntary funds. In no case, should any general union funds (dues money, fees, etc.) be deposited into this account.

Local unions should not make contributions to or expenditures on behalf of *federal* candidates out of their Voluntary Contributions Fund account unless directed otherwise by their international union. Use of the account for such activities in support of federal candidates triggers burdensome registration and reporting requirements for the local and may cause other types of legal problems for the international's PAC.

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If an employer sends the union a combined check containing members' checkoff contributions and dues deductions or other types of deductions, the union must either deposit that check into a special non-interest-bearing *clearing account* which is used solely to split up the check and deposit the appropriate amounts into the Voluntary Contributions Fund account and the general treasury accounts; or, arrange with the bank for a split deposit through which the employer's check is divided and the proper portion is deposited directly into the appropriate accounts. Remember: the purpose of the clearing account is to break out the different types of money (voluntary/treasury) and deposit each into the appropriate accounts *immediately*.

If a local union only collects small cash contributions (under $100) or contributions in the form of checks payable to the international's PAC it may transmit those contributions by sending them directly to the PAC, without depositing them in an account at the local level. In the case of cash contributions, the local should use a money order or cashier's check to transmit the contributions to the PAC.

Timing

No matter what method a local union uses to transmit voluntary contributions to its international PAC, it must do so within the time limits set by federal election law. Individual contributions of $50 or less must be forwarded to the international union PAC no later than thirty (30) days after they are received. Most, if not all, check-off contributions fall into this category. Contributions of more than $50 must be forwarded to the international union PAC no later than ten (10) days after they are received.

Record-Keeping

Whether voluntary contributions are collected through payroll check-off, vacation fund check-off, savings check-off or some other method, certain types of contributor records must be kept and certain kinds of information must be sent to the international PAC along with the contributions.

Local unions should keep the following information in their own files:

1. The date and amount of any contribution[s] (of any amount) which they receive and forward to the PAC. For *check-off contributions* the easiest way to do this is to have the employer (or the vaca-

tion fund administrator or the bank or the credit union) send the local a list of those members for whom political contributions are being deducted and the amount deducted for each member during each pay period (or other interval) in which deductions are made.

2. A list containing the name and address of each member who has signed a political check-off authorization card.

3. Bank records (cancelled checks and deposit slips) for their Voluntary Contributions Fund account.

4. Copies of the political check-off authorization card they are using and any contract language or agreement pertaining to political check-off.

5. Records of treasury money expenditures for premiums, prizes or entertainment at fund-raising events.

Local unions must send the following information to their international PAC with each transmission of voluntary funds:

1. The *date* and *amount* of all contributions (regardless of amount) received by the local and transmitted to the PAC.

2. For contributions raised through a mass collection (e.g., passing the hat at a membership meeting) the total amount collected, the date of the collection, the name of the function at which the collection occurred.

3. The name and address of any individual contributing more than $50 and the date and amount of such contribution. (The contribution and this information must be forwarded to the PAC within ten (10) days of receipt.)

4. The name, mailing address, occupation and name of employer of any individual who contributes in excess of $200 or whose contributions aggregate more than $200 in one calendar year plus the date and amount of such contribution. (This information and the $200 plus contribution must be forwarded to the PAC within ten (10) days of receipt.)

Avoiding Taxes

Local unions can avoid paying taxes on voluntary money which they collect and transmit to their international PAC by keeping such money in a *non-interest bearing* account until such time as it is transmitted to the PAC. This means that a local's Voluntary Contributions Fund account and/or its clearing account should not be an account which earns interest.

Tax Credits

Public Law 95-600 allows contributors to claim a tax credit on their political contributions, if the international union receiving the contribution for its PAC complies with certain technical requirements of the law. The tax credit may equal one half of the amount contributed which is:

- up to $50 on a $100 contribution for a person filing a separate return;
- up to $100 on a $200 contribution on a joint return.

Local unions should check with their international to see if it has met the technical requirements which make the tax credit available.

Using Treasury Money

Federal law prohibits the use of union treasury money to make contributions to or expenditures on behalf of federal candidates. But:

Treasury money may be used to defray the costs of raising voluntary money contributions, including the costs of promoting political check-off. [Note: Treasury money expenditures in connection with fund-raising events which involve some sort of prize, entertainment, or the sale of a fund-raising item cannot exceed one-third of the voluntary money raised.]

Treasury money can also be used, under certain circumstances, for:

- communicating with your members and their families on any partisan subject (candidate endorsements, phone banks, partisan get-out-the-vote drives);
- contributions to state and local candidates (where permitted by state law);
- contributions to state party's *state* election accounts;
- certain types of non-partisan communications to the public.

With the exception of the one-third rule, there is no limitation on the amount of treasury money which a union can spend for the activities listed above. The FECA and the regulations do set out certain technical rules concerning treasury money expenditures. If you do not know about these rules, you should check with your international union counsel before making any treasury money expenditures in connection with federal elections.

Motivational Techniques

Now . . . let's look at some of the motivational techniques that have worked. Use a local union meeting where some special event has attracted a lot of members. Example:

✓ A ratification meeting where a popular new contract is accepted. *One local union did this . . . and on the spot 600 of the 800 members present—75 percent of them—signed check-off authorization cards.*

✓ At other local union meetings . . . a good speaker, a motivating film, discussion of a hot political or legislative issue and/or candidate . . . all followed by a strong pitch for check-off from the local union officers, can produce results.

✓ There's more . . . use your local union publication to promote check-off . . . editorials, stories, photos promotion pieces.

✓ Prepare special leaflets, job site and union hall posters. Use an issue that will grab your own members.

✓ Use hard-hitting direct-mail enclosing an authorization card for members to sign. You know best what to say to them.

✓ Provide incentives for your PAC committee members to put out that extra effort to get members signed up . . . gifts, plaques, award-for-performance pins, special mention and photos in your union publication, even a letter of thanks from the local union and International Union president.

Members *will* respond . . . there's proof of that. The AFL-CIO national poll of union members in the summer of 1980 showed 64 percent of members willing to contribute to their union PAC *if they're approached.*

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Check-Off: Do's and Don'ts

DO Ask your members to participate in political check-off.

DO Ask members to sign individual authorization cards.

DO Tell members they are not required to contribute and that their money will be used for political purposes.

DO Use the language required by federal law on your authorization cards.

DO Negotiate for political check-off if you are not entitled to use it as a matter of right.

DO Keep political check-off contributions in a separate non-interest bearing account.

DO Send check-off contributions to your international PAC within thirty (30) days from the date they are received.

DON'T Ask non-members to participate in political check-off.

DON'T Forget that voluntary participation in political check-off must be based on individually signed authorization cards—it cannot be based only on a general vote at a membership meeting.

DON'T Contribute dues money to your PAC.

DON'T Commingle voluntary money with treasury funds or personal funds.

DON'T Enforce a guideline for check-off contributions.

DON'T Try to force a member to make a political contribution.

DON'T Forget to send contributions to your union PAC on time.

AFL-CIO Committee on Political Education
Washington, D.C.

LANE KIRKLAND, Chairman THOMAS R. DONAHUE, Sec.-Treas.
COPE PUB NO 300C Revised

COPE and the COPE Political Contributions Committee are independent political committees, created by the AFL-CIO. These Committees do not ask for or accept authorization from any candidate and no candidate is responsible for their activities. A copy of our record is filed with the Federal Election Commission and is available from the Federal Election Commission, Washington, D.C.

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LABOR, MONEY AND POLITICS

A Reference Manual for Union Political Directors

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FROM: JANET PEDERSEN

Union Political Action

THE CHRISTIAN SCIENCE MONITOR August 2, 1982

AFL-CIO could sway the presidential primaries in '84

By Godfrey Sperling Jr.
Staff correspondent of
The Christian Science Monitor

Washington

Some important political news is just now being comprehended by those who are paid to write it: The AFL-CIO has decided it will attempt to endorse a presidential candidate on the eve of the 1984 primaries, and this, of itself, might wrap up the nomination.

Traditionally, the AFL-CIO has waited until after the national conventions to choose between the major candidates. During the 1980 primaries, however, individual member unions sometimes supported different candidates. In 1984, the AFL-CIO leadership would like to have member labor unions speak with one voice.

Comments Ted VanDyk, president of the Center for National Policy (a Democratic think tank): "Were there a blanket labor endorsement of a candidate who was a frontrunner at that time, it would give him an enormous advantage and momentum."

Sen. Ernest F. Hollings (D) of South Carolina, himself an aspirant for the 1984 nomination, concedes that such an endorsement would likely go to someone else, like Kennedy or Mondale, and that it would "make it difficult" for him in terms of capturing rank-and-file worker support.

Ted Sorensen, President Kennedy's right-hand man, takes a different view. "I don't think labor's endorsement would wrap up the election for anyone," he told reporters the other morning over breakfast.

AFL-CIO president Lane Kirkland, who was on hand to talk to reporters on the morning preceding the session with Sorensen, talked about the labor organization's decision to try to influence the outcome of the nominating process.

Why the endorsement?

I think there is a strong desire on the part of my colleagues that we should become engaged in the primary struggles actively and in a united way; collectively, instead of going through the previous experiences of splitting in four or five different directions.

You're thinking about making an endorsement, or hoping to, in December of '83, isn't that correct?

We haven't made a decision as to the exact timing of it. We have made a decision that we will set up a procedure that will undertake to endorse a candidate prior to the '84 primaries.

Well, if you had a situation like today, with Kennedy apparently 2 to 1 ahead and then you endorse him — isn't the race for the nomination almost over even before the first primary?

Well, I certainly hope that we'll have some influence on the outcome of the primaries. I wouldn't want to disclaim that. But I certainly am not at all ready to even begin to make a judgment as to who's most likely to get our endorsement.

If you had next year Senator Kennedy, Senator Glenn, Senator Cranston, Vice-President Mondale, and a few others, all of whom have been good friends of labor, why would the AFL-CIO endorse one candidate out of them?

Because that is the only way in which we can effectively participate in the primary process. . . . If we're not in it, others will be and the decision will be made by other elements of society without the participation of working people. And we don't regard that as in our best interests or necessarily in the best interests of the country.

As you look at this '84 thing, isn't there a real possibility that the idea of endorsing a candidate will look a lot more complicated in reality than it looks on paper?

That's possible

Because isn't it likely that you will have at least two leading Democratic figures with long prolabor records to choose from? So why shouldn't you leave the decision of endorsement to your affiliates? Why should you tell the steelworkers of Pennsylvania whom they should support?

I want the steelworkers to tell me. That's the object of the exercise – to explore whether or not it is possible to get a sufficient consensus. And we will undoubtedly use the same rules that we require of our state bodies – that there be a two-thirds support before an endorsement is possible. And that will come from our affiliates, when we assemble them to consider this.

It's not a question of my telling the steelworkers whom they should support. I expect to have little influence on the matter.

You're talking about two-thirds of the leadership?

No. Unions vote by their membership.

If you don't get the consensus, then you don't endorse? Is that correct?

That's right, and our individual affiliates then will be free to do as they please.

Mr. Kirkland, have you considered the political risks involved in endorsing a Democratic candidate in that if you endorse candidate X and candidate X loses in the primaries, the potential is that organized labor's political influence could be diminished for some years to come?

I don't accept that conclusion if that should occur. But we have never worked in a climate when we were certain of the outcome when we decided on a course of action. If we did that, we would be surrendering before we had a chance to have a go at an issue. That's not our way.

EXHIBIT

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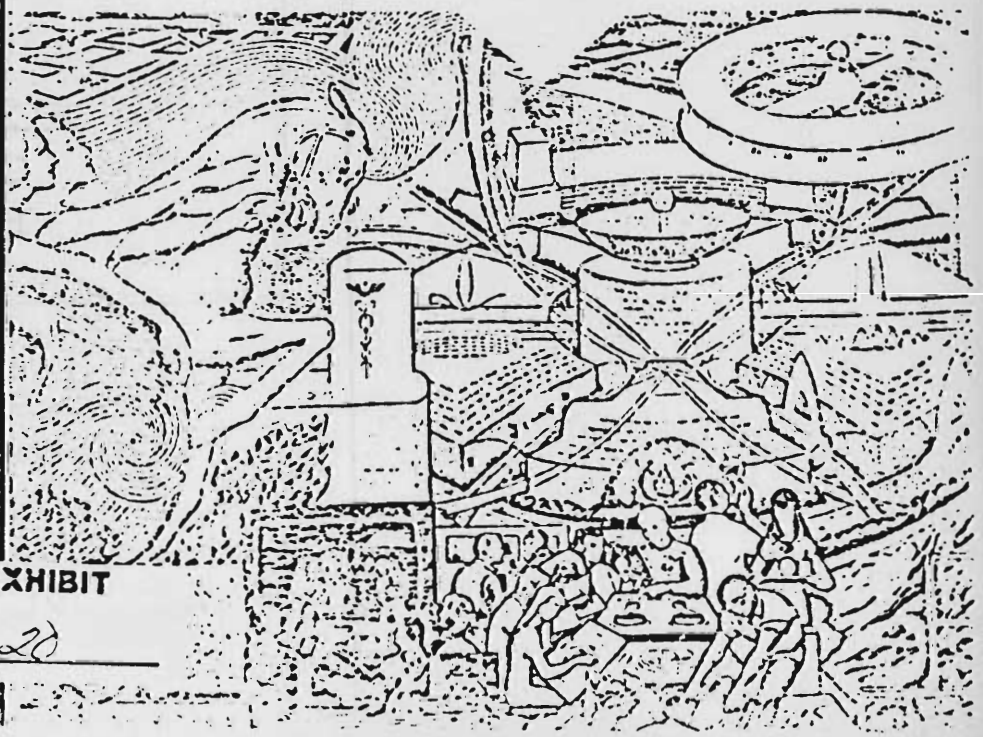
PROCEEDINGS AND EXECUTIVE COUNCIL REPORTS OF THE AFL-CIO



EXHIBIT

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PROCEEDINGS

OF THE

THIRTEENTH CONSTITUTIONAL CONVENTION

OF THE

AFL-CIO

DAILY PROCEEDINGS AND EXECUTIVE COUNCIL REPORTS

WASHINGTON, D.C.

NOVEMBER 15-20, 1979

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

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though at the time they reached this floor they were relatively noncontroversial, because the committees had been able to work out solutions that met the needs of all of our affiliates, nevertheless, they are very, very important.

Now, I want to call the attention of the delegates to the fact that later on we are going to get into resolutions that are more controversial which involve disputes existing among affiliates as to what should be the policy of the AFL-CIO by convention action, regardless of what had heretofore been the policy by Executve Council action; and, therefore, I would hope that our delegates would give attention to these reports so that those who disagree with these resolutions being submitted could hear the subject matter being presented and so that this convention could properly act upon them. (Applause.)

I'd like now to introduce the Chairman of Subcommittee No. 2 for a partial report. That subcommittee dealt with resolutions relating to the general domestic issues. Chairman and delegate Lloyd McBride.

SUBCOMMITTEE CHAIRMAN McBRIDE: Mr. Chairman and delegates, because of the press of some problems in our own union, Murray Finley has been functioning both as chairman and secretary of that committe; and it seems to me only proper that he should make the report. So I call on Murray Finley, president of the Amalgamated Clothing and Textile Workers, to make the report.

. . . Subcommittee Secretary Finley presented the following report:

Field Services

RESOLUTION NO. 1

The text of this resolution will be found on Page 55 of the Report of the Executive Council as a recommendation of the Council to the Convention.

Resolution No. 1 covers the substance of Resolutions Nos. 176, 273.

Local Union Affiliation With State and Local Central Bodies

RESOLUTION NO. 176—By Upper Hudson (N.Y.) Labor Union Council, and Saratoga (N.Y.) Central Labor Council.

WHEREAS, One of the most important purposes of the national AFL-CIO is to promote political education, voter registration and participation in elections by members of affiliated unions, and

WHEREAS, The encouragement of political action by the AFL-CIO is coordinated by the national AFL-CIO and the various state and local AFL-CIO central bodies through their corresponding committees on political education, and

WHEREAS, Political action by the AFL-CIO is most effective when a clear majority of affiliated unions work together and speak with one voice in support of AFL-CIO COPE endorsed candidates for political office or ballot questions, and

WHEREAS, The AFL-CIO Constitution and by-laws and the AFL-CIO rules governing state and local central bodies clearly give the responsibility for endorsement of candidates and ballot questions to the appropriate committees on political education, and

WHEREAS, In the past, various AFL-CIO chartered departments and their regional affiliates have worked in opposition to state AFL-CIO's and local central bodies with regard to candidates and/or ballot question; therefore, be it

RESOLVED: That all affiliated national and international unions be urged to strongly encourage their local unions to affiliate with the appropriate state and local central bodies to insure the continued organizational health of the AFL-CIO and the COPE program, and be it further

RESOLVED: That all AFL-CIO chartered departments and their state and local affiliates shall conform their activities with regard to candidate and ballot questions to the position of the state AFL-CIO or to the appropriate central body, as the case may be.

Unionbusting Employer Consultants

RESOLUTION NO. 273—By the Building and Construction Trades Department.

WHEREAS, A major "unionbusting" industry has emerged in the United States consisting of high-priced lawyers, psychologists, and consultants, whose cynical wares consist of hidden and not-so hidden persuaders designed to coerce, intimidate and turn American workers against unions, and

WHEREAS, These latter day company goonsquads are actively promoting the decertification of unions; the creation of a "union-free environment," the "merit shop," "double-breasted" contracting and other methods of "deunionization," and are using techniques that are clearly illegal, or if not, are at least destructive of the process of a free employee choice of union representation, and

WHEREAS, Certain of these consultants conduct "union-busting" seminars under state sponsored college and university

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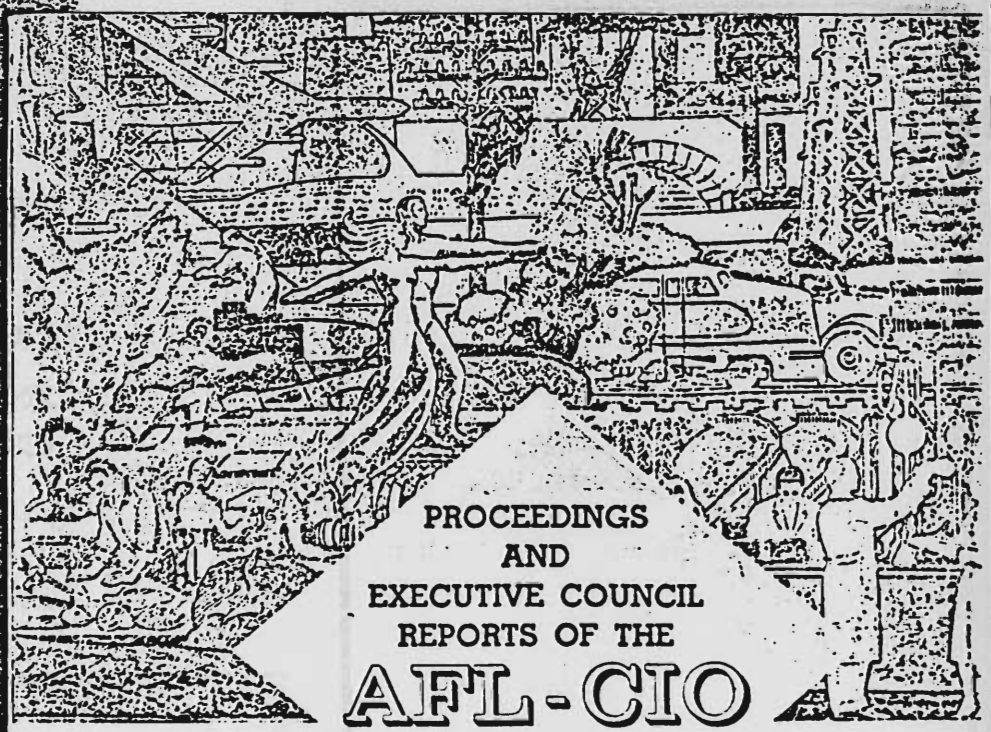
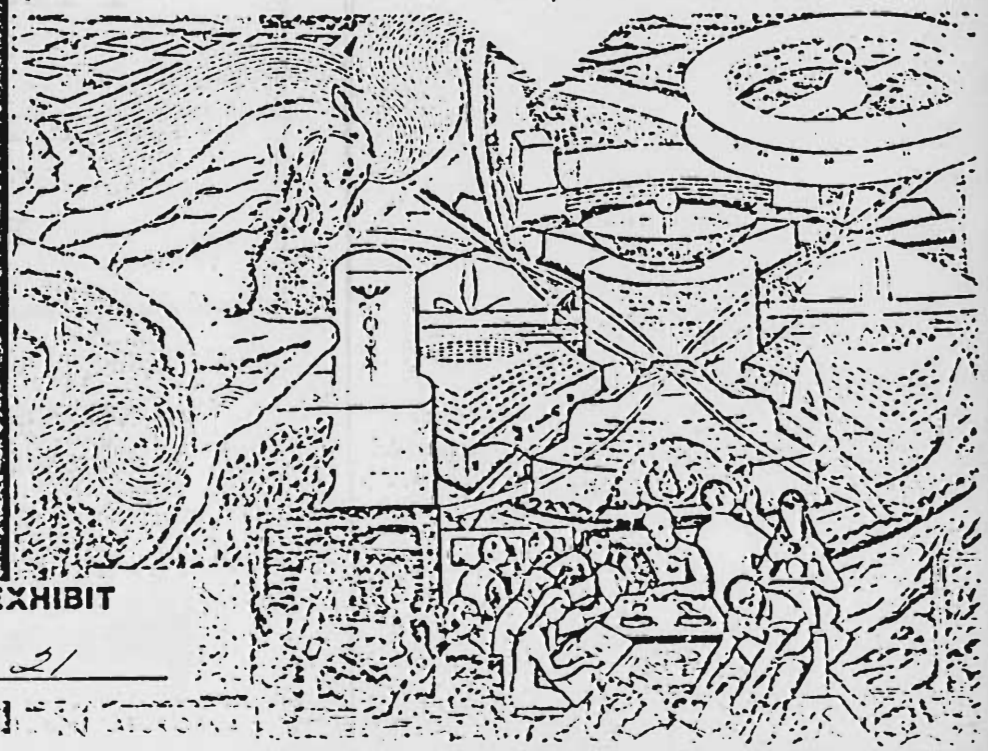


PROCEEDINGS AND EXECUTIVE COUNCIL REPORTS OF THE AFL-CIO



EXHIBIT

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PROCEEDINGS

OF THE

THIRTEENTH CONSTITUTIONAL CONVENTION

OF THE

AFL-CIO

DAILY PROCEEDINGS AND EXECUTIVE COUNCIL REPORTS

WASHINGTON, D.C.

NOVEMBER 15-20, 1979

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

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Political Activities

RESOLUTION NO. 36

The text of this resolution will be found on Page 286 of the Report of the Executive Council as a recommendation of the Council to the Convention.

Resolution No. 36 covers the substance of Resolution No. 229.

Political Action

RESOLUTION NO. 229—By Industrial Union Department.

The foes of the labor movement are vigorously extending into the political arena their long-standing efforts to weaken the ability of trade unions to represent our members.

The political action committees of these opponents—the corporations, trade associations and union-hating right-wing—have grown increasingly effective organizationally and are expected to amass a political warchest of $100 million for use in 1980 elections. Their funding will underwrite the campaigns of candidates adamantly opposed to the very institution of trade unionism and determined to roll it back to the era of employer as king, and committed as well to the dismantling of 40 years of progress in people-helping legislation.

The threat with which such groups confront our unions is unprecedented in scope, organization, financing and intent. While the threat extends into the foreseeable future, its immediate result could lead to tremendous ultra-conservative gains in the 1980 elections, to the possible extent of a take-over of both the White House and the Congress by forces determined to weaken, perhaps to destroy, trade unionism in America.

Our unions can meet this perilous challenge only with an extraordinary effort to increase the effectiveness of our political education, registration and get-out-the-vote programs and to substantially boost our funding so that we may adequately assist endorsed candidates for office; therefore, be it

RESOLVED: That each affiliate of the AFL-CIO take steps as soon as possible:

1—To adopt a program of check-off of voluntary political contributions by members to the union's political action committee—where this has not already been set in motion—and implement it vigorously with a full-scale promotional effort among local union leaders and members, to urge every local to establish check-off in its contract and every member to sign a check-off authorization. Attention should also be given to vacation funds and credit union accounts as sources of voluntary political funds.

2—To seek establishment in every local union of a full-time COPE committee, responsible for acquainting members of their union's political program, for urging and helping members to register and vote, for promotion of the voluntary political check-off by members, and for coordinating the local's political activities with the community-wide COPE program.

3—To launch a massive educational campaign among members to inform them of the nature and extent of the political threat to their unions, their job security and their family's well-being posed by corporate, trade association and right-wing political ambitions.

The Committee recommends that No. 2 of Resolution No. 36 be amended to read as follows:

"A COPE committee or similar political action committee in every local union. The closer such a committee is to the member, the more effective it will be. Only through such local union committees can more and more union members be brought into our political action and education programs."

The Committee recommends adoption of Resolution No. 36 as amended, and I so move.

. . . The recommendation of the Committee was adopted.

Repeal of Section 506 of the Lea Act

RESOLUTION NO. 47—By Delegates Victor W. Fuentealba, Frank Casciola, Herbert MacPherson, George L. Smith, Shorty Vest, J. R. Watkins, Marl Young; American Federation of Musicians.

WHEREAS, Section 506 of the Communications Act of 1934, known as the Lea Act, was adopted specifically to curtail the activities of the American Federation of Musicians in its efforts to preserve employment for staff musicians in the broadcasting industry, and

WHEREAS, The present labor laws give adequate protection to the employers in the broadcasting industry, and

WHEREAS, There is, therefore, no need for legislation such as the Lea Act in the United States Code, and

WHEREAS, The Lea Act imposes criminal penalties for its violation, which penalties are totally inconsistent with other labor statutes, and

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AFL-CIO COUNCIL SETS GUIDELINES FOR ENDORSING PRESIDENTIAL CANDIDATE

BAL HARBOUR, Fla. (By a BNA Staff Correspondent) — Unions affiliated with the AFL-CIO should not declare their preference for presidential nominees until August at the earliest, the Executive Council of the federation decides.

At a meeting held to discuss the endorsement procedures, the council also agreed that unions should "not make an irrevocable commitment to the cause of any candidate" prior to the AFL-CIO's General Board meeting, currently set for Dec. 14., 1983, in Washington, AFL-CIO President Lane Kirkland told reporters.

At that time the heads of the 99 federation affiliates will vote on the endorsement question. A two-thirds vote will be required for a candidate to win the official support of the feder-

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EXHIBIT

ation. The voting will be weighted by union membership. Kirkland has said that the meeting could be held as early as October if an overwhelming consensus for one candidate develops.

The timetable for action by individual unions was set up to prevent a "whole rash of declarations for candidates prematurely," according to Kirkland. Affiliates will be free to wait until after August to decide, he added. But, by the Aug. 8 Executive Council meeting in Boston, the federation should have a "sense of where we seem to be going," he said.

Asked what mechanism exists to enforce union compliance with the federation's decision, Kirkland said the endorsement will be "entirely a moral commitment." He said the AFL-CIO "can survive deviation."

In the past, it was AFL-CIO policy not to endorse a presidential candidate until after the Democratic and Republican Parties had held their nominating conventions. The federation now feels that an endorsement earlier in the political process will enhance the chances of the candidate of its choice being nominated.

Council members also discussed procedures for ascertaining membership sentiment within individual unions, and concluded that "a high degree of flexibility will be observed," Kirkland reported. Each union will be able to establish its own procedures, he said.

On another political issue, the council passed a statement requiring that all political action committees of AFL-CIO subordinate groups, including directly affiliated locals and state and local bodies, which donate funds to candidates for federal office be consolidated into the federation's national committees. The action was taken to avoid inadvertant violations of federal election law, the statement noted.

In other action, the council resolved to observe a "Solidarity Day III" on Labor Day of this year. There will be a nationally-organized series of rallies in each state. The original Solidarity Day was the massive labor rally protesting the Reagan Administration's policies on Sept. 19, 1981. Election Day 1982 was dubbed Solidarity Day II.

The council also issued a statement endorsing an observation this August commemorating the 20th Anniversary of Dr. Martin Luther King, Jr.'s "March on Washington for Jobs and Freedom."

Earlier, Secretary of State George Shultz met with the council. Shultz, who has had corial relations with organized labor dating back to his service as Labor Secretary in the Nixon Administration, rejected a suggestion that he had attended the meeting as a "surrogate" Secretary of Labor. Asked about Labor Secretary Raymond J. Donovan, who was in Bal Harbour earlier in the week but was not invited to meet with the council, Shultz said, "I think he's doing fine."

In other comments at a news conference, Shultz stated his opposition to domestic content legislation, predicted that improvements in unemployment would lag behind the economic recovery, and said he has consistently advocated a subminimum wage for teenagers.

The council meeting will conclude on Feb. 28 when it will consider statements on issues such as housing, occupational disease, trade union assistance to the unemployed, and health care. It will also hear reports on finances and inter-union disputes.

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OSHA SEEKS COMMENTS ON POLICIES FAVORING ENGINEERING CONTROLS TO PROTECT WORKERS

The Occupational Safety and Health Administration seeks public comment on plans to review its long-standing policy favoring the use of engineering controls over personal protective equipment in protecting workers from air contaminants.

As a first action, the agency is considering whether to revise two standards, one establishing permissible levels of air contaminants and one on respiratory protection, OSHA says

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"Washington Post"
April 11, 1983

'Jobs' Delegates Resisted Wooing by Mondale, Others, in Poll

By Kathy Sawyer 4/11/83
Washington Post Staff Writer

SPRINGFIELD, Mass., April 10—The AFL-CIO adroitly passed a key credibility test at the state Democratic convention here Saturday, keeping its troops locked in a political chastity belt against the ardent advances of presidential candidates and their various allies.

The spectacle also provided an early sampling of tensions and conflicts that the blossoming liaison between the labor federation and the Democratic Party may hold.

Labor leaders considered a strong showing here essential to persuade a skeptical political establishment that, after years of fragmentation and drift, "labor can deliver." Among other things, their well-orchestrated performance is likely to enhance substantially the value of the AFL-CIO's planned endorsement of a presidential candidate by the end of this year.

"We need to show the political managers and campaign staff of various candidates that labor can act united and that there is discipline," said John Perkins, director of the AFL-CIO's political arm, the Committee on Political Education, who observed the proceedings from the convention floor.

"Some candidates may be discouraged by what they see us doing here today. But down the road, I think they'll find it will be beneficial."

The labor "candidate" here was an issue entitled "Jobs," which with 25.6 percent of the vote finished a healthy second to former vice president Walter F. Mondale's 29.3 percent in the non-binding poll. Sen. Alan Cranston (Calif.) was third.

Mondale is considered most likely to win labor's endorsement and, to make the point that he would have gotten most of the "Jobs" votes, his supporters distributed buttons claiming "Jobs Equal Mondale." Supporters of Cranston, a strong labor ally, argued that at least some of those votes would have been his.

Although the exact breakdown was not immediately known, the vote for "Jobs" apparently comprised not only virtually all of labor's nearly 700 delegate votes but others from non-union delegates who, for various reasons, found "Jobs" an appealing haven for now. A total of 3,531 delegates voted.

Among those who had indicated that they might join labor and vote for "Jobs" were nuclear-freeze delegates, who wore "Jobs and Peace" buttons, and state representatives of the National Education Association. NEA, like the AFL-CIO, is trying to stay neutral until making an official national endorsement.

Besides maintaining labor's position of official neutrality in the presidential sweepstakes, the strategy also made jobs and unemployment the dominant topic at the convention in a state where the unemployment rate is a relatively low 7.8 percent.

"We need to show the political managers and campaign staff of various candidates that labor can act united and that there is discipline."

—John Perkins of COPE

State Democratic Party chairman Chester G. Atkins said that a strong vote for "Jobs" indicated that none of the candidates had electrified the crowd and that delegates were concerned more about economic renewal than about personalities.

On the way to its "Jobs" vote, labor and the Democrats ran a gauntlet of pressures of the kind that may intensify as the campaign season heats up.

In the weeks before Saturday's vote, Mondale supporters, including some unionists, looked for ways to head off the labor scheme, since their candidate could be expected to lose the largest share of votes to it. The strategy was awkward.

"You don't want to collide with people legitimately going about their institution-building and coalitions-building," Mondale operative Paul Tully told The Boston Globe. But, he added, "This operation scares me to death because I'm losing a big chunk of votes here."

A Globe columnist, among others, took labor officials to task for putting their presumed candidate in such a position.

Earlier this month, party chairman Atkins stood against the labor strategy by ruling that votes for "Jobs" would not be counted. At the last minute, party officials backed off and worked out a rules change.

Gov. Michael S. Dukakis (D), who had numerous supporters among the delegates, was credited with triggering the turnaround by sending his new secretary of labor, Paul Eustace, to accompany state labor council head Arthur Osborn to a meeting with Atkins to discuss the issue.

Some campaign operatives and party officials said the reversal came partly because they were convinced that labor was serious and would go ahead with its plan no matter what. But labor received help from other Democrats upset that what was supposed to be an issues convention was turning into a so-called "cattle show," by some accounts.

In any case, Mondale operatives said they continued to work on delegates, fingerly, until the moment of the vote. The pressure was evident even during the voting, a roll call voice vote by state Senate districts.

The state organization had started early and worked hard to "get lists and mean," labor officials said, tripling union delegate strength compared with two years ago. As early as January, leaders had summoned the union legions through blizzards for frequent meetings and worked to improve communications and "outreach" to their members, according to unionists at various levels.

The notion of voting for "Jobs" was dreamed up by state AFL-CIO leaders and not, as some assumed, imposed by AFL-CIO President Lane Kirkland, according to Osborn. "We had the idea, after listening to the goals of our national leaders," he said. "It was something we could give them as a model."

EXHIBIT

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Wall Street Journal Sept. 30, 1983 pg 5.

AFL-CIO Changes Its Strategy With Plan To Endorse Presidential Candidate Early

By ROBERT S. GREENBERGER
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—When the AFL-CIO's biennial convention begins next week, the labor movement officially embarks on a new course to solve its mounting problems through greater emphasis on politics rather than the bargaining table.

Top AFL-CIO union officials meet in Hollywood, Fla., tomorrow to recommend the endorsement of a presidential candidate to the 1,000 union delegates who will vote on the choice. It is widely expected that former Vice President Walter Mondale will win labor's support. Previously, the labor group didn't endorse a candidate, usually a Democrat, until a nominee was chosen. The AFL-CIO is entering the process early to vastly increase its influence within the Democratic Party.

Meanwhile, Mr. Mondale received a boost from another labor group yesterday when the political arm of the independent National Education Association recommended that the executive board, which meets today, support the former vice president.

Labor's increased involvement in politics comes at a time when it is in retreat on most fronts. A severe recession has sharply reduced membership, employers are confronting labor and winning major wage and work-rule concessions and the Reagan administration has cut many programs that labor strongly supports. Its traditional strength depleted, the AFL-CIO hopes to redress the imbalance by becoming a major part of the Democratic Party.

"They are trying to make a point here that goes far beyond the 1984 elections," says Penn Kemble, a conservative Democrat who has worked in the labor movement. "They are saying that they have to be dealt with. It's a brilliant strategy even if Mondale goes down the drain. They'll do so much in the campaign that they'll demonstrate that they have a lot of clout."

Paul Jensen, Mr. Mondale's labor liaison, agrees that the endorsement is a valued prize. "We aren't going to be in all 50 states. One of the big advantages of their support is that where we aren't, they are."

Sen. John Glenn of Ohio, another major contender for the Democratic nomination, made a last-minute plea to rally support and hold off the expected Mondale selection. In a letter last week to the heads of the federation's 96 unions, he wrote, "It is my view that organized labor should spend its money in the general election rather than against Democrats."

But the endorsement process has imposed an unaccustomed unity on the labor movement. In his report to the convention, AFL-CIO President Lane Kirkland states that the prospect of the endorsement is "a product of the new spirit of unity in our ranks, reflecting the willingness of our affiliates to subordinate parochial interests to the larger interests of the movement."

Martin Hughes, a vice president of the Communications Workers of America union and a key supporter of Sen. Glenn, says that "I'll stay within the rules" and work for the candidate who wins the endorsement.

While politics will dominate the meeting, delegates also will attend to other business. It is likely that because of its drop in membership to 13.8 million from 14.5 million last year, the convention will be asked to approve a national dues increase. At the AFL-CIO's last convention in 1981, dues were raised in two steps to 27 cents per member per month from 19 cents. Top officials wouldn't say how large an increase they will seek this year.

Delegates also will vote on dozens of resolutions on a wide variety of subjects. Two possible resolutions that will stir some debate involve the nuclear-freeze movement and U.S. policy in Central America. But these issues, which pit AFL-CIO leaders' hawkish foreign policy views against labor's liberal wing, aren't expected to produce a major split.

Another resolution calls for setting the minimum wage, currently $3.35 hourly, at 60% of average private industry wages, gradually reducing the 40-hour week and increasing overtime pay to triple time from 1½ times regular pay.

The convention also is expected to reelect Mr. Kirkland to another two-year term and, on Thursday, end on a political note when it is addressed by the presidential candidate it endorses.

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pected to take delivery this year, but in 1982 it delayed buying the first plane until December 1984 and the rest until 1985. It also had an option to buy four more 767s in late 1985 and early 1986. That option has been dropped.

The 737-300 aircraft, which cost $25 million each, will be purchased between 1985 and 1988, CP Air said. Although the contract for all 10 planes is "firm," it said that "there is a provision for a review of the requirement" for the last five aircraft.

CP Air said the 737-300 jet, scheduled to enter commercial service in December 1984, is technologically more advanced than the existing 737-200. It said the newer plane will seat about 135 passengers, about 20 more than the 200 series, and will have a longer range, with a capacity to fly nonstop across Canada.

Dan Colussy, CP Air president, said the substitution "will enable CP Air to better tailor its capacity increases to the requirements of the Canadian marketplace over the next five years." He added that CP Air, the second largest Canadian airline after government-owned Air Canada, would benefit financially by spreading the cost of the fleet expansion over a longer period.

The delivery schedule calls for three new 737s in 1985, two in 1986, two in 1987 and three in 1988. CP Air added that it may yet purchase the 767s "sometime in the future."

A spokesman for Boeing said the contract change was friendly. The company declined further comment.

The Japan Air order and the CP Air cancellation bring total orders for the 767 to 185 planes by 18 airlines world-wide, compared with what an Airbus spokeswoman in New York said was 108 orders for the A310 by 17

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EXHIBIT

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AFL-CIO NEWS
Vol.27 No.38
September 25, 1982
pp. 1,3.

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Leaflet Day Set Oct. 19 to Build Election Turnout

AFL-CIO President Lane Kirkland has announced a nationwide effort by the federation to increase voter turnout among trade unionists with a leaflet day at job sites to be conducted on Oct. 19, 1982.

Organized labor is concerned about low turnouts for the Nov. 2, 1982, elections. Voter turnout was only 36 percent of potential voters in the non-presidential years of 1974 and 1978 and only 54.4 percent in 1980.

THE OCT. 19 effort will enlist the services of AFL-CIO vice presidents, other international union presidents and a wide variety of union officers.

"We intend to do all we can to assure that the rightful interests and concerns of working people will be reflected in the outcome of these elections," Kirkland said. "Our opponents will outspend us many, many times. This election is going to be one of those historic contests between money and plain people."

Kirkland's announcement came on the first anniversary of Solidarity Day, Sept. 19, 1981, when 400,000 trade unionists and their allies opposed Reaganomics with the biggest political protest march ever

(Continued on Page 3)

Leaflet Day Set Oct. 19 to Build Election Turnout

(Continued from Page 1)

held in Washington. The AFL-CIO has designated election day 1982 as Solidarity Day II under the slogan, "last year we marched, this year we vote." The Oct. 19 events—13 months after Solidarity Day I—are part of labor's overall election activities.

Oct. 19 leaflet day will focus on races for governor and for federal offices. COPE-endorsed candidates for the Senate, House or governor will appear with union officers at some sites.

Kirkland said the job sites finally selected will total 60 or more. Among the cities are:

East: Vicksburg, Miss.; New Castle, Pa.; Clarksville, Tenn.; Birmingham, Ala.; Arlington, Va.; Delaware County, Pa.; Wilmington, Del.; Lake County, Ohio; New York City; Hackensack, N.J.; Staten Island, N.Y. Harrisburg, Pa.; Pittsburgh; Alexandria, Va.; Trenton, N.J.; Joliet, Ill.; Waukegan, Ill.; Madison, Wis.; Eau Claire, Wis.

West: Spokane, Wash.; San Francisco; Jefferson City, Mo.; Omaha, Neb.; Hayward, Calif.; San Bruno, Calif.; Salt Lake City, Utah; Portland, Ore.; St. Paul, Minn., Cedar Rapids, Iowa.

EXHIBIT 25

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L-CIO NEWS
1.27 No.42
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Labor takes message to plant gates

The AFL-CIO and its affiliates launched labor's get-out-the-vote campaign Oct. 19 with a nationwide leaflet day that began with early morning plant gate distributions and concluded with rallies and marches.

Its message was that the election of labor-endorsed candidates on Nov. 2 can "turn around" the Reagan Recession and get Americans back to work.

"The Number One issue in the Nov. 2 election is jobs. . . ."

That's what it said on the leaflets that AFL-CIO President Lane Kirkland and his wife, Irena, were passing out at 6:30 a.m. to the shift coming to work at a Baltimore factory.

It was the message Food & Commercial Workers President William H. Wynn carried on his early morning leaflet assignment at a Columbus, Ohio, warehouse.

Seafarers President Frank Drozak was at the first of six Delaware locations he would cover that day; AFL-CIO Sec.-Treas. Thomas R. Donahue was spreading labor's message in New England.

In Pennsylvania, State, County & Municipal Employees President Gerald McEntee began the day passing out leaflets at a state government building in Harrisburg, while Steelworkers President Lloyd McBride was working plant gates and an employment office in Carnegie. Later they would come together for a rally near USWA headquarters in Pittsburgh.

Wide coverage

In Oregon, Machinists President William W. Winpisinger covered five cities. And Auto Workers President Douglas A. Fraser began the day leafleting a Bendix plant in South Bend, Ind., and ended it at an Indianapolis rally.

Railway & Airline Clerks President Richard I. Kilroy handbilled in Omaha, Neb.; Paperworkers President Wayne Glenn was at a Tennessee pulp and paper plant.

Chemical Workers President Frank Martino was in Nevada with one group of labor-endorsed candidates, while Ken-

Continued on Page 2

EXHIBIT

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-CIO NEWS
uly 25, 1981
. 2

*Congress Urged to Kill Bid To Deregulate Radio, TV

Unions and public interest groups have urged House-Senate conferees to strip from the budget reconciliation bill a package of controversial changes in laws governing radio and television broadcasting.

Provisions inserted by the Senate, but never considered by the House, would virtually deregulate radio broadcasting and substantially reduce the obligations of television stations to serve their communities.

THE COALITION, which includes the AFL-CIO Dept. for Professional Employees, stressed that the changes in communications laws would have virtually no impact on the budget. A fact sheet on the Senate changes noted that the only budget link was a provision for modest "user fees" for the right to use public airwaves.

Senate Commerce Committee Chairman Robert Packwood (R-Ore.) is quoted in the fact sheet as explaining that a plan to impose Coast Guard user fees on owners of small boats proved politically unpopular. "So what we did was come up with user fees on the owners of radio and television stations. As part of the package for getting their support on user fees, we agreed to lessen the regulations on them. It was a package."

AT A NEWS conference, the protesting groups cited these effects of the Senate communications amendments:

- Radio stations would be granted permanent licenses instead of having to seek a renewal every three years.
- New licenses for radio and television stations could be awarded by lottery, instead of going to the best-qualified applicants.
- Radio stations would no longer have to seek to meet community needs, and enforcement of the fairness doctrine would be much more difficult.
- Television licenses would be awarded for five years instead of three years, and the renewal procedure would be almost automatic, with reduced opportunity for citizen challenge.
- Persons who contend they could do a better job of serving a community would no longer be able to challenge the current television or radio broadcaster.

Unions taking part in the protest included the Auto Workers, Bakery Workers, Machinists, State, County & Municipal Employees, and the Steelworkers.

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EXHIBIT

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The American Postal Worker
July 1983
p. 3

APWU PLEDGES FULL MOBILIZATION FOR SOLIDARITY DAY III

AFL-CIO Sets Coast-to-Coast Demonstrations For Labor Day

Solidarity Day III will be observed by union members, their families and friends September 5, 1983—Labor Day. Approved by the AFL-CIO Executive Council in February, Solidarity Day III will be a day of marches, rallies and parades in communities throughout the country, demonstrating labor's concerns and commitment. It will be another step in building the organizational structure necessary for the 1984 elections.

This year's event will be the third of a four-part program aimed at turning around the Reagan Administration's disastrous anti-labor policies. The program will culminate in Solidarity Day IV, Election Day, 1984, when the voice and visibility of a united labor movement will have its say at the polls.

It began on September 19, 1981—Solidarity Day I— when over 400,000 workers joined on the Mall in Washington, DC, to bring attention to the regressive course on which our nation was being led. It was the largest political protest ever held in our Nation's Capital. November 2, 1982, Election Day, was Solidarity Day II. Workers became involved, contributed money, and most importantly, came out to the polls like never before. In many unions, particularly the APWU, unprecedented fund-raising heights were reached, forcing the Administration and the Congress to sit up and take notice. And notice they did last November 2, when union-haters and union-baiters were voted out in huge numbers.

Solidarity Day III will set in motion the drive toward the 1984 elections — when everything is at stake, the House of Representatives, the Senate and the White House.

More than 100 events have already been planned all across the country. Many of these are traditional Labor Day celebrations like picnics and breakfasts, while others are new. Cleveland, Ohio, plans its usual Labor Day parade, but this year will end with a rally at Cleveland AFL-CIO headquarters. Last year's parade drew more than 3,000 persons, and organizers expect even more this year.

Milwaukee, Wisconsin's Solidarity Day III celebration will be Labor Day at Lake Front. Union members can picnic by the lake, and join in the parade. Elected officials wanting to participate have been invited to join in the Labor Day march.

Atlanta's celebration starts with a parade and ends at the ballpark for those who want to finish the day at the Braves game. Plans are under way for fifteen separate events so far in California.

AFL-CIO President Lane Kirkland has urged the full cooperation and support of state and local central bodies, field staff, and all international unions to make this event a success. Kirkland reiterated his concern over the importance of building an organizational structure capable of carrying a united labor movement into the upcoming election year.

EXHIBIT

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SCHEDULE A — ITEMIZED RECEIPTS

Full Name, Mailing Address and ZIP Code of Committee Making Receipts

American Land Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Pacific Marine Engineers' Beneficial Assoc. Joseph M. Calhoun, President 444 North Capitol Street, Suite 800 Washington, D.C. 20001 — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds / Occupation / Aggregate Year-to-Date—$	8/6/81	5,000.00
American Federation of Teachers Robert G. Porter, Secretary-Treasurer 11 Dupont Circle, N.W. Washington, D.C. 20036 — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effor / Occupation / Aggregate Year-to-Date—$	8/6/81	7,500.00
C. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A

ITEMIZED RECEIPTS

Page [illegible] of [illegible]
Line Number 11c

Name of Committee (in full)

All-Citizens' Political Contribution Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
UAW Volunteer Community Action Program 8000 East Jefferson Avenue Detroit, MI 48214	Transfer of funds raised thru joint fund raising	10/25/82	105,000.00
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
HRAC Campaign Committee 1710 Broadway New York, NY 10019	Transfer of funds raised thru joint fund raising	10/25/82	15,000.00
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
C. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Laborers Political League 905 16th Street, N.W. Washington, D.C. 20006	Transfer of funds	10/29/82	500.00
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
D. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
HRAC Campaign Committee 1710 Broadway New York, NY 10019	Transfer of funds raised thru joint fund raising	11/12/82	4,980.00
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
E. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
F. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
G. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: Primary General Other (specify)	Aggregate Year-to-Date $		
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TOTAL			

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 by
LINE NUMBER 11 C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in full)
AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
A. United Association - Local 30 COPE 1621 Market Street San Francisco, California 94103 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds Occupation Aggregate Year-to-Date-$	10/6/82	5,000.00
B. UAW Voluntary Community Action Program 8000 East Jefferson Avenue Detroit, Michigan 48214 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date-$	10/7/82	10,000.00
C. ILGWU Campaign Committee 1710 Broadway New York, New York 10019 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date-$	10/7/82	4,980.00
D. AFSCME National People Committee 1625 L Street, N.W. Washington, D.C. 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds Occupation Aggregate Year-to-Date-$	10/8/82	2 500.00
E. American Postal Workers Union COPE 817 14th Street, N.W. Washington, D.C. 20005 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds Occupation Aggregate Year-to-Date-$	10/8/82	2,500.00
F. Seafarers Political Activity 675 Fourth Avenue Brooklyn, New York 11232 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds Occupation Aggregate Year-to-Date-$	10/13/82	2,500.00
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			27,480.00

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Page 1 of 2 for
LINE NUMBER 11 C
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A

ITEMIZED RECEIPTS

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Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. ILGWU Campaign Committee 1710 Broadway New York, NY 10019 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date—$	9/10/82	4,980.00
B. Allied Industrial Workers Campaign Fund 3520 West Oklahoma Avenue Milwaukee, WI 53215 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date—$	9/10/82	14,328.72
C. American Federation of Teachers COPE 11 Dupont Circle, N.W. Washington, D.C. 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date—$	9/13/82	115,000.00
D. American Federation of Government Employees PAC 1325 Massachusetts Avenue, N.W. Washington, D.C. 20005 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date—$	9/17/82	50,000.00
E. United Furniture Workers of America COPE 1910 Airlane Drive Nashville, TN 37210 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date—$	9/24/82	1,437.00
F. Machinist Nonpartisan Political League 1300 Connecticut Avenue, N.W. Washington, D.C 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds. Occupation Aggregate Year-to-Date—$	9/24/82	1,000.00
G. UAW Voluntary Community Action Program 8000 E. Jefferson Avenue Detroit, MI 48214 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru joint fund raising Occupation Aggregate Year-to-Date—$	9/30/82	100,000.00

SUBTOTAL of Receipts This Page (optional) .....

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EXHIBIT 33

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The UAW, with 1.2 million members in the U.S., is the nation's second largest union. ..rift with the AFL-CIO started in 1968, when former president Walter Reuther led the union ..of the federation following political and philosophical differences with the late George ..any.

Earlier this month, the International Brotherhood of Teamsters, the country's largest ..on, agreed to postpone any decision on reaffiliation and to consider the matter further at ..e union's executive board meeting in July. But IBT Vice President Jackie Presser, an influen..al official in the union, said he had "very negative" feelings about rejoining the federation and ..d reporters he didn't see "any advantage" in reaffiliation (1981 DLR 106: A-8).

In a statement issued in Detroit on the UAW Executive Board's vote, Fraser said:

"Our board believes strongly in the principle of a united labor movement. Reaffiliation with the federation will strengthen that movement in one of the most difficult periods working people have ever faced. We'll be working out a variety of details in the months ahead with AFL-CIO officials, but we want to move quickly to solidify joint efforts on a range of economic and political initiatives. The UAW, for example, will work hand-in-hand with the federation and its affiliates in opposing President Reagan's proposed cuts in social security benefits. In the same way, we'll work with our brothers and sisters in the AFL-CIO in the continuing effort to convince the Administration and the Federal Reserve Board to lower interest rates and abandon recessionary economic policies. We'll continue our efforts with the AFL-CIO to save governmental programs that are being callously slashed in Washington without a sense of the havoc those cuts will mean, not only for the disadvantaged, but also for working and middle-class America."

Reaffiliation will not apply to UAW's Canadian locals.

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AUTO WORKERS' GOVERNMENT AFFAIRS DIRECTOR SCHLOSSBERG RESIGNS: NEW RESEARCH HEAD NAMED

Stephen L. Schlossberg, director of government and public affairs of the United Auto Workers and former general counsel of the union, will resign September 1 to return to private law practice in Washington, D.C., after 18 years as a key staff member of the union.

Hired as an associate counsel with the Auto Workers in 1963, Schlossberg was named general counsel in 1966 and to his current position in 1977. In announcing his departure, UAW President Douglas Fraser called Schlossberg "a strong and committed ally in the UAW's efforts for political, economic, and social justice. Our close relationship will continue as he practices law, and I'm sure we'll continue to call upon him for advice and counsel."

Schlossberg graduated from the University of Virginia law school and formerly was director of organization for the International Ladies' Garment Workers' Union, a partner in the Washington, D.C., firm of Van Arkel and Kaiser, and special assistant to the director of FMCS before joining UAW.

The union also announces the appointment of Sheldon Friedman as director of UAW's research department, to succeed Howard Young, who recently became director of the UAW Social Security Department. Friedman, a 32-year-old economist who has written widely on plant closings and economic dislocations, has been a research associate in the department since 1975. He did undergraduate and graduate work at Massachusetts Institute of Technology and served as research associate at the MIT Center for policy alternatives.

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0418-2693/81/$00.50

COMMENT PERIOD EXTENDED ON APPLICATION OF OSHA MEDICAL RECORDS ACCESS RULE

The Occupational Safety and Health Administration extends until June 26 the public comment period on its standard providing workers access to their workplace medical and toxic exposure records as that regulation applies to the contract construction industry.

The call for comment and information was issued last April 28 simultaneously with a stay of certain provisions of the standard -- chiefly those on worker access to exposure records -- pending consideration of the entire standard by the Advisory Committee on Construction Safety and Health, and any resulting rulemaking.

The comment period originally was to end June 12. Since the Advisory Committee is scheduled to meet June 10 - 12, the comment period is being extended for two weeks to allow time for comment on any specific matters that may be raised during that meeting, OSHA officials said.

The action stems from a challenge to the standard by the National Constructor's Association, an industry trade association, which argued that the Advisory Committee had not been consulted when the standard was promulgated on May 21, 1980, and that the regulation posed special compliance problems for its members.

The agency is seeking information on the experience of the construction industry under the standard since Oct. 1, 1980; the unique aspects of the industry which make the existing standard inappropriate; costs and benefits of the current regulation; and any alternatives to total application or a complete stay of the regulation for construction which would maximize benefits and minimize costs to the industry and its employees.

- 0 -

UNANIMOUS UAW BOARD APPROVES REAFFILIATION WITH AFL-CIO; FINAL ACTION EXPECTED BY JULY 1

Top executives of the United Auto Workers unanimously vote to reaffiliate with the AFL-CIO at a meeting of the union's International Executive Board in Detroit. The board decision reaffirms a vote taken in favor of reaffiliation by rank-and-file union delegates in April (1981 DLR 81: A-17) and means the merger will be completed by the end of the month, according to a union spokesman. "Only a few paper details have to be worked out now," he adds.

Auto Workers President Douglas A. Fraser and other top union officers met two weeks ago with AFL-CIO President Lane Kirkland and other federation officials to iron out plans for the reaffiliation, which still requires a formal polling of members of the AFL-CIO Executive Council (1981 DLR 103: A-7). Fraser, in a statement issued in Detroit, said the meeting provided "a successful exchange of views that led our officers to recommend to the UAW board that we move promptly on reaffiliation." The Auto Workers spokesman added that the polling of AFL-CIO Executive Council members only represents "a formality" and that the reaffiliation question already had been posed to them on an informal basis.

An AFL-CIO spokesman said the polling of Executive Council members will be conducted by mail, with the materials being sent out as soon as the federation receives formal notification of today's UAW action.

Fraser said the reaffiliation will be conducted on a national level and UAW locals will be given the opportunity to determine whether they choose to reaffiliate at the state and local levels. In addition, the union has established a committee to study the separate question of affiliation with the AFL-CIO's Industrial Union Department.

EXHIBIT

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AFL-CIO NEWS
June 20, 1981
pp. 1,8.

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Labor Dept. Hit On Move to Sap Pay Protection

Labor Dept. proposals to narrow the protections of the Service Contract Act will unleash wage-slashing competition and undercut fair employers, the AFL-CIO charged.

The federation's ad hoc Service Contract Committee, meeting at AFL-CIO headquarters, issued the warning amid reports from the Labor Dept. that it will seek changes in the rules to curtail jurisdiction and enforcement of the 1965 law. The Service Contract Act requires employers who provide services to federal agencies to pay locally prevailing wages determined by the Secretary of Labor. It affects more workers than any other prevailing wage law.

TAKING PART in the meeting to discuss strategies for fighting the proposed changes were representatives of the Boilermakers, Carpenters, International Brotherhood of Electrical Workers, Government Employees, Laborers, Machinists, Marine Engineers, Painters, Postal Workers, Seafarers, Service Employees and Theatrical Stage Employees as well as the AFL-CIO. The work their members perform for government ranges from cleaning and maintaining buildings to clerical work and technical support for the space program.

New rules to improve the administration and enforcement of the Service Contract Act were issued by the Carter Administration, but these regulations were pulled back for "further study" by the Reagan Administration. Labor Sec. Raymond Donovan said the regulations would be revaluated and subjected to cost-benefit analysis.

NOTICE THAT the Labor Dept. was considering changes in the law unfavorable to the workers it was designed to protect came at a May 7 "informal briefing" by

(Continued on Page 8)

Service Contract Act

Labor Hits New Move To Undermine Wages

EXHIBIT 31

(Continued from Page 1)

Donovan and at a press briefing by Labor Dept. Solicitor T. Timothy Ryan. Cutbacks in Davis-Bacon Act wage protections and weakened affirmative action obligations for federal contractors were outlined at the same time. The Labor Dept. is expected to issue its formal proposals by the end of June.

Among the changes being considered is one that would limit the prevailing wage protections to contracts that are "principally for services." This loose definition could strip protection from about half the workers now covered under the law's application to contracts that contain substantial portions of service work.

As an example, the committee said that a contractor who sells the government office machines and provides repair and maintenance service would become exempt from wage requirement for service workers since the principal purpose of the contract would be deemed sales rather than service.

THE ADMINISTRATION is also questioning whether to exempt whole classes of service contracts and industries including automated data processing and other "high technology" services, overhaul and modification, services associated with timber sales and removal, and research and development.

The committee charged that the proposals for these exemptions are a result of heavy industry pressure. It pointed out that a 1974 amendment to the Service Contract Act sharply limits the Secretary's authority to grant any exemptions from coverage.

Another proposed change, "two-stage bidding," has been strongly and successfully opposed by the AFL-CIO in the past, the committee noted.

The practice would permit the Labor Dept. to base wage determinations for some service contracts on scales from the lowest-paid areas of the country, undercutting the ability of contractors in areas with higher standards to compete.

AFL-CIO ECONOMIST John Zalusky, a member of the committee, described the tactic as a way to shift jobs from higher-wage states to areas where wages are traditionally low and union organization is sparse.

The committee also warned that the Labor Dept. would permit "reconfiguration" of contracts so as to undermine the successorship provisions of the law.

These now require that, when a government contract is relet, the wages and benefits negotiated with the previous contracter must be considered the prevailing standards. The Administration's proposals could allow minor rewriting of the contract terms so that it could be labelled "new work."

The Labor Dept.'s proposals "raise the spectre of union contracts being overturned by the government contracting process," Zalusky said.

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CIO NEWS
27, 1981
p. 1,7.

Drive Launched to Block Decontrol of Natural Gas

(Continued from Page 1)

trol, done by Employment Research Associates of Lansing, Mich., warned that the windfall profits from natural gas decontrol would quickly translate into a further increase in the already huge political power of the oil and gas companies.

In the 1980 elections, "large sums were given to those whom the industry wanted to re-elect and to the opponents of members whom the industry wanted to defeat," the study found.

UNDER EXISTING law, the price of natural gas discovered after April 1977 is allowed to rise with inflation plus an additional percentage that is supposed to bring it to the level of decontrolled oil prices by 1985. Gas found before April 1977 would remain controlled unless the law were changed.

Oil prices have gone up so rapidly that immediate decontrol of new gas would have a staggering effect on the economy. The estimate of a $260-billion price rise over four years and the loss of some 3.4 million jobs are based on an assumption of an accelerated schedule of decontrol.

An AFL-CIO Executive Council statement last February urged Congress to reject any speedup in the decontrol of natural gas prices that would in effect allow the OPEC cartel to dictate the price that Americans pay for natural gas produced in this country as well as the price of oil.

A NUMBER OF unions taking an active part in the coalition effort issued statements backing the campaign against decontrol. The UAW warned that "the auto industry could lose tens of thousands of jobs" because of loss of consumer buying power, while higher costs for the ingredients of automobiles would make it harder to compete with foreign auto makers.

President William H. Wynn of the Food & Commercial Workers said the higher consumer costs would have their most severe job impact on the retail trade and food industries where the union's members work.

The State, County & Municipal Employees, Service Employees, Communications Workers were among the large-membership groups expressing concern at the Energy Coalition's news conference. And the Oil, Chemical & Atomic Workers made clear its commitment to the campaign to stop decontrol. OCAW members and their families are consumers as well as workers in the oil and gas industry and would be hurt by decontrol, the union said.

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AFL-CIO NEWS
June 27, 1981
pp. 1,7.

3.4 Million Jobs at Stake

Natural Gas Decontrol Labor, Coalition Battle

The AFL-CIO has joined with the Citizen/Labor Energy Coalition in a nationwide campaign to block decontrol of natural gas prices and avert a chain reaction of inflation and job losses.

Decontrol would double heating bills of households using natural gas, shift $260 billion from consumer spending to the profits of the oil and gas companies over the next four years, and wipe out some 3 million jobs, according to a study commissioned by the coalition.

MACHINISTS President William W. Winpisinger, who heads the 200-organization Energy Coalition, told a news conference that it will seek written pledges by members of Congress to oppose any attempt to repeal natural gas controls or speed up the existing timetable for gradual decontrol of "new" natural gas wells.

AFL-CIO Legislative Director Ray Denison said the federation will urge members of Congress to make such a pledge and will work with the coalition and allied senior citizen, farm and consumer groups "in a nationwide grass roots education and lobbying campaign to stop natural gas decontrol."

Decontrol would hurt every American household, undercut the competitive position of American industry, and inflict new hardships on moderate-income families dependent on natural gas. "There is no argument, save greed, for decontrol," Denison told the news conference.

WILLIAM HUTTON, executive director of the National Council of Senior Citizens and secretary-treasurer of the Energy Coalition, said NCSC's 4,000 local clubs will work with other coalition participants to get the message to members of Congress that "no one in your district will benefit from decontrol."

Last January, soon after taking office, President Reagan decontrolled oil and gasoline prices with an Executive Order. But lifting of controls on natural gas would require legislation and touch off a major battle in Congress.

Energy Sec. James B. Edwards has made clear the Administration is opposed to continued controls, and it is in anticipation of the congressional battle that the coalition has launched its campaign.

The study of the impact of decon-

(Continued on Page 7)

EXHIBIT

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 769
California Dental Political	)	
Action Committee, et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 3, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 769:

1. Approve the conciliation agreement, attached to the Memorandum to the Commission, dated March 31, 1981, in settlement of this matter and authorize the General Counsel to affix his signature thereto.

2. Send the letter to the respondent's counsel, as attached to the Memorandum to the Commission, dated March 31, 1981.

3. CLOSE THE FILE.

Attest:

4/3/81
Date

Jody A. Custer
Marjorie W. Emmons for
Secretary of the Commission

Received in Office of Commission Secretary: 3-31-81, 12:33
Circulated on 48 hour vote basis: 3-31-81, 4:00

EXHIBIT

29

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#6.1

BEFORE THE FEDERAL ELECTION COMMISSION

'85 JAN 15 P 3:43

In the Matter of	)	
	)	
California Dental Political Action Committee	)	MUR 769
American Dental Political Action Committee	)	

GENERAL COUNSEL'S REPORT

INTRODUCTION

During their review of the records and reports of the California Dental Political Action Committee, members of the Audit Division staff found evidence of apparent violations by that committee of 2 U.S.C. §§ 433, 434, 441a(a)(2)(A), 441a(f), and 441b(a); evidence of apparent violations by the California Dental Association of 2 U.S.C. §§ 433, 434, 441a(a)(1)(C) and 441b(a); and evidence of apparent violations by the American Dental Political Action Committee of 2 U.S.C. §§ 433(b)(2), 441a(a)(2)(A), and 441b(a). (See Attachment I).

LEGAL ANALYSIS

I. Commingling

A. Receipt and Transfer of Contributions

The California Dental Association ("CDA") is an incorporated membership organization which in 1968 established the California Dental Political Action Committee ("CAL-D-PAC"). CAL-D-PAC makes contributions to both federal and state candidates and has registered with the Commission with regard to its federal activities.

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According to information obtained by the Audit Division, the contribution collection system in force before July 1, 1977, involved CDA's collection of the voluntary contributions made to CAL-D-PAC by CDA members by means of joint solicitations for dues and contributions. Members paid both dues and political contributions on one check which was initially deposited into a CDA account. Later, generally within 2-3 weeks of receipt, amounts equal to all political contributions, including those received from both corporate and non-corporate contributors, were transferred to CAL-D-PAC's state/federal savings account from which an amount equal to corporate contributions was in turn transferred to CAL-D-PAC's state savings account. As needed, further transfers were made to CAL-D-PAC's respective checking accounts. (See Attachment II). CAL-D-PAC used its state/federal accounts to make contributions to state and federal candidates, while the state accounts were used only to make contributions to state candidates. The final transfer to the state savings account made under this system took place on July 8, 1976. 1/

1/ The Audit Division cites an apparent violation of 11 CFR 103.3(a) by the CAL-D-PAC for initially depositing contributions into a savings rather than a checking account. AO 1975-41 states that "(a)ll contributions to or receipts of a political committee must first be deposited in a checking account or an appropriate campaign depository. 2 U.S.C. § 437b(a)." AO 1976-24 states that "(c)ontributions received by a candidate or his authorized political committees and expenditures made by a candidate or his authorized politica committees must pass through checking accounts maintained in... designated campaign depositories." Here the contributions were not initially deposited into a checking account but did pass through that account prior to the making of expenditures. CAL-D-PAC's system appears to place it in violation of 2 U.S.C. § 437b(a); however, given the extent of other violations covered by this matter, we recommend that this particular violation be deemed de minimus and not be pursued.

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According to Commission AO 1978-42, corporate and union organizations may collect dues and political contributions in the same transaction and may deposit these monies into a single account, provided that transmittal of political contributions into a separate, segregated fund takes place within 10 days of receipt. A footnote to the advisory opinion sets forth the Commission's understanding that the checks accepted by such corporate and union organizations would be personal in nature.

Because CDA accepts checks written on corporate accounts, its role as a transmitting agent for CAL-D-PAC appears not to come within the type of factual situation outlined in AO 1978-42. Therefore, during the pre-July 1, 1977, period, CAL-D-PAC apparently violated 2 U.S.C. § 441b(a) in two respects: first, by accepting commingled funds from CDA, and, secondly, by further commingling funds in its own state/federal savings account.

Since July 1, 1977, CDA has continued to commingle corporate and non-corporate monies in its account prior to the transfer of political contributions to CAL-D-PAC. The transfer process has, however, been changed to involve the use of separate checks, one containing non-corporate contributions which goes to CAL-D-PAC's state/federal savings account and the second containing corporate contributions which goes to its state savings account. (See Attachment III). As a result of this change in procedure, commingling takes place at only one stage, that of deposits into the CDA account. Therefore, CAL-D-PAC has remained in

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apparent violation of 2 U.S.C. § 441b(a) by receiving commingled funds from CDA. 2/

It has also been standard procedure for $10 of each $35 contribution received from non-corporate CDA members to be forwarded to the American Dental Political Action Committee ("ADPAC") from CAL-D-PAC's state/federal account. (See Attachments II and III). Since July 1, 1977, commingling has continued to take place in the CDA account. Therefore, the monies transferred to ADPAC during both periods have come from accounts containing commingled funds, placing ADPAC in apparent violation of 2 U.S.C. § 441b(a).

2/ The invoice sent to members of CDA contains the following notice:

> If a non-corporate check is used, this is a tax deductible political contribution, with $25 forwarded to the joint CAL-D-PAC (State/Federal) for use in either state or federal campaigns and $10 forwarded to Ad-Pac; for corporations $35 is forwarded to CAL-D-PAC (State). (See Attachment I, p. 10).

Because of this notice, we do not find an appearance of intent on the part of corporate contributors to contribute to federal candidates and thus no violation of 2 U.S.C. § 441b(a) on the part of the contributors.

CDA appears to be in technical violation of 2 U.S.C. § 441b(a) as to both its pre- and post-July 1, 1977, procedures. We do not, however, recommend pursuit of CDA concerning this particular violation.

B. Intra-Account Transfers

The Audit Division discovered that between February 26, 1976, and February 3, 1978, $138,387.48 was transferred from CAL-D-PAC's state savings and checking accounts and from its administrative account to its state/federal checking and saving accounts. (See Attachment I, p.8). These transfers were made from accounts which apparently contained corporate funds by virtue of the transfers by CDA of corporate contributions to CAL-D-PAC's state accounts and of the probable presence of corporate dues monies in CAL-D-PAC's administrative account. These transfers, therefore, place CAL-D-PAC in further violation of 2 U.S.C. § 441b(a) for having commingled corporate monies in its state/federal accounts. 3/

II. Affiliation of Committee with the American Dental Political Action Committee (ADPAC); Excessive Contribution

In April, 1978, the Committee filed an amended statement of organization disclosing ADPAC as an affiliated organization. Before that date, CAL-D-PAC had identified only CDA as an affiliate. ADPAC has not filed a parallel amendment showing CAL-D-PAC as an affiliate. On August 18, 1976, ADPAC made a $5,000 contribution to the Hayakawa for U.S. Senate Committee and on January 14, 1977, the CAL-D-PAC made a $1,000 contribution to the same committee. If

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3/ We believe that it is unnecessary to find that CAL-D-PAC's state account has become a political committee for registration and reporting purposes as a result of these transfers.

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ADPAC and CAL-D-PAC were in fact affiliated as early as August 18, 1976, each would be in violation of 2 U.S.C. § 441a(a)(2)(A) for having made excessive contributions to a single candidate committee.

Information presently in hand provides considerable evidence of affiliation since the 1968 formation of both CAL-D-PAC and ADPAC, such evidence including a common founder, common officers, unified membership, shared contribution collection, and shared publicity. Therefore, CAL-D-PAC and ADPAC apparently have violated 2 U.S.C. § 441a(a)(2)(A). In addition, it appears that ADPAC is in violation of 2 U.S.C. § 433(b)(2) for failing to register CAL-D-PAC as an affiliated organization. 4/

4/ The auditors have also determined that ADPAC has never reimbursed either CDA or CAL-D-PAC for the costs of soliciting and transmitting its share of contributions received from CDA members. The value of these services have not been calculated or disclosed by either CAL-D-PAC or ADPAC. Prior to July 1, 1977, CDA paid these costs for CAL-D-PAC and thus for ADPAC. Since July 1, 1977, CAL-D-PAC has met all costs.

According to CAL-D-PAC's treasurer, approximately 9,000 dentists are members of CDA. Since July 1, 1977, CAL-D-PAC has been reimbursing CDA at the rate of about 1 cent per individual billing. Assuming one billing per year, an application of this rate to the pre-July, 1977, period produces a yearly cost to CDA of $90 for soliciting contributions for both CAL-D-PAC and ADPAC. ADPAC received two-sevenths of each non-corporate $35 contribution and thus should be considered the beneficiary of less than $25.70 worth of CDA's services per year. These services represented in-kind contributions from CDA to ADPAC which should have been reported by ADPAC; however, given the small amount involved, we do not recommend pursuit of this issue. After July 1, 1977, CAL-D-PAC assumed these costs. If CAL-D-PAC and ADPAC were in fact affiliated as of that date, no in-kind contribution to ADPAC would be involved.

RECOMMENDATIONS

1. Find reason to believe that the California Dental Political Action Committee has violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to a candidate and his authorized committee; and 2 U.S.C. § 441b(a) by accepting transfers of contributions from members of CDA which have been commingled with corporate monies in a CDA account, by commingling corporate and non-corporate contributions in its own state/federal savings account prior to July 1, 1977, and by transferring funds from its state accounts and its administrative account, all of which contained corporate monies, to its state/federal accounts.

2. Find reason to believe that the American Dental Political Action Committee has violated 2 U.S.C. § 433(b)(2) by failing to register the California Dental Political Action Committee as an affiliated organization; 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to a candidate's authorized political committee; and 2 U.S.C. § 441b(a) by accepting contributions collected by the California Dental Association which have been commingled with corporate funds in a CDA account and, before July 1, 1977, also in the state/federal savings account of the California Dental Political Action Committee.

1/19/79
Date

William C. Oldaker
General Counsel

Attachments:

Audit Report
Diagrams of Cash Flow
Letters

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Line Number 11c

Complete for each calendar year (January 1 to December 31) to date for each contributor who has contributed a total of $50 or more to your committee.

Category of the Detailed Summary Page

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
American Federation of Teachers - COPE 11 Dupont Circle, N.W. Washington, D.C. 20036	Transfer of fund raised thru a joint fund raising effort.	12/14/81	15,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			15,000.

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Fund

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
United Assoc. Political Educ. Comm. 201 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort.	1/6/81	568.00
P.E.I.U. - Local 2 1126 16th Street, N.W. Washington, D.C. 20036	Transfer of funds raised thru a joint fund raising effort.	1/19/81	70.46
United Assoc. Political Educ. Comm. 201 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort.	1/30/81	890.00
B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort.	1/30/81	6,143.68

SUBTOTAL of Disbursements This Page (optional) . . . . . .

SCHEDULE B

ITEMIZED DISBURSEMENTS

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Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local 2 1126 16th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 2/9/81	Amount of Each Disbursement This Period 72.96
B. Full Name, Mailing Address and ZIP Code I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 2/27/81	Amount of Each Disbursement This Period 6,341.28
C. Full Name, Mailing Address and ZIP Code United Assoc. Political Educ. Comm. 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 2/27/81	Amount of Each Disbursement This Period 1,405.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
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SCHEDULE B — ITEMIZED DISBURSEMENTS

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Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Pe
A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local#2 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raiser. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/4/81	69.21
B. Full Name, Mailing Address and ZIP Code I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raiser. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/31/81	107.50
C. Full Name, Mailing Address and ZIP Code United Assoc. Political Educ. Comm. 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raiser. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/31/81	28.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe

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Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
O.P.E.I.U. - Local #2 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of fund raised thru a joint fund raising fund.	4/6/81	70.71
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	4/30/81	19,078.19
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page

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SCHEDULE B — ITEMIZED DISBURSEMENTS

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Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
O.P.E.I.U. - Local #2 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	5/11/81	74.71
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
United Assoc. Political Educ. Comm. 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort.	5/29/81	150.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising	5/29/81	11,429.84
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page

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SCHEDULE B — ITEMIZED DISBURSEMENTS

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Name of Committee (In Full)

AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
A. O.P.E.I.U. - Local #2 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	6/3/81	74.09
B. I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	6/2/9/81	7,265.97
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SCHEDULE B

ITEMIZED DISBURSEMENTS

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Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local #2 1126 16th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 7/7/81	Amount of Each Disbursement This Page 71.08
B. Full Name, Mailing Address and ZIP Code I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 7/29/81	Amount of Each Disbursement This Page 6,730.64
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			6,801.72

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 (in Last numbered 36)
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local 82 1126 16th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 9/15/81	Amount of Each Disbursement This Period 66.39
B. Full Name, Mailing Address and ZIP Code IBPAT - Political Action Together United Unions Building 1750 New York Avenue, N.W. Washington, D.C. 20006	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 9/25/81	Amount of Each Disbursement This Period 461.29
C. Full Name, Mailing Address and ZIP Code I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 9/30/81	Amount of Each Disbursement This Period 12,824.22
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			13,351.9[illegible]

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SCHEDULE B

Name of Committee (in full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
O.P.E.I.U. - Local 03 1125 16th Street, N.W. Washington, D.C. 20036	Transfer of funds raised thru a joint fund raising effort	8/7/92	75.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20036	Transfer of funds raised thru a joint fund raising effort	8/31/92	20,016.69
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			20,092.69

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local #2 1126 16th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10/8/81	Amount of Each Disbursement This Per 69.81
B. Full Name, Mailing Address and ZIP Code I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10/30/81	Amount of Each Disbursement This Per 9,205.43
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Per
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This P
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This P
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			9,275.24

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SCHEDULE D

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local #2 1126 16th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 11/6/81	Amount of Each Disbursement This Period 71.18
B. Full Name, Mailing Address and ZIP Code United Assoc. of Plumbing & Pipe Fitting Industry 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 11/30/81	Amount of Each Disbursement This Period 381.00
C. Full Name, Mailing Address and ZIP Code I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 11/30/81	Amount of Each Disbursement This Period 7,560.92
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			8,013.10

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
O.P.E.I.U. - Local #2 COPE 1125 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint-fund raising effort. Disbursement for ☐ Primary ☐ General ☐ Other (specify)	12/7/81	71.43
B. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
I.B.E.W. - COPE 1125 15th Street, N.W. Washington, D.C. 20001	Trasfer of funds raised thru a joint fund-raising effort. Disbursement for ☐ Primary ☐ General ☐ Other (specify)	12/31/81	17,844.39
C. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
United Association Political Education Committee 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort. Disbursement for ☐ Primary ☐ General ☐ Other (specify)	12/31/81	443.00
D. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
E. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
F. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
G. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
H. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
I. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
SUBTOTAL Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			25,315.82

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Page 1 of 1 for
LINE NUMBER 11C
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

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Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Int'l. Union of Electrical, Radio & Machine Workers, 1126 16th Street, N.W., Washington, D.C. 20036	Transfer of fund raised thru a joint fund raiser.	3/6/81	10,000.00
B. United Furniture Workers of America, 1910 Airlane Drive, Nashville, Tennessee 37210	Transfer of funds raised thru a joint fund raiser.	3/12/81	1,000.00
C. Oil, Chemical & Atomic Workers Int'l., P.O. Box 2812, 1636 Champa Street, Denver, Colorado 80201	Transfer of funds raised thru a joint fund raiser.	3/12/81	2,170.85
D. Railway, Airline & Steamship Clerks, 3 Research Place, Rockville, Maryland 20850	Transfer of funds raised thru a joint fund raiser.	3/20/81	15,600.00
E. Seafarers International Union, 675 Fourth Avenue, Brooklyn, New York 11232	Transfer of funds	3/23/81	5,000.00
F.			
G.			

Receipt For: ☐ Primary ☐ General ☐ Other (specify):

Aggregate Year-to-Date—$

SUBTOTAL of Receipts This Page (optional) . . . .

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SCHEDULE A

Page

Name of Committee (in full)

United Furniture Workers of America Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
United Furniture Workers of America COPE Committee 1910 Airlane Drive Nashville, Tennessee 37210 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effort Occupation Aggregate Year-to-Date = $	3/13/02	1,000.00
B. Full Name, Mailing Address and ZIP Code Brotherhood of Railway & Airline Clerks - Responsible Citizens Political League 3 Research Place Rockville, Maryland 20850 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Transfer of funds raised thru a joint fund raising effort Occupation Aggregate Year-to-Date = $	3/26/02	30,000.00
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date = $	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date = $	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date = $	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date = $	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date = $	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			31,000.00

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for
Line Number 11-C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be used or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code Bakery & Confectionery & Tobacco Wkrs. 10401 Connecticut Avenue Kensington, Maryland 20795	Name of Employer Transfer of funds raised thru a joint fund raiser	Date (month, day, year) 4/10/81	Amount of Each Receipt this Period 5,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$		

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Page 1 of 2 for
LINE TO FILER [illegible]
(Use separate schedule for each category of the Detailed Summary Page)

SCHEDULE A

ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Con-ributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Bakery, Confectionery & Tobacco Wkrs. Int'l. Union - Political Action Committee John DeConcini, President 10401 Connecticut Avenue Kensington, Maryland 20759	Transfer of funds raides thru a joint fund raising effort.	6/25/81	5,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	Aggregate Year-to-Date—$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Railway Clerks Political League Fred J. Kroll, President 3 Research Place Rockville, Maryland 20850	Transfer of funds raised thru a joint fund raising effort.	6/26/81	17,170.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Voice of the Electorate - O.P.E.I.U. William A. Lowe, Secretary-Treasurer 815 16th Street, N.W. Washington, D.C. 20006	Transfer of funds raised thru a joint fund raising effort	6/26/81	21,015.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		

SUBTOTAL [illegible]

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SCHEDULE A — ITEMIZED RECEIPTS

(Use another schedule for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Bakery, Confectionery & Tobacco Wkrs. Int'l. Union - Political Action Committee, 10401 Connecticut Avenue, Kensington, Maryland 20795 — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effort. / Occupation / Aggregate Year-to-Date—$	10/9/81	15,000.00
B. Labors Investment In Voter Educ. (Chemical Workers International), 1655 W. Market Street, Akron, Ohio 44313 — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds / Occupation / Aggregate Year-to-Date—$	10/19/81	2,000.00
C. Campaign Fund of the Allied Industrial Workers of America - AFL-CIO, 3520 West Oklahoma Avenue, Milwaukee, Wisconsin 53215 — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effort. / Occupation / Aggregate Year-to-Date—$	10/23/81	12,092.01
D. Transport Workers Union Political Contributions Committee, 1980 Broadway, New York, New York 10023 — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effort. / Occupation / Aggregate Year-to-Date—$	10/28/81	5,500.00
E. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			34,592.01

3 04 10 04 30 24 16 93 35 11 79 8

SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1
Line Number 11C
(Use separate schedule(s) for each category of the Detailed Summary of Receipts)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in full)
USA-PAC COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
A. COPE Committee of the United Rubber Workers of America UWA Building, 87 South High Street Akron, Ohio 44308 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru a joint fund raising effort. Occupation Aggregate Year-to-Date-$	4/16/82	20,932.00
B. United Furniture Workers COPE Committee 1910 Airlane Drive Nashville, Tennessee 37210 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru a joint fund raising effort Occupation Aggregate Year-to-Date-$	4/30/82	1,000.00
C. Bakery Workers International Union Political Action Committee 10401 Connecticut Avenue Kensington, Maryland 20895 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru a joint fund raising effort. Occupation Aggregate Year-to-Date-$	4/30/82	20,000.00
D. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			89,932.00

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SCHEDULE A

ITEMIZED RECEIPTS

Page 2 of 2

Name of Committee (in full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Bakery Workers International Union Political Action Committee 10401 Connecticut Avenue Kensington, MD 20895	Transfer of funds raised thru joint fund raising	9/30/82	11,233.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
United Furniture Wkrs. COPE Committee Lowell Daily, Secretary-Treasurer 1910 Airlane Drive Nashville, Tennessee 37210 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effort. Occupation Aggregate Year-to-Date—$	11/6/81	1,000.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Sheet Metal Wkrs. Int'l. Assoc. Political Action League - Cecil Clay, Secy.-Treas. United Unions Bldg., 1750 N.Y. Ave., N.W. Washington, D.C. 20006 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raising effort. Occupation Aggregate Year-to-Date—$	11/23/81	15,000.00
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			16,000.00

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for Line Number 11c

*Use separate schedules for each category of the Detailed Summary Page

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
United Furniture Workers of America, COPE Committee 1910 Airlane Drive Nashville, Tennessee 37210	Transfer of funds raised thru a joint fund raising.	6/18/82	1,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$ 3,000.00		
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Sheet Metal Workers International Union, Political Action League 1750 New York Avenue, N.W. Washington, D.C. 20006	Transfer of funds raised thru a joint fund raising.	6/18/82	28,800.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$ 28,800.00		
C. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			29,800.00

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Page 1 of 1 19
Line Number
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in full): AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
A. International Ladies' Garment Workers Union Campaign Committee, 1710 Broadway, New York, New York 10019	Transfer funds - joint fund raising	12/10/82	$4,930.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			$ 4,930.00

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
Campaign Fund of the Allied Industrial Workers of America, AFL-CIO

A. Full Name, Mailing Address and ZIP Code Michigan State AFL-CIO COPE Fund 419 S. Washington Ave. Lansing, MI 48933	Purpose of Disbursement Contribution ($300.00) Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 8/10/81	Amount of Each Disbursement This Period 300.00
B. Full Name, Mailing Address and ZIP Code Don Riegle 3001 W. Big Beaver Rd., Suite 302 Troy, MI 48084	Purpose of Disbursement Riegle for Senate in '82 Committee ($5,000.00) Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Campaign Contribution	Date (month, day, year) 8/10/81	Amount of Each Disbursement This Period 5,000.00
C. Full Name, Mailing Address and ZIP Code Gary Goyke P. O. Box 1114 Oshkosh, WI 54902	Purpose of Disbursement Goyke for Congress Committee ($300.00) Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Campaign Contribution	Date (month, day, year) 9/14/81	Amount of Each Disbursement This Period 300.00
D. Full Name, Mailing Address and ZIP Code Committee on Political Education 815 Sixteenth St., N.W. Washington, D.C. 20006	Purpose of Disbursement Transfer of Joint Fund Raising Proceeds($12,092.01) Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10/20/81	Amount of Each Disbursement This Period 12,092.01
E. Full Name, Mailing Address and ZIP Code Quentin Burdick 1125 College St. Fargo, N.D. 58102	Purpose of Disbursement Burdick Campaign Committee (Senate) ($300.00) Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Campaign Contribution	Date (month, day, year) 12/14/81	Amount of Each Disbursement This Period 300.00
F. Full Name, Mailing Address and ZIP Code Byron Dorgan P. O. Box 871 Bismarck, N.D. 58502	Purpose of Disbursement Dorgan Re-Election Committee (Congress) ($200.00) Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Campaign Contribution	Date (month, day, year) 12/14/81	Amount of Each Disbursement This Period 200.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			18,192.01
TOTAL This Period (last page this line number only)			18,192.01

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 27
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
Campaign Fund of the Allied Industrial Workers of America, AFL-CIO

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code AFL-CIO COPE Political Contributions Committee 815 Sixteenth St., N.W. Washington, D.C. 20006	Transfer of Joint Fundraising Proceeds Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	9-1-82	$14,328.72
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			$14,328.72
TOTAL This Period (last page this line number only)			$14,328.72

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for
LINE NUMBER 11-C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Lists copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Committee (in full)
UPE Political Contributions Committee

Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
- Local #2 Street, N.W. D.C. 20036 ☐ Primary ☐ General Type (specify):	Transfer of funds raised thru a joint fund raising. Occupation Aggregate Year-to-Date-$	1/9/81	486.87
Name, Mailing Address and ZIP Code Chemical & Atomic Wkrs. Street., P.O. Box , Colorado 80201 ☐ Primary ☐ General Type (specify):	Name of Employer Transfer of funds raised thru a joint fund raising Occupation Aggregate Year-to-Date-$	Date (month, day, year) 1/22/81	Amount of Each Receipt This Period 1,307.75
Name, Mailing Address and ZIP Code ☐ Primary ☐ General Type (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
Name, Mailing Address and ZIP Code ☐ Primary ☐ General Type (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
Name, Mailing Address and ZIP Code ☐ Primary ☐ General Type (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
Name, Mailing Address and ZIP Code ☐ Primary ☐ General Type (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
Name, Mailing Address and ZIP Code ☐ Primary ☐ General Type (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
Total Receipts This Page (optional)			1,794.62
Total Page this line number only			

Page 2 of 2 for LINE NUMBER C.
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committees.

Name of Committee (in Full)
AFL-CIO CCPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
A. United Furniture Workers of America Lowell Daily, Secretary-Treasurer 1910 Airlane Drive Nashville, Tennessee 37210 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Transfer of funds raised thru a joint fund raising effort. Occupation: Aggregate Year-to-Date—$	7/10/81	1,000.00
B. Oil, Chemical & Atomic Wkrs. Int'l. Union Robert V. Palmer, Secretary-Treasurer P.O. Box 2812, 1636 Champa Street Denver, Colorado 80201 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Transfer of funds raised thru a joint fund raising effort. Occupation: Aggregate Year-to-Date—$	7/10/81	1,711.46
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			2,711.46

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SCHEDULE A — ITEMIZED RECEIPTS

Total amount of other receipts (from continuation pages)
Total amount of all receipts this page (lines 11a through 11g of the Summary Page)

Any information copied from such Reports or Statements may not be used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
A. Oil, Chemical & Atomic Wkrs. Int'l. P.O. Box 2012, 1636 Champa Street Denver, Colorado 80201 — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds raised thru a joint fund raising effort / Occupation / Aggregate Year-to-Date-$	9/11/81	11,492.00
B. Firemen & Oilers Int'l. 200 Maryland Avenue, N.E. V.F.W. Bldg., 5th Floor Washington, D.C. 20002 — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Transfer of funds / Occupation / Aggregate Year-to-Date-$	9/25/81	4,500.00
C. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation / Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation / Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation / Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation / Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code — Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation / Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			15,992.00

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1
Line Number 11 C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Oil, Chemical & Atomic Wkrs., Int'l. H. Ricigliano, Secretary-Treasurer P.O. Box 2812 Denver, Colorado 80201	Transfer of funds raised thru a joint fund raising effort.	2/12/82	8,517.22
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Aggregate Year-to-Date-$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			56,527.22

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Page 1 of 1 for
Line Number 17 C
(Total this and schedules for all pages of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code Communication Workers of America Political Contributions Committee 1925 "K" Street, N.W. Washington, D.C. 20006	Name of Employer Transfer of funds	Date (month, day, year) 5/15/81	Amount of Each Receipt this Period 5,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional)

03:40:04 05/15/81

SCHEDULE B — ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
P.A.I. Political Fund 1750 New York Avenue, N.W. Washington, D.C. 20006	Transfer of funds; joint fund raising effort ☐ Primary ☐ General ☒ Other (specify): Transfer	10/1/82	5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
CWA COPE Political Contributions Committee 1925 K Street, N.W. Washington, D.C. 20006	Transfer of funds; joint fund raising effort ☐ Primary ☐ General ☒ Other (specify): Transfer	10/4/82	10,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Charles Wessels for Congress Cmte. P.O. Box 187 Savannah, Georgia 31412	Congressional contribution Georgia - 1st CD ☒ Primary ☐ General ☐ Other (specify):	10/5/82	1,000.00 (Void Ck 9/15/8
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Billy Joe Camp for Congress P.O. Box 1002 Montgomery, Alabama 36102	Congressional contribution Alabama - 2nd CD ☐ Primary ☒ General ☐ Other (specify):	10/5/82	2,500.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Ben Erdreich for Congress Committee P. O. Box 751 Birmingham, Alabama 35201	Congressional contribution Alabama - 6th CD ☐ Primary ☒ General ☐ Other (specify)	10/5/82	2,500.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Udall for Congress Committee - 1982 P.O. Box 1391 Tucson, Arizona 85702	Congressional contribution Arizona - 2nd CD ☐ Primary ☒ General ☐ Other (specify):	10/5/82	1,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
McNulty Campaign Committee 509-511 North Craycroft Tucson, Arizona 85711	Congressional contribution Arizona - 5th CD ☐ Primary ☒ General ☐ Other (specify):	10/5/82	2,300.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Alexander for Congress P.O. Box 5096 Jonesboro, Arkansas 72401	Congressional contribution Arkansas - 1st CD ☐ Primary ☒ General ☐ Other (specify)	10/5/82	2,000.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Coelho for Congress Committee P.O. Box 1110 Merced, California 95341	Congressional contribution California - 15th CD ☐ Primary ☒ General ☐ Other (specify)	10/5/82	1,000.00

SUBTOTAL of Disbursements This Page (optional) . . . . . .

TOTAL This Period (last page this line number only) . . . . . .

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SCHEDULE B

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
United Food and Commercial Workers Local 873 R P.O. Box 1709 Tulsa, Oklahoma 74101	Transfer of Funds	8/3/81	500.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
All Missouri Delegate Selection Comm 11 Dupont Circle, N.W. Washington, D.C. 20036	Transfer of funds - 1980 deficit	8/20/81	6,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
Railway Labor Executives Association Political League Railway Labor Building, 400 1st St. N Washington, D.C. 20001	Transfer of funds	8/28/81	5,000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			11,500.00

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Page ___ of ___ for Line Number ___
(Use extra sheets for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - Local # 2 COPE 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	1/20/82	70.78
B. Full Name, Mailing Address and ZIP Code			
C. Full Name, Mailing Address and ZIP Code			
D. Full Name, Mailing Address and ZIP Code			
E. Full Name, Mailing Address and ZIP Code			
F. Full Name, Mailing Address and ZIP Code			
G. Full Name, Mailing Address and ZIP Code			
H. Full Name, Mailing Address and ZIP Code			
I. Full Name, Mailing Address and ZIP Code			
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			70.78

SCHEDULE A

ITEMIZED RECEIPTS

(Use separate schedule for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
O.P.E.I.U. - Local #2 COPE 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort.	1/25/02	603.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			603.00

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code United Association Political Education Committee 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/2/82	Amount of Each Disbursement This Period 2,094.00
B. Full Name, Mailing Address and ZIP Code O.P.E.I.U. - 82 COPE 1126 16th Street, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/30/82	Amount of Each Disbursement This Period 137.11
C. Full Name, Mailing Address and ZIP Code United Association Political Education Committee 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/31/82	Amount of Each Disbursement This Period 722.50
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			2,953.61

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 25-C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
A. O.P.S.I.U. - Local 82 COPE 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	4/12/82	69.28
B. United Association Political Education Committee 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	4/30/82	643.16
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SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			712.44

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Page 1 of 1 for
LINE NUMBER 26-C
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
O.P.E.I.U. - Local #2 COPE 1126 16th Street, N.W. Washington, D. C. 20001	Transfer of funds raised thru a joint fund raising effort	5/25/82	67.68
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
United Association Political Education Committee 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	5/25/82	380.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			447.68

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 26a
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

Name of Committee (in full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
O.P.E.I.U., Local 32 COPE 1126 16th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/9/82	67.43
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			67.43

SCHEDULE D

ITEMIZED DISBURSEMENTS

Page 2 of 2 for
Line Number C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Information copied from such reports and statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
D.C.S.E.I.U. Local 82 COPS 1125 15th Street, N.W. Washington, D.C. 20001	Transfer of funds raised thru a joint fund raising effort	7/26/02	68.03
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Page
SUBTOTAL of Disbursements This Page (continued)			
TOTAL This Period (last page this line number only)			68.03

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AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
O.P.E.I.U. Local 82 COPE 1125 16th Street, N.W. Washington, D.C. 20001	Refund of a contribution raised thru a joint fund raising effort	8/10/02	67.19
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			67.19

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 26 C
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to which contributions from such committee

Name of Committee (in full)
AFL-CIO Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☒ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
O.P.E.I.U. Local 32 COPE 1126 16th Street, N.W. Washington, D.C. 20001	Refund of contribution raised thru a joint fund raising effort	9/30/82	115.46
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
...ing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
	This Page (optional)		
	Page (this line number only)		115.46

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1,494.43

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1
Line number
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code Office and Professional Employees International Union #2 265 W. 14th Street New York, N.Y. 10011	Purpose of Disbursement Transfer of funds joint fundraising Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 11/24/82	Amount of Each Disbursement This Pe $ 53.21
B. Full Name, Mailing Address and ZIP Code United Association Political Education Committee 901 Massachusetts Avenue, N. W. Washington, D.C. 20001	Purpose of Disbursement Transfer of Funds joint fundraising Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 11/24/82	Amount of Each Disbursement This Pe $371.00
C. Full Name, Mailing Address and ZIP Code United Association Political Education Committee 901 Massachusetts Avenue, N.W. Washington, D.C. 20001	Purpose of Disbursement Transfer of Funds joint fundraising Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 12/31/82	Amount of Each Disbursement This Pe $570.22
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Pe
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This P
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This P
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Eac Disbursement This I
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Ea Disbursement This
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Ea Disbursement This
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			$ 1,494.43

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for Line Number 11.C (Use separate schedule for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in full)
ARL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
U.S. Committee on Political Education 1125 16th Street, N.W. Washington, D.C. 20036 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Transfer of funds raised thru a joint fund raiser. Aggregate Year-to-Date—$	5/19/82	10,000.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
TOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			10,000.00

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SCHEDULE A — Itemized Receipts

Political Contributions Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Fund Fundraiser Corners of America, PAC Committee 2010 Airline Drive Nashville, Tennessee 37210 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Employer: Receipts of funds raised from joint fund raising. Occupation: Aggregate Year-to-Date:	7/22/02	1,000.00
A. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date:	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date:	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date:	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date:	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date:	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date:	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			1,000.0

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

AFL-CIO COPE Political Contributions Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Per
Service Emplys. Int'l. Union COPE PCC 2020 K Street, N.W. Washington, D.C. 20006	Transfer of funds raised thru a joint fund raising effort.	2/9/81	2,000.00
B. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
Dave Dunaway's Campaign Committee John E. Henson, Treasurer P.O. Box 1204 LaFollette, Tennessee 37766	Congressional Contribution Tennessee - 2 C.D.	2/19/81	200.00
C. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
David King For U.S. Congress Comm. Walter Gerrells, Treasurer P.O. Box 760 Los Lunan, New Mexico 87301	Congressional Cont. New Mexico - 2 C.D. '80 deficit	2/19/81	3,000.00
D. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
E. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
F. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
G. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
H. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
I. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify):**	**Date (month, day, year)**	**Amount of Each Disbursement This Per**
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

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Page 1 of 1 for
LINE NUMBER
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): CHA-COPE PCC

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. ILGWU Campaign Committee 1710 B'Way New York, New York 10019 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$	10/28/82	$ 2,500.00
B. UAW V Cap 8000 East Jefferson Detroit, Michigan 48214 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation Aggregate Year-to-Date—$	10/22/82	5,000.00
C. AFL-CIO COPE PCC 815 16th Street, N. W. Washington, D. C. 20006 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Joint Fundraising Proceeds Occupation Aggregate Year-to-Date—$	10/22/82	10,000.00
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (enter this line number only)			17,500.00

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the immediate passage of laws by the United States Senate and House of Representatives.

The Committee recommends that Resolution No. 200 be referred to the Executive Council, and I so move.

. . . The recommendation of the Committee was adopted.

Draft Kennedy

RESOLUTION NO. 205—By Delaware County (Pa.) AFL-CIO.

WHEREAS, Our Nation faces serious economic problems of inflation and unemployment, and

WHEREAS, The American people have lost faith in their government, to resolve these problems; therefore, be it

RESOLVED: That the national AFL-CIO support the draft of Senator Edward Kennedy for President. Senator Edward Kennedy's long history of support of working men and women, along with the great esteem which the American people hold him in, is capable of leading our country to economic stability and progress in the years ahead.

Senator Kennedy announced his candidacy for the Presidency on November 7 and, therefore, this resolution is no longer relevant.

The Committee recommends that Resolution No. 205 be referred to the Executive Council, and I so move.

. . . The recommendation of the Committee was adopted.

Hire Union

RESOLUTION NO. 206—By Delaware County (Pa.) AFL-CIO.

WHEREAS, The dedication of thousands of non-paid local union members who serve as officers within their respected organizations and officers within central labor bodies, the AFL-CIO is able to carry out its program and achieve the advancements for social and economic justice over our long history of existence; therefore, be it

RESOLVED: That the AFL-CIO not only support the policy of buy-union but also support the policy of hiring local union leaders from within the ranks of labor who have served the cause of organized labor so well throughout the years.

The Committee recommends that Resolution No. 206 be referred to the Executive Council, and I so move.

. . . The recommendation of the Committee was adopted.

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It's down to Mondale and Glenn
By CLAY F. RICHARDS
UPI Political Writer

WASHINGTON (UPI) _ Six months before the first delegates are chosen, the bid for the Democratic presidential nomination has already turned into a two-way race between former Vice President Walter Mondale and Sen. John Glenn of Ohio.

Sens. Gary Hart of Colorado, Ernest Hollings of South Carolina, Alan Cranston of California and former Florida Gov. Reubin Askew will certainly stay in the race through the first of the year. It is likely they will run through the Iowa caucuses and the New Hampshire primary.

But their campaigns are in debt and most of the smart Democratic money is now going into the coffers of Mondale and Glenn.

Hart, Hollings and Askew never really got off the ground and while surprising things happen in politics, nothing on the horizon now will bring their poll showing above the 2 percent to 5 percent national ratings they have had all along.

Cranston, who lifted his campaign from obscurity by focusing almost entirely on the nuclear freeze issue, also lingers in the single digits in the polls. The momentum he gained by winning or showing well in key straw polls earlier in the year seems to be disappearing.

"It was like a spring shower," a top Democratic National Committee official said in describing Cranston's moment in the spotlight. "Now the sun has come out and you've forgotten it ever rained."

The AFL-CIO dealt a serious blow to the Cranston campaign when union leaders decided last week to endorse a candidate in October instead of December as originally planned.

AFL-CIO President Lane Kirkland would not have allowed the change in the timetable unless he knew that Mondale had the two-thirds vote needed to win the endorsement.

Cranston, who has one of the best pro-labor voting records in Congress, instantly lost considerable money and union-organizing power. He announced he would not try to block Mondale from getting the two-thirds vote _ a concession that means none of the other candidates will be able to either.

Democratic leaders analyzing the Mondale-Glenn showdown say each candidate faces a major hurdle.

Mondale has to prove he can win _ and to do so must shake the negative image he carries as Jimmy Carter's vice president.

Glenn benefits because many polls show he is more likely to defeat President Reagan than Mondale is. But he has to prove he can put on a credible and well-organized campaign, and not be too boring in the process.

Mondale has the potential to overwhelm all opposition. He's got $2 million in the bank right now and that will more than double Jan. 1, when federal matching funds become available for all the contributions under $250 raised this year.

The 1984 caucus and primary calendar is heavily front-loaded, with more than half the delegates picked in a month. It will take a lot of money to spread a campaign over that many states in so short a period of time.

But if Glenn can survive that month with a credible performance, it could be a long campaign to the convention.

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Apprentices of Plumbing & Pipefitting Ind.

It's been just great for our people," he said.

The pride in Business Manager Quinn's voice is obvious when he speaks of the role that the brothers of Local 60 are playing in the rebirth of New Orleans and in insuring a more secure flow of energy supplies to the region and to the nation. That pride, however, grows even more when the conversation turns to the work that these UA members are performing in the never-ending struggle against the caprices of the Mississippi River.

The Mississippi is the reason that New Orleans exists as it does. Without this access to the Gulf of Mexico, the city likely would be nothing more than an expanse of swamps and farmland.

But with the bounty that the river brings, there also is constant peril. The city of New Orleans lies eight feet below sea level. Any major fluctuations in the river level results in flooding, sometimes of disastrous proportions. In addition, a heavy rainfall can paralyze the city for days because of the complications of channeling the water into nearby Lake Pontchartrain. Again, though, these are challenges being met and overcome by the craftsmen of Local 60.

The city is still in the process of constructing — with Local 60 expertise — several huge new pumping stations to funnel run-off rain and flood waters through a series of canals that criss-cross the area and into Lake Pontchartrain.

A measure of the urgency for such a complicated system is the fact that the discharge pipes that run into the lake are 96 inches in diameter and are capable of handling 550 cubic feet of water per second.

Without this type of work by the brothers of Local 60, life in New Orleans would be close to impossible, Business Manager Quinn points out with satisfaction.

All such commercial and government contracts are being won in no small part because of the commitment that Business Manager Quinn and his other officers have to helping the political campaigns of friends of organized labor.

To this end, Local 60 is the location of a highly sophisticated political operation run under the auspices of the Greater New Orleans AFL-CIO, of which Business Manager Quinn has been president for the past three years.

With the aid of the AFL-CIO's Committee on Political Education Computer Program, Business Manager Quinn has supervised the establishment of a 50-phone telephone bank that has produced remarkable results in local and regional elections in the past three years.

With paid workers, most of whom are union members themselves who are working part-time, the telephone bank reaches thousands of voters each night. The bank operates about 26 hours a week to reach union members and other voters in the New Orleans area. Attitudes are recorded, preferences are tabulated, and projections are then made on various political races.

With the aid of this phone bank — which is a large operation by any local standard — Business Manager Quinn can point to a record of labor-endorsed candidates winning nearly three out of every four races. The program has proved so successful that other unions, including United Association locals from around the country, are interested in patterning their own phone banks after it.

"We're very active politically," Business Manager Quinn explained, "and we intend to stay active. Politics plays a role in just about everything, and we want to make sure that people who see things the same way we do get into office."

Local 60's contributions back to the community that has given it so much are not confined to helping maintain a healthy political climate.

The brothers here have long been ready to extend a needed hand whenever called upon. A typical example of this eagerness for community service came when, some years back, Hurricane Camille devastated much of the Gulf Coast. Tens of thousands of Louisiana families were left homeless and indigent overnight.

The brothers of Local 60 responded in traditional fashion to help those unfortunate families. They provided the materials and the labor — at no charge — to rebuild scores of homes for the victims.

It is this selfless attitude toward their community that has won such high regard for the brothers of Local 60 through the years.

New Orleans may be America's best example of a metropolis that is growing and prospering because of the tireless efforts of its skilled union workers. And at the heart of this continuing story of success and achievement are the craftsmen of the United Association's Local 60.

Apprentice and journeyman training plays a major role in keeping Local 60 craftsmen steadily employed. At far left, apprentice Raymond Rodriguez uses the training center's lathe to bevel pipe for welding. At top left, Instructors Jerry McManus and Steve McCauley check a weld made by journeyman Robert Cabirac, who was perfecting his skills in preparation for a nuclear power plant welding test. At middle left, apprentice Byron Coleman polishes a strap from a welding coupon, while at bottom left, Instructor Larry Thomas explains the workings of a mobile training unit used to reenact situations that occur with industrial plumbing at refineries.

EXHIBIT

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 1425 and 1426
	)	
Senior Political Action Committee	)	
A Columbia River Trust Political Action Committee	)	
Friends of Denny Smith	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 19, 1982, the Commission decided by a vote of 6-0 to take the following actions in MUR 1425 and 1426:

1. Accept the conciliation agreement in this matter as submitted with the August 17, 1982 Memorandum to the Commission.

2. Close the files.

3. Send the letters as attached to the August 17, 1982 Memorandum.

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

Attest:

8-19-82
Date

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

Received in Office of Commission Secretary: 8-17-82, 8:53
Circulated on 48 hour tally basis: 8-17-82, 11:00

EXHIBIT

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 20, 1982

David McTeague
McTeague for Congress
P.O. Box 2273
Salem, Oregon 97308

Re: MUR 1425 and 1426

Dear Mr. McTeague:

This is in reference to the complaints you filed with the Commission on February 4, 1982, concerning Friends of Denny Smith, Senior Political Action Committee, and A Columbia River Trust Political Action Committee.

After conducting an investigation in these matters, the Commission determined there was reason to believe that the committees violated 2 U.S.C. § 433(b)(2), a provision of the Federal Election Campaign Act of 1971, as amended. On August 19, 1982, a conciliation agreement signed by the respondents was accepted by the Commission, thereby concluding the matter. A copy of the agreement is enclosed for your information.

The file numbers in these matters are MUR 1425 and 1426. If you have any questions, please contact Judy Thedford, at 202-523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1982

J. Curtis Herge
Sedam & Herge
8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102

Re: MUR 1425 and 1426

Dear Mr. Herge:

On August 19, 1982, the Commission accepted the conciliation agreement signed by your clients and the civil penalty in settlement of the violation of 2 U.S.C. § 433(b)(2), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the files have been closed in these matters and 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.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

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	)	
	)	MUR 1425/1426
Friends of Denny Smith	)	
Senior Political Action Committee	)	
A Columbia River Trust - Political Action Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 10, 1982, the Commission decided by a vote of 6-0 to take the following actions in MUR 1425/1426:

1. Merge MUR 1425 with MUR 1426.
2. Find Reason to Believe Friends of Denny Smith violated 2 U.S.C. § 433(b)(2).
3. Find Reason to Believe Senior Political Action Committee violated 2 U.S.C. § 433(b)(2).
4. Find Reason to Believe a Columbia River Trust Political Action Committee violated 2 U.S.C. § 433(b)(2).
5. Send the letters as attached to the May 6, 1982 First General Counsel's Report in this matter.

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

Attest:

5-11-82
Date

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

Received in Office of Commission Secretary: 5-6-82, 11:20
Circulated on 48 hour tally basis: 5-6-82, 4:00

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PRIORITY

RECEIVED
FEC MAIL CENTER

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

82 MAY 6 AM 11:20

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION: 5-6-82

MUR # 1425/1426
DATE COMPLAINT RECEIVED BY OGC: 02/04/82
DATE OF NOTIFICATION TO RESPONDENT: 02/10/82
STAFF MEMBER: Judy Thedford

COMPLAINANT'S NAME: Dave McTeague

RESPONDENTS' NAME: Friends of Denny Smith
Senior Political Action Committee
A Columbia River Trust - Political Action Committee

RELEVANT STATUTE: 11 C.F.R. § 100.5(g), 2 U.S.C. § 433(b)(2)

INTERNAL REPORTS CHECKED: Friends of Denny Smith
Senior Political Action Committee
A Columbia River Trust Political Action Committee

FEDERAL AGENCIES CHECKED: N/A

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SUMMARY OF ALLEGATIONS

The complainant in MURs 1425 and 1426, Dave McTeague, alleges that the Friends of Denny Smith, the principal campaign committee of Congressman Smith, violated provisions of the Act by failing to report affiliated committees on its Statement of Organization, FEC Form 1. Specifically, MUR 1425 alleges that Senior Political Action Committee ("SRPAC") is an affiliate of Friends of Denny Smith ("FDS") and MUR 1426 alleges that A

Columbia River Trust Political Action Committee ("ACRT-PAC") is an affiliate of FDS.

In support of the allegation that SRPAC and FDS are affiliated (MUR 1425), Mr. McTeague submitted the following documents:

1. A copy of the September 15, 1981 solicitation letter from Rosemary Wood, Executive Director of SRPAC, stating that SRPAC will mail to people in the 5th Congressional district, that Congressman Smith has endorsed and supports the PAC, and that other similar packets had been mailed to 49 other businessman friends of Denny Smith.

2. A copy of a letter from Congressman Smith to SRPAC which carries the disclaimer that the letter was "Paid for and Authorized by ACRT-PAC."

3. A copy of a letter from Dr. Stan Wells, Chairman of SRPAC.

4. A copy of a letter from Kenneth Cooper acknowledging receipt of the Wood and Wells letters and noting that Ruth Chism, SRPAC's treasurer, is also chairperson of Congressman Smith's local Senior Citizens Advisory Committee.

5. A copy of FDS's Statement of Organization Amendment dated September 29, 1981 which does not list any affiliates.

6. A copy of FDS campaign material from the 1980 election listing Rosemary Wood as chairman.

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7. A page out of the Salem, Oregon NW Bell Phone Directory showing SRPAC's address listed as the home of Ruth Chism (See Attachment I).

On February 1, 1980, Mr. McTeague amended the complaint in MUR 1425. The amendment noted that the 1981 Year-End Report filed by FDS disclosed salary disbursements to Rosemary Wood while she was Executive Director of SRPAC, that Dr. Wells contributed $1,000 to FDS on November 12, 1981; and that Ruth Chism treasurer of SRPAC was reimbursed for mailing by FDS on August 11, 1981. Additionally, the complainant contends that both SRPAC and FDS have the same phone number (See Attachment II).

The complaint filed in MUR 1426 makes reference to the complaint in MUR 1425. Mr. McTeague states that his investigation of SRPAC lead to the discovery of another affiliated committee of FDS. Specifically, the complainant referred to the SRPAC solicitation letter in MUR 1425 enclosing a letter from Congressman Smith. The complainant describes the Smith letter as being written on "Congressman Denny Smith" letterhead and having the printed signature "Denny Smith, M.C." He notes, however, that the letter carried the disclaimer "Paid for and authorized by ACRT-PAC". Mr. McTeague's further research discovered that ACRT-PAC was registered with the Commission and had filed reports.

After reviewing the reports filed by ACRT-PAC, the complainant submitted evidence showing that: 1) Peter Meagher, the Executive Director of ACRT-PAC had been on salary with

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FDS; 2) that FDS loaned $4,500 to ACRT-PAC; 3) Frederick Pfarrer, ACRT-PAC's treasurer, contributed to FDS; 4) ACRT-PAC's address is that of its Executive Director; 5) an ACRT-PAC report was mailed in an envelope with the return address of FDS; 6) FDS and ACRT-PAC use the same vendors; 7) 45% of ACRT-PAC funds were from FDS or its donors; 8) ACRT-PAC paid for and authorized a letter from Denny Smith to SRPAC; and 9) FDS's Statement of Organization amendment dated September 29, 1981 does not list any affiliates.

Mr. McTeague then concludes that FDS maintains power and control over ACRT-PAC, ACRT-PAC received initial financing almost exclusively from FDS, ACRT-PAC and FDS show similar contribution and expenditure patterns, ACRT-PAC used firms in California and no disbursements are reported for phone calls or travel, the first postage payment reported by the ACRT-PAC was April 3, 1981 and before this time ACRT-PAC had activity, and that ACRT-PAC ordered art work and printing that was completed before its loan from FDS was received (See Attachment III).

Copies of the complaints were forwarded to the respondents. FDS and SRPAC filed Designation of Counsel Statements showing that they would be represented by Sedam and Herge. The copy of the complaint forwarded to ACRT-PAC was returned "Unclaimed", it was resent "Certified Mail" and a copy sent through the regular mail. Peter Meagher assistant treasurer of ACRT-PAC received the letter and phoned the Commission. He stated that he is no longer associated with ACRT-PAC and would return the letter with ACRT-

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PAC's new address. Mr. Meagher returned the letter and gave ACRT-PAC's new address. A copy of the complaint was sent to the new address.

LEGAL ANALYSIS

In both complaints filed by Mr. McTeague, affiliation between political committees is alleged. MUR 1425 alleges affiliation between FDS and SRPAC; MUR 1426 alleges affiliation between FDS and ACRT-PAC. As the complainant is the same in both MURs and the issue of affiliation the main allegation in each MUR, it is recommended that MUR 1425 and MUR 1426 be merged. Counsel for FDS and SRPAC has also requested the merger.

Title 11 of the Code of Federal Regulation section 100.5(g)(1) and (2) describe the term "affiliation committees." 11 C.F.R. § 100.5(g)(1) states that all authorized committees of the same candidates are affiliated. The Statement of Organizations filed by FDS, SRPAC, and ACRT-PAC do not identify any affiliated committees. The response to the complaint filed by Mr. Herge on behalf of FDS submitted an affidavit from Congressman Smith which stated that FDS is his principal campaign committee, that he has not authorized any other political committee to accept contributions or made expenditures on his behalf and that he disavows any authority or influence over the decisions of officers or members of SRPAC and ACRT-PAC. Pursuant to AO-1978-12, Mr. Herge claims the affidavit is sufficient to

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demonstrate no affiliation between FDS and SRPAC and FDS and ACRT-PAC.

2 U.S.C. § 441a(a)(5) and 11 C.F.R. § 100.5(g)(2) states that all committees established, financed, maintained or controlled by the same person or group of persons are affiliated.

The committes involved, FDS, ACRT-PAC, and SRPAC, share some of the same officers. In particular, the complainant notes that Rosemary Wood is Executive Director of SRPAC and chairman of FDS, Ruth Chism is treasurer of SRPAC and chairperson of a local Senior Citizen Advisory Committee for Representative Smith. Peter Meagher is assistant treasurer and executive director of ACRT-PAC and was former director of FDS until July 1981. Mr. Herge acknowledges these overlapping officers in his response and submits that "limited crossovers such as this does not make the committees affiliated. See AO 1975-35." He also notes that the treasurer of each committee is a different person. Ruth Chism is treasurer of SRPAC, Robert Johnson is treasurer of FDS, Reginald Hansen is treasurer of FDS, and Frederick Pfarrar is treasurer of ACRT-PAC.

It would seem that persons serving as officers of two committees simultaneously are influenced in their decision making by their actions in each position. In this case, the overlapping officers, Rosemary Wood and Peter Meagher, appear to have been involved in influential and decision making positions of FDS and SRPAC and FDS and ACRT-PAC, respectively. The advisory opinion cited by Mr. Herge in defense of these overlapping officers, AO-

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1975-35 states that the Act "would not preclude a person from serving in an official capacity with more than one political committee raising funds for Federal purposes." The opinion, however, points out that the contribution and expenditures limitations apply to the committees which are, in fact, truly independent committees and that political committees which have the same person or persons serving as key officers may be compromising the committees independence. The opinion concludes that in such cases, such interconnection may lead to the legal conclusion that for the purposes of applying limitations, several committees are in fact only one.

The complaints filed by McTeague also submit other evidence which demonstrates some "influence" between the committees: the phone number printed on SRPAC stationery is answered "Friends of Denny Smith"; ACRT-PAC's Special Primary Election Report was mailed in an envelope with "Friends of Denny Smith" as the return addressee; disbursements had been made to Ruth Chism, Rosemary Wood, and Peter Meagher by FDS as they serve as officers of ACRT-PAC and SRPAC; the SRPAC solicitation letter states that the letter has been sent to "49 other businessman friends of Denny Smith"; and, ACRT-PAC uses the same vendors as FDS.

In reply to one of these allegations, Mr. Herge responded by submitting an affidavit from FDS's treasurer stating that the disbursements made to Chism, Wood and Meagher by FDS were for FDS activities and nothing else (See Attachment IV).

The complainant also contends that the loan of $4,500 from FDS to ACRT-PAC represented 90% of ACRT-PAC's funds at the time

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it was made. Additionally, the complainant states that from April 1, 1980 to June 30, 1981, 45% of ACRT-PAC's contributions were from FDS or mutual contributors.

Mr. Herge responded that the loan to ACRT-PAC by FDS was repaid in full by ACRT-PAC on February 4, 1982 and that the loan fell within the limits of 441a(a)(1)(C). Mr. Herge notes AO-1976-104 and concludes that $4,500 loan is not sufficient to conclude affiliation between ACRT-PAC and FDS.

The $4,500 loan by ACRT-PAC to FDS accounts for 35 percent of ACRT-PAC's receipts in 1981. The percentage is close to that cited in the advisory opinion (40%) which was sufficient to demonstrate affiliation.

In defense of the affiliation allegations, Mr. Herge submitted literature published by SRPAC and ACRT-PAC. As stated by Mr. Herge, the documents do not state or show any affiliation with or authorization by FDS. With regard to the letter by Congressman Smith incorporated in SRPAC solicitation letter, Mr. Herge argued that the letter does not constitute a contribution or expenditure by FDS pursuant to AO-1977-54 and that such letters are not indicia of affiliation.

From the evidence submitted by the complainant and counsel's response to the complaint, the relationship between SRPAC and FDS and ACRT-PAC and FDS is undefined. A question of affiliation between SRPAC and ACRT-PAC also arises. Further, investigation seems appropriate to ascertain the actual relationship, if any, between these committees.

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The Office of General Counsel recommends finding reason to believe that FDS, SRPAC, and ACRT-PAC may have failed to report each other as affiliated committees in violation of 2 U.S.C. § 433(b)(2).

RECOMMENDATIONS

1. Merge MUR 1425 with MUR 1426.

2. Find reason to believe Friends of Denny Smith violated 2 U.S.C. § 433(b)(2).

3. Find reason to believe Senior Political Action Committee violated 2 U.S.C. § 433(b)(2).

4. Find reason to believe A Columbia River Trust Political Action Committee violated 2 U.S.C. § 433(b)(2).

5. Send the attached letters.

May 5, 1983
Date

Charles N. Steele
General Counsel

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

ATTACHMENTS
I. Complaint 1425 (page 1)
II. Amended Complaint 1425 (page 10)
III. Complaint 1426 (page 12)
IV. Merge Response (page 27)
V. Letters (page 42)

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BEFORE THE FEDERAL ELECTION COMMISSION

80 OCT 17 P4:43

HAND DELIVERED

In the Matter of)
) MUR 1069
AFL-CIO COPE Political)
Contribution Committee)

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that A.F.L.-C.I.O. C.O.P.E. Political ("A.F.L.-C.I.O. C.O.P.E. P.C.C.") violated 2 U.S.C. § 441a (a)(2)(A) and 2 U.S.C. § 433(b)(3) by beng part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Evans for Congress Committee and for failing to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

NOW, THEREFORE, the Commission and A.F.L.-C.I.O. C.O.P.E. P.C.C., having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the A.F.L.-C.I.O. C.O.P.E. P.C.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

EXHIBIT

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II. A.F.L.-C.I.O. C.O.P.E. P.C.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. A.F.L.-C.I.O. C.O.P.E. P.C.C. voluntarily enters into this Agreement with the Commission.

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

1. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is a registered multicandidate committee established by the A.F.L.-C.I.O. C.O.P.E.

2. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. made contributions of $1,500 on August 17, 1978; $1,500 on September 19, 1978; and $1,000 on October 24, 1978.

3. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department (P.E.F.-B.C.T.D.), also a registered multicandidate committee.

4. That the Central Indiana Building and Construction Trades Council Political Action Committee (C.I.B.P.A.C.) established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.B.C.T.D. that the three affiliated committees made the following contributions to the Dave Evans for Congress Committee (Evans Committee) for the 1978 general election:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
10/5/78	P.E.F. - B.C.T.D.	400.00
10/20/78	C.I.B.P.A.C.	800.00
10/24/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,000.00
	Total Contributions	$5,700.00

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That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. failed to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

10. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee, and that, also, the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 433(b)(2) for failing to identify C.I.B.P.A.C. as an affiliated committee.

WHEREFORE, A.F.L.-C.I.O. C.O.P.E. P.C.C. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee and violated 2 U.S.C. § 433(b)(2) by failing to identify the Indiana Building and Construction Trades Council PAC as an affiliated committee.

VI. The contributions of the three affiliated committees (the P.E.F-B.C.T.D., the C.I.B.-P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been made by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

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VII. A.F.L.-C.I.O. C.O.P.E. P.C.C. 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.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that the A.F.L.-C.I.O. C.O.P.E. P.C.C. 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.

10 Dec. 1980
Date

Charles N. Steele
General Counsel
Federal Election Commission

October 17, 1980
Date

Thomas R. Donahue
A.F.L.-C.I.O. C.O.P.E. P.C.C.

BY: Thomas R. Donahue

ITS: Secy-Treasurer

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE JUN 1980 MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

Kevin H. Smith (202) 523-4529

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

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At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This *per se* rule applies to the AFL-CIO and its local committees. *See Walther v. FEC*, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, the AFL-CIO COPE PCC itself has also apparently violated 2 U.S.C. §433(b)(2) which requires political committees to list in their statements of organization the names, addresses, and relationship of all affiliated committees. Commission regulations provide that the obligation to list all of the committees in an affiliated group rests with the political committee established by the top organization or federation in the chair of sponsoring organizations. *See* 11 C.F.R. §102.1(b)(1)(ii)(A). In this case, that committee is AFL-CIO COPE PCC.

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Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §433(b)(2) by failing to identify CIBPAC as an affiliated committee.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1157
New York City Central Labor	)	
Council Individual Fund	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 21, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1157:

1. Take no further action with respect to the New York City Central Labor Council Individual Fund's violation of 2 U.S.C. § 433 and § 434 by failing to timely register and report as a political committee.

2. Close the file in this matter.

3. Approve and send the letter as attached to the General Counsel's April 16, 1981 report.

Attest:

4/21/81
Date

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

Received in Office of the Commission Secretary: 4-16-81, 5:48
Circulated on 48 hour vote basis: 4-17-81, 2:00

EXHIBIT

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald F. Menagh, P.C.
Attorney at Law
386 Park Avenue South
New York, New York 10016

ATTENTION: Stuart Bochner

Re: MUR 1157 - New York City Central Labor Council Individual Fund

Dear Mr. Menagh:

On April 4, 1979, the Commission found reason to believe that your client had violated 2 U.S.C. § 433 and § 434 by failing to timely register and report as a political committee. However, in that the forms you submitted presently comply with the requirements of sections 433 and 434, the Commission has determined to take no further action and close its file.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to Carolyn Weeder at (202)523-4529.

Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

April 16, 1981

81 APR 16 P5:48

In the Matter of)
) MUR 1157
New York City Central Labor)
Council Individual Fund)

GENERAL COUNSEL'S REPORT

I. Background

On April 4, 1979, the Commission found reason to believe that the New York City Central Labor Council Individual Fund (the "Individual Fund") violated 2 U.S.C. § 433 and § 434 by failing to timely register and report as a political committee. On May 17, 1979, the Individual Fund submitted its statement of organization and reports of receipts and expenditures pursuant to 2 U.S.C. § 433 and § 434. The statement of organization, however, was not complete in that it failed to reflect the Individual Fund's relationship to the AFL-CIO Committee on Political Education Contributions Committee (AFL-CIO COPE PCC), as required by section 433.

The Office of General Counsel therefore sent a letter to the Individual Fund requesting that it amend the form to reflect the relationship. On March 23, 1981, the Individual Fund submitted an amended statement of organization which states that it is affiliated with the AFL-CIO COPE PCC (Attachment 1).

II. Legal Analysis

In view of the fact that the forms submitted by the Individual Fund presently comply with 2 U.S.C. § 433 and § 434, the Office

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of General Counsel recommends that the Commission take no further action in this matter.

III. Recommendations

1. Take no further action with respect to the New York City Central Labor Council Individual Fund's violation of 2 U.S.C. § 433 and § 434 by failing to timely register and report as a political committee.

2. Close the file in this matter.

3. Approve and send the attached letter.

Attachments

1. Amended Statement of Organization
2. Letter to Respondent's Counsel

16 April 1981
Date

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald F. Menagh, P.C.
Attorney at Law
130 East 40th Street
New York, New York 10016

RE: MUR 1157
New York City Central Labor
Council Individual Fund

Dear Mr. Menagh:

This is to acknowledge the Commission's receipt of your letter of May 27, 1980, regarding MUR 1157. In your letter, you state that you do not view the New York City Central Labor Council Individual Fund (the "Individual Fund") to be affiliated with the AFL-CIO Committee on Political Education Political Contributions Committee (the "AFL-CIO COPE PCC").

Specifically, you contend that the Individual Fund "is not an organization which has been established, financed, maintained or controlled by the AFL-CIO COPE PCC" and that the Individual Fund "itself is not a subsidiary, branch, division, department or local unit of the AFL-CIO." Thus, you do not view it necessary to amend the Individual Fund's statement of organization to reflect this relationship.

However, as the enclosed diagram of the structural organization of the AFL-CIO illustrates, the New York City Central Labor Council is a local central body of the AFL-CIO, represented schematically by the box in the lower right hand corner. These local central bodies are associated with the state central bodies as well as with the national and international organization.

Therefore, given the fact that the Individual Fund is a separate segregated fund of the New York City Central Labor Council, the Individual Fund is affiliated with the AFL-CIO COPE PCC, the separate segregated fund of the international organization. 2/

2/ Additionally, Judge Richey of the D.C. District Court has stated by way of dicta that the AFL-CIO and its local committees are automatically treated as one PAC and proof of control is unnecessary. Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50, 638 (D.D.C. 1979).

ATTACHMENT 3

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Further, 11 C.F.R. § 102.2(b)(1)(ii)(B) requires that political committees established by state or local units to disclose the name and address of each political committee established by their national or international unions. Thus, the regulations require the Individual Fund to report the AFL-CIO COPE PCC as an affiliated committee.

The Commission therefore requests that within ten (10) days of your receipt of this letter the Individual Fund amend its statement of organization to reflect that the AFL-CIO COPE PCC is an affiliated committee. Additionally, the Commission reminds you that the Individual Fund and all other affiliated committees, including the AFL-CIO COPE PCC, are considered as one single political committee for purposes of the contribution limitations prescribed by 2 U.S.C. § 441a(a)(2).

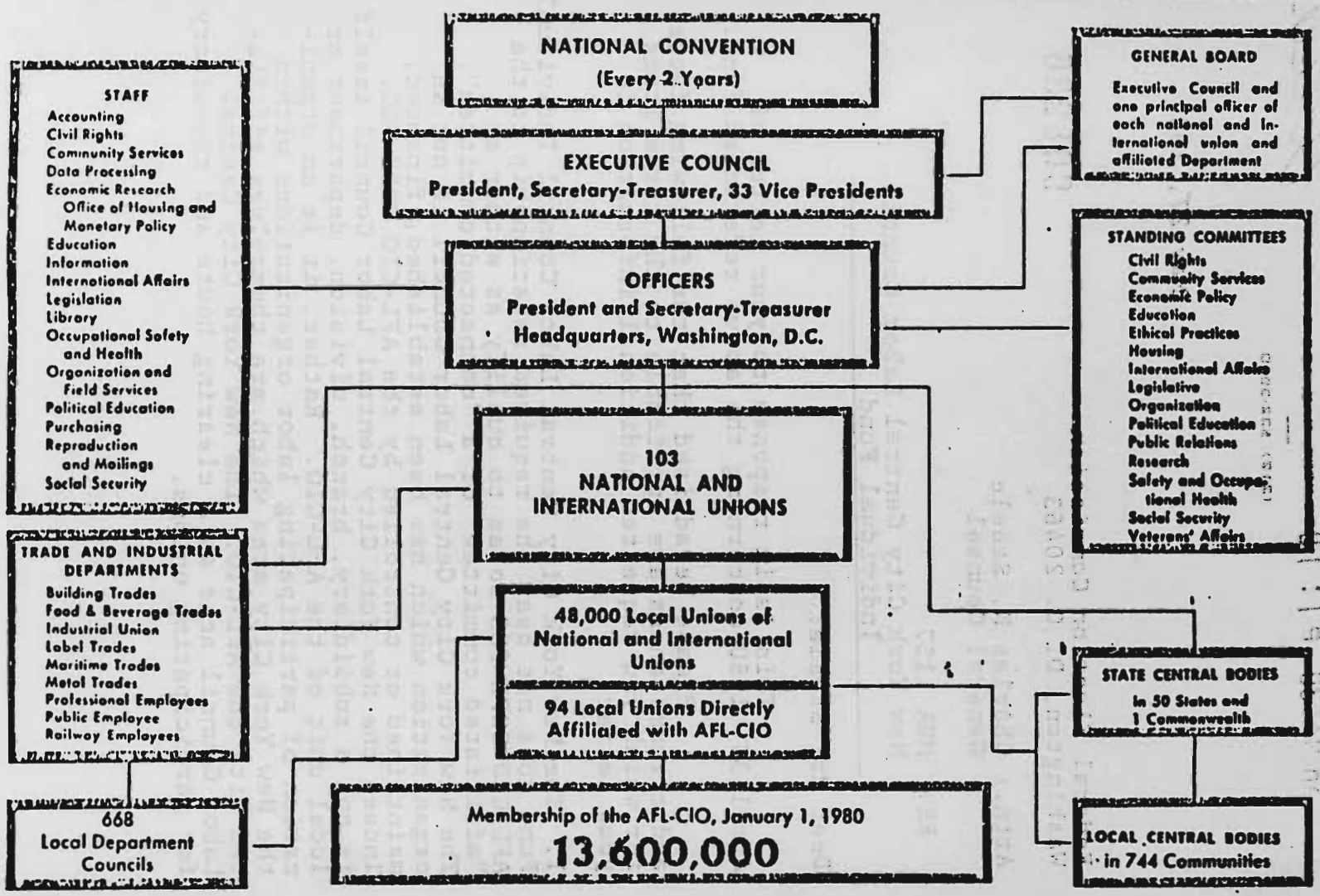
If you have any further questions, contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

8 4 0 4 0 4 6 5 5 8

STRUCTURAL ORGANIZATION of the AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS



ATTACHMENT 2

DONALD F. MENAGH, P.C.
ATTORNEY AT LAW
130 EAST 40TH STREET
NEW YORK, N. Y. 10016
(212) 532-3850

80 MAY 30 AM 11:12

80 MAY 30 P1:19

May 27, 1980

Federal Election Commission
Washington, D. C. 20463

Attn.: Charles N. Steele
General Counsel

RE: MUR 1157
New York City Central Labor Council
Individual Fund

Dear Mr. Steele:

This is in response to your letter of April 30, 1980 concerning the above referenced Fund.

Please be advised that the following facts and circumstances are applicable to the three items for which you requested additional information in your letter:

1. The New York City Central Labor Council Individual Fund does not bear the required relationship to the AFL-CIO COPE PCC so as to qualify as either an "affiliated committee" or a "connected committee". The New York City Central Labor Council is not an organization which has been established, financed, maintained or controlled by the AFL-CIO COPE PCC. Indeed the New York City Central Labor Council itself is not a subsidiary, branch, division, department or local unit of the AFL-CIO. Rather, it is an organization of participating labor organizations within the New York City area which are themselves affiliated with the AFL-CIO. The New York City Central Labor Council acts as a clearing house and repository for participating unions.

ATTACHMENT 1

3 4 0 4 0 4 6 3 5 8 2

80 MAY 30 AM 11:12

Federal Election Commission: May 27, 1980

2. The source of the cash on hand at the beginning of the reporting period for the Fund - funds remaining in this organization as a result of prior fund raising activity which predated the application of the Act. These funds were received from individual contributions over the course of many years of political contributions and receipts.

3. The expenditures itemized for Line 23 of FEC Form 3 were not, as your letter indicated, notarized. I will forward to your office another executed copy of this form, sworn to and witnessed by a Notary.

If I can be of any further assistance in this matter, please let me know.

Very truly yours,

Donald F. Menagh

Donald F. Menagh

DFM/er

3 4 0 4 0 4 6 5 5 8 3

3 4 0 4 0 4 6 5 5 8 4

UNITED STATES HOUSE OF REPRESENTATIVES

Office of the Clerk
Washington, D.C.

005428

REGISTRATION FORM AND STATEMENT OF ORGANIZATION
FOR A
COMMITTEE

1972 APR 17 PM 3:28

SUPPORTING ANY CANDIDATE(S) FOR THE U.S. HOUSE OF REPRESENTATIVES AND ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $1,000 IN ANY CALENDAR YEAR

REQUIREMENTS FOR REGISTRATION OF POLITICAL COMMITTEES

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE APPROPRIATE SUPERVISORY OFFICER'S MANUAL FOR ADDITIONAL REGULATIONS AND INSTRUCTIONS

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives shall file with the Clerk of the U.S. House of Representatives a Registration Form and Statement of Organization, within 10 days after the organization, or, if later, 10 days after [illegible] information which makes the committee to anticipate it will receive contributions or make expenditures in [illegible] any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives, each such committee in existence on April 7, 1972 shall file a Registration Form and Statement of Organization with the Clerk of the U.S. House of Representatives on or before April 17, 1972. Note: If the committee supports a candidate for the U.S. Senate, a similar statement must be filed with the Secretary of the Senate; if the committee supports a candidate for President or Vice President of the United States a similar statement must be filed with the Comptroller General.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State office) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than two (2) years.

D. Any [illegible] information previously submitted in a Registration Form and Statement of Organization shall be reported to the Clerk of the House of Representatives within ten (10) days following the change or correction. Such amendments to the statement shall contain the name, address of the committee, the changed or corrected information appropriately identified, and [illegible] the date of submission of the previously filed information, taken before any other [illegible] to the committee receiving.

E. Any committee which [illegible] one or more Registration Forms and Statement of Organization, disbands or determines [illegible] in any calendar year an amount exceeding $1,000 shall [illegible] the clerk of the House of Representatives [illegible] and name, and such notification shall include a [illegible] $.

1. Full name of committee: [illegible] POLITICAL COMMITTEE

Mailing address and ZIP code: [illegible]
Washington, D.C. [illegible]

Date of this registration: April [illegible], 1972

2. Affiliated or connected organizations:

Name of affiliated or connected organization	Name and address	Relationship
ALL AFT LOCALS	[illegible] DIRECTOR-OHIO	AFFILIATED LOCALS

*Attach [illegible] and attach to this Statement of Organization. Indicate in the appropriate [illegible].

3. Area [illegible]
(1) [illegible]
(2) [illegible]
(3) [illegible]
(4) [illegible]

[illegible] amount in cents

EXHIBIT

38

AMERICAN FED. OF TEACHERS COMMITTEE ON POLITICAL EDUCATION
(Full Name of Committee)

4. (a) If the committee is supporting individual candidates for the U.S. House of Representatives, list each candidate by name, address, office sought, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State and Congressional District	Party
Hon. Joseph Minish	House Office Building Washington, D.C. 20515	New Jersey	D

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
Sen. Walter F. Mondale	Senate Office Building Washington, D.C.	Senator - Minnesota	D

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
N/A			

5. If this committee is supporting the entire ticket of a party, give name of party: N/A

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Robert G. Porter	American Fed. of Teachers 1012 14th Street, N.W. Washington, D.C. 20005	Secretary-Treasurer

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
The AFT COPE Committee is made up of the AFT Executive Council which is listed on page 1 of the Directory submitted in reply to Question 2, Page 1 of this report.		

[illegible]

Does this committee plan to stay in existence beyond the current calendar year? Yes If so how long? Indefinitely

In the event of dissolution, what disposition will be made of residual funds? Funds will be contributed to AFL-CIO Committee on Political Education.

List all bank or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
The First National Bank of Washington	1225 G Street, N.W. Washington, D.C. 20005

List all reports required to be filed by this committee with State and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code
None			

Submit additional information on separate continuation sheets properly labeled and attached to this Statement of Organization. Indicate in the space above when information is contained on separate sheets.

State of District of Columbia

County of _____ ss.

I, Robert G. Porter (Name of Treasurer of Political Committee), being duly sworn, depose (affirm) and say that the information in this Registration Form and Statement of Organization is complete, true, and correct.

Robert G. Porter
(Signature of Treasurer of Political Committee)

Subscribed and sworn to (affirmed) before me this 11th day of April, A.D. 1972

[SEAL]

Notary Public

Commission expires [illegible]

Return to:
The Clerk
Office of
House
Washington

Attach this form to the Statement of Organization

[illegible]	[illegible]	DATE	DOCUMENT TYPE	[illegible]	[illegible]
[illegible]					
[illegible]	[illegible]	[illegible]	REGISTRATION [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	REGISTRATION [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	JUNE 10 [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	15TH DAY [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	5TH DAY [illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	JUNE 10 [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	JANUARY 31	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	15TH DAY	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	15TH DAY [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	5TH DAY [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	5TH DAY [illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	04/17/72	JUNE 10 [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	15TH [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	5TH [illegible]	[illegible]	[illegible]
[illegible] POLITICAL ACTION COMMITTEE (NUMPAC)					
[illegible]	[illegible]	[illegible]	JUNE 10 [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	SEPTEMBER 10	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	15TH DAY [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	10/31/72			
[illegible] POLITICAL ACTION COMMITTEE					
[illegible]	[illegible]	04/13/72	REGISTRATION [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	REGISTRATION [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	SEPTEMBER 11 [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	15TH DAY PRECEDING [illegible]	[illegible]	[illegible]
[illegible] REPORT	[illegible]	[illegible]	15TH DAY PRECEDING [illegible]	[illegible]	[illegible]
[illegible] REPORT	[illegible]	[illegible]	15TH DAY PRECEDING [illegible] REPORT	[illegible]	[illegible]
[illegible] REPORT	[illegible]	[illegible]	5TH DAY PRECEDING [illegible]	[illegible]	[illegible]
[illegible] REPORT	[illegible]	[illegible]	5TH DAY PRECEDING [illegible] REPORT	[illegible]	[illegible]
[illegible] REPORT	[illegible]	[illegible]	5TH DAY PRECEDING [illegible] REPORT	[illegible]	[illegible]
[illegible] REPORT	[illegible]	[illegible]	5TH DAY PRECEDING [illegible] REPORT	[illegible]	[illegible]
[illegible] TRADE POLITICAL AFFAIRS COMMITTEE					
[illegible]	[illegible]	[illegible]	REGISTRATION AMENDMENT	[illegible]	[illegible]
[illegible] TO REPORT	[illegible]	[illegible]	SEPTEMBER 10 REPORT	[illegible]	[illegible]
[illegible] 31 REPORT	[illegible]	02/02/73	15TH DAY PRECEDING REPORT	[illegible]	[illegible]
[illegible] DAY PRECEDING REPORT	[illegible]	10/20/72			
[illegible] POLITICAL POLITICAL ACTION COMMITTEE					
[illegible]	00310227	04/13/72	REGISTRATION AMENDMENT	[illegible]	[illegible]

UNITED STATES HOUSE OF REPRESENTATIVES

Office of the Clerk
Washington, D.C.

015806

REGISTRATION FORM AND STATEMENT OF ORGANIZATION FOR A COMMITTEE

1972 MAY 22 PM 1:05

SUPPORTING ANY CANDIDATE(S) FOR THE U.S. HOUSE OF REPRESENTATIVES AND ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $1,000 IN ANY CALENDAR YEAR

REQUIREMENTS FOR REGISTRATION OF POLITICAL COMMITTEES

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE APPROPRIATE SUPERVISORY OFFICER'S MANUAL FOR ADDITIONAL REGULATIONS AND INSTRUCTIONS

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives shall file with the Clerk of the U.S. House of Representatives a Registration Form and Statement of Organization, within 10 days after its organization, or, if later, 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives. Each such committee in existence on April 7, 1972 shall file a Registration Form and Statement of Organization with the Clerk of the U.S. House of Representatives on or before April 17, 1972. Note: If the committee also supports a candidate for the U.S. Senate, a similar statement must be filed with the Secretary of the Senate, and if the committee supports a candidate for President or Vice President of the United States a similar statement must be filed with the Comptroller General.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State officer) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than two (2) years.

D. Any change or correction of information previously submitted in a Registration Form and Statement of Organization shall be reported to the Clerk of the U.S. House of Representatives within ten (10) days following the change or correction. Such amendments to the statement shall contain the date, identity of the committee, the changed or corrected information appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer the oaths.

E. Any committee which, after having filed one or more Registration Form and Statement of Organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Clerk of the U.S. House of Representatives. Such notification shall be verified by the oath or affirmation of the person filing it, taken before any officer authorized to administer the oaths, and such notification shall include a statement as to the disposition of residual funds if the committee is disbanding.

1. Full name of committee: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS COMMITTEE ON POLITICAL EDUCATION

Mailing address and ZIP code: 1125 - 15th Street, N. W.
Washington, D. C. 20005

Date of this registration: May 19, 1972

2. Affiliated or connected organizations:

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
I.B.E.W.	1125 - 15th Street, N. W. Washington, D. C. 20005	

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above when information is continued on separate page(s).

3. Area, Scope and Jurisdiction of the Committee:

(a) Will this committee operate in more than one State? Yes

(b) Will it operate on a statewide basis in one State? Yes

(c) Will it primarily support candidates seeking State or local office? No

(d) Will it support a candidate for the U.S. House of Representatives in an aggregate amount in excess of $1,000 during the calendar year? Yes

H.R. ELECTION FORM 1

7200007094246 5589

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS COMMITTEE ON POLITICAL EDUCATION

(Full Name of Committee)

4. (a) If the committee is supporting individual candidates for the U.S. House of Representatives, list each candidate by name, address, office sought, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State and Congressional District	Party
Will Support A Number of Candidates As Determined From Time To Time			

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
Will Support A. Number Of Candidates As Determined From Time to Time			

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
Will Support A Number of Candidates As Determined From Time To Time			

5. If this committee is supporting the entire ticket of a party, give name of party: Non-Applicable

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Joseph D. Keenan	1125 - 15th Street, N. W. Washington, D. C. 20005	Secretary Treasurer

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
Charles H. Pillard	1125 - 15th Street, N. W. Washington, D. C. 20005	Chairman

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above when information is contained on separate page(s).

7 2 0 0 0 0 7 0 9 4 3

8. Does this committee plan to stay in existence beyond the current calendar year? Yes If so how long? Indefinitely

9. In the event of dissolution, what disposition will be made of residual funds? Non-Applicable

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
The First National Bank of Washington	Washington, D. C.

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above when information is continued on separate page(s).

~~State of~~ District of Columbia

County of _____ ss.

I, Joseph D. Keenan (Full Name of Treasurer of Political Committee), being duly sworn, depose (affirm) and say that the information in this Registration Form and Statement of Organization is complete, true, and correct.

Joseph D. Keenan
(Signature of Treasurer of Political Committee)

Subscribed and sworn to (affirmed) before me this 19th day of May, A.D. 1972.

Frances Mariett Davis
(Notary Public)
Frances Mariett Davis District of Columbia
My commission expires Commission Expires July 14, 1973 19

[SEAL]

Return completed form and attachments to:
The Clerk, U.S. House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515

9 4 0 4 0 4 6 5 5 9 1
7 2 0 0 0 0 7 0 9 4 4

[illegible] REPORT	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15TH DAY PRECEDING REPORT	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5TH DAY PRECEDING REPORT	0019/1379	06/30/72	5TH DAY PRECEDING REPORT	[illegible]/1722	[illegible]

DIANA STATE DEMOCRATIC CO WOMEN'S REPUBLICAN CLUBS

A DISTRICT ICW	[illegible]	[illegible]/72	REGISTRATION AMENDMENT	[illegible]	[illegible]
REGISTRATION AMENDMENT	[illegible]	[illegible]/72	SEPTEMBER 10 REPORT	[illegible]	[illegible]
JANUARY 31 REPORT	[illegible]	[illegible]/73	15TH DAY PRECEDING REPORT	[illegible]	[illegible]
5TH DAY PRECEDING REPORT	0031/0135	10/31/72	OTHER REPORT	[illegible]	[illegible]

DIANAPOLIS WOMEN'S REPUBLICAN CLUB

REGISTRATION	0021/3181	09/15/72	REPORTING WAIVED	0021/3181	[illegible]

DIANS FOR JULIA

REGISTRATION	0014/2206	08/07/72	TERMINATION REPORT	0022/1693	[illegible]

DUSTRIAL NATIONAL CORPORATION POLITICAL EDUCATION FUND

REGISTRATION	0016/2936	09/05/72	REGISTRATION AMENDMENT	0022/0071	[illegible]
SEPTEMBER 10 REPORT	0017/2510	09/08/72	JANUARY 31 REPORT	0023/4165	[illegible]
15TH DAY PRECEDING REPORT	0029/1754	10/21/72	5TH DAY PRECEDING REPORT	0034/2415	[illegible]

DUSTRIES CIVIC TRUST

REGISTRATION	0004/0578	04/21/72	JUNE 10 REPORT	0008/2729	06/09/72
SEPTEMBER 10 REPORT	0020/1868	09/13/72	JANUARY 31 REPORT	0038/2202	[illegible]
15TH DAY PRECEDING REPORT	0024/1705	10/19/72	5TH DAY PRECEDING REPORT	0038/2[illegible]	11/02/72

GHAM COUNTY REPUBLICAN COMMITTEE

REGISTRATION	0004/1725	05/01/72	JUNE 10 REPORT	0024/0785	10/18/72
SEPTEMBER 10 REPORT	0031/1[illegible]	01/31/73	JANUARY 31 REPORT	0015/4031	02/19/73
15TH DAY PRECEDING REPORT	0024/0776	10/15/72	5TH DAY PRECEDING REPORT	0024/0672	10/18/72

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PAGE 149

MMITTEE DOCUMENT TYPE	MICROFILM CART/FRAME	DATE	DOCUMENT TYPE	MICROFILM CART/FRAME	DATE
URANCE AGENTS FOR VERGARI					
REGISTRATION	0024/0140	10/14/72	15TH DAY PRECEDING REPORT	0029/2464	10/24/72
5TH DAY PRECEDING REPORT	0035/1367	11/06/72			
L BROTHERHOOD OF FIREMEN AND OILERS POLITICAL LEAGUE					
REGISTRATION	0003/0100	04/17/72	REGISTRATION AMENDMENT	0007/1297	05/30/72
JUNE 10 REPORT	0008/2644	06/09/72	SEPTEMBER 10 REPORT	0017/2323	[illegible]
JANUARY 31 REPORT	0039/3532	01/30/73	15TH DAY PRECEDING REPORT	0028/2532	[illegible]
15TH DAY PRECEDING REPORT	0024/1042	10/18/72	5TH DAY PRECEDING REPORT	0028/2525	[illegible]
5TH DAY PRECEDING REPORT	0032/2179	11/02/72			
L UNION OF UNITED BREWERY FLOUR CEREAL SOFT DRINK & DISTILLERY WORKERS OF AMERICA, AFL-CIO					
REGISTRATION	0003/0537	04/20/72	REGISTRATION AMENDMENT	0005/[illegible]	[illegible]
JUNE 10 REPORT	0013/2350	07/07/72	JUNE 10 REPORT	[illegible]	[illegible]
SEPTEMBER 10 REPORT	0022/1788	09/25/72	JANUARY 31 REPORT	[illegible]	[illegible]
15TH DAY PRECEDING REPORT	0030/2108	10/27/72	5TH DAY PRECEDING REPORT	[illegible]	[illegible]
ER BROTHERHOOD OF PULP, SULPHITE & PAPER MILL WORKERS POL EDUCATION PROGRAM					
REGISTRATION	0001/1477	04/17/72	REGISTRATION AMENDMENT	[illegible]	[illegible]
JUNE 10 REPORT	0009/2314	06/09/72	SEPTEMBER 10	[illegible]	[illegible]
JANUARY 31 REPORT	0037/2127	01/05/73	15TH DAY PRECEDING REPORT	[illegible]	[illegible]
5TH DAY PRECEDING REPORT	0030/1830	10/27/72			
TERESTED VOTERS					
REGISTRATION	0012/0042	04/17/72	REGISTRATION [illegible]	[illegible]	[illegible]
SEPTEMBER 10 REPORT	0018/3311	09/10/72	15TH DAY [illegible] REPORT	[illegible]	[illegible]
5TH DAY PRECEDING REPORT	0024/1349	04/19/72	5TH DAY [illegible] REPORT	[illegible]	[illegible]
TERMINATION REPORT	0005/3172	06/05/72	TERMINATION REPORT	[illegible]	[illegible]
TERMINATION REPORT	0036/3177	12/04/72	TERMINATION REPORT	[illegible]	[illegible]
TERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS COMMITTEE ON POLITICAL [illegible]					
REGISTRATION	[illegible]	05/02/72	[illegible]		
REGISTRATION AMENDMENT	[illegible]	07/31/72	[illegible]		
SEPTEMBER 10 REPORT	[illegible]	09/[illegible]/72	[illegible]		
15TH DAY PRECEDING REPORT	[illegible]	10/[illegible]/72	5TH DAY [illegible]		
NIA COUNTY REPUBLICAN COMMITTEE					
REGISTRATION	0003/0326	04/17/72	REGISTRATION		
REPORTING WAIVED	0/ 0	04/17/72			
WA ACTION COMMITTEE FOR RURAL ELECTRIFICATION					
REGISTRATION	[illegible]	04/17/72	[illegible]		
JUNE 10 REPORT	[illegible]	[illegible]	[illegible]		
JANUARY 31 REPORT	[illegible]	02/01/73	[illegible]		
15TH DAY PRECEDING REPORT	[illegible]	10/24/72	5TH DAY PRECEDING REPORT		
5TH DAY PRECEDING REPORT	0034/0313	11/02/72			
WA COMMITTEE ON POLITICAL EDUCATION AFL-CIO VOLUNTARY FUND					
REGISTRATION	0002/0711	04/17/72	TERMINATION REPORT	0039/2131	04/04/72

UNITED STATES HOUSE OF REPRESENTATIVES

Office of the Clerk
Washington, D.C.

004979

REGISTRATION FORM AND STATEMENT OF ORGANIZATION*
FOR A
COMMITTEE

1972 APR 17 PM 12 08

SUPPORTING ANY CANDIDATE(S) FOR THE U.S. HOUSE OF REPRESENTATIVES AND ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $1,000 IN ANY CALENDAR YEAR

REQUIREMENTS FOR REGISTRATION OF POLITICAL COMMITTEES

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE APPROPRIATE SUPERVISORY OFFICER'S MANUAL FOR ADDITIONAL REGULATIONS AND INSTRUCTIONS

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives shall file with the Clerk of the U.S. House of Representatives a Registration Form and Statement of Organization, within 10 days after its organization, or, if later, 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives. Each such committee in existence on April 7, 1972 shall file a Registration Form and Statement of Organization with the Clerk of the U.S. House of Representatives on or before April 17, 1972. Note: If the committee also supports a candidate for the U.S. Senate, a similar statement must be filed with the Secretary of the Senate, and if the committee supports a candidate for President or Vice President of the United States a similar statement must be filed with the Comptroller General.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State officer) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than two (2) years.

D. Any change or correction of information previously submitted in a Registration Form and Statement of Organization shall be reported to the Clerk of the U.S. House of Representatives within ten (10) days following the change or correction. Such amendments to the statement shall contain the date, identity of the committee, the changed or corrected information appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer the oaths.

E. Any committee which, after having filed one or more Registration Forms and Statement of Organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Clerk of the U.S. House of Representatives. Such notification shall be verified by the oath or affirmation of the person filing it, taken before any officer authorized to administer the oaths, and such notification shall include a statement as to the disposition of residual funds if the committee is disbanding.

1. Full name of committee: UAW Voluntary Community Action Program (UAW V CAP)

Mailing address and ZIP code: 8000 East Jefferson Avenue
Detroit, Michigan 48214

Date of this registration: April 17, 1972

2. Affiliated or connected organizations:

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW	Solidarity House 8000 East Jefferson Detroit, Michigan 48214	Parent organization organized UAW V CAP

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate by the appropriate box above when information is continued on separate page(s).

3. Area, Scope and Jurisdiction of the Committee:

(a) Will this committee operate in more than one State? Yes

(b) Will it operate on a statewide basis in one State? Inapplicable

(c) Will it primarily support candidates seeking State or local office? No

(d) Will it support a candidate for the U.S. House of Representatives in an aggregate amount in excess of $1,000 during the calendar year? Yes

H.R. ELECTION FORM 1

UAW Voluntary Community Action Program (UAW V CAP)
(Full Name of Committee)

4. (a) If the committee is supporting individual candidates for the U.S. House of Representatives, list each candidate by name, address, office sought, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State and Congressional District	Party
None as yet			

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
None as yet			

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
None as yet			

5. If this committee is supporting the entire ticket of a party, give name of party: None as yet

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Emil Mazey	8000 East Jefferson Detroit, Michigan 48214	Treasurer, UAW V CAP

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
Leonard Woodcock	8000 East Jefferson Detroit, Michigan	Chairman, UAW V CAP
Emil Mazey	8000 East Jefferson Detroit, Michigan	Treasurer, UAW V CAP

*Submit additional information on separate continuation sheets appropriately label'd and attached to this Statement of Organization. Indicate in the appropriate box above when information is continued on separate page(s).

8. Does this committee plan to stay in existence beyond the current calendar year? Yes If so how long? Indeterminate Period

9. In the event of dissolution, what disposition will be made of residual funds? To be determined at time of dissolution, although no dissolution anticipated.

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Detroit Bank and Trust Co.	Kercheval St. at Van Dyke St. Detroit, Michigan 48214

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code
Unknown at this time.			

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above when information is continued on separate page(s).

State of Michigan
County of Wayne ss.

I, Emil Mazey (Full Name of Treasurer of Political Committee), being duly sworn, depose (affirm) and say that the information in this Registration Form and Statement of Organization is complete, true and correct.

Emil Mazey
(Signature of Treasurer of Political Committee)

Subscribed and sworn to (affirmed) before me this 11th day of April, A.D. 1972.

[illegible]
(Notary Public)

[SEAL]

My commission expires April 23, 1973

Return completed form and attachments to:
The Clerk, U.S. House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515

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TWO HAWK FOR CONGRESS COMMITTEE 028215

REGISTRATION	0036/1696	11/20/72	JUNE 10 REPORT	0036/1740	10/13/72
TERMINATION REPORT	0036/1740	10/13/72			

THUA POLITICAL FUND 014117

REGISTRATION	0003/0953	05/05/72	REGISTRATION AMENDMENT	0003/2036	05/26/72
JUNE 10 REPORT	0009/1360	06/19/72	SEPTEMBER 10 REPORT	0021/3363	09/16/72
SEPTEMBER 10 REPORT	0023/0670	10/04/72	SEPTEMBER 10 REPORT	0028/0781	10/23/72
JANUARY 31 REPORT	0039/2350	01/30/73	15TH DAY PRECEDING REPORT	0025/1822	10/21/72
5TH DAY PRECEDING REPORT	0030/2783	10/30/72			

UAW VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V CAP) 004979

REGISTRATION	0002/0262	04/17/72	REGISTRATION AMENDMENT	0007/3501	05/25/72
JUNE 10 REPORT	0010/0452	06/12/72	SEPTEMBER 10 REPORT	0021/1852	09/14/72
JANUARY 31 REPORT	0039/0544	01/29/73	15TH DAY PRECEDING REPORT	0010/0964	06/12/72
15TH DAY PRECEDING REPORT	0010/0442	06/12/72	15TH DAY PRECEDING REPORT	0010/0960	06/12/72
15TH DAY PRECEDING REPORT	0013/1154	07/25/72	15TH DAY PRECEDING REPORT	0016/1691	09/05/72
15TH DAY PRECEDING REPORT	0009/4106	09/11/72	15TH DAY PRECEDING REPORT	0026/2704	10/23/72
5TH DAY PRECEDING REPORT	0010/0975	06/12/72	5TH DAY PRECEDING REPORT	0010/0997	06/12/72
5TH DAY PRECEDING REPORT	0010/0954	06/12/72	5TH DAY PRECEDING REPORT	0010/0962	06/12/72

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COMMITTEE DOCUMENT TYPE	MICROFILM CART/FRAME	DATE	DOCUMENT TYPE	MICROFILM CART/FRAME	DATE	COMMITTEE ID NO
5TH DAY PRECEDING REPORT	0013/1167	07/25/72	5TH DAY PRECEDING REPORT	0014/0946	08/03/72	
5TH DAY PRECEDING REPORT	0021/1842	09/14/72	5TH DAY PRECEDING REPORT	0021/1852	09/14/72	
5TH DAY PRECEDING REPORT	0033/0704	11/02/72				

[illegible]CB CIVIC AFFAIRS ASSOCIATION 036381

REGISTRATION	0002/0751	04/17/72	JUNE 10 REPORT	0010/1073	06/12/72
SEPTEMBER 10 REPORT	0018/3719	09/15/72	JANUARY 31 REPORT	0039/0335	01/29/73
15TH DAY PRECEDING REPORT	0007/3337	05/24/72	15TH DAY PRECEDING REPORT	[illegible]	[illegible]

Amendment

[illegible] 1973

Federal Election Commission
1325 K Street,
Washington, D.C. [illegible]

[illegible] Committee for Good Government
[illegible]
Detroit, [illegible]
[illegible]

Gentlemen:

This is to amend the registration filed April 17, 1972.

1.) Name of Affiliated or Connected Organization.

Add: UAW-V-CAP
8000 East Jefferson
Detroit, Michigan 48214

Relationship: Same Parent Organization, i.e. INTERNATIONAL UNION, UAW

2.) Committees custodian of books and accounts:

Change: From Emil Mazey
To Arthur H. Miller

3.) Other principal officers of the committee.

Change: From - Leonard [illegible] and Emil Mazey
To - Donald F. [illegible] - Chairman
Rudy McCullough - Member of Committee

Sincerely,

Donald J. Roll
Assistant Treasurer

DJR/ajh
cpeiu42

7603003073416

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Vol.84 No.5
July 31, 1982
pp.3, 4.

COPE

Political action was the major focus throughout the 1982 regional meetings, looking to the 1982 elections on Solidarity Day II with the slogan "Let's Turn It Around."

The first day—in meetings with leadership — workshop sessions were devoted to the political situation in the various states and work with support groups during the coming elections. Smaller, limited sessions with state federation officers and COPE directors reviewed budgets and plans in specific terms.

The larger meeting, starting the second day, featured a variety of optional workshops on four aspects of political action:

- Labor and political party relationships.
- Telephone banks.
- Candidate screening and interviewing.
- Marginal congressional district campaigns.

A special, assigned workshop dealt with reporting and accounting required of unions by the Federal Election Commission. More intricate legal problems in this area were referred to an end-of-the-day legal workshop conducted by AFL-CIO counsel Larry Gold.

Similarly, those responsible for the technical aspects of computer file maintenance were also offered a further more specialized workshop by AFL-CIO data processing director Richard Drennan. In the three first-day sessions, the two specialized workshops and the four major second-day discussions, COPE activities occupied time of the conference totaling 17 workshop topics.

POLITICAL SITUATION MEETINGS

Like other workshops on the first day, participants attended the political situation sessions with the delegation from their state. Each state federation president was asked to report on the impact of redistricting and the outlook in each federal and state-wide race. Lastly, a reading was requested on the impact of Reagan Administration policies on our members' lives and attitudes.

As the state federation presidents reported on each congressional or state contest, COPE Director John Perkins asked others to comment—to evaluate from the standpoint of their union or region about the election in question.

Delegates showed a sense of optimism—especially when contrasted with the 1981 regional conferences, which came in the wake of 1980 election results—about labor's chances of electing pro-labor candidates or protecting those who only a few months earlier had been in real trouble. Delegates tended to agree on which districts in their state offered the best chances for victory for COPE-endorsed candidates.

But in some states there were serious differences, and there the workshop contribution was to alert each side as well as much as COPE to these differences.

The emphasis of these political situation meetings was for national COPE to assist especially the state and local leadership appraise the political situation. Their analysis was in turn carried over to the COPE Operating Committee members on the Marginal House and Senate Committees. Many of these same COPE directors, officers and union officers—members of the operating committee—came to one or more regional conferences [illegible]

SUPPORT GROUPS AND ELECTIONS

The support group workshops took the general political analysis one step further: exploring the resources and programs that various support groups might bring to specific congressional political contests in which labor is involved, particularly marginal Senate and House races.

The support groups are units established with the assistance of and primarily funded by the AFL-CIO and its affiliated unions. They work in labor's non-partisan registration and get-out-the-vote campaigns among their respective constituencies, and they rely on volunteers from within the union movement and their own ranks to conduct their programs. Support group membership is made up totally of trade unionists.

At the regional meetings, plans were formulated for maximum emphasis on support group activities in swing districts where their constituencies represent a significant portion of the electorate. For the first time, representatives of the Coalition of Labor Union Women (CLUW) were invited to the COPE workshops and participated in the sessions.

The other support groups are:

- The A. Philip Randolph Institute, which conducts its non-partisan registration and get-out-the-vote programs within the black community.
- The Labor Council for Latin-American Advancement, which works in districts with large concentrations of Hispanic-Americans.
- Concerned Seniors for Better Government, which provides large numbers of volunteers from among union retirees for the COPE program at the community level and seeks to organize retirees into an effective political force.
- Frontlash, which recruits young volunteers to work with the COPE program and which strives particularly to involve young people in the election process.

EXHIBIT
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BUDGET AND PLANNING

The smaller meetings with state federation officials reviewed planned COPE activities and budget. Because of considerable preliminary work prior to the regional meetings, most plans and corresponding budget amounts were in good order. Also work was done towards gaining financial encouragement from the local central bodies as well as the state AFL-CIOs.

Mailing list maintenance activities were reviewed and agreement reached on using data supplied by affiliated unions. COPE urged that future mailings to members be varied to reflect different occupational groups, and technique be developed for separate mailings to at least seven different broad employment categories such as construction, public employees, and others. The aim was to make COPE mailings attract more attention via topics the recipient would more readily recognize and respond to.

As part of the work in computerizing targeted data, state federation officials were asked to help obtain precinct voter returns, information more readily available and necessary because of the new lines drawn for congressional districts after the 1980 census.

RELATIONS WITH POLITICAL PARTIES

The emphasis of this report was on developments during the past year as labor became more involved nationally with the political party process. Most of the session was devoted to the relationship between the labor movement and the parties on the state, county and even precinct level.

This topic surfaced repeatedly at the previous year's regional conferences, when Kirkland said that every trade unionist should participate fully in the democratic process in this country, and "fully" must include the affairs of the two national parties because of their in.pact on the process.

The 1982 delegates had numerous complaints about the political parties, particularly the Democratic. "They may use our work but don't want our input or advice. . . . The party has collapsed in our area—there is no party. . . . They run as Democrats but once elected, they pay no attention to the party. . . . We are left out of the party."

But pursuit of the discussion revealed considerable change since 1980. Labor was more involved in almost every case, then two years ago. More labor representatives had been attending state and "caucus meetings, had increased representation on state and county central committees, and had the feeling Democratic Party leaders were at least beginning to listen. In a few situations, the lack of party structure resulted in issues carrying much or nearly all the burden of seeing that a party functioned. Clearly the solid, neighborhood party organizations that once dominated politics have largely disappeared. In some cases the only organization around was the labor movement.

However, there's a residue of the not so distant past when labor felt they were ignored or pushed out of the party.

TELEPHONE BANKS

The telephone is one of the most versatile tools in labor's political programs. Telephone banks are used heavily for registration and get-out-the-vote campaigns, for recruiting volunteers, canvassing union members and polling member attitudes on issues and candidates.

The phone banks are staffed by volunteers—men and women of the labor movement who contribute their time and effort to the COPE program. In an election year, more than 10 million calls nationally are placed from phone banks to union members.

The procedures for establishing a successful phone bank were thoroughly outlined dealing with the variety of technical and human problems involved and how the role of the phone bank changes at different stages of the campaign. Newsletters material on phone banks were part of the program.

CANDIDATE SCREENING AND INTERVIEWING

Here the emphasis was on doing the necessary homework with candidate screening.

That includes research on the district, its history, the issues, background on the candidate and responses to the candidate questionnaire. Moreover, the interview was seen not only as a chance to get the candidate's views on issues but as an opportunity to educate the candidate on labor concerns not well known, especially to the non-incumbents.

Interviewing of incumbents requires the extra dimensions of potential quibbling over a "right" vote on the final passage or a bill after a "wrong" vote on a crippling amendment. How an interview committee can deal with the necessary legislative knowhow was one of the topics of the workshop.

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MARGINAL DISTRICT CAMPAIGNS

Participants from marginal congressional districts and marginal Senate states were identified at registration time and given an overview of their district and how it fits into labor's overall marginal district and state campaigns—with an eye to participants who might want to get involved in anything from recruiting volunteers to polling and direct mail.

Concepts about polling and targeting were introduced, giving participants some "feel" for the total planning and process and how the pace of such activities is quickened in a district identified as marginal. Major emphasis was placed on how computerized membership files can be used in each facet of the campaign.

It is in the marginal House districts and states where most of the "swing" occurs in strength of party representation in the House or Senate. These are districts or states where, for various reasons, the outcome can be classed as a toss-up or near toss-up.

COPE attempts to identify such situations as early as possible in the campaign year so that extra effort can be put into them—in registration and education—well before the campaign peaks in intensity.

This year, there are 80 to 100 marginal House contests and 12 to 15 marginal Senate races on a list that changes regularly with the ebb and flow of the various candidacies and campaigns.

SPECIALIZED SESSIONS

Data Processing

The data processing session was usually devoted to detailed discussion of specific problems raised by the delegates. The questions ranged from basic usage to high computer technology.

In dealing with usage, delegates were mostly concerned about the cooperation of international unions in submitting accurate and timely information for the COPE files. On the technical matters, many union organizations expressed interest in new computer technology, especially micro-computer systems.

Also discussed at all seven conferences was the assistance offered by the federation's Department of Information Systems or Data Processing in automation counseling, sharing of software and actual processing of data as well as the variety of computer classes offered at the George Meany Center for Labor Studies.

The sessions usually resulted in lively participation and communication of needed information. In fact, some delegates expressed appreciation because of a previous feeling of "nowhere to turn" for answers to their data processing problems.

Since the 1982 area conferences, the AFL-CIO has been contacted by many union organizations requesting automation assistance.

Legal

The purpose of legal presentation has been to assure that AFL-CIO affiliates engage in the full range of political activity permitted by law in a manner that complies with the limitations on permissable activity. When union officers know their political rights, they are more effective because they are less likely to be deterred by false concerns or to waste time and effort in extricating themselves from needless legal controversies.

The experience gained during the first year's regional seminars showed that the sessions on the election laws are of principal value to the delegates who are the officers of their organization with the responsibility for COPE activity or for financial affairs. Therefore during this year's seminars the legal sessions were set up as an optional technical workshop and scheduled in the evening on the second day.

The sessions were not devoted to a set agenda but rather were based on a brief opening statement reviewing major legal developments during the past year and a discussion of specific legal problems raised by the delegates.

In light of the format, the discussion was devoted to detailed consideration of specific problems — many of them highly technical.

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FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1605

Date Filmed 7/26/84 Camera No. --- 2

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