



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3480

DATE FILMED 10/28/93 CAMERA NO. 2

CAMERAMAN MC

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OGC 4338

BEFORE THE FEDERAL ELECTION COMMISSION  
OF THE UNITED STATES OF AMERICA

In the matter of:

MUR 3480

Montanans for Marlenee )  
 Larry Anderson, Chairman )  
 )  
 V )  
 )  
 A Lot of Folks for Pat Williams )  
 George Christensen, Treasurer )

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
92 MAR -9 AM 9:18

COMPLAINT

NOW COMES, Larry Anderson, Chairman of the Montanans for Marlenee Committee, 103 Fifth Street, North, Great Falls, MT 59403 (hereinafter Marlenee) to file this Complaint pursuant to 2 U.S.C. 437g(a)(1) and 11 C.F.R. 111.4 against A Lot of Folks for Pat Williams, George Christensen, Treasurer, of P. O. Box 1992, Helena, MT 59601 (hereinafter Williams).

FACTS

Marlenee does hereby state the following facts based upon information filed with the Federal Election Commission:

1. A Lot of Folks for Pat Williams is the authorized principal campaign committee for Pat Williams, incumbent Member of Congress from the First District of Montana.

2. Williams received the following contributions from three multi-candidate political committees affiliated with labor organizations during the 1992 primary election period (see Exhibit A):

United Auto Workers V-Cap	7/01/91	500.00
	7/11/91	4500.00
AFSCME People	8/02/91	5000.00
American Federation of Teachers	6/25/91	5000.00

3. Williams also received the following "in-kind" contributions from the identical multi-candidate political committees itemized above during the 1992 primary election period (see Exhibit A):

United Auto Workers V-Cap	10/15/91	250.00
AFSCME People	8/20/91	393.36
American Federation of Teachers	10/15/91	250.00

4. Even in light of the fact the contributions were received prior to the 1992 primary, Williams reported the

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contributions as "in-kind" contributions for the 1992 general election on Schedule A. (See Exhibit A).

5. Williams reported the contributions simply as "in-kind contributions on Schedule A without further details as to the nature of the contributions (see Exhibit A).

6. Williams itemized the corresponding in-kind expenditures on Schedule B in like amounts. (See Exhibit B).

7. Williams detailed the expenditures in the following manner:

United Auto Workers V-Cap	\$250.00	"Research"
AFSCME People	393.36	"Event"
American Federation of Teachers	250.00	"Research"

8. Williams listed the following aggregate amounts as received during 1991 from the three multi-candidate committees:

United Auto Workers V-Cap	\$5250.00
AFSCME	5393.36
American Federation of Teachers	5250.00

9. The American Federation of Teachers has reported an expenditure of \$5000.00 which was made on September 16, 1991, for "state-wide polling" to Greenberg/Lake Associates, 515 2nd Street, NE, Washington, D. C. 20002. Also on September 16, 1991, an in-kind contribution for polling on behalf of Pat Williams is reported and the vendor is Greenberg/Lake Associates, 515 2nd Street, NE, Washington, D. C. 20002. See Exhibit C.

10. The United Auto Workers V-Cap has reported an expenditure of \$5000.00 which was made on August 7, 1991, for a "state-wide survey for Montana" to the same vendor Greenberg/Lake Associates, 515 2nd Street, NE, Washington, D. C. 20002. See Exhibit C.

11. AFSCME People has reported the in-kind contribution as of August 14, 1991, in the amount of \$393.36 payable to the National Democratic Club on behalf of Williams. The expense although unidentified more than likely is for food or room rental given the nature of the establishment. See Exhibit C.

DISCUSSION OF LAW

Pursuant to 11 C.F.R. 100.7(a)(1) a contribution is defined as:

"A gift, subscription, loan (except for a loan made in accordance with 11 C.F.R. 100.7(b)(11)), advance, or deposit of money or anything of value made by any person

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for the purpose of influencing any election for Federal office..."

In addition, pursuant to 11 C.F.R. 100.7(a)(1)(iii) "anything of value" is further defined to include all in-kind contributions. Therefore all contributions, including in-kind contributions such as those acknowledged by Williams in the 1991 Year End Report, are subject to the multi-candidate limits of \$5,000 per election established in 11 C.F.R. 110.2(b)(1).

Williams has recorded the in-kind contributions from these entities as "general election" expenditures for the purpose of evading the limits of 110.2(b)(1). The provisions of 110.2(b)(6) state that an in-kind contribution will be deemed to have been made on the date that the goods or services have been provided by the contributor to the receiving committee. In short, Williams has acknowledged by reporting the contributions that goods or services have already been provided by the contributors to the Committee.

It is clear that if the political committees had written direct contributions to Williams, it would have been incumbent under the provisions of 102.9(e)(1) & (2) to keep separate track of the general contributions to avoid any use of general elections funds for primary expenses. And, if the candidate did not appear on the general election ballot, the funds would have been required to have been returned to the contributors. Advisory Opinions 1980-68 (CCH 5516); 1985-41 (CCH 5840); 1980-122 (CCH 5576).

Further it is evident that the in-kind contributions provided herein are actually primary contributions. The provisions of 11 C.F.R. 106.4 govern the allocation of polling results to candidates based upon when results are accepted by the recipient committee. Emphasis throughout the section is placed upon the fact that the earlier survey results are provided to a committee, the greater the value.

According to the reports of all committees involved, the results of the poll were given to Williams during the primary period (varying notations of receipt exist). It is not unreasonable to speculate that the results if not given immediately to Williams were given to Williams within 60 days after the survey was completed.

The value of a political poll is it provides a "snapshot" of voter attitudes at a specific period of time. It is this premise upon which the provisions of 106.4 are based in allocating the greatest share of expense during the period when the information is most current.

The Committees by allocating poll expense during primary period have acknowledged the present value of the information. If this had truly been an expense only related to the general election, the committees could have held the information until

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after 180 days had passed and no allocation whatsoever would have been required under the provisions of 106.4. Given the frequency with which it is commonly recognized that changes in voter attitudes occur, it is incomprehensible that this poll had any value for the general election to be held 11 months in the future.

Williams itemization of "event expense" and the AFSCME information denoting that the vendor is an establishment likely to have provided food or a meeting room, also clearly indicates that a primary contribution has taken place. It is difficult to imagine a situation where a meeting or a luncheon would take place that would not have present value in terms of discussion of the events preceding an election 14 months in the future.

PRAYER FOR RELIEF

Marlenee respectfully requests that the Federal Election Commission investigate these violations and find the following conclusions of law:

1. Williams has received \$250.00 from Auto Workers V-Cap in violation of the limits established for multi-candidate political committees pursuant to 2 U.S.C. 441a(a)2(A), 11 C.F.R. 110.2(b)(1).

2. Williams has received \$393.36 from AFSCME People in violation of the limits established for multi-candidate political committees pursuant to 2 U.S.C. 441a(a)2(A), 11 C.F.R. 110.2(b)(1).

3. Williams has received \$250.00 from the American Federation of Teachers in violation of the limits established for multi-candidate political committees pursuant to 2 U.S.C. 441a(a)2(A), 11 C.F.R. 110.2(b)(1).

Marlenee respectfully requests that the Federal Election Commission assess all appropriate penalties for violation of the above provisions in accordance with 2 U.S.C. 437 g.

The above statements are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

*Terri D. Anderson*

Montanaris for Marlenee  
Chairman

Subscribed and Sworn to before me this 3<sup>rd</sup> day of MARCH, 1992.

*Renee K. Richter*  
(Notary Public)

My Commission expires:

FEBRUARY 1, 1994

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EXHIBIT A

REPORT DATED 07/01/91-12/31/91

FROM PAGE 3 OF 13  
FOR LINE #11(c)

FULL NAME, MAILING ADDRESS	EMPLOYER/OCCUPATION	DATE	AMOUNT OF RECEIPT
United Auto Workers V-CAP 1757 N Street, N.W. Washington, DC 20036	PAC	07/01/91	500.00
		07/11/91	4500.00

Receipt for:  Primary  General AGGREGATE YTD:\$ 5000.00

FULL NAME, MAILING ADDRESS	EMPLOYER/OCCUPATION	DATE	AMOUNT OF RECEIPT
United Auto Workers V-CAP 1757 N Street, N.W. Washington, DC 20036	PAC	10/15/91	Inkind 250.00

FROM PAGE 6 OF 13  
FOR LINE #11(c)

FULL NAME, MAILING ADDRESS	EMPLOYER/OCCUPATION	DATE	AMOUNT OF RECEIPT
AFSCME People 1625 L Street, N.W. Washington, DC 20036	PAC	08/02/91	5000.00

Receipt for:  Primary  General AGGREGATE YTD:\$ 5000.00

FULL NAME, MAILING ADDRESS	EMPLOYER/OCCUPATION	DATE	AMOUNT OF RECEIPT
AFSCME People 1625 L Street, N.W. Washington, DC 20036	PAC	06/20/91	In Kind: 393.36

Receipt for:  Primary  General AGGREGATE YTD:\$ 5393.36

FROM PAGE 13 OF 13  
FOR LINE #11(c)

FULL NAME, MAILING ADDRESS	EMPLOYER/OCCUPATION	DATE	AMOUNT OF RECEIPT
American Federation of Teachers 555 New Jersey, N.W. Washington, DC 20001	PAC	10/15/91	Inkind 250.00

Receipt for:  Primary  General AGGREGATE YTD:\$ 5250.00

FROM AMENDMENT DATED 10/18/91 FOR REPORT DATED: 01/01/91-06/30/91  
FROM PAGE 1 OF 4  
FOR LINE #11(c)

D. Full Name, Mailing Address and ZIP Code		Name of Employer	Date Received (day, year)	Amount of Each Receipt this Period
American Federation of Teachers 555 New Jersey Ave., N.W. Washington, DC 20001		COPE PAC	9910625	\$5000.00
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation	Aggregate Year-to-Date	\$5000.00

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EXHIBIT B

REPORT DATED 07/01/91-12/31/91

FROM PAGE 25 OF 25  
FOR LINE #17

B. Full Name, Mailing Address and ZIP Code UNITED AUTO WORKERS 1757 N. ST., N.W. WASHINGTON, DC 20036	Purpose of Disbursement RESEARCH INKIND	Date (month, day, year) 19911015	Amount of Each Disbursement This Period 250.00
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
C. Full Name, Mailing Address and ZIP Code AMERICAN FED. OF TEACHERS 555 NEW JERSEY WASHINGTON, DC 20001	Purpose of Disbursement RESEARCH INKIND	Date (month, day, year) 19911015	Amount of Each Disbursement This Period 250.00
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

FROM PAGE 1 OF 25  
FOR LINE #17

A. Full Name, Mailing Address and ZIP Code AFSCME PEOPLE 1625 L STREET WASHINGTON, DC 20036	Purpose of Disbursement EVENT INKIND	Date (month, day, year) 19910820	Amount of Each Disbursement This Period 393.36
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)		

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EXHIBIT C

FROM THE COMMITTEE REPORT OF: AMERICAN FEDERATION OF TEACHERS ON POLITICAL EDUCATION  
 REPORT DATED: 07/01/91-12/31/91

FOR LINE #21

FULL NAME, MAILING ADDRESS AND ZIP CODE	PURPOSE OF DISBURSEMENT	DATE (MONTH, day, year)	AMOUNT OF EACH Disbursement this period
GREENBERG / LAKE ASSOCIATES 515 2ND STREET NE WASHINGTON, DC 20002	GREENBERG/LAKE ASSOCIATES STATEWIDE POLLING OTHER COIST .DC - 1991 Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) OTHER	09/16/91	5,000.00

PAGE 15 OF 16  
 FOR LINE 21

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Greenberg/Lake Associates 515 2nd Street, N.E. Washington, D.C. 20002	Pat Williams In-kind contribution for polling Disbursement for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General Other (specify) MT, CD 1, 1992	9/16/91	250.00 (Memo Entry)

FROM THE COMMITTEE REPORT OF: AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL  
 EMPLOYEES, PUBLIC EMPLOYEES ORGANIZED TO PROMOTE LEGISLATIVE EQUALITY  
 REPORT DATED: 08/01/91-08/31/91

PAGE 2 OF 3

F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
National Democratic Club 30 Ivy Street, SE Washington, DC 20003-4071	IK Contrib. Rep. Pat Williams D/MT/1 5393.36 Disbursement for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General Other (specify) 1992	08-14-91	393.35

FROM THE COMMITTEE REPORT OF: UAW V CAP  
 REPORT DATED 08/01/91-08/31/91

PAGE 2 OF 3  
 FOR LINE #21(b)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Greenberg/Lake 515 2nd Street, N.E. Washington, DC 20002	State wide survey for National Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	8/7/91	5,000.00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 12, 1992

Larry Anderson, Chairman  
Montanans for Marlenee Committee  
103 Fifth Street, North  
Great Falls, MT 59403

RE: MUR 3480

Dear Mr. Anderson:

This letter acknowledges receipt on March 9, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by A lot of Folks for Pat Williams and George Christensen, as treasurer, United Auto Workers, American Federation of Teachers and AFSCME People. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3480. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Teresa Hennessy  
Assistant General Counsel

Enclosure  
Procedures

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 12, 1992

A Lot of Folks for Pat Williams  
George Christensen, Treasurer  
P.O. Box 1992  
Helena, Montana 59601

RE: MUR 3480

Dear Mr. Christensen:

The Federal Election Commission received a complaint which alleges that A Lot of Folks for Pat Williams ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3480. 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 the Committee and you, as treasurer, in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Teresa A. Hennessy*

Teresa Hennessy  
Assistant General Counsel

Enclosures

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

cc: The Honorable Pat Williams

93040983072



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 12, 1992

AFSCME People  
1625 L Street, NW  
Washington, DC 20036

RE: MUR 3480

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that AFSCME People may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3480. 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 AFSCME People in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Teresa A. Hennessy*

Teresa Hennessy  
Assistant General Counsel

Enclosures

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

93040983074



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 12, 1992

United Auto Workers V-CAP  
1757 N Street, N.W.  
Washington, DC 20036

RE: MUR 3480

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the United Auto Workers V-CAP may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3480. 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 the United Auto Workers V-CAP in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Teresa A. Hennessy*

Teresa Hennessy  
Assistant General Counsel

Enclosures

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

93040983076



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 12, 1992

American Federation of Teachers  
555 New Jersey Avenue  
Washington, DC 20001

RE: MUR 3480

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the American Federation of Teachers may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3480. 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 the American Federation of Teachers in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Teresa A Hennessy*

Teresa Hennessy  
Assistant General Counsel

Enclosures

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

93040983078



# AFSCME®

**American Federation of State, County and Municipal Employees, AFL-CIO**

General Counsel's Office  
1101 17th Street, N.W.  
Suite 1210  
Washington, D.C. 20036  
Telephone (202) 775-5900  
Facsimile (202) 296-5279

Gerald W. McEntee  
International President

William Lucy  
International Secretary-Treasurer

March 18, 1992

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FEDERAL ELECTION COMMISSION

John C. Dempsey  
Larry P. Weinberg  
General Counsel

Kimberlee Keller  
Robert D. Lenhard  
Mary Joyce Carlson  
Associate General Counsel

Teresa Hennessy, Esq.  
Assistant General Counsel  
Federal Election Commission  
Washington, D.C. 20463

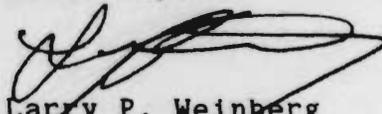
Re: MUR 3480

Dear Ms. Hennessy:

Enclosed please find a Statement Of Designation Of Counsel naming the undersigned as counsel for AFSCME PEOPLE in connection with the above-captioned matter. Please see that all correspondence and other communications with regard to this matter are directed to the undersigned.

AFSCME PEOPLE received the Complaint in this matter on March 16, 1992. Due to previously scheduled business travel and other prior commitments, the undersigned will not have an adequate opportunity to prepare a response within the fifteen days allowed in your letter dated March 12, 1992. Therefore, AFSCME PEOPLE hereby requests an additional twenty days to and including April 20, 1992 within which to respond to the Complaint in this matter. Please advise me as soon as possible as to the action taken with regard to this request.

Sincerely,

  
Larry P. Weinberg  
General Counsel

LPW:bsc  
Enclosure

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COMMISSION  
MAIL ROOM

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3480

NAME OF COUNSEL: Larry P. Weinberg

ADDRESS: 1101 17th St., N.W.,

Suite 1210

Washington, D.C. 20036

TELEPHONE: 202-775-5900

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.

3/18/92  
Date

*William R. King*  
Signature

RESPONDENT'S NAME: AFSCME PEOPLE

ADDRESS: 1625 L Street, N.W.

Washington, D.C. 20036

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: 202-429-1000

93040983080



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 31, 1992

Larry P. Weinberg, Esq.  
AFSCME  
General Counsel's Office  
1101 17th Street, N.W.  
Washington, D.C. 20036

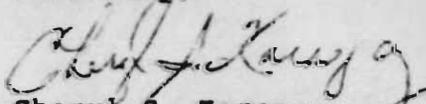
RE: MUR 3480

Dear Mr. Weinberg:

This is in response to your letter dated March 18, 1992, which we received on March 20, 1992, requesting an extension of time until April 20, 1992 to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 20, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Cheryl S. Kornegay  
Attorney

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FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

*EPCH 4445*  
**Solidarity House**  
8000 EAST JEFFERSON AVENUE  
DETROIT, MICHIGAN 48214  
PHONE (313) 926-5000

Mar 24 1 09 PM '92



**INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA--UAW**

OWEN F. BIEBER, *PRESIDENT*

BILL CASSTEVENS, *SECRETARY-TREASURER*

VICE-PRESIDENTS: ODESSA KOMER • ERNEST LOFTON • STAN MARSHALL • STEPHEN P. YOKICH

JORDAN ROSSEN  
*General Counsel*  
M. ELIZABETH BUNN  
LAURA J. CAMPBELL  
BETSEY A. ENGEL  
CONNIE Y. HARPER  
RALPH O. JONES  
*Associate General Counsel*

RICHARD W. McHUGH  
MICHAEL B. NICHOLSON  
LEONARD R. PAGE  
NANCY SCHIFFER  
DANIEL W. SHERRICK  
M. JAY WHITMAN  
*Associate General Counsel*

March 20, 1992

Cheryl Kornegay, Esq.  
Federal Election Commission  
Washington, DC 20463

Re: MUR 3480

Dear Ms. Kornegay:

We have begun preparation of our response in the above matter.

It is apparent, however, that a few days of additional time will be required. Among other reasons, I will be out of the country for several days soon.

We respectfully request that the time within which UAW V-CAP may respond be extended to and including Monday, April 6th.

Sincerely,

*M. Jay Whitman*  
M. Jay Whitman  
Attorney for UAW V-CAP

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FEDERAL ELECTION COMMISSION  
92 MAR 24 PM 3:01

MJW:sk  
opciu494  
cc: Julie Moll, Ass't. Treasurer

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 31, 1992

M. Jay Whitman, Esq.  
UAW V-CAP  
8000 East Jefferson Avenue  
Detroit, Michigan

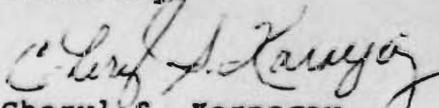
RE: MUR 3480

Dear Mr. Whitman:

This is in response to your letter dated March 20, 1992, which we received on March 24, 1992, requesting an extension of time until April 6, 1992 to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 6, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Cheryl S. Kornegay  
Attorney

93040983083

OGC 4517

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

March 25, 1992

Cheryl Kornegay  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 3480

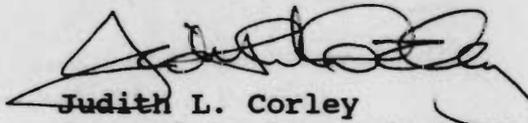
Dear Ms. Kornegay:

This letter is to request an extension of time of 20 days to respond to the notice that a complaint had been filed against A Lot of Folks for Pat Williams. I understand that a designation of counsel from the Committee was sent by facsimile to your office directly.

We ask for the extension to allow us adequate time to consult with the client, to review the relevant documents, and to prepare the response. The Commission's notice was received by the Committee on March 20, 1992. With the extension of 20 days, a response would be due April 24, 1992.

If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,

  
Judith L. Corley  
Counsel to Respondents

92 MAR 26 AM 9:27

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE GENERAL COUNSEL

93040983084

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3480  
 NAME OF COUNSEL: JUDITH CARLEY  
 ADDRESS: PERKINS COIE  
607 14<sup>th</sup> ST NW - Suite 800  
WASHINGTON, DC 20005  
 TELEPHONE: (202) 434-1622

92 MAR 25 PM 3:27

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.

3/25/92  
Date

Joe Lamson  
Signature

RESPONDENT'S NAME: JOE LAMSON - CAMPAIGN MANAGER  
 ADDRESS: A LOT OF BULKS FOR PAT WILLIAMS  
BOX 1992  
HELWAN, MT. 59601  
 HOME PHONE: (406) 442-7278  
 BUSINESS PHONE: (406) 443-7488

93040983085



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 31, 1992

Judith L. Corley, Esq.  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2011

RE: MUR 3480

Dear Ms. Corley:

This is in response to your letter dated March 25, 1992, which we received on March 27, 1992, requesting an extension of twenty days to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 24, 1992.

If you have any questions, please contact me at  
(202) 219-3690.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl S. Kornegay".

Cheryl S. Kornegay  
Attorney

93040983086

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAN ROOM  
JEFFERSON AVENUE  
DETROIT, MICHIGAN 48214  
PHONE (313) 926-5000  
Mar 26 11 29 AM '92



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT

BILL CASSTEVENS, SECRETARY-TREASURER

VICE-PRESIDENTS: ODESSA KOMER • ERNEST LOFTON • STAN MARSHALL • STEPHEN P. YOKICH

JORDAN ROSSEN  
General Counsel  
M. ELIZABETH BUNN  
LAURA J. CAMPBELL  
BETSEY A. ENGEL  
CONNIE Y. HARPER  
RALPH D. JONES  
Associate General Counsel

RICHARD W. McHUGH  
MICHAEL B. NICHOLSON  
LEONARD R. PAGE  
NANCY SCHIFFER  
DANIEL W. SHERRICK  
M. JAY WHITMAN  
Associate General Counsel

March 18, 1992

Cheryl Kornegay, Esq.  
Federal Election Commission  
Washington, DC 20463

Re: Montanans for Marlenee v. UAW V-CAP, et al.  
(FEC MUR 3480)

Dear Ms. Kornegay:

Enclosed for filing in the above matter, please find our Statement of Designation of Counsel.

Sincerely,

*M. Jay Whitman*  
M. Jay Whitman  
Associate General Counsel

MJW:sk  
opeiu494  
cc(w/encl.):  
Larry Anderson  
Pat Williams

92 MAR 26 PM 1:49

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

93040983087

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3480

NAME OF COUNSEL: M. Jay Whitman

ADDRESS: 8000 E. Jefferson Ave.

Detroit,

Michigan 48214

TELEPHONE: (313) 926-5216

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.

March 18, 1992

Date

M. Jay Whitman  
Signature

Associate General  
Counsel

J. W. Hall  
Assistant Treasurer UAW V-CAP

RESPONDENT'S NAME: UAW Voluntary Community Action Program (UAW V-CAP)

ADDRESS: 8000 E. Jefferson Ave.

Detroit, MI 48214

HOME PHONE: (313) 769-4242

BUSINESS PHONE: (313) 926-5431

93040983088

200 4558

**MANATT, PHELPS, PHILLIPS & KANTOR**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.

SUITE 200

WASHINGTON, D.C. 20036-8888

TELEPHONE (202) 463-4300  
FAX (202) 463-4394  
(202) 463-4395

LOS ANGELES  
8355 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90004-4614  
(213) 381-4000

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
MAY 31 PM 3:27

March 31, 1992

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 3480

Dear Mr. Noble:

On behalf of respondent American Federation of Teachers, I request a 15 day extension of time, until April 21, 1992, to respond to the complaint in the above-referenced matter.

Due to the press of other legal matters, I will need the additional time to review the facts and prepare a full legal response.

If you have any questions, please contact me at 202-463-4320.

Sincerely,

Lyn Utrecht  
Manatt, Phelps, Phillips & Kantor

93040983089

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3480

NAME OF COUNSEL: LYN UTRECHT

ADDRESS: MANATT, PHELPS, PHILLIPS & KANTOR  
1200 NEW HAMPSHIRE AVE., NW, SUITE 200  
WASHINGTON, DC 20036

TELEPHONE: 202-463-4320

RECEIVED  
FEDERAL FICTION COMMISSION  
OFFICE OF FEDERAL COUNSEL  
92 MAR 31 PM 3:27

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.

3/31/92  
Date

Rachelle Horowitz  
Signature

RESPONDENT'S NAME: AMERICAN FEDERATION OF TEACHERS

ADDRESS: 555 NEW JERSEY AVE, NW  
WASHINGTON, DC 20001

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: 202-879-4436

93040983090



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 3, 1992

Lyn Utrecht, Esq.  
Manatt, Phelps, Phillips & Kantor  
1200 New Hampshire Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-6889

RE: MUR 3480

Dear Ms. Utrecht:

This is in response to your letter dated March 31, 1992, which we received on the same date, requesting an extension of time to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 21, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl S. Kornegay".

Cheryl S. Kornegay  
Attorney

93040983091



**INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW**

OWEN F. BIEBER, *PRESIDENT*

BILL CASSTEVENS, *SECRETARY-TREASURER*

VICE-PRESIDENTS: ODESSA KOMER • ERNEST LOFTON • STAN MARSHALL • STEPHEN P YOKICH

JORDAN ROSSEN  
*General Counsel*  
M. ELIZABETH BUNN  
LAURA J. CAMPBELL  
BETSEY A. ENGEL  
CONNIE Y. HARPER  
RALPH O. JONES  
*Associate General Counsel*

RICHARD W. McHUGH  
MICHAEL B. NICHOLSON  
LEONARD R. PAGE  
NANCY SCHIFFER  
DANIEL W. SHERRICK  
M. JAY WHITMAN  
*Associate General Counsel*

**AIRBORNE EXPRESS**

April 2, 1992

Cheryl Kornegay, Esq.  
Federal Election Commission  
Washington, DC 20463

Re: MUR 3480

Dear Ms. Kornegay:

I just returned to my office, and turned to the above matter. You'll recall that, by my letter of March 20th, UAW V-CAP requested an extension until next Monday, April 6th, in which to file our response.

I'd expected that, during my absence, my office would have received needed information. Naturally, it didn't arrive.

For this reason, UAW V-CAP respectfully requests a further extension until Monday, April 13th. We understand that some of the other parties will be filing even later, so that such an extension should not delay this matter.

This will be our last request. Your patience is appreciated.

Sincerely,

*M. Jay Whitman*  
M. Jay Whitman  
Attorney for UAW V-CAP

MJW:sk  
opeiu494  
cc: Julie Moll, Ass't. Treasurer

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 9, 1992

M. Jay Whitman, Esq.  
UAW V-CAP  
8000 East Jefferson Avenue  
Detroit, Michigan 48214

RE: MUR 3480

Dear Mr. Whitman:

This is in response to your letter dated April 2, 1992, which we received on April 3, 1992, requesting an additional extension of time of seven days to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 13, 1992.

If you have any questions, please contact me at  
(202) 219-3690.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl S. Kornegay".

Cheryl S. Kornegay  
Attorney

93040983093

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

*Solidarity House*

8000 EAST JEFFERSON AVE  
DETROIT, MICHIGAN 48214  
PHONE (313) 926-5000

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, *PRESIDENT*

BILL CASSTEVENS, *SECRETARY-TREASURER*

VICE-PRESIDENTS: ODESSA KOMER • ERNEST LOFTON • STAN MARSHALL • STEPHEN P. YOKICH

JORDAN ROSSEN  
*General Counsel*  
M. ELIZABETH BUNN  
LAURA J. CAMPBELL  
BETSEY A. ENGEL  
CONNIE Y. HARPER  
RALPH O. JONES  
*Associate General Counsel*

RICHARD W. McHUGH  
MICHAEL B. NICHOLSON  
LEONARD R. PAGE  
NANCY SCHIFFER  
DANIEL W. SHERRICK  
M. JAY WHITMAN  
*Associate General Counsel*

April 10, 1992

*AIRBORNE EXPRESS*

Cheryl S. Kornegay, Esq.  
Federal Election Commission  
999 E. Street NW  
Washington, DC 20463

Re: MUR 3480

Dear Ms. Kornegay:

Thank you for the extensions. As promised, enclosed is V-CAP's Response to the complaint in this matter.

If you have further questions, please give me a call.

Sincerely,

*M. Jay Whitman*  
M. Jay Whitman  
Attorney for UAW V-CAP

MJW:sk  
opeiu494  
enclosure

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FEDERAL ELECTION COMMISSION  
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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT

BILL CASSTEVENS, SECRETARY-TREASURER

VICE-PRESIDENTS: ODESSA KOMER • ERNEST LOFTON • STAN MARSHALL • STEPHEN P. YOKICH

JORDAN ROSSEN  
General Counsel  
M. ELIZABETH BUNN  
LAURA J. CAMPBELL  
BETSEY A. ENGEL  
CONNIE Y. HARPER  
RALPH O. JONES  
Associate General Counsel

RICHARD W. McHUGH  
MICHAEL B. NICHOLSON  
LEONARD R. PAGE  
NANCY SCHIFFER  
DANIEL W. SHERRICK  
M. JAY WHITMAN  
Associate General Counsel

April 10, 1992

Cheryl S. Kornegay, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E. Street NW  
Washington, DC 20463

Re: MUR 3480

Dear Ms. Kornegay:

This is the response of the UAW Voluntary Community Action Program (UAW V-CAP) to the Commission's letter of March 12th, transmitting the complaint in *Montanans for Marlenee v. A Lot of Folks for Pat Williams, et al.*

For the reasons given, as well as those of co-respondents, V-CAP respectfully submits that the complaint should be dismissed for lack of merit.

V-CAP is the federal PAC of the International Union, UAW. It is a separate, segregated, voluntary PAC. As such, it regularly reports to the Commission under the FECA.

This complaint is brought by the Committee of Ron Marlenee, the sitting Member of the U.S. House of Representatives from the 2d District of Montana. Mr. Marlenee is a Republican.

The principal respondent here is the Committee of Pat Williams, the sitting Member of the House from the 1st District of Montana. Mr. Williams is a Democrat.

The UAW and its V-CAP, like many labor organizations and their committees, support Rep. Williams. We have supported him for some time.

There were two House Districts in Montana, one held by Rep. Williams and the other held by Rep. Marlenee. The Department of Commerce, applying 2 U.S.C. §2a(a) to the results of the 1990 Census, then announced that Montana must be reapportioned into a single District.

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Cheryl S. Kornegay  
Page 2  
April 10, 1992

On May 22, 1991, an action was filed in federal court challenging the constitutionality of that reapportionment under Article I §2 of the U.S. CONSTITUTION.<sup>1</sup> By early July, 1991, a three judge panel had been designated.

From this point forward, everyone had his own opinion about whether, when the judicial dust settled, there would be one or two House Districts in Montana. No one *knew*, save the inevitable prophet or two.

Given the uncertainty, V-CAP went ahead and, in early July, 1991, donated \$500 and \$4,500 to the Committee for Rep. Williams. This \$5,000 was clearly designated for the Primary, and reported as such by both V-CAP and the Committee.

On August 15, 1991, in the apportionment litigation, a motion to dismiss was denied, and the three-judge Court heard argument on September 3, 1991. 775 F. Supp. at 1359.

V-CAP, along with the federal PAC's of other unions, at this point jointly commissioned a poll from Greenberg-Lake. The poll was of Montana voters, in both the 1st and 2d Districts. It was structured to test perceptions of Rep. Williams *as against* Rep. Marlenee.

The poll inquired into a range of areas of particular interest to V-CAP, *e.g.*, attitudes of union households, health care issues, the bill to forbid replacement of strikers, and unfair trade practices.

V-CAP sent \$5,000 to Greenberg-Lake, by a check to that firm dated August 7, 1991. It was reported for Line 21(b) of the August, 1991, Report as a "state wide survey for Montana." As the poll has not been given to the Committee for Rep. Williams, no donation had been made, so no report of one was required.

The poll was, in fact, given to the Committee for Rep. Williams more than 60 days later, on or about October 15, 1991. However, on October 18, 1991, the three-judge Court handed down its decision declaring 2 U.S.C. §2a unconstitutional, 775 F. Supp. 1358, 1366 (D. Mont. 1991). This decision *preserved* the existing two Districts in Montana.

It *also* rendered the just-delivered poll *worthless*. The poll was premised on a *single* congressional District, resulting in a Williams vs. Marlenee race. If two Districts survived, then Williams would not run against each other. Each would run in his own District.

This development occurred before the October, 1991, report was due, and so V-CAP did not report any in-kind donation.

<sup>1</sup> See, *Montana v. U.S. Dept. of Commerce*, 775 F. Supp. 1358 (D. Mont. 1991)(3-judge), *rev'd* -- U.S. -- (1992), 60 U.S.L.W. 4279 (March 31, 1992).

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Cheryl S. Kornegay  
Page 3  
April 10, 1992

The three-judge decision was taken to the Supreme Court, but remained in effect. So, consistently, V-CAP did *not* report any donation on any subsequent reports, including the 1991 annual, as, in our view, no donation had been made.

The Committee for Rep. Williams, however, reported a \$250 in-kind donation from V-CAP on its 1991 annual. This \$250 is (presumably) the 5% value of V-CAP's \$5,000 under 11 C.F.R. §106.4(g)(2), for a poll given more than 60 days after initial receipt. The Committee's report plainly labeled the in-kind donation as for the General Election.

On March 31, 1992, the Supreme Court handed down *Montana v. U.S. Dept. Commerce*, -- U.S. -- (1992), 60 U.S.L.W. 4279, reversing the three-judge decision, and holding that Montana must be reapportioned into a single District.

It was at this point, just 10 days ago -- *not earlier* -- that *anyone*, including V-CAP, knew Rep. Williams would have to run against Rep. Marlenee. The possibility lead to taking the poll, but it died with the three-judge decision. Indeed, from the time poll was delivered in October until the Supreme Court's decision, the Judgment of the federal courts was that such a contest was *not* required.

Perhaps the Supreme Court's decision, in setting Rep. Williams and Rep. Marlenee as opponents, has now resurrected some antique value for this poll. Whatever the value, it certainly cannot be more than the \$250 generated by §106.4(g)(2); and that value ought not be reportable by anyone, including V-CAP, until *after* the Supreme Court's decision resurrected the "market".

But this takes us, finally, to Rep. Marlenee's argument that the in-kind gift *must* be attributed to the Primary, not the General Election.

Nothing in the Commission's regulations prevents making a donation before the Primary, and designating it for the General.

But, *whatever* the value of the poll in these unique circumstances, it is illogical to attribute it to the Primary. There are two reasons, each sufficient:

*First*, Rep. Marlenee simply could not run against Rep. Williams *unless and until* Montana was a single House District. A poll testing views in a Williams vs. Marlenee race can, in the nature of this case, only have been a poll about the General Election.

*Second*, as we understand it, Primary Elections are "Democrat vs. Democrat" or "Republican vs. Republican". General Elections are "Democrat vs. Republican."

Rep. Marlenee is a Republican, and Rep. Williams is a Democrat. The poll inquired into "Democrat vs. Republican" issues, which are by definition issues *only* relevant to the General Election, where the race is "Democrat vs. Republican". If the complaint were correct, the poll would have inquired into "Democrat vs. Democrat" issues, as one would expect for a Primary Election. It did not. The allegation of the complaint just does not make sense on the most elementary level.

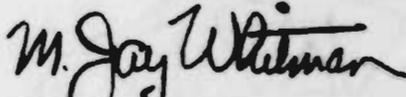
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Cheryl S. Kornegay  
Page 4  
April 10, 1992

So, given these circumstances, the poll had no value, and did not have to be reported. If it did, it need only have been reported as an in-kind donation for the General Election.

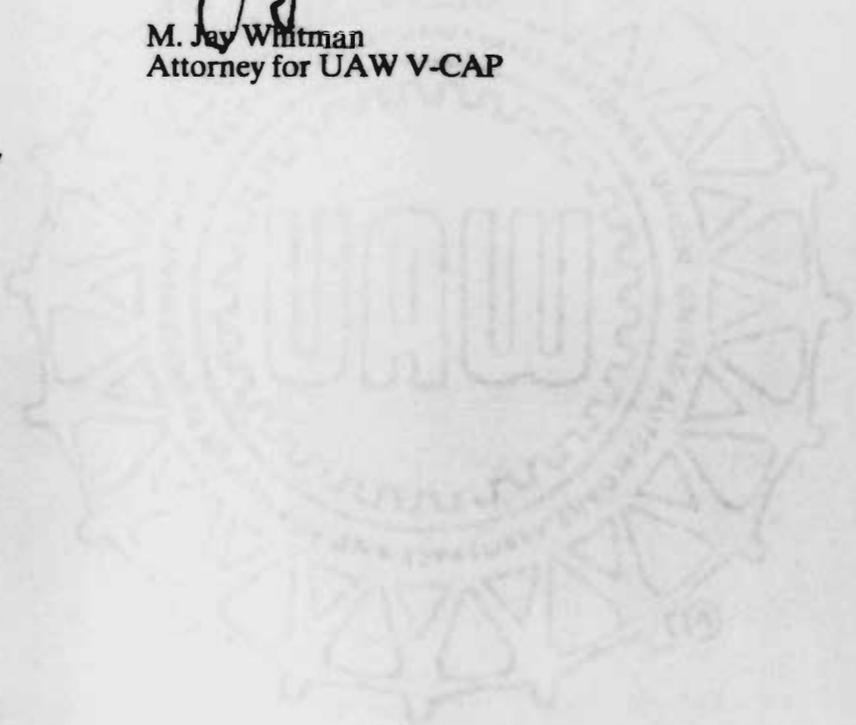
The complaint should be dismissed for lack of merit.

Respectfully Submitted,



M. Jay Whitman  
Attorney for UAW V-CAP

MJW:mjw  
opeiu494



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MADE IN

OGC 4770



# AFSCME®

**American Federation of State, County and Municipal Employees, AFL-CIO**

General Counsel's Office  
1101 17th Street, N.W.  
Suite 1210  
Washington, D.C. 20036  
Telephone (202) 775-5900  
Facsimile (202) 296-5279

April 20, 1992

Gerald W. McEntee  
International President  
9  
William Lucy  
International Secretary/Treasurer  
APR 20 AM 4:25  
RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

John C. Dempsey  
Larry P. Weinberg  
General Counsel

Kimberlee Keller  
Robert D. Lenhard  
Mary Joyce Carlson  
Associate General Counsel

Ms. Cheryl Kornegay  
Office of the General Counsel  
Federal Elections Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 3480 - American Federation of State, County  
and Municipal Employees / PEOPLE (AFSCME/PEOPLE)

Dear Ms. Kornegay:

This is in response to the Commission's letter dated March 12, 1992 advising AFSCME/PEOPLE that a complaint had been filed with the Commission which alleged acts which could be a violation on the part of AFSCME/PEOPLE. For the reason set forth below, the Complaint is without merit and should be dismissed without further action.

The Complaint filed in this matter by Larry Anderson, Chairman of the Montanans for Marlenee Committee, alleges that AFSCME/PEOPLE made a primary election contribution to the campaign of Pat Williams, Democratic Congressman from Montana, when AFSCME/PEOPLE spent \$393.36 to host an event in support of Williams' general election candidacy against Congressman Marlenee. Although the Complaint did not assert that AFSCME/PEOPLE had violated the Act, the Commission has forwarded that Complaint to AFSCME/PEOPLE for response, apparently on the theory that the expenditure in question should have been treated as a primary election contribution and that, when aggregated with the previous primary contribution made by AFSCME/PEOPLE to the Williams campaign, the contribution limits of 2 U.S.C. Section 441a(a)(2)(A) had been violated. As will be shown below, the in-kind contribution of \$393.36 made by AFSCME/PEOPLE on July 31, 1991, was a general election contribution and was properly designated as such.

The Complaint filed against the Williams campaign appears to contend that the Commission must apply a per se rule under which all in-kind contributions, of whatever nature, which are made during the "primary election period" must be treated as primary contributions, without regard to the designation of

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Ms. Cheryl Kornegay  
April 20, 1992  
Page 2

the contribution, the nature of the contribution or whether its purpose is to benefit the candidate's campaign in the general election or the primary. While the Complaint refers to several Commission regulations which it claims support the kind of per se rule for which it argues, the fact is that there is no such per se rule and the regulations cited do not support the contention that there is such a rule.

AFSCME/PEOPLE had the power to designate this contribution as a general election contribution and made such a designation as required by 11 C.F.R. Section 110.2. Moreover, based on the facts and circumstances of this case, it is apparent that the in-kind contribution in question was not intended to benefit the Williams campaign in a primary election.

93040983100

There were two congressional districts in Montana, one represented by Democratic Congressman Pat Williams and the other by Republican Congressman, Ron Marlenee. As a result of the reapportionment following the 1990 census, Montana was reduced to a single congressional district, beginning with the election to be held in 1992. In late July, 1991, AFSCME/PEOPLE agreed to co-sponsor and pay for a breakfast to which it invited representatives of other labor organizations to meet with Congressman Williams and discuss the strategy for the coming election. That breakfast was to be held on July 31, 1991. At the time that breakfast was called, as well as when it occurred, it was known that reapportionment had resulted in the elimination of one of Montana's two congressional districts. At the time that breakfast was held, Williams did not have any known primary opposition and it was not anticipated that he would have any such opposition. As a result, the breakfast meeting on July 31, 1991 was called for the purpose of discussing strategy in the anticipated general election contest to be held between Congressman Williams and Congressman Marlenee in the combined Montana district in November 1992. Thus, the invitation for that breakfast, a copy of which is attached as Exhibit 1 to the enclosed affidavit of Jerry Klepner, stated in part as follows:

"Without question, one of our very best friends in the House is Pat Williams of Montana. As you know, Montana is losing one of its two seats as a result of the Census, and Pat will be running statewide against Montana's other House member, the ultra-conservative Republican, Ron Marlenee.

Ms. Cheryl Kornegay  
April 20, 1992  
Page 3

This will be a very tough race; the early polls show it is very close. Montana has numerous small television markets, many in the eastern part of the state now represented by Marlenee . . .

We are sponsoring a breakfast with Pat Williams at 8:15 a.m. on July 31st at the Democratic Club to give Pat an opportunity to discuss his campaign with us . . ."

Consistent with that invitation, when Congressman Williams addressed that meeting he focused solely on his anticipated general election contest against Congressman Marlenee

Since the July 31 breakfast was called and held for the purpose of discussing Congressman Williams' campaign against Congressman Marlenee, AFSCME/PEOPLE does not dispute that its expenditure for the breakfast was properly treated as an in-kind contribution. Under 2 U.S.C. Section 431(8)(A)(i) an in-kind contribution is included within the definition of "contribution". Under 11 CFR. Section 110.2(b), a multi-candidate committee such as AFSCME/PEOPLE, has the power to designate a contribution which is made during the period preceding a primary election as being for either the primary or general election. AFSCME/PEOPLE designated the in-kind contribution question as being for the general election. (Klepner Affidavit, Paragraph 6, Exhibit 2). The Complaint herein has offered no basis for concluding that an in-kind contribution cannot be so designated.

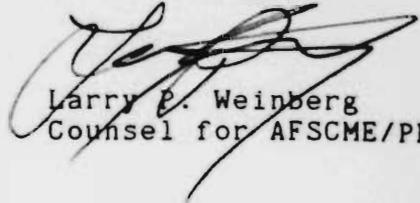
We would concede, for purposes of argument, that there might be certain kinds of contributions made during the pre-primary period which, by their nature, may be used only in connection with the primary. For example, if AFSCME had given Congressman Williams bumper stickers or posters which said "vote for Pat Williams in the Montana primary to be held June 2, 1992", it would be difficult for AFSCME to argue that the contribution of those bumper stickers had been intended for use in the general election rather than the primary. In this case, however, the facts support exactly the opposite conclusion. Although the breakfast in question occurred during the pre-primary period, its purpose related solely to the general election.

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Ms. Cheryl Kornegay  
April 20, 1992  
Page 4

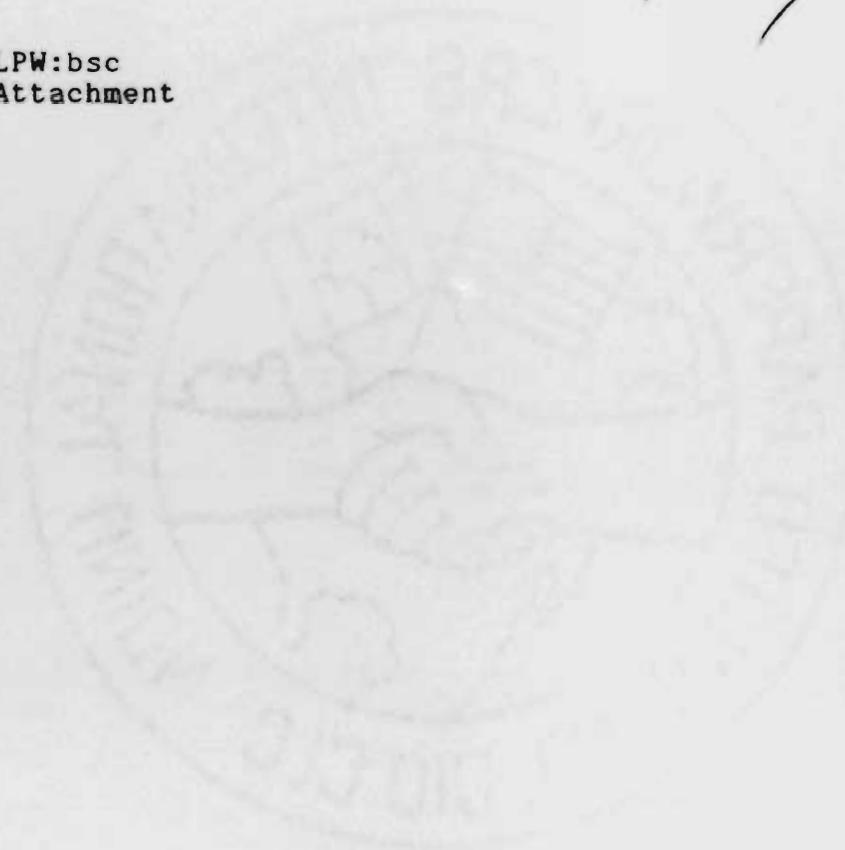
Based upon the foregoing, the contribution in question was properly designated as a general election contribution and this matter should be dismissed without further action.

Very truly yours,



Larry E. Weinberg  
Counsel for AFSCME/PEOPLE

LPW:bsc  
Attachment



MADE  
IN U.S.A.

93040983102

AFFIDAVIT

92 APR 20 AM 4:25

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF LEGAL COUNSEL

Jerry Klepner, being duly sworn, deposes and states as follows:

1. I am the Director of Legislation for the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) and have held that position since November 30, 1987.

2. On about July 23, 1991, I was one of several union officials who distributed an invitation to a breakfast meeting with Congressman Pat Williams, a democrat elected from one of Montana's two congressional districts. A copy of that invitation is attached hereto as Exhibit 1.

3. That meeting was called because the reapportionment following the 1990 Census had reduced Montana to a single congressional district, effective with the 1992 election. It was expected that Congressman Williams would face a difficult general election contest against Congressman Ron Marlenee, a Republican elected from Montana's other congressional district. At the time of that breakfast meeting, Congressman Williams did not have a primary opponent, and he was not expected to have one later in the primary.

4. I introduced Congressman Williams at that breakfast meeting. My remarks focused on how Congressman Williams had supported key labor issues throughout his tenure, how much he needed our support as a result of the reapportionment, and how labor could assist and support him in his coming general election

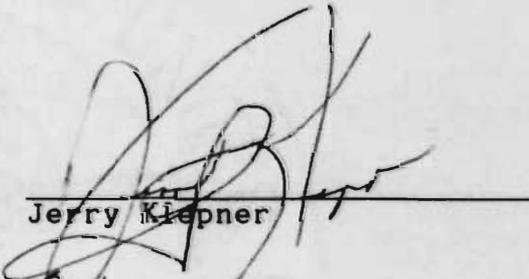
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contest against Congressman Marlenee. I did not discuss the primary election, since, as far as I knew, Congressman Williams did not expect any opposition in the primary.

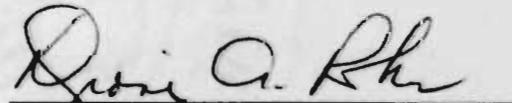
5. Following my introduction, Congressman Williams addressed the meeting. He discussed the unique problems of a general election in which two incumbents faced each other. The entire discussion focused on the general election contest expected against Congressman Marlenee. Congressman Williams did not discuss the primary election in his remarks.

6. Attached hereto as Exhibit 2 is a copy of AFSCME/PEOPLE's August 20, 1991 letter to the Williams campaign designating the expenditure for the July 31, 1991 breakfast meeting as a 1992 general election contribution.

Further Affiant sayeth not.

  
Jerry Kiepner

Subscribed and sworn to this 20th day of April 1992.

  
Notary Public

My Commission Expires June 14, 1996

93040983104

July 23, 1991

Dear Trade Unionist:

Without question, one of our very best friends in the House is Pat Williams of Montana. As you know, Montana is losing one of its two seats as a result of the Census, and Pat will be running statewide against Montana's other House member, the ultraconservative Republican Ron Marlenee.

This will be a very tough race; the early polls show it is very close. Montana has numerous small television markets, many in the eastern part of the state now represented by Marlenee. Pat will need a lot of money, much more than he has ever had to raise before, to finance the kind of campaign he needs to carry his message throughout the state and to improve his recognition in eastern Montana.

We don't need to remind you that Pat Williams is a strong and reliable supporter of the labor movement's legislative priorities. You know he is an enthusiastic sponsor of H.R. 5, the anti-strikebreaker legislation. He shepherded the bill through the Labor-Management Relations Subcommittee, which he chairs, the full Education and Labor Committee, and the House and he did it with great skill.

We are sponsoring a breakfast with Pat Williams at 8:15 a.m. on July 31st at the Democratic Club to give Pat an opportunity to discuss his campaign with us. Please RSVP to Dana Botsford at 429-5020 by Monday, July 29.

We hope you will plan to join us.

Sincerely,

*Jerry Klepner*  
Jerry Klepner  
AFSCME

*George Gould*  
George Gould  
Letter Carriers

*Alan Reuther*  
Alan Reuther  
United Auto Workers

*David Sweeney*  
David Sweeney  
Teamsters

*Allynn Howe*  
Allynn Howe  
Carpenters

JDK:dmb

92 APR 20 AM 4:25

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FEDERAL ELECTION COMMISSION  
OFFICE OF FEDERAL COUNSEL

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**AFSCME**  
*in the public service*



Gerald W. McEntee, President William Lacy, Secretary-Treasurer

92 APR 20 AM 4: 25

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

August 20, 1991

Representative Pat Williams  
Pat Williams for Congress  
P.O. Box 1992  
Helena, Montana 59601

Dear Representative Williams:

I am pleased to inform you that a \$393.36 In-Kind campaign contribution has been made to Pat Williams for Congress towards the 1992 general election.

Please be advised that AFSCME-PEOPLE will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Rick Scott  
Director of Political Action

RS:lms  
Enclosure

cc: George Hagerman, Director, Council 9  
Robert Meyer, International Union Area Director

EXHIBIT 2

1625 L STREET N.W. WASHINGTON, D.C. 20036 (202) 429-1021

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MANATT, PHELPS, PHILLIPS & KANTOR

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ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.

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WASHINGTON, D.C. 20036-6889

LOS ANGELES

1388 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90061-4844  
(213) 382-4000

TELEPHONE (202) 463-4300  
FAX (202) 463-4394  
(202) 463-4395

April 21, 1992

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 3480

92 APR 21 PM 3:06

RECEIVED  
FEDERAL ELECTION COMMISSION  
ATTORNEY GENERAL COUNSEL

Dear Mr. Noble:

This letter is submitted on behalf of the American Federation of Teachers ("AFT") in the above-referenced matter.<sup>1/</sup> For the following reasons set forth more fully below, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that the American Federation of Teachers or its political committee, COPE, violated any provision of the Federal Election Campaign Act ("FECA" or the "Act"), 2 U.S.C. § 431 et seq., and dismiss this complaint.

The essential allegation of the complaint is that any in-kind contribution to a candidate made prior to the date of the primary must be for the primary election regardless of the nature or purpose of the contribution. Nothing in the Act or regulations supports this assertion. The in-kind contribution made by AFT COPE was a poll which pertained specifically to the expected general election match-up between the two incumbent Members of Congress from Montana. Pat Williams and Ron Marlenee, who are expected to face each other in the general election contest for the at-large congressional seat representing the State of Montana. Because this poll was related to the general election match-up, AFT COPE and the other committees which commissioned it properly designated their in-kind contributions for the general election. The Marlenee complaint cites no authority for its assertion that in-kind contributions made prior to the date of the primary cannot be for the general election.

<sup>1/</sup> Although the complaint and the Commission's notification letter name the American Federation of Teachers as the potential respondent in this matter, all contributions and expenditures in question were made by COPE, the separate segregated fund of the American Federation of Teachers.

93040983107

Lawrence M. Noble, Esq.  
April 21, 1992  
Page 2

**FACTUAL BACKGROUND**

During the Summer of 1991, AFT COPE participated in the commissioning of a poll concerning the anticipated contest between Williams and Marlenee for the 1992 general election. The poll was conducted in August 1991. The AFT COPE share of the cost of this poll was \$5,000. As indicated in the 1991 year-end report filed by AFT COPE, COPE paid its share of the cost of the poll to Greenberg/Lake Associates on September 16, 1991. The 1991 year-end COPE report also discloses the in-kind contribution from COPE to Williams for the poll in the amount of \$250. While the COPE report gives the same date for the in-kind contribution as reported for the expenditure, the poll was not in fact made available to Williams until October, as disclosed by the Williams committee.<sup>2/</sup>

**LEGAL ANALYSIS**

The Marlenee complaint alleges that any in-kind contribution made prior to the date of a primary must be allocated to the contributor's primary limit. In support of this assertion, the complaint cites only the provision of the regulations providing that an in-kind contribution is "made" when the recipient receives it. 11 C.F.R. § 110.2(b)(6). This is the same provision which provides that a contribution generally is considered made when the maker relinquishes control over the contribution. This regulation simply sets forth the automatic rules that are followed if no specific designation of a contribution is made. The provision does not in any way prohibit designation of a contribution for a specific election. In fact, 11 C.F.R. § 110.2(b)(2) specifically provides that a contribution designated in writing for a particular election is made for the election so designated. All of the parties involved designated this contribution for the general election.

Moreover, the poll commissioned in this case was designed specifically to evaluate the results of the anticipated general election contest between Williams and Marlenee. It was of no value to Williams in a primary contest, as it was solely related to the general election. The fact that the results were provided

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<sup>2/</sup> At the time the COPE year-end report was prepared in January 1992, the individual responsible for preparing the report was advised that the poll was an in-kind contribution and that it had been made available to the candidate after 60 days had passed so that its value was \$250. Thus, she prepared the report disclosing the expenditure and the contribution as of the date that Greenberg/Lake Associates was paid by COPE, even though the candidate did not receive the poll until October.

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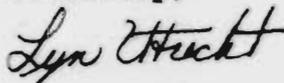
Lawrence M. Noble, Esq.  
April 21, 1992  
Page 3

to Williams prior to the primary does not alter the fact that its purpose was to influence the general election. Thus, it was properly designated a general election in-kind contribution by the contributors.

The poll results were not provided to Williams until after 60 days had passed, but prior to the passage of 180 days. Accordingly, under the FEC regulations governing valuation of polls, the AFT COPE contribution was properly valued at \$250. 11 C.F.R. § 106.4. The complaint suggests, however, that the contribution must have been for the primary because the poll results were provided to Williams during this 61-180 day period while the poll still had some value under § 106.4. This contention is similarly without merit. The regulations governing poll valuation do not determine whether the contribution of a particular poll was for the purpose of influencing the primary or the general election. If a contributor provides something of value to a candidate that is only of value in the general election, that contribution is clearly for the purpose of influencing the general election and is properly designated as a contribution for the general election. Once this determination is made, the poll regulations govern the calculation of the amount of the contribution not the determination of the election to which the poll pertains.

This complaint sets forth no legal or factual basis to support a finding of a violation against AFT or AFT COPE. Thus, for the reasons set forth above, the Commission should find no reason to believe that AFT or AFT COPE violated any provision of the Act and should dismiss this complaint.

Sincerely,



Lyn Utrecht  
Manatt, Phelps, Phillips & Kantor

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COMMISSION  
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APR 24 2 48 AM '92

April 24, 1992

Cheryl Kornegay  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

92 APR 24 PM 4:28

Re: MUR 3480 - A Lot of Folks for Pat Williams, George Christensen, Treasurer

Dear Ms. Kornegay:

This is in response to the Commission's letter dated March 12, 1992, advising A Lot of Folks for Pat Williams ("the Committee") that a complaint had been filed against it. The complaint is without merit and should be dismissed by the Commission without further action.

Ron Marlenee, a candidate for the Republican party nomination for the U.S. House of Representatives in the state of Montana, asks that the Commission find that the Committee has violated the federal campaign laws by accepting three contributions (total value \$893.36) in excess of the primary limits. The contributions in question were in-kind contributions from three unions for the general election. Mr. Marlenee argues that the contributions, made before the date of the primary, were actually made in connection with the primary and, therefore, exceeded the primary election limits.

While Mr. Marlenee purports to cite authority for this proposition, he has provided no Commission rule or ruling that would bar the acceptance of general election in-kind contributions before the date of the primary. There is a good reason for this: there is no such prohibition. Where goods and services are related to the general election, their acceptance before the primary election is lawful. In this case, the in-kind contributions made by the unions were related to the general election and were properly reported as in-kind contributions subject to the general election contribution limitations.

Before 1990, the state of Montana had two congressional districts. Mr. Marlenee was the representative from one of

[04031-0037/DA921010.002]

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FEDERAL ELECTION COMMISSION  
OFFICE OF THE GENERAL COUNSEL

the districts, while Congressman Williams was elected from the other district. As a result of the 1990 Census, the number of Congressional seats in the State of Montana was reduced to one. With only one district remaining, the two sitting Members would be required to run against each other.

Congressman Williams has organized his campaign accordingly. Planning and strategies for the campaign have been directed toward the confrontation with Mr. Marlenee that will occur during the general election. Mr. Marlenee, as shown by this complaint, has done the same. Press coverage of the campaign is focussed on this general election face-off. Although the articles are being written long before either man's primary, the discussion of issues race are framed in terms of Williams versus Marlenee. See e.g., Newspaper clippings in Attachment A. Further, Congressman Williams did not at the time have, and does not have now, any primary opposition.

Labor organization support in this race is overwhelming in favor of Congressman Williams. At the time of the event held at the Democratic Club at issue in this MUR, many unions had already given the maximum allowable contribution to the Williams campaign for the primary election, or had pledged to do so. The event was a breakfast to which various union representatives in the Washington, D.C. area were invited. The event was not a fundraiser, but rather was intended to give Congressman Williams an opportunity to thank the unions for their support, to discuss ideas for his challenge against Marlenee, and to encourage their continued involvement in the general election campaign. The event had no purpose of influencing activities in connection with the primary election, since, as noted, the primary is irrelevant in this race.

The poll involved in the in-kind contributions reflects these same realities. Each of the substantive questions in the poll tests voter perceptions of Congressman Williams as compared to Congressman Marlenee. The poll was designed to be used by Congressman Williams not to influence Democratic voters in the primary, where such information is irrelevant, but to shape the campaign for the competition for all voters in the general election. Mr. Marlenee's theorizing on how polls are valued, while interesting, is misguided here. The polling information in question has no relevance to the

93040983111

Cheryl Kornegay  
April 24, 1992  
Page 3

Williams campaign except in the context of its general election challenge to the Marlenee campaign.

Under Federal Election Commission regulations, 11 C.F.R. § 106.4, polling data have always been treated differently than other in-kind contributions. The regulations set out a clear method for valuing polling data and for apportioning the donation of such data as a contribution. Section 106.4(g)(2) of these regulations provides that polling data held for at least 60 days after the initial receipt of the data are valued at only five percent of the data's original value. Here, the unions in question arranged to pay \$5,000 directly to the polling company for a poll to be taken in mid-August 1991. The results of the poll were held by the polling company for over 60 days, until mid-October<sup>1</sup>, at which time the results were provided to the Williams campaign. Under Section 106.4(g)(2), the value of each \$5,000 payment at that point was \$250.

There is, therefore, no violation of the campaign laws here. The donation of the polling data was properly valued and reported. This complaint is quite simply the result of pure politics. Marlenee's filing of this complaint emphasizes the point that the general election campaign is already joined in Montana, long before the date of the primaries. Unable to find any serious issues on which to challenge the Williams campaign, Marlenee is reduced to filing harassing FEC complaints. The Commission must recognize the political realities of the race in Montana. The complaint should be dismissed without further action.

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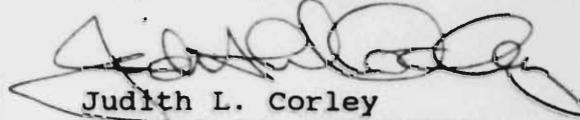
<sup>1</sup>The in-kind contribution reported by the American Federation of Teachers as made on September 16, 1991, is misleading. While this may be the date that AFT made its payment to the polling firm, no results from the poll were received by the Committee until mid-October.

93040983112

Cheryl Kornegay  
April 24, 1992  
Page 4

If you have any questions or need additional information,  
please do not hesitate to contact the undersigned.

Very truly yours,



Judith L. Corley  
Counsel for Respondents

93040983113

92 APR 24 PM 4:28

# Sunday Gazette

Sunday, May 5, 1991

Billings, Montana 59103

107th Year, No. 3

## It's Williams vs. Mc

### Close race predicted

By JIM GRANBERY  
Of the Gazette Staff

Pat Williams is running for the U.S. House of Representatives.

"I can do more for Montana by continuing to represent you in the Congress of the United States," Williams declared before a crowd of more than 300 enthusiastic supporters jammed into the Skyview Terrace in Billings Saturday morning.

Williams, a Democrat, is serving his seventh term as Western District representative. His decision sets up a face-off, loser-out election with Rep. Ron Marlenee, R-Mont.

Marlenee is serving his eighth term as Eastern District representative. He has previously announced he

will be a candidate for the House.

Because of the 1990 census and reapportionment, Montana will lose one of its seats in the U.S. House, thus the 1992 race will pit Williams against Marlenee in a contest of diametrically opposed political philosophies.

Williams delivered his announcement with intensity, his jaw clenching at times, and let it be known how he expects the campaign to be waged.

"I intend to make it a positive campaign," Williams said. "I will avoid negative campaigning and advertising. The question is who can do the most for this state.

"Let's debate the issues and the differences" he said. "Let's see who votes for a \$20 billion space station,

### INSIDE

Rep Ron Marlenee says he considers Rep. Pat Williams "a good man and worthy political opponent." Marlenee said he stands by his record in Congress. **PAGE 15A.**

Williams' announcement means several Democrats might consider challenging Republican Gov. Stan Stephens. State Rep. Dorothy Bradley, D-Bozeman, says she'll consider the idea. **PAGE 1B.**

housing in space, and who votes against housing in Montana. Who votes for local police departments

(More on Williams, Page 15A)



Pat Williams of M. District tells supp



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BILLINGS GAZETTE

# arlenee



Source photo by James Woodhead

Fontana's current Western Congressional  
performs he wants to stay in Washington.

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# Continued stories

## Williams

From Page One

and who develops the bad farm policy that runs farmers off the land.

"Who is for trickle down and who is for percolate up.

"Let's go town-to-town in face-to-face debates. We have two years. Let's do it."

Williams said, "The National Republican Party since Watergate has made a political artform of negative campaigns ... of lies, insinuations and innuendos.

"I want a positive campaign, but if the negative campaigning starts, Pat Williams will finish it," he indicated.

"Let the candidates and supporters on both sides contact themselves so that we can all look at ourselves after the election and say Montana won," Williams said. "There is only one person that is going to be your choice. It should be the person that sits in the highest leadership councils and can bring Montana common sense to bear." Williams is a Democratic majority whip in the House and a member of the Democratic Policy and Steering Committee.

"I made one promise in 1978, that I would bring honesty, hard work and long hours with shirt sleeves rolled up," he said. "I make the same promise here this morning."

Williams began his announcement day in Billings with scheduled stops later in Helena, Great Falls and Kalispell. Democrats from Yellowstone and surrounding counties squeezed into the airport dining room to hear Williams' political plans. He was introduced by Kathy Kalkor, chairman of the Billings School Board.

Williams said the decision was made by his family.

"I am uncertain about my worth to you in Washington, D.C., but when (wife) Carol is counted in, Montana gets a good deal. We made the decision together."

Williams, 58, was born in Helena Oct. 20, 1907. He and his wife have three children, Griff, Erin and Whitney. Williams graduated from Butte High School in 1926 and the University of Denver in 1941. He served in the Montana House from 1967-70. He was first elected to the U.S. House in 1978.

Williams said Saturday that he took his time making "the correct choice rather than the quick choice," and in a reference to the cool spring weather, he said he was making his

decision knows now because "the buds are not coming out."

Williams had promised that his future political plans would be revealed when the buds of spring appeared.

Williams said about 75 percent of the people he talked to asked him to stay in Congress rather than come back to Montana and run for governor. He said Montanans are looking for government to address the issues of jobs, farm programs that help, decent retirement and pensions, appropriate health care at reasonable cost, good schools, an energy future that is secure and safety around the and in the streets.

He decried the widening gap between rich and poor in the past 12 years and took aim at the fact that middle-class children are not eligible for assistance to go to college. He hit upon the out migration of rural Montana and America, and he slammed farm policy written by some "to squeeze the farmers off the land at the same time 5 million children in America go hungry" and thousands starve to death around the world.

Marlenee was a major architect of the 1985 and 1986 farm bills, especially those portions dealing with wheat and barley programs.

Williams said Americans are dissatisfied with a foreign policy that

## 1 seat or 2, Marlenee s

Rep. Hon Marlenee, R-Mont., said Saturday that the announcement by Pat Williams to run for re-election to Congress in 1982 helps resolve "some what the murky political waters currently being charted by Montana's Democrats.

"Although the prospect of a single congressional seat is apparently unresolved," Marlenee said in a press release, "I continue to make preparations for a campaign for Congress."

Two weeks ago it was reported that estimates of the number of Americans missed in the 1980 census could result in Montana retaining both its U.S. House seats rather than lose one. A U.S. federal court has ordered the secretary of commerce to decide by July 15 whether the census number should be corrected.

"Political pundits and media mavens hope that Pat Williams and I will run for an at-large congressional seat," said Marlenee. "There is no doubt that could give Montanans an unprecedented chance to compare two very distinct ideologies, but the world

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supports corrupt dictators like "Noriga and Saddam. We shore them up, then shoot them down. Americans are tired of it and so am I."

He said he felt Montanans would insist that candidates discuss the issues.

"Montanans reject negative

campaigns and those w  
it will lose votes, not gain

"Montana is at a bit  
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congressional race in  
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He said he expecter  
"Most people know for

## says he's running

ertain politics is not nearly as important as the fact felt for an entire decade with the loss of a seat in the United States Congress."

ately call on Pat Williams — and the entire state congressional delegation — to join me in the fight to preserve our representation in Washington," said Marinone. "I have drafted letters to Governor Secretary Robert Mosbacher and also to President Bush, calling their support for the adoption of revised U.S. Census figures, which would bring us closer to achieving this goal."

Marinone said that "Many in the media gleefully anticipate a no-holds-barred, political slugfest between a Marinone and Pat Williams. I view Pat, however, as a good man and worthy political opponent. But if we do each other in a future campaign there is no doubt Marinone will focus on our records in Congress, and we'll continue our efforts for misrepresentation and shading of the facts. I stand on my record in Congress, and ask Pat Williams and his supporters to stand on his."

who judge in...  
...critical...  
...said. "No...  
...anyone's life...  
...are important.

will vote for. The election will be decided on fewer than 4 percentage points. Maybe even less than 1 percentage point. Montanans are an independent lot.

of a close race...  
...why who they

"It will be the most difficult race either man has ever had," said Williams.

OTHER POLITICAL STAY

# Aaaand they're off

## *Don't kid yourself; Marlenee-Williams contest has started*

**P**at Williams hasn't announce his plans for 1992 — yet. But lately the Montana Democrat is talking more and more like a candidate for an eighth straight term in the U.S. House of Representatives. This would be a head to head battle with GOP Kep. Ron Marlenee for the only Montana seat in the House remaining as a result of reapportionment.

During recent weeks Williams has shifted his focus toward eastern Montana. He announced just the other day that a House subcommittee that he serves on will conduct a hearing March 13 on the Corps of Engineers' management of the Missouri River water resources. This is a key issue for many folks in eastern Montana.

Earlier, Williams paid a visit to a VA service center in Billings and showed up at agriculture-related conventions in Great Falls. He mentioned that his experience in Washington, D.C., began as an aide to John Melcher who during the early 1970s was the state's eastern district congressman.

The Montana Standard newspaper in Butte published an editorial comment pointing out Williams' recent hawkish comments about the Persian Gulf War, an apparent turnaround from early January when Williams voted against the

use of force. "It sounds like Pat has changed his tune" ... the editorial noted.

Marlenee, of course, is already a declared candidate.

The eastern Montana Republican wants a ninth term. He took a swing through western Montana last month, meeting with a group of loggers and condemning environmentalists for causing the slow-down in timber harvests. He also disagreed with Gov. Stephens and legislators who want to eliminate the state bison hunt.

Our conclusion: The head-to-head campaign is underway.

Williams won't leave Montanans wondering much longer. He has promised to announce his intentions in the early springtime.

Williams has an edge in a Montana Poll last December, but a poll by Eastern Montana college last week indicated Marlenee and Williams have evenly divided support throughout the state.

It will be a long, tough battle for the veteran congressmen. It could turn nasty. It could widen the social, economic and political gulf between eastern and western Montana. And no matter who wins, Montana loses. This state will send only three delegates to Congress in 1993.

We repeat: We think the horse race has already begun. It's going to be an exciting wild ride — knowing that one of the horses will be shot dead at the finish line.

— The Great Falls Tribune

93040983118

**10A**Great Falls Tribune  
Saturday, March 2, 1991

## **Marlenee-Williams campaign has begun**

Pat Williams hasn't announced his plans for 1992 — yet.

But lately the Montana Democrat is talking more and more like a candidate for an eighth straight term in the U.S. House of Representatives. This would be a head-to-head battle with GOP Rep. Ron Marlenee for the only Montana seat in the House remaining as a result of reapportionment.

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We repeat: We think the horse race has already begun. It's going to be an exciting and wild ride — knowing that one of the horses will be shot dead at the finish line.

93040983120



# AFSCME®

**American Federation of State, County and Municipal Employees, AFL-CIO**

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1101 17th Street, N.W.  
Suite 1210  
Washington, D.C. 20036  
Telephone (202) 775-5900  
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Gerald W. McEntee  
International President

William Lucy  
International Secretary-Treasurer

September 18, 1992

John C. Dempsey  
Larry P. Weinberg  
General Counsel

Kimberlee Keller  
Robert D. Lenhard  
Mary Joyce Carlson  
Associate General Counsel

Ms. Tamara Kipper  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 3480

Dear Ms. Kipper:

As you requested in our telephone conversation yesterday, enclosed is a copy of the signed August 20, 1991 letter from AFSCME/PEOPLE to the Pat Williams for Congress Committee advising the committee of the \$393.36 in-kind contribution made to the committee and specifically designating that as a 1992 general election contribution.

I hope this is sufficient to dispose of this matter. If you need anything else, please let me know.

Sincerely,

  
Larry P. Weinberg  
General Counsel

LPW:bsc  
Enclosure

RECEIVED  
FEDERAL ELECTION COMMISSION  
SEP 21 12 47 PM '92

93040983121

PEOPLE—THE LEGISLATIVE/POLITICAL ACTION ARM OF  
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES



**AFSCME**  
In the public service



Gerald W. McEnlee, President / William Lucy, Secretary Treasurer

August 20, 1991

Representative Pat Williams  
Pat Williams for Congress  
P.O. Box 1992  
Helena, Montana 59601

Dear Representative Williams:

I am pleased to inform you that a \$393.36 In-Kind campaign contribution has been made to Pat Williams for Congress towards the 1992 general election.

Please be advised that AFSCME-PEOPLE will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Rick Scott  
Director of Political Action

RS:lms  
Enclosure

cc: George Hagerman, Director, Council 9  
Robert Meyer, International Union Area Director

93040983122

92 SEP 23 PM 3:44  
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

September 23, 1992

Tamara Kapper  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 3480 - A Lot of Folks for Pat Williams, George  
Christensen, Treasurer

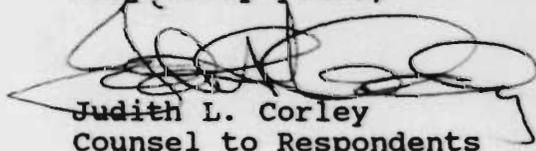
Dear Ms. Kapper:

This is in response to your inquiry regarding written designations of in-kind contributions at issue in the above-referenced matter under review. Please find enclosed copies of correspondence between the Williams campaign and the American Federation of State, County and Municipal Employees relating to in-kind contributions.

The campaign is still researching the other contributions and, as soon as any materials are available, I will forward them to you.

If you have any questions in the interim or need additional information, please let me know.

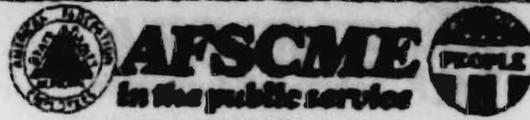
Very truly yours,



Judith L. Corley  
Counsel to Respondents

93040983123

PEOPLE - THE LEGISLATIVE/POLITICAL ACTION ARM OF  
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES



August 20, 1991

Representative Pat Williams  
Pat Williams for Congress  
P.O. Box 1992  
Helena, Montana 59601

Dear Representative Williams:

I am pleased to inform you that a \$393.36 In-Kind campaign contribution has been made to Pat Williams for Congress towards the 1992 general election.

Please be advised that AFSCME-PEOPLE will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Rick Scott  
Director of Political Action

RS:ms  
Enclosure

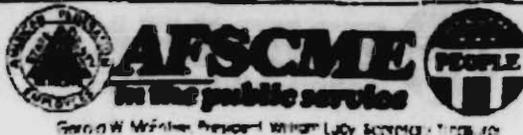
cc: George Magerman, Director, Council 9  
Robert Meyer, International Union Area Director

1626 L STREET N.W. WASHINGTON, D.C. 20036 (202) 429-4070

— contributions only from members of AFSCME and their families.

93040983124

PEOP. E - THE LEGISLATIVE/POLITICAL ACTION ARM OF  
THE AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES



February 6, 1992

Pat Williams for Congress  
P.O. Box 1992  
Helena, Montana 59601

Dear Representative Williams:

I am pleased to inform you that a \$250 In-Kind campaign contribution has been made to Pat Williams for Congress towards the 1992 primary election.

Please be advised that AFSCME-PEOPLE will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Rick Scott  
Director of Political Action

RS:lks  
Enclosure

cc: George Hagerman, Director, Council 9  
Robert Meyer, International Union Area Director

1525 L STREET N.W. WASHINGTON, D.C. 20036 (202) 429-4021

In accordance with Federal Law, the PEOPLE Committee will accept contributions only from members of AFSCME and their families.

93040983125



**AFSCME**  
*In the public service*



General W. McIntee, President William Lucy, Secretary-Treasurer

March 10, 1992

Pat Williams for Congress  
P.O. Box 1992  
Helena, Montana 59601

Dear Representative Williams:

In early February you received notification that the American Federation of State, County and Municipal Employees had made a \$250 inkind contribution to your primary campaign.

This contribution should have been designated as an inkind contribution to your 1992 general election campaign.

We are amending our FEC records to show this as an inkind general election contribution, and we ask that you do the same.

Should you have any questions concerning this contribution please contact AFSCME's Political Action Director, Rick Scott.

Sincerely,

William Lucy  
International Secretary-Treasurer

1625 L STREET N.W. WASHINGTON, D.C. 20035 (202) 429-1024

In accordance with Federal Law, the PEOPLE Committee will accept contributions only from members of AFSCME and their families.

93040983126

MUR # 3480

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY  
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM  
LOCATIONS.

93040983127



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3480

DATE FILMED 10/28/93 CAMERA NO. 2

CAMERAMAN MC

93040983128



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

Microfilm  
 Public Records  
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3480.

12/10/93

93043542669

**THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS  
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE**

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report. See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System. See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993. See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993. See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993. See Reel 354, pages 1741-1746.

93043542670



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1992

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Larry Anderson, Chairman  
Montanans for Marlenee Committee  
103 Fifth Street, North  
Great Falls, MT 59403

RE: MUR 3480

Dear Mr. Anderson:

On March 9, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against A Lot of Folks for Pat Williams and George P. Christensen, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

*Tamara Kapper*  
Tamara Kapper

Attachment  
Narrative

Date the Commission voted to close the file: DEC 09 1992

93043542671

**MUR 3480 A LOT OF FOLKS FOR PAT WILLIAMS**

The complainant alleges that A Lot of Folks for Pat Williams and George Christensen, as treasurer, received excessive in-kind contributions totalling \$750 (\$250 each) from three multicandidate political action committees in connection with the 1990 primary election. The multicandidate committees are: American Federation of State, County & Municipal Employees - PEOPLE and William Lucy, as treasurer; United Automobile Workers Voluntary Community Action Project and Bill Casstevens, as treasurer; and the American Federation of Teachers Committee on Political Education and Gregory Humphrey, as treasurer. The complainant alleges that the Williams Committee received the the contributions in advance of the primary election but designated the contributions for the general election because each PAC had reached its contribution limit of \$5,000 for the primary election.

The Respondents assert that as a result of the 1990 census the congressional districts in the state of Montana were reduced to one district causing the two incumbents, Congressmen Williams and Marlenee to run against one another in the general election. The PAC's contend the in-kind contribution to the Williams Committee was for a poll to determine voters' perceptions of the two congressmen if they ran against one another in the general election. All of the Respondents contend further that they properly assessed the poll's value and properly reported it to the Commission as an in-kind contribution to the Williams Committee for the general election.

This matter involves no serious indication of any serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.

930.43542672



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

Judith Corley, Esquire  
Perkins Cole  
607 14th Street, N.W., Suite 800  
Washington, D.C. 20005

RE: MUR 3480

Dear Ms. Corley:

On March 12, 1992, the Federal Election Commission notified your clients, A Lot of Folks for Pat Williams and George P. Christensen, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against these clients. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

*Tamara Kapper*  
Tamara Kapper

Attachment  
Narrative

Date the Commission voted to close the file:

DEC 09 1993

93043542673

**MUR 3480 A LOT OF FOLKS FOR PAT WILLIAMS**

The complainant alleges that A Lot of Folks for Pat Williams and George Christensen, as treasurer, received excessive in-kind contributions totalling \$750 (\$250 each) from three multicandidate political action committees in connection with the 1990 primary election. The multicandidate committees are: American Federation of State, County & Municipal Employees - PEOPLE and William Lucy, as treasurer; United Automobile Workers Voluntary Community Action Project and Bill Casstevens, as treasurer; and the American Federation of Teachers Committee on Political Education and Gregory Humphrey, as treasurer. The complainant alleges that the Williams Committee received the the contributions in advance of the primary election but designated the contributions for the general election because each PAC had reached its contribution limit of \$5,000 for the primary election.

The Respondents assert that as a result of the 1990 census the congressional districts in the state of Montana were reduced to one district causing the two incumbents, Congressmen Williams and Marlenee to run against one another in the general election. The PAC's contend the in-kind contribution to the Williams Committee was for a poll to determine voters' perceptions of the two congressmen if they ran against one another in the general election. All of the Respondents contend further that they properly assessed the poll's value and properly reported it to the Commission as an in-kind contribution to the Williams Committee for the general election.

This matter involves no serious indication of any serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.

93043542674



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

M. Jay Whitman, Esquire  
UAW V-CAP  
8000 East Jefferson Ave.  
Detroit, MI 48214

RE: MUR 3480

Dear Mr. Whitman:

On March 12, 1992, the Federal Election Commission notified your clients, the United Auto Workers V-CAP and Bill Casstevens, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

*Tamara Kapper*  
Tamara Kapper

Attachment  
Narrative

Date the Commission voted to close the file:

DEC 09 1993

93043542675

**MUR 3480 A LOT OF FOLKS FOR PAT WILLIAMS**

The complainant alleges that A Lot of Folks for Pat Williams and George Christensen, as treasurer, received excessive in-kind contributions totalling \$750 (\$250 each) from three multicandidate political action committees in connection with the 1990 primary election. The multicandidate committees are: American Federation of State, County & Municipal Employees - PEOPLE and William Lucy, as treasurer; United Automobile Workers Voluntary Community Action Project and Bill Casstevens, as treasurer; and the American Federation of Teachers Committee on Political Education and Gregory Humphrey, as treasurer. The complainant alleges that the Williams Committee received the the contributions in advance of the primary election but designated the contributions for the general election because each PAC had reached its contribution limit of \$5,000 for the primary election.

The Respondents assert that as a result of the 1990 census the congressional districts in the state of Montana were reduced to one district causing the two incumbents, Congressmen Williams and Marlenee to run against one another in the general election. The PAC's contend the in-kind contribution to the Williams Committee was for a poll to determine voters' perceptions of the two congressmen if they ran against one another in the general election. All of the Respondents contend further that they properly assessed the poll's value and properly reported it to the Commission as an in-kind contribution to the Williams Committee for the general election.

This matter involves no serious indication of any serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.

930.43542676



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

DEC 10 1992

Lyn Utrecht, Esquire  
Manatt, Phelps, Phillips & Kantor  
1200 New Hampshire Ave., N.W.  
Suite 200  
Washington, D.C. 20036-6889

RE: MUR 3480

Dear Ms. Utrecht:

On March 12, 1992, the Federal Election Commission notified your clients, the American Federation of Teachers and Gregory Humphrey, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tamara Kapper

Attachment  
Narrative

Date the Commission voted to close the file:

DEC 09 1992

93043542677

**MUR 3480 A LOT OF FOLKS FOR PAT WILLIAMS**

The complainant alleges that A Lot of Folks for Pat Williams and George Christensen, as treasurer, received excessive in-kind contributions totalling \$750 (\$250 each) from three multicandidate political action committees in connection with the 1990 primary election. The multicandidate committees are: American Federation of State, County & Municipal Employees - PEOPLE and William Lucy, as treasurer; United Automobile Workers Voluntary Community Action Project and Bill Casstevens, as treasurer; and the American Federation of Teachers Committee on Political Education and Gregory Humphrey, as treasurer. The complainant alleges that the Williams Committee received the the contributions in advance of the primary election but designated the contributions for the general election because each PAC had reached its contribution limit of \$5,000 for the primary election.

The Respondents assert that as a result of the 1990 census the congressional districts in the state of Montana were reduced to one district causing the two incumbents, Congressmen Williams and Marlenee to run against one another in the general election. The PAC's contend the in-kind contribution to the Williams Committee was for a poll to determine voters' perceptions of the two congressmen if they ran against one another in the general election. All of the Respondents contend further that they properly assessed the poll's value and properly reported it to the Commission as an in-kind contribution to the Williams Committee for the general election.

This matter involves no serious indication of any serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.

93043542678



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

Larry P. Weinberg, Esquire  
1101 17th Street, N.W.  
Washington, D.C. 20005

RE: MUR 3480

Dear Mr. Weinberg:

On March 12, 1993, the Federal Election Commission notified your clients, the American Federation of State, County & Municipal Employees-PEOPLE and William Lucy, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

*Tamara Kapper*  
Tamara Kapper

Attachment  
Narrative

Date the Commission voted to close the file: DEC 09 1993

93043542679

**MUR 3480 A LOT OF FOLKS FOR PAT WILLIAMS**

The complainant alleges that A Lot of Folks for Pat Williams and George Christensen, as treasurer, received excessive in-kind contributions totalling \$750 (\$250 each) from three multicandidate political action committees in connection with the 1990 primary election. The multicandidate committees are: American Federation of State, County & Municipal Employees - PEOPLE and William Lucy, as treasurer; United Automobile Workers Voluntary Community Action Project and Bill Casstevens, as treasurer; and the American Federation of Teachers Committee on Political Education and Gregory Humphrey, as treasurer. The complainant alleges that the Williams Committee received the the contributions in advance of the primary election but designated the contributions for the general election because each PAC had reached its contribution limit of \$5,000 for the primary election.

The Respondents assert that as a result of the 1990 census the congressional districts in the state of Montana were reduced to one district causing the two incumbents, Congressmen Williams and Marlenee to run against one another in the general election. The PAC's contend the in-kind contribution to the Williams Committee was for a poll to determine voters' perceptions of the two congressmen if they ran against one another in the general election. All of the Respondents contend further that they properly assessed the poll's value and properly reported it to the Commission as an in-kind contribution to the Williams Committee for the general election.

This matter involves no serious indication of any serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.

93043542680