



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4455'

DATE FILMED 6-9-97 CAMERA NO. 4

CAMERAMAN Jm B

97043820542

Fuchs, Snow, O'Connell & DeStefanis, S.C.

1011 NORTH MAYFAIR ROAD, SUITE 100
MILWAUKEE, WISCONSIN 53226-3431

ATTORNEYS AND COUNSELORS AT LAW

TELEPHONE: (414) 257-1800
FACSIMILE: (414) 257-1510

JOHN F. FUCHS
MARCIA A. SNOW
JUDITH O. O'CONNELL
JOHN L. DESTEFANIS
MARK A. RUPPELT
SUSAN M. RUPPELT
SANJAY KUTTEMPEROOR

September 4, 1996

MUR 44 55

SEP 9 1 35 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

To Whom It May Concern:

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Please be advised that I represent the Milwaukee Police Association Local 21, IUPA, AFL-CIO of Milwaukee, Wisconsin. The Milwaukee Police Association, (hereinafter referred to as the "MPA"), is the duly certified collective bargaining unit for City of Milwaukee police officers from the rank of police officer through detective. The MPA has a current membership of approximately 1,780 sworn officers.

The City of Milwaukee (hereinafter the "City"), is the employer of Milwaukee police officers, including all members of the MPA. Consistent with the intent of Federal election and campaign laws, the City has allowed another union representing other City employees, specifically District Council 48, AFCME, to establish a program for making voluntary political contributions through payroll deductions. The MPA has requested the City, in writing, to allow the same type of voluntary payroll deduction program for its members, and has offered to reimburse the City for the costs of such a program. The City has denied the MPA's request. Neither I, nor my client, has been given any official reason why police officers are refused this accommodation. It is our belief that the City has denied the MPA's request simply because the political viewpoint of the power structure of the City is inapposite to the general political viewpoint of the MPA Board. This allegation is not just based on the absence of any stated reason for denying the MPA's request for a voluntary political contribution payroll deduction program for its membership, but the historical treatment of the MPA by the City, particularly as to matters involving political support or political viewpoints.

I enclose a copy of a document entitled "Notice of Circumstances and Notice of Claim." I wish to incorporate in this complaint, by reference, each and every allegation in the Notice of Circumstances and Notice of Claim, as well as the attached exhibits. (The Notice of Circumstances and of Claim is a Wisconsin procedural prerequisite to filing a local suit in

NOTICE OF CIRCUMSTANCES AND NOTICE OF CLAIM

TO: Ronald D. Leonhardt, City Clerk
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202

PLEASE TAKE NOTICE that the plaintiff, Milwaukee Police Association, and each and every individual member as listed on Exhibit A attached hereto and incorporate herein, claim against the defendant City of Milwaukee, and request that any and all responses to this claim be served upon their legal counsel, attorney John F. Fuchs at 1011 N. Mayfair Rd., Ste. 100, Milwaukee, Wisconsin 53226-3431.

NATURE OF THE ACTION

This claim is brought in part under the Federal Election Campaign Law Section 2 U.S.C.S. 441b(b)(6), and will be filed contemporaneously with the Federal Elections Board, and is preliminary to a declaratory action, which action would interpret City resolution 81-268 (Exhibit B), and declare the rights of the claimants under the Federal Election Campaign Law Section 2 U.S.C.S. 441b(b)6.

CLAIMANT

The Milwaukee Police Association is a duly certified labor union, and represents, as the sole certified bargaining unit, City of Milwaukee employees, specifically Milwaukee police officers in non-supervisory ranks. The Milwaukee Police Association maintains its offices at 1840 N. Farwell Avenue, in the City and County of Milwaukee, Wisconsin 53202.

The individual plaintiffs are all adults, are United States citizens and residents of the Eastern District of Wisconsin, all of them residing in the City of Milwaukee, and each of whom is listed on Exhibit A attached hereto and incorporated herein by reference.

The City of Milwaukee is a political corporation, a city of the first class, duly existing and organized under the constitution, statutes and laws of the State of Wisconsin, and maintains its offices at 200 E. Wells in the City and County of Milwaukee, Wisconsin 53202. It is the employer of all members of the Milwaukee Police Association, and specifically the named plaintiffs set forth on Exhibit A.

FACTUAL ALLEGATIONS

The United States of America has adopted certain Federal Election Campaign laws applicable to employers and their employees, including but not limited to the Federal Election Campaign laws, and specifically Section 2 U.S.C.S. 441b(b)6, which law establishes a policy of promoting the financing of political campaigns through the use of small contributions, and which law provides a vehicle wherein employees may authorize employers to deduct contributions from earnings to provide for a political action fee.

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The Wisconsin Legislature concurred in the federal policy, as established, by enacting Chapter 334 of the laws of 1973, the Wisconsin Legislature limiting the amount which any employee may contribute.

A City of Milwaukee Employee Labor Organization, specifically the Milwaukee District Council 48 of the American Federation of State, County and Municipal Employees, AFL-CIO, petitioned the Common Council of the City of Milwaukee to provide a vehicle for payroll deductions for voluntary participation in federal campaigns.

The petition of said Milwaukee District Council 48 was granted May 11, 1982 by way of City Resolution, File Number 81-268, a copy of which is attached hereto and incorporated herein in its entirety as Exhibit B, and which provides, in part, that it is "a resolution relating to the establishment of a program for making voluntary political contributions by City employees through payroll deductions," (emphasis applied), and which provides in further part there be "the establishment of a voluntary payroll deduction program for political contributions in federal elections. . .," and which provides in further part "said contributions would be deducted from the wages and salaries of City employees only upon their voluntary written authorization."

The Milwaukee Police Association has duly established and authorized bi-weekly deductions for political action fees and provided an employee signature card for the specific authorization, a copy of which is attached hereto and incorporated herein as Exhibit C.

The City of Milwaukee, on the advise of its City Attorney, has allowed certain employees and labor associations to allow its employees to participate in a program authorizing such political deductions under the Federal Election Campaign Act, but has denied this prerogative to others, specifically to the Milwaukee Police Association, to Milwaukee police officers as a class, and more specifically to the individual named plaintiffs as set forth in Exhibit A.

CLAIM FOR DECLARATORY RELIEF

The City of Milwaukee City Attorney has advised the Common Council of the City of Milwaukee under letter dated September 24, 1992, that it may legally allow some employees to take advantage of the Federal Election Campaign laws, but that Resolution 81-268, being upon the request of only one union, "only authorized a voluntary political contribution payroll deduction program for city employees represented by District Council 48, AFCME." That this City Attorney opinion, and the City's refusal to allow Milwaukee police officers to participate (in the Federal Election Campaign Act) presents a question of law, a justiciable controversy ripe for judicial determination, in that all of the named officers have signed the authorization card set forth in Exhibit C, all of which have been rejected by the City of Milwaukee as their employer. As such, the meaning and applicability of the resolution and the rights of the plaintiffs under the Federal Act are capable of declaratory determination.

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CONTEMPLATED CLAIM FOR MANDAMUS

The City of Milwaukee illegally discriminates in its application of the Federal Election Campaign Act, denial of acceptance of the authorizations signed by the plaintiffs, and denial of implementation of the payroll deductions for political action fee as requested therein as an administrative act as to which the City, under federal law, has no discretion, and as such, the courts have authority to order acceptance of the authorizations and implementation of the deductions for political action fees as requested herein.

CLAIM FOR RELIEF

WHEREFORE, plaintiffs claim as follows:

- a. Declaratory relief providing the rights of the plaintiffs under federal law, as implemented by state law and city ordinance, determining their right to authorize deductions and the obligation of the City to accept such authorizations for payroll deductions for political action fees.
- b. An order from the Common Council directing and authorizing payroll deductions and the obligation of City staff to accept such authorizations for payroll deductions for political action fees.
- c. Costs and attorneys fees.

Dated this 27 day of August, 1996.

FUCHS, SNOW, O'CONNELL & DESTEFANIS, S.C.
Attorneys for the Plaintiffs

By: John F. Fuchs
John F. Fuchs
State Bar No.: 01016712

P.O. ADDRESS:
1011 North Mayfair Road
Suite 100
Milwaukee, WI 53226-3431
(414) 257-1800

97043820547

MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

ADAMEAK	MARCIE
ADENEKAN	TAYO F
ANDERSON	MICHAEL W
ANDREWS	BYRON B
ARNDT	DAVID H
AZRIKAM	LEONARD H
BAHR	PAUL J
BAILEY	SHAWN C
BALCERZAK	DONALD L
BALCERZAK	JOHN A
BALCHUNAS	JOHN P
BALDWIN	TODD M
BAMBA	CHANCE J
BANKS	RAYMOND E
BARAL III	DONALD L
BEAUCHENE	WILLIAM R
BECKER	DALE
BECKER	TRACY T
BECKMAN	MICHELLE L
BEGER	REBECCA L
BELL	ANDREW S
BELMORE	RICHARD S
BENITEZ	MARIA P
BERES	STEVEN P
BERG JR	WILLIAM D
BISSWURM	PAUL A
BLASZCZYK	SCOTT A
BLOCK	JULIE A
BONGARD	MATTHEW D
BONILLA	EDWIN
BOSTON	SHUNTA A
BRIDGES	RONALD D
BRITTON, JR	IVORY B
BROCHHAUSEN	ALAN
BRUNSON	MICHAEL
BRYCE	JAMES E
BRZEZINSKI	KEITH M
BUETOW	MARK D
BURGOS, JR	MICHAEL A
BURKEE	TIMOTHY G
CAMPBELL	ALLEN
CAMPBELL	SCOTT A
CANDIE	MARCO H
CARDENAS	RUBEN
CARRERA	PAUL E
CECIL	KENNETH S
CERA	ERIC R
CHAIM-MUNIZ	EDWARD E

97043820548

EXHIBIT

A

MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

CHIN	STEPHEN E
CHRISTIANSON	LARRY
CLARK	JONATHAN E
CLARK	ROBERT L
CLAYTON	JULIAN
CLYSE	TERESA S
COLE	GARY C
COLE	JEFFREY J
COLE	JULIA
COLKER	GREGORY T
COLON	ROBERTO M
CONNOLLY	ROBERT T
COOK	JEFFREY J
COOKE	DANIEL S
COOPER	STEVEN M
CORBETT	ANGELA M
CORBETT	JOHN P
CORREA, JR	MIGUEL
COTTON, JR	VIRGIL L
COURNIA	MICHAEL J
DALL	BRADLEY R
DALTON JR	DENNIS R
DAMROW, JR	WILLIAM J
DANES	DENISE L
DANIEL	DENA M
DAVILA	CARLO J
DAVIS	LEON
DE BRASKA	BARRY J
DE BRASKA	BRADLEY D
DELGADO	STEVE H
DEPTULA	ANDREW T
DEVEREAUX	DALE P
DIESBURG	LORI A
DILLMAN	ERIC R
DOLLHOPF	JEFFREY P
DORSEY	TINAMARIE L
DOYLE	PATRICK
DOYNE	SHAUN P
DUCHATEAU	JON D
DUDLEY	KEVIN A
EBERHARDY	JOHN H
ELWING	TIMOTHY D
ENGELBART	KERRI A
ESQUEDA, SR	WILLIAM J
EYRE	KEVIN L
FELCHNER	TRACY L
FELDMEIER	DAVID K
FELLS	JOEL D

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MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

FERNANDEZ	LOURDES
FILAPEK	SYLVIA D
FINLEY	CARRIE L
FISCHER	MICHAEL H
FISCHER	TODD J
FISHNICK	RUTH A
FITCHETT	ROBERT A
FITZPATRICK	JEFF G
FLEMMING	DARRELL
FLEMMING	HENRY L
FLENNIKEN	DYLANGER J
GADZALINSKI	LAWRENCE J
GARCIA	ROBERT
GASTROW	SCOTT A
GELLER	JENNIFER
GENIESSE	GREGORY A
GILBERT	TERRENCE N
GNADT	RANDALL P
GOLDBERG	MATTHEW A
GONZALEZ	JAVIER
GONZALEZ	RENE
GONZALEZ, JR	GILBERTO
GORDON	TERRENCE T
GORDY	RICHARD R
GORDY	VIRGINIA S
GORECKI	DAVID A
GOSSETT	PAUL W
GRABER	PETER J
GRADY	LANE C
GRAHAM	TIMOTHY B
GRANDINETTI	MICHAEL
GUDGEON	RUDY A
GUEHLSTORF	ANTHONY J
GULL	CHRISTOPHER J
GUTH	MATTHEW R
HAASE	DENNIS F
HALAMA	AUGUST H
HALBUR	DANIEL J
HALE	JEFFREY J
HALL	SCOTT
HAMPTON JR	CHARLES R
HARRINGTON	JOHN P
HARRIS	DERRICK L
HARRISON JR	CHARLES R
HARTL	DAVID J
HAYDEN	MICHAEL S
HAYES	RONALD M
HAYWOOD	MICHELE D

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MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

HEBL	JOY J
HEIER	TIMOTHY S
HEIKKINEN	MICHAEL E
HELLAND	LESLIE M
HENSLEY	JAMES J
HERRERA	EFRAIN
HERRMANN	STEVEN
HIBBLER	GENENE O
HIGGINS	PATRICK J
HILL	LUIS A
HILL	ROBERTO N
HINES, JR	THOMAS E
HODGDEN	MICHAEL D
HOLMES	PAMELA JO
IBARRA	ELIZABETH I
INMAN	GARY W
JACK	RICHARD R
JACKSON	JAY M
JACKSON JR	JAMES L
JACOBS	RICHARD C
JAMES	STEPHANIE L
JANICKI	PAUL
JETER	MARCUS A
JOHNSON	DANIEL
JOHNSON	DANIEL A
JOHNSON	JON J
JOHNSON	LEMUEL K
JOLITZ	GARY M
JONES	THOMAS A
JOZWIAK	DAVID L
KAINE	PATRICK J
KAMERMAYER	JODI A
KASPER	CHRISTOPHER A
KATHREIN	KARA J
KAUL	TODD A
KELLER	ROGER J
KELLER	WAYNE R
KELLY	STEVEN J
KENNEDY	CHARLENE A
KEZESKE	KURT D
KLABECKE IV	JOHN W
KLISCH	JAMES A
KNOX	ANTHONY R
KOHLHEPP	AARON A
KOPCHA	KEITH M
KORDUS JR	ARTHUR R
KRAMER	MICHAEL A
KRUEGER	ROBERT D

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MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

KUBICEK	JOSEPH G
KUJALA	AMY J
LA POINTE	DARYL J
LALOGGIA	ROBERT L
LANGHAMMER	KRISTIN L
LARSEN JR	RAY A
LASKA	GREGORY J
LE COURT	JULIE A
LEFER	PRECIOUS E
LEHNERT	CHERYL M
LEIBSLE	LARRY L
LELINSKI	MARK T
LELINSKI	MICHAEL
LELINSKI	STEVEN J
LEMKE	SCOTT P
LENDA	GARY F
LEVERAUS	DARIN J
LEWIS	SHIRLEY F
LIBAL	CHARLES P
LINDSAY	THOMAS J
LIPS	SEAN A
LITWIN	RICHARD K
LLANAS	JIMMY R
LOCK	ELVIS M
LOECHLER	MICHAEL N
LOPEZ	ADAM R
LUEBBE, JR	JOHN P
LUGO	CHRISTOPHER S
MAC GILLIS	JAMES H
MACE	CHRISTOPHER L
MACK	LESLEY Y
MALONE	MICHELLE K
MARTINEZ	NICOLE S
MATOS	ANTONIO S
MATT	JAMES A
MATTER	NICOLE M
MC ATEE	CHRISTOPHER T
MC CARRON	JAMES D
MC CLAIN	BRIDGETT L
MC CLINTOCK	MAURYA J
MC CLURE	TERRY R
MC DERMOTT	PATRICK T
MC DUFFIE SR	WARREN K
MC KAY	GREGORIE
MEADE	MICHAEL J
MEISTER	DANIEL M
MEISTER	GLENN E
MEREDITH	LATUNYA R

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MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

METOXEN	JASON J
METZEN	WILLIAM J
MICHELL JR	FREDERICK W
MILLER	ANTHONY T
MILLER	JAMES S
MILLER	SANDRA A
MILLER	TROY D
MILNER	BARBARA J
MITCHELL	TIMOTHY E
MOHOMES	DONNA E
MOLINA	MANUEL
MONCHER	RICHARD S
MOODY	DEBORAH A
MORRIS	CLAUDIA J
NARRAI	HENRY R
NEEB	MICHAEL R
NELSON	MICHAEL J
NEWPORT	DEAN S
NEYHART	EUGENE C
NICHOLS	CRAIG W
NIMMER	CONWAY
NISIEWICZ	JAMES A
NOGALSKI	MATTHEW M
NORMAN	JEFFREY B
NOVACK	JEFFREY L
NOVAK	DAVID A
O CONNELL	CHARLES P
O DONNELL	PATRICK J
O GROSKY	ROBERT J
O REILLY	BRIDGET J
ORLEY	DAVID T
ORTIZ	SYLVIA M
OSBURN, JR	CLAUDE
OSOWSKI	JON D
OURS	DONALD M
PASKO, SR	ROBERT W.
PAYNE	BRUCE
PECHA' -CROM	NICOLE S
PEDERSON	JOHN H
PERICH	ROBERT
PETROPOULOS	GUST P
PHILLIPPI	PATRICK K
PICARD	DARREN J
PIERZCHALA	MICHAEL J
PIERZCHALSKI	DAVID J
PIONTKOWSKI	RANDY M
PLACZEK	MICHAEL J
POINT	JEFFREY M

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MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

POPE, JR	WARREN W
POTTERTON	WILLIAM J
POWERS	GAIL M
PRATCHET	DWAYNE S
PRATT	CLARENCE D
PRICE	JAMES E
PRYOR	PATRICK T
RADEN	CHAD M
RAMSKUGLER	SCOTT W
RANDOW	SCOTT A
RASKIEWICZ	ROBERT M
REGNER	KAREN A
REILLY	RUPERT A
REYES	EDWIN J
RHONE	EDDIE L
RICE	DANIEL W
RIESTRA	ALBERTO P
ROBAKOWSKI	RAYMOND L
ROBERSON	ADRIAN C
ROBERSON	JOE H
ROBERTSON	PAUL A
RODRIGUEZ	IDA M
RODRIGUEZ, JR	SANTOS
ROESKEN	CHRISTINA M
ROESSLER	CHARLES M
RUEGE	AIMEE M
RUEGE	THOMAS D
SABLICA	SHARAIN H
SAFFOLD	JEROME
SAFFOLD	TONY
SALAS	ROBERT J
SANDVICK	MICHAEL J
SANTIAGO	RICHARD
SCANLAN	AARON M
SCHAEFER	LOUISE A
SCHAEERER	JOHN P
SHELLHAMMER	RICHARD F
SCHIENBEIN	PETER T
SCHROEDER	CHRISTOPHER R
SCHUBERT	MATTHEW D
SCHWARK	JEFFREY A
SCHWENKE	JENNIFER L
SGRIGNUOLI	JOHNNY C
SILLER	SCOTT A
SIMET	PETER J
SKOCZEK	KATHERIN J
SMITH	ANTHONY T
SMITH	CULLAN J

97043820554

MILWAUKEE POLICE ASSOCIATION
CONDUIT

07/22/96

LAST NAME

FIRST NAME

SNEIDE-POSSING	DEBRA J
SPIPKER	CARL
STEFFENS	ROBERT A
STELTER	DAVID J
STEWART	ELIZABETH
STROHMAYER	JAMES G
SWORTZEL	ROBERT S
THIELE	JEFFREY S
THOMAS	KATHERINE E
THOMAS	TERRY A
TIJERINO	RICARDO E
TIMM	JEFFREY
TIMMERMAN	JEFFREY R
TURCINOVIC	BORIS
TYSHYNSKY	WALTER N
VAN ERDEN	STEVEN J
VELASQUEZ	FRANK A
VIERCK	PAUL
VILLARREAL	ERIK K
VILLIOTH	SUSANNE
VORPAHL	CARRIE R
WACHOWIAK	CRAIG A
WAGNER, JR	MARK D
WALKOWIAK	KENNETH G
WARD	WILLIAM P
WARREN	TIMOTHY J
WAWRZONEK	KRISTIN M
WAWRZYNIAKOWSKI	MICHAEL P
WEIGEL	GARY J
WELCH	CRAIG A
WEST	ALEXIS T
WHITELEY	JERRY R
WHITESIDE	ELLIOTT
WICHGERS	CHRISTOPHER M
WICK	IVAN T
WILLIAMS	JUDY A
WILLIAMS	WILLIE M
WINDING	GERALD W
WOOTEN	MICHAEL
WOULFE	MAURICE J
WRIGHT	TERRENCE E
WROBLEWSKI	RICHARD J
ZEBRO	KEVIN J
ZIMMERMAN	CHRISTOPHER A
ZIVICKI	MICHAEL J

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Certified Copy of Resolution

By ALD. HOEH-

FILE NUMBER 81-268

Resolution relating to the establishment of a program for making voluntary political contributions by City employees through payroll deductions.

Whereas, The Federal Government has established a policy of promoting the financing of political campaigns through the use of small contributions by the passage of the Federal Election Campaign Act of 1974, as amended in 1976; and

Whereas, The Wisconsin Legislature has concurred in this Federal policy by enactment of Chapter 334 of the Laws of 1973, limiting the amount which may be contributed; and

Whereas, Numerous cities throughout the country now provide such a payroll deduction for voluntary participation in federal political campaigns; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the request of Milwaukee District Council 48 of the American Federation of State, County and Municipal Employees, AFL-CIO for the establishment of a voluntary payroll deduction program for political contributions in federal elections is hereby authorized at no cost to the City; and, be it

Further Resolved, That said contributions would be deducted from the wages and salaries of City employees only upon their voluntary written authorization; and, be it

Further Resolved, That in order to insure that such contributions will at all times be voluntary, the authorization of any employee for the making of such a payroll deduction shall be revokable at the will of the authorizing employee.

Adopted

MILWAUKEE, WIS.

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Milwaukee on

MAY 11 1982

Allen R. Callaway

City Clerk

FORM CC13

EXHIBIT

B

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97043820557

NAME

PENSION No.

Last

First

Middle

Social Security No.

MPA Local 21
IUPA AFL-CIO

DEPARTMENT
Police

AUTHORIZATION FOR BI-WEEKLY DEDUCTION OF POLITICAL ACTION FEE

I hereby request and authorize the City of Milwaukee to deduct from my bi-weekly earnings Milwaukee Police Association Political Action fee for deposit with said Association. I understand that my signature is certification of my status as a member in good standing of the Milwaukee Police Association.

I hereby request and authorize the City of Milwaukee to deduct from my bi-weekly earnings the current rate, as indicated below, of political action fee as certified by the Association for deposit with said Association. This authorization is revocable by me only upon (30) thirty days written notice to the City of Milwaukee on authorized forms or upon termination of my membership with the Association.

I hereby waive all right and claim for said monies so deducted in accordance with this authorization, and relieve the City of Milwaukee and all of its officers from any liability therefor.

VOLUNTARY

\$1.00 bi-weekly _____

\$2.00 bi-weekly _____

Employee's Signature

Date

EXHIBIT

11/11/88

C



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 13, 1996

John F. Fuchs, Esq.
1011 N. Mayfair Road
Suite 100
Milwaukee, WI 53226-3431

RE: MUR 4455

Dear Mr. Fuchs:

This letter acknowledges receipt on September 9, 1996, of the complaint you filed on behalf of the Milwaukee Police Association alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4455. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043820558



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 13, 1996

Grant Langley, City Attorney
City of Milwaukee
200 East Wells Street
Room 800
Milwaukee, WI 53202

RE: MUR 4455

Dear Mr. Langley:

The Federal Election Commission received a complaint which indicates that the City of Milwaukee 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 4455. Please refer to this number in all future correspondence.

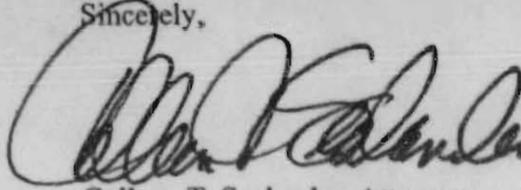
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the City of Milwaukee in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should 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.

97043820559

If you have any questions, please contact a member of the Central Enforcement Docket at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures

97043820560

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

September 26, 1996

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
THOMAS G. GOELDNER
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
JOHN J. HEINEN
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ELLEN H. TANGEN
MELANIE R. SWANK
TRACY M. JOHNSON
GREGORY POWELL

Assistant City Attorneys

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

Re: MUR 4455

Ladies and Gentlemen:

In accordance with your description of preliminary procedures for processing complaints filed with the Federal Election Commission, we are requesting an additional 30 days in which to respond to the complaint. We have been in touch with Mr. Budelman, Staff Assistant to the President of the Common Council, and he advises that his office has been in communication with the complainant, Milwaukee Police Association, relative to the introduction and passage of a resolution to the Common Council which would have the effect of permitting the complainant to authorize payroll deductions for political action fees. Mr. Budelman advises that discussions are still taking place on the terms of the proposed resolution and that the resolution would take approximately three weeks following introduction for adoption by the Common Council. The 30 day period should give ample time for this process to be completed.

Very truly yours,

THOMAS E. HAYES
Special Deputy City Attorney

TEH.KAN.FEDELEC.TEH

Enclosure

cc: Attorney Marcia Snow,
Fuchs, Snow, O'Connell & DeStefanis

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COUNCIL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 1996

Thomas E. Hayes, Esq.
Office of City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202-3551

RE: MUR 4455
City of Milwaukee

Dear Mr. Hayes:

This is in response to your letter dated September 26, 1996 which we received on October 1, 1996 requesting an extension to respond to the complaint filed in the above-noted 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 November 2, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Erik Morrison, Paralegal
Central Enforcement Docket

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Fuchs, Snow, O'Connell & DeStefanis, S.C.

1011 NORTH HAYFAIR ROAD, SUITE 100
MILWAUKEE, WISCONSIN 53226-3431

ATTORNEYS AND COUNSELORS AT LAW

TELEPHONE: (414) 257-1800
FACSIMILE: (414) 257-1510

JOHN F. FUCHS
MARCIA A. SNOW
JUDITH D. O'CONNELL
JOHN L. DESTEFANIS
MARK A. RUPPELT
SUSAN M. RUPPELT
SANJAY KUTTEMPERGOR

September 26, 1996

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

MUR 4455

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OFFICE OF GENERAL
COUNSEL

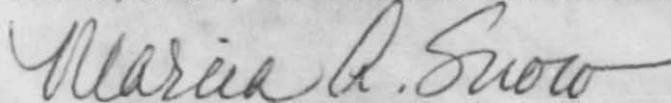
To Whom It May Concern:

My partner recently submitted a complaint on behalf of our client, the Milwaukee Police Association Local 21, IUPA, AFL-CIO, against the City of Milwaukee, Wisconsin, alleging a violation of §2 U.S.C.S. 441b(b)(6). It is our understanding that the City has until October 2, 1996 to answer our complaint. It is also our understanding that the City will be making a request for an extension of 30 days to answer. Please be advised that the City's request is being made with our full and complete agreement.

Also be advised our acquiescence to the grant of an extension to answer is being made because the Common Council of the City will be considering legislation, in particular File #960930, on October 15, 1996, which, if passed, will make our complaint moot and negate the City's duty to answer. Therefore, it is our intention to withdraw our complaint upon final passage of File #960930.

Very truly yours,

FUCHS, SNOW, O'CONNELL & DeSTEFANIS, S.C.



Marcia A. Snow

MAS/pag

cc: Bradley Debraska, President-MPA
Thomas Hayes, Esq.-City Attorney's Office

97043820563

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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TRACY M. JOHNSON
GREGORY POWELL

October 29, 1996

Assistant City Attorney

VIA FACSIMILE AND U.S. MAIL

Colleen T. Sealander, Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Stipulation - FEC File No. MUR-4455

Dear Ms. Sealander:

The City of Milwaukee (the "City") and the Milwaukee Police Association, Local 21, IUPA, AFL-CIO, Milwaukee, Wisconsin (the "MPA") have entered into the enclosed Stipulation concerning the subject of the MPA's complaint that it filed with the Federal Election Commission (the "FEC") against the City (FEC File No. MUR-4455).

Per the Stipulation, the MPA withdraws its complaint and asks the FEC to close its file on this matter. Thus, you can see that the parties have been able to amicably resolve this.

The Stipulation requires signature on behalf of the FEC accepting the Stipulation and dismissing the MPA's complaint. Please have the Stipulation executed and then send one copy of the fully executed document to me and one to Mr. Fuchs (the MPA's lawyer) so we too may close our respective files.

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COUNSEL

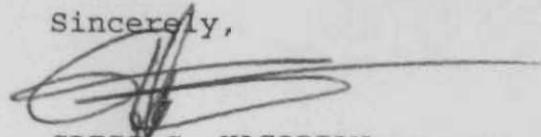
Colleen T. Sealander

2

October 29, 1996

Please call if you have questions or comments. Thank you very much.

Sincerely,



GREGG C. HAGOPIAN
Assistant City Attorney

GCH:wt:colleen.letter

Enclosure

cc: John F. Fuchs, Esq. (w/enclosure)
Alderman John R. Kalwitz, President Common Council
(w/enclosure)
Frank Forbes, City Labor Negotiator (w/enclosure)
W. Martin Morics, City Comptroller (w/enclosure)
Ronald D. Leonhardt, City Clerk (w/enclosure)
Grant F. Langley, City Attorney (w/enclosure)
Thomas E. Hayes, Special Deputy City Attorney (w/enclosure)

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FEDERAL ELECTION COMMISSION

MILWAUKEE POLICE ASSOCIATION, LOCAL
21, IUPA, AFL-CIO, MILWAUKEE

Claimant and Complainant,

v.

CITY OF MILWAUKEE,

Respondent.

FEC File No. MUR-4455
City Attorney File
No. 96-C-422

STIPULATION AND ORDER

The Milwaukee Police Association, Local 21, IUPA, AFL-CIO, Milwaukee, Wisconsin ("MPA"), by its attorney, John F. Fuchs, and the City of Milwaukee (the "City") by its attorney, Grant F. Langley, City Attorney, by Gregg C. Hagopian, Assistant City Attorney, do hereby acknowledge and agree as follows:

WHEREAS, the MPA filed with the City Clerk of the City a "Notice of Circumstances and Notice of Claim" (the "Claim") on or about 8/27/96, which claim the MPA amended on or about 9/4/96 (the claim as amended is herein called the "Claim"); and

WHEREAS, on or about 9/4/96, the MPA sent to or filed with the Federal Election Commission (the "FEC") a letter and copy of the Claim, intending that the letter and copy of the Claim be a complaint (herein called the "Complaint") filed with the FEC by the MPA against the City for an alleged violation by the City of 2 U.S.C.S. § 441b(b)(6), and pursuant to which Complaint the MPA requested the FEC to investigate and to take action; and

WHEREAS, by letter dated 9/13/96, the FEC (Colleen T. Sealander, attorney, Central Enforcement Docket) sent a letter to

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the City notifying it of its receipt of the MPA's Complaint, of a possible violation of the Federal Election Campaign Act of 1971, as amended (the "Act") (FEC File No. MUR-4455), and of the City's opportunity to respond to the Complaint and to demonstrate that no action should be taken against the City; and

WHEREAS, the City requested an extension of its deadline to respond to the MPA's Complaint and the FEC, by letter dated 10/2/96, granted that request extending the City's response date to "the close of business on November 2, 1996"; and

WHEREAS, on 10/15/96, City Common Council Resolution No. 960930 became effective evidencing that the City has made available to all certified bargaining agents for City employees (all unions) a voluntary payroll deduction program for political contributions in federal elections; and

WHEREAS, the aforementioned Resolution and the rights afforded to the MPA thereunder are satisfactory to the MPA;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby further agree as follows:

1. Withdrawal of Complaint: FEC's File May be Closed. The MPA hereby informs the FEC that it is hereby withdrawing its Complaint that it filed with the FEC against the City as well as any requests that it made or may have made for the FEC to investigate any alleged violation of the Act by the City. The MPA respectfully requests that the FEC close its file on this matter, and that it treat this matter and the MPA's Complaint as dismissed.
2. Withdrawal of Claim. The MPA hereby informs the City that it is hereby withdrawing the Claim that it filed with the City concerning the City's alleged violation of the Act. The MPA intends that its withdrawal of such

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Claim be treated as if the MPA never filed any such Claim with the City.

- 3. Any Other Claims. The MPA also hereby withdraws any claim that it may have or may have had for relief before the FCC or the City concerning any of the above matters or the Act, including, but not limited to, its claim for costs and attorney fees.
- 4. Counterparts; Execution. The City and MPA agree that this document may be executed in one or more counterparts which, when taken together, shall be construed as one and the same document, and that facsimile and photocopied signatures shall be treated as originals.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed as of this 29th day of October, 1996.

MPA. By: Fuchs, Snow, O'Connell and DeStefanis, S.C.,
Attorneys for the Milwaukee Police Association

1011 North Mayfair Road, #100
Milwaukee, WI 53226-3431
Telephone: (414) 257-1800
Fax No.: (414) 257-2510

By: John F. Fuchs
Attorney John F. Fuchs
State Bar No. 01016712

City. By: Grant F. Langley,
City Attorney

200 E. Wells Street, #800
Milwaukee, WI 53202
Telephone: (414) 286-2601
Fax No.: (414) 286-8550

By: Gregg C. Hagopian
Gregg C. Hagopian
Assistant City Attorney
State Bar No. 01007373

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ACCEPTANCE AND ORDER

The Federal Election Commission hereby accepts the foregoing Stipulation and orders that the MPA's Complaint be dismissed with prejudice and without any or further investigation by the FEC and without costs to either party. In light of the Stipulation, the FEC will close its file on this matter.

FEDERAL ELECTION COMMISSION

By: _____

Name Printed: _____

Title: _____

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gch:vt:fec.stip

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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TRACY M. JOHNSON
GREGORY POWELL

Assistant City Attorneys

November 4, 1996

VIA FACSIMILE (202-219-3923)
AND U.S. MAIL

Colleen Sealander, Esq.
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Supplemental City Response; FEC File No. MUR-4455

Dear Ms. Sealander:

This is a follow-up to our 11/1/96 phone conversation. Then we discussed my 10/29/96 letter to you whereby I sent to you a signed Stipulation between the City of Milwaukee and the Milwaukee Police Association ("MPA"). You indicated that there were two problems with the Stipulation: (1) there is no mechanism under the Federal Election Campaign Act ("FECA") for the withdrawal of a complaint that has been filed or to allow dismissal by stipulation; and (2) even if there were some way under the FECA for the City and MPA to agree to the MPA's withdrawal of its complaint, the Federal Election Commission ("FEC") still would not want to be a party to any such stipulation or agreement and thus would not agree to sign off on the same.

We know that the FECA does contemplate Conciliation Agreements between the FEC and respondents. As discussed, however, the City and MPA intended for the signed Stipulation to take care of this matter. Thus, the Stipulation would be similar to a Conciliation Agreement -- however, it would include the City, the MPA, and the FEC. You explained, however, that the FEC still has a duty to act under and to enforce the FECA when a possible violation has been called to its attention and that it may still choose to

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investigate. You further explained that if the FEC does choose to dismiss the MPA's complaint and to close its file on the matter, that choice must be made by the FEC as opposed to being based upon any urging by the parties affected.

Notwithstanding the above, you told me on 11/1/96 that the City did not have to file a response or an answer to the MPA's complaint because the FEC would view the Stipulation as our response. You also said, however, that the City could submit additional information if desired.

In reliance on our conversation, the City has not submitted an answer. Instead, please treat (i) our Stipulation and 10/29 cover letter as our timely response, and (ii) this letter as the City's additional response. Since the 11/2 deadline fell on a Saturday, this additional response should be considered timely too.

It is true that on 5/11/82, the City passed a resolution (the "Local 48 Resolution") allowing AFSCME, AFL-CIO, Local 48 to use payroll deductions for federal political contributions, and that on 9/24/92, our office, in response to an inquiry made by Alderwoman Scherbert (not the MPA), opined that the Local 48 Resolution applied only to Local 48 (as opposed to all unions). Up until that time, to our knowledge, no other union had ever asked for such right. Our 9/24/92 opinion and the Local 48 Resolution, consistent with the FECA, did leave open the possibility of the Common Council allowing other or all unions to also use payroll deductions for federal elections. 2 USCS § 441b(b)(6).

Per § 441b(b)(6) of the FECA, the City only has to make available its payroll deduction system (i.e. a method for facilitating the making of voluntary contributions) to a labor organization upon written request.

It was not until spring of this year that the MPA orally (not in writing) asked the City whether it too could use payroll deduction for federal elections. That inquiry, we understand, was made to the City's labor negotiator who, in response, asked the MPA to raise the issue in collective bargaining. Then, in late August, 1996, the MPA filed a claim against the City and in early September, 1996 the MPA filed its complaint with the FEC. That complaint was made claiming a § 441b(b)(6) violation under the FECA. (2 USCS § 441b(b)(6)). After taking a short while to review the FECA, the City could have raised defenses to the MPA's complaint. Instead, the City, with great swiftness, on 10/15/96 enacted the enclosed ordinance allowing all unions to use payroll

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deductions for federal elections. Thus, within one month of the MPA's filing the complaint and bringing to the City's attention § 441b(b)(6), the City opened participation to all unions.

To our knowledge, no other union (besides the MPA or Local 48) has ever asked for the right sought by the MPA; and, thus, no union has been denied. This then is not a case involving continuing, longstanding, or any abuse of the FECA.

Thus, the facts above and in the Stipulation show that when the MPA brought to the City's attention a possible violation of the FECA, the City took very swift steps and acted in the utmost of good faith to pass a resolution correcting the problem and to enter into the Stipulation whereby the MPA acknowledged that the City had, in fact, corrected the matter.

Ms. Sealander, I understand that you personally will advise the FEC that the City did take all remedial action that it could in this matter.

In light of the above, the City respectfully requests the FEC (i) to review the facts above and in the Stipulation, (ii) to understand that the MPA no longer has any grievance with the City concerning the FECA, (iii) to review the enclosed resolution that the City passed as a result of this matter, and (iv) to understand that that resolution addresses all unions. Given those facts, we hope the FEC will agree that no lingering FECA problem (real or potential) remains so that this matter may, rightfully, be closed.

This is not a case where the City has used bad faith or has undertaken any pattern or practice of actions or intentions to violate the FECA. Instead, when a potential problem was called to the City's attention, the City acted swiftly to correct it.

Pursuant to § 437g(a)(1) of the FECA, we believe that the above demonstrates that no action should be taken against the City on the basis of the MPA's complaint (or otherwise).

Pursuant to § 437g(a)(4), we believe that the Stipulation signed by the City and the MPA satisfies the policy behind the FECA and evidences correction and thus should be ratified and adopted by the FEC so as to act as a bar to any further action.

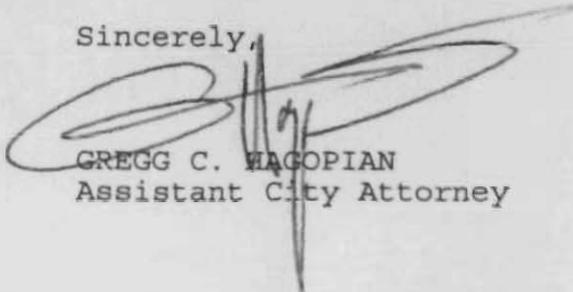
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Pursuant to § 437g, assuming (without admitting) that the City did violate the FECA, the facts show that such could not have been a knowing or willful violation by the City and that in all likelihood the City never violated the FECA.

Thank you and the FEC for your attention to this matter.

Please call if you have questions or comments.

Sincerely,



GREGG C. HAGOPIAN
Assistant City Attorney

GCH:wt:sea
Enclosures

- cc: John F. Fuchs, Esq. (w/enclosures)
- Alderman John R. Kalwitz, President, Common Council (w/enclosures)
- Frank Forbes, City Labor Negotiator (w/enclosures)
- W. Martin Morics, City Comptroller (w/enclosures)
- Ronald D. Leonhardt, City Clerk (w/enclosures)
- Grant F. Langley, City Attorney (w/enclosures)
- Thomas E. Hayes, Special Deputy City Attorney (w/enclosures)

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CA - Greg Hagopian

City of Milwaukee

Office Of The City Clerk

Certified Copy of Resolution

FILE NUMBER: 960930

Substitute resolution amending Common Council Resolution File No. 81-268, relating to the establishment of a program for making voluntary political contributions by certain represented city employees through payroll deductions.

Whereas, the federal government has established a policy of promoting the financing of political campaigns through the use of small contributions by the passage of a Federal Election Campaign Act of 1974 as amended in 1976; and

Whereas, the Wisconsin legislature has concurred in this policy by enactment of Chapter 334 of the Laws of 1973 limiting the amount which may be contributed; and

Whereas, numerous cities throughout the country now provide such a payroll deduction for voluntary participation in federal political campaigns; and

Whereas, Common Council Resolution File No. 81-268 authorized District Council #48 AFSCME, AFL-CIO, to establish a voluntary payroll deduction program for its members for political contributions in federal elections at no cost to the city and the city is interested in extending the same opportunity to all of its certified bargaining agents; now, therefore be it

Resolved, that the first Resolved of Common Council Resolution File No. 81-268 be and hereby is amended to read as follows: "Resolved by the Common Council of the City of Milwaukee that, so long as the terms of this Resolution are satisfied in all respects, the request of any certified bargaining agent for city employees for the establishment of a voluntary payroll deduction program for political contributions by its members in federal elections is hereby authorized at no cost to the city."; and, be it

Further Resolved, that said Resolution File No. 81-268 be and hereby is further amended by adding immediately after said first Resolved in said Resolution the following: "Further Resolved, that in order to qualify for such voluntary payroll deduction program, (a) the requesting bargaining agent must warrant and represent to the City that it has established and that it administers a separate segregated fund to be utilized for political purposes by it, and that such fund is the fund into which the voluntary payroll deductions of its members will be deposited, (b) the fund and any person soliciting any employee for any contribution to such fund must comply with the requirements of the Federal Election Campaign Act (2 U.S.C.S. ss 431, et. seq.) (including, but not limited to, s. 441b(b)(3)) as the same may be from time to time amended, or with any successor law thereto, and (c) the bargaining agent must simultaneously provide to the City Comptroller copies of any and all reports, records, statements, or documents furnished or sent by or on behalf of the respective bargaining unit and/or fund to the Federal Election Commission".

I, Ronald D. Leonhardt, City Clerk, certify that the foregoing is a copy of a Resolution passed by the Common Council of the City Of Milwaukee on October 15, 1996.

Ronald D. Leonhardt



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CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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TRACY M. JOHNSON
GREGORY POWELL

Assistant City Attorneys

November 20, 1996

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COUNSEL

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COUNSEL
Nov 23 1996

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Colleen Sealander, Esq.
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **FEC File No. MUR-4455**

Dear Ms. Sealander:

By now you have received the City's 11/4/96 supplemental response concerning the matter involving the Milwaukee Police Association.

I trust everything is in order and that the Federal Election Commission will soon be dismissing this matter of its own accord.

Kindly keep me informed as developments arise.

Thank you, please call if you have questions or comments.

Sincerely,

GREGG C. HAGOPIAN
Assistant City Attorney

GCH:wt:lander

cc: John F. Fuchs, Esq.
Grant F. Langley, City Attorney (w/enclosures)
Thomas E. Hayes, Special Deputy City Attorney (w/enclosures)

BEFORE THE FEDERAL ELECTION COMMISSION

MAY 6 2 45 PM '97

In the Matter of

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ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

SENSITIVE

I. INTRODUCTION.

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 28 cases which do

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not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

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¹ These cases are: MUR 4419 (*Weinzapfel for Congress*); MUR 4423 (*Davis for Congress*); MUR 4424 (*Nevadans for "Spike" Wilson*); MUR 4429 (*Delahunt for Congress*); MUR 4430 (*Jean Leising for Congress*); MUR 4431 (*Engel for Congress*); MUR 4433 (*Delahunt for Congress*); MUR 4437 (*DiNicola for Congress Committee*); MUR 4440 (*Sue Kelly for Congress*); MUR 4450 (*National Treasury Employees*); MUR 4452 (*Mid-Suffolk N.O.W.*); MUR 4455 (*City of Milwaukee*); MUR 4456 (*Jackson Mint Ltd.*); MUR 4457 (*U.S. Department of Health and Human Services*); MUR 4458 (*KMA-AM Radio*); MUR 4461 (*Americans For Freedom Of Choice PAC*); MUR 4462 (*Ellen O. Tauscher*); MUR 4464 (*Norwood for Congress*); MUR 4465 (*Lincoln for Congress*); MUR 4469 (*Moseley-Braun for Senate*); MUR 4475 (*Manpower Temporary Services, Inc.*); MUR 4479 (*Owens for Congress Committee*); MUR 4482 (*Mike McCormack for Congress*); MUR 4487 (*Citizens for A Strong America*); MUR 4488 (*Ortiz for Congress*); MUR 4489 (*Gill for Congress*); MUR Pre-MUR 338 (*Richard Chrysler Inc.*); and Pre-MUR 339 (*Mammel & Associates, Inc.*).

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective May 19, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

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III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

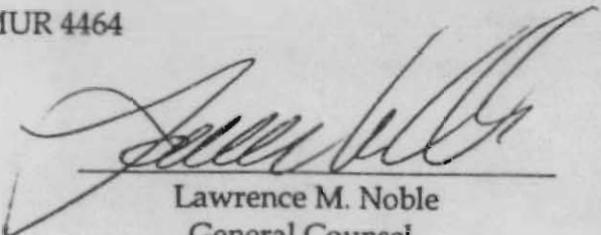
- 1. Pre-MUR 338
- 2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- | | | |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
| 4. MUR 4429 | 13. MUR 4456 | 22. MUR 4479 |
| 5. MUR 4430 | 14. MUR 4457 | 23. MUR 4482 |
| 6. MUR 4431 | 15. MUR 4458 | 24. MUR 4487 |
| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 | |

9704382058C

5/6/97
Date


Lawrence M. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission decided by a vote of 5-0 on May 12, 1997, to take the following actions with respect to the General Counsel's May 6, 1997 report on enforcement priority:

A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- 1. Pre-MUR 338
- 2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- | | | |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
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| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 | |

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

Attest:

5-13-97
Date

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

Received in the Secretariat: Tues., May 06, 1997 2:45 p.m.
Circulated to the Commission: Wed., May 07, 1997 11:00 a.m.
Deadline for vote: Mon., May 12, 1997 4:00 p.m.

bjr

97043820581



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John F. Fuchs, Esq.
Fuchs, Snow, O'Connell & DeStefanis, S.C.
1011 North Mayfair Road, Suite 100
Milwaukee, WI 53226-3431

RE: MUR 4455

Dear Mr. Fuchs:

On September 9, 1996, the Federal Election Commission received your complaint on behalf of the Milwaukee Police Association 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 the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997. 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043820582

MUR 4455
CITY OF MILWAUKEE

The Milwaukee Police Association ("MPA"), a labor union, alleges that the City of Milwaukee, Wisconsin (the "City") has denied it and its members the right to voluntary payroll deductions for political contributions, but has allowed similar arrangements for District Council 48 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), a union representing other City employees. MPA asserts that its members and the association have been discriminated against on the basis of their political beliefs. Concurrent with this complaint, MPA filed suit against the City. The parties settled the suit by a stipulation under which the City acknowledged that it would establish a voluntary payroll deduction program for political contributions in federal elections available to all certified bargaining agents for City employees (all unions). As part of the stipulation, both MPA and the City agreed that the complaint should be withdrawn from the FEC as the issue was satisfactorily resolved.

The City tendered the stipulation as its response, adding that the MPA was denied the voluntary payroll deduction program only because it had failed to make a proper request for it. It asserted that MPA had requested the program orally, while the City as a matter of policy accepted payroll deduction requests from city unions only in writing. Since the matter is now resolved, the city requests that any further action be discontinued.

This matter is less significant relative to other matters pending before the Commission.

97043820583



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1997

Grant Langley, City Attorney
City of Milwaukee
200 East Wells Street, Room 800
Milwaukee, WI 53202

RE: MUR 4455

Dear Mr. Langley:

On September 13, 1996, the Federal Election Commission notified you 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 the City of Milwaukee. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely,

F. Andrew Purley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043820584

MUR 4455
CITY OF MILWAUKEE

The Milwaukee Police Association ("MPA"), a labor union, alleges that the City of Milwaukee, Wisconsin (the "City") has denied it and its members the right to voluntary payroll deductions for political contributions, but has allowed similar arrangements for District Council 48 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), a union representing other City employees. MPA asserts that its members and the association have been discriminated against on the basis of their political beliefs. Concurrent with this complaint, MPA filed suit against the City. The parties settled the suit by a stipulation under which the City acknowledged that it would establish a voluntary payroll deduction program for political contributions in federal elections available to all certified bargaining agents for City employees (all unions). As part of the stipulation, both MPA and the City agreed that the complaint should be withdrawn from the FEC as the issue was satisfactorily resolved.

The City tendered the stipulation as its response, adding that the MPA was denied the voluntary payroll deduction program only because it had failed to make a proper request for it. It asserted that MPA had requested the program orally, while the City as a matter of policy accepted payroll deduction requests from city unions only in writing. Since the matter is now resolved, the city requests that any further action be discontinued.

This matter is less significant relative to other matters pending before the Commission.

97043820585



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4455

DATE FILMED 6-9-97 CAMERA NO. 4

CAMERAMAN JMN

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