



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 687

Date Filmed 12/20/78 Camera No. --- 2

Cameraman SPC

7610

MUR687

Lipkin

MUR687

PS FORM 3811 APR 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

SENDER Complete items 1, 2 and 3. Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered \_\_\_\_\_ C  
 Show to whom, date, and address of delivery \_\_\_\_\_ C  
 RESTRICTED DELIVERY Show to whom and date delivered \_\_\_\_\_ C  
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \_\_\_\_\_ S  
 (CONSULT POSTMASTER FOR FEES) ! ! ! !

2. ARTICLE ADDRESSED TO  
 Val Scanton, President  
 571 West Horner St  
 Ebensburg, PA 15921

3. ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 91348

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent

4. DATE OF DELIVERY 10 23 78 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE \_\_\_\_\_ CLERK





FEDERAL ELECTION COMMISSION

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

September 28, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Val Scarton, President  
United Mine Workers of America  
District 2  
521 West Horner Street  
Ebensburg, Pennsylvania 15931

Re: MUR 687 (78)

Dear Mr. Scarton:

The Federal Election Commission has received a complaint which alleges that your organization has committed certain violations of the Federal Election Campaign Act. Specifically, it was alleged that your organization transferred between \$5,000 and \$10,000 from its general treasury to a political action committee and a congressional campaign.

The Commission has determined that, on the basis on the information in the complaint, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close its file on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", written over a circular stamp or mark.

William C. Oldaker  
General Counsel

73040982000

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Val Scarton, President  
United Mine Workers of America  
District 2  
521 West Horner Street  
Ebensburg, Pennsylvania 15931

Re: MUR 687 (78)

Dear Mr. Scarton:

The Federal Election Commission has received a complaint which alleges that your organization has committed certain violations of the Federal Election Campaign Act. Specifically, it was alleged that your organization transferred between \$5,000 and \$10,000 from its general treasury to a political action committee and a congressional campaign.

The Commission has determined that, on the basis on the information in the complaint, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close its file on this matter.

Sincerely,

William C. Oldaker  
General Counsel



78040082009



FEDERAL ELECTION COMMISSION

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

September 28, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Steve Bender  
1030 Hill Street  
Nanty Glo, Pennsylvania 15943

Re: MUR 687 (78)

Dear Mr. Bender:

The Federal Election Commission has reviewed the allegations contained in your notarized complaint of August 1, 1978 and letter of June 21, 1978. On the basis of the information therein provided, the Commission has determined that there is no reason to believe that a violation of the Federal Election Campaign Act has occurred. Accordingly, the file in this matter has been closed.

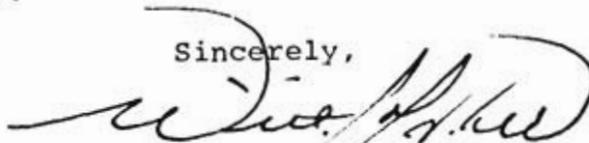
The information provided in your complaint of August 1, 1978 states that between \$5,000 and \$10,000 of general treasury funds of the United Mine Workers of America, District 2, was transferred to COMPAC. Your June 21, 1978 letter states that this amount was contributed to the re-election campaign of Congressman Murtha. This inconsistency, combined with the lack of any specific information in your complaint, effectively precludes any action by the Commission.

In addition, your complaint of August 1, 1978 states that you "did not complain about any election or any candidate involved in any election." These are the very areas over which the Commission has jurisdiction. A complaint that does not involve a Federal election or a candidate for Federal office is outside the jurisdiction of the Commission.

78040982010

Should you acquire more specific or additional facts or evidence that will support your allegations, please do not hesitate to contact me. The reference number for this matter is MUR 687 (78).

Sincerely,



William C. Oldaker  
General Counsel

78040082011

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Steve Bender  
1030 Hill Street  
Nanty Glo, Pennsylvania 15943

Re: MUR 687 (78)

Dear Mr. Bender:

The Federal Election Commission has reviewed the allegations contained in your notarized complaint of August 1, 1978 and letter of June 21, 1978. On the basis of the information therein provided, the Commission has determined that there is no reason to believe that a violation of the Federal Election Campaign Act has occurred. Accordingly, the file in this matter has been closed.

The information provided in your complaint of August 1, 1978 states that between \$5,000 and \$10,000 of general treasury funds of the United Mine Workers of America District 2, was transferred to COMPAC. Your June 21, 1978 letter states that this amount was contributed to the re-election campaign on Congressman Murtha. This inconsistency, combined with the lack of any specific information in your complaint, effectively precludes any action by the Commission.

In addition, your complaint of August 1, 1978 states that you "did not complain about any election or any candidate involved in any election." There are the very areas over which the Commission has jurisdiction. A complaint that does not involve a Federal election or a candidate for Federal office is outside the jurisdiction of the Commission.

78040082012

Should you acquire more specific or additional facts or evidence that will support your allegations, please do not hesitate to contact me. The reference number for this matter is MUR 687 (76).

Sincerely,

William C. Oldaker  
General Counsel



78040082013

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 687 (78)  
United Mine Workers of America, )  
District 2 )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 27, 1978, the Commission determined by a vote of 5-0 to approve the letters, attached to the General Counsel's memorandum dated September 22, 1978, closing the above-captioned matter.

Voting for this determination were Commissioners Springer, Tiernan, Staebler, Thomson, and Harris.

Attest.

9/27/78  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 9-22-78, 2:33  
Circulated on 48 hour vote basis: 9-25-78, 10:00

10983011



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20543

September 22, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker *W.C.O.*

RE: Closing Letters in MUR 687 (78)

As per the Commission's instructions of September 13, 1978, attached hereto are letters closing the above-referred matter.

73019932015



FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Steve Bender  
1030 Hill Street  
Nanty Glo, Pennsylvania 15943

Re: MUR 687 (78)

Dear Mr. Bender:

The Federal Election Commission has reviewed the allegations contained in your notarized complaint of August 1, 1978 and letter of June 21, 1978. On the basis of the information therein provided, the Commission has determined that there is no reason to believe that a violation of the Federal Election Campaign Act has occurred. Accordingly, the file in this matter has been closed.

The information provided in your complaint of August 1, 1978 states that between \$5,000 and \$10,000 of general treasury funds of the United Mine Workers of America, District 2, was transferred to COMPAC. Your June 21, 1978 letter states that this amount was contributed to the re-election campaign of Congressman Murtha. This inconsistency, combined with the lack of any specific information in your complaint, effectively precludes any action by the Commission.

In addition, your complaint of August 1, 1978 states that you "did not complain about any election or any candidate involved in any election." These are the very areas over which the Commission has jurisdiction. A complaint that does not involve a Federal election or a candidate for Federal office is outside the jurisdiction of the Commission.

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Should you acquire more specific or additional facts or evidence that will support your allegations, please do not hesitate to contact me. The reference number for this matter is MUR 687 (78).

Sincerely,

William C. Oldaker  
General Counsel

73040082017

FILE



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Val Scarton, President  
United Mine Workers of America  
District 2  
521 West Horner Street  
Ebensburg, Pennsylvania 15931

Re: MUR 687 (78)

Dear Mr. Scarton:

The Federal Election Commission has received a complaint which alleges that your organization has committed certain violations of the Federal Election Campaign Act. Specifically, it was alleged that your organization transferred between \$5,000 and \$10,000 from its general treasury to a political action committee and a congressional campaign.

The Commission has determined that, on the basis on the information in the complaint, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close its file on this matter.

Sincerely,

William C. Oldaker  
General Counsel

78040032013

September 22, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 687

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

Thank you.

78040082019

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
United Mine Workers of America, )  
District 2, Ebensburg, Pa. )

MUR 687

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 13, 1978, the Commission determined by a vote of 5-0 to direct the Office of the General Counsel to draft for Commission approval a letter to the complainant in MUR 687 indicating that on the basis of the notarized complaint dated August 1, 1978 it does not appear to be a matter within the jurisdiction of the FEC, and that if there are any other specific facts the complainant wishes to apprise the Commission of, the matter will be given further study.

Voting for this determination were Commissioners Aikens, Harris, Staebler, Thomson, and Tiernan. Commissioner Springer was not present at the time of the vote.

9/18/78

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

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FEDERAL ELECTION COMMISSION

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

September 12, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *mwe*  
SUBJECT: OBJECTION - MUR 687 - First General  
Counsel's Report dated 9-8-78  
Received in OCS: 9-8-78, 5:05

The above-named document was circulated on a 49  
hour vote basis at 4:00, September 11, 1978.

Commissioner Harris submitted an objection at  
11:57 this date thereby placing MUR 687 on the amended  
Agenda for September 13, 1978.

A copy of Commissioner Harris' vote sheet is  
attached.

ATTACHMENT:  
Vote Sheet

cc: Commissioner Harris



48 HOUR TALLY SHEET

RECEIVED  
OFFICE OF THE  
SECRETARY



FEDERAL ELECTION COMMISSION

1325 K STREET, S.E. SEP 12 All: 57  
WASHINGTON, D.C. 20463

Date and Time Transmitted: SEPT. 11, 1978 *4:00*

Commissioner *Harris*

RETURN TO OFFICE OF COMMISSION SECRETARY BY: SEPTEMBER 13, 1978 - *4:00*

MUR No. 687 - First General Counsel's Report dated 9-8-78

- ( ) I approve the recommendation
- () I object to the recommendation

COMMENTS: *I think we should check the financial*  
*reports that are filed with the Dept of Labor*  
*date 1970*

Date: 9-12-78 Signature: *Thomas S. Harris*

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



73040782022

September 8, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 687

Please have the attached First General Counsel's  
Report on MUR 687 distributed to the Commission on a 48  
hour tally basis.

Thank you.

78040082023

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL SEP 8 1978  
BY OGC TO THE COMMISSION

MUR NO. 687  
DATE COMPLAINT RECEIVED  
BY OGC \_\_\_\_\_  
STAFF \_\_\_\_\_  
MEMBER Lipkin

COMPLAINANT'S NAME: Steve Bender (Pa.)

RESPONDENT'S NAME: United Mine Workers of America, District 2,  
Ebensburg, Pa.

RELEVANT STATUTE: 2 U.S.C. 441b(a)

INTERNAL REPORTS CHECKED: Reports of Coal Miners Political Action  
Committee and Congressman John Murtha

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

In an unnotarized complaint of June 21, 1978, the complainant alleged that between \$5,000 and \$10,000 was taken from the general treasury of the United Mine Workers of America, District 2 (Ebensburg, Pa.) and given to Congressman John Murtha. (See attached letter) By letter of June 28, 1978, the complainant was advised of the proper procedure for submitting a complaint, whereupon, a notarized complaint, dated August 1, 1978 was received by the Commission on August 22, 1978. In this second letter, the complainant referred to his earlier complaint, but now stated that the funds allegedly transferred went to the Coal Miners Political Action Committee (COMPAC). (See attached letter)

PRELIMINARY LEGAL ANALYSIS

The complaint may state a possible violation of 2 U.S.C. 441b(a). This section, which prohibits a labor organization from making a contribution or expenditure in connection with a federal election, may have been violated if the monies were, in fact, transferred as alleged.

The reports show that in only one quarter in the period between January 1, 1977 and June 30, 1978 did COMPAC's receipts approach or exceed the amount alleged to have been transferred (third quarter, 1977). In the quarter ending June 30, 1978 (which is the time the complainant first wrote to the Commission), COMPAC received only \$966.99. Further, Pennsylvania contributors (the home base of UMWA, District 2) only gave \$247 to COMPAC in the last year and a half, with none of the \$247 contributed during 1978. UMWA, District 2, is not registered with the Commission.





03979

JUN 20 PM 1:11

June 21, 1978

General Council  
Federal Election Commission  
1395 K Street, N. W.  
Washington, D. C. 20043

Dear Sir:

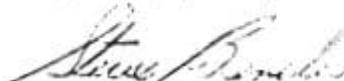
I am requesting that an investigation be made of the finances of the United Mine Workers of America, District #2, Ebensburg, Pa.

Funds amounting to between \$5,000 and \$10,000 have been taken from the general fund without the permission of the membership. Some money to the best of my knowledge was given to Congressman Lurtz for his re-election, some was also given to other politicians without the knowledge of the full membership. Therefore, since this is a violation of the election laws, I am asking you to conduct an investigation. This matter would be possible because the statute of limitations has not run.

If you need any assistance do not hesitate to contact me. I am also sure that the Executive Board and Valerio Scorton, who are now the president of the District will be only too glad to co-operate with your office. I am sure that the federal laws were violated.

Hoping to hear from you as soon as possible, I remain

Very truly yours,



Steve Bender  
1090 Mill St.  
Lantzy Glo, Penna. 15943

Telephone No. 412-719-0436

1031027



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Val Scarton, President  
United Mine Workers of America,  
District 2  
521 West Horner Street  
Ebensburg, Pennsylvania 15931

Re: MUR 687 (78)

Dear Mr. Scarton:

The Federal Election Commission has received a complaint which alleges that your organization committed certain violations of the Federal Election Campaign Act. We have numbered this matter MUR 687 (78). The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. 441b(a). Specifically, it is alleged that your organization transferred between \$5,000 and \$10,000 from its general treasury to that of the Coal Miners Political Action Committee (COMPAC) and to Congressman John Murtha for use in connection with a federal election.

Under the Act, you have an opportunity to demonstrate that no action should be taken. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after receipt of this notification.

This matter will remain confidential in accordance with 2 U.S.C. 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Gary D. Lipkin, the attorney assigned to this matter, at 202-523-4529.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

William C. Oldaker  
General Counsel

202-523-4529



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20461

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Steve Bender  
1030 Hill Street  
Nanty Glo, Pennsylvania 15943

Re: MUR 687 (78)

Dear Mr. Bender:

The Federal Election Commission has completed a preliminary review of your complaint and has numbered it as MUR 687 (78). Please refer to this number in any further correspondence.

A summary of your complaint has been forwarded to the respondent. If you have any further information, please submit it within five (5) days of your receipt of this letter.

The Commission's enforcement procedures are set forth in 2 U.S.C. 437g. Please note that 2 U.S.C. 437g(a)(3)(B) prohibits any person from making public the fact of "any notification or investigation" by the Commission without the written consent of the respondent.

The attorney assigned to this matter is Gary D. Lipkin (telephone no. 202-523-4529). Please do not hesitate to write or call him if you have any questions.

Sincerely yours,

William C. Oldaker  
General Counsel

79040082031



FEDERAL ELECTION COMMISSION

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

August 23, 1978

Steve Bender  
1030 Hill Street  
Nanty Glo, Pennsylvania 15943

Dear Mr. Bender:

This is to acknowledge receipt of your complaint of August 22, 1978, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

Lester N. Scall  
Assistant General Counsel

78040082031

MOR 687

300 #  
1608

FEDERAL ELECTION COMMISSION

78 AUG 27 AM 11:28

August 1, 1978

William C. Oldaker, General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Dear Mr. Oldaker:

I received your letter of June 28, 1978 pertaining to my recent complaint. I did not complain about any election or any candidate involved in any election.

I still feel that there is a legal basis for a complaint. I stated that \$5,000.00 to \$10,000.00 was illegally spent and I am requesting an immediate investigation of the financial records of District 2, UMWA.

As far as getting any documentation, it is impossible for me to obtain. I want to state very clearly that I know an illegal act was committed by the officers of UMWA District #2 so far as they gave a large amount of money to Compac from the general fund of District #2 which is a violation of the law. There is no way possible I can get the evidence without your help.

Very truly yours,

*Steve Bender*

Steve Bender  
1030 Hill Street  
Nanty Glo, Pennsylvania 15943

Phone 814/749-0436

8/18/78

*Steve Bender*  
*Send me the*  
*check!*

JOHN PRAVE, NOTARY PUBLIC  
NANTY GLO, PENNSYLVANIA  
MY COMMISSION EXPIRES  
Member, Pennsylvania

*John Prave*

2301073034

Steve Bender  
1030 Hill St.  
Nanty Glo, Pa. 15943



William C. Oldaker, General Counsel  
Federal Election Committee  
1325 K Street, N. W.  
Washington, D. C. 20463

## CORRESPONDENCE CONTROL SLIP

## FEDERAL ELECTION COMMISSION

Do Not Separate From Document

For Division Use

CXC 4608

Suspense No.

780822123854

805377

Name and Address of Sender

STEVE BENDER  
1030 HILL ST  
HNTY, GLK, PA. 15943

Subject of Correspondence

COMPLIANCE

Date Received

08/22/78

Suspense Date

09/12/78

Referred to

Action (Optional)

1.

2.

3.

4.

5.

Answer Date

NRN

File Designation

4300

Special Instructions:

Notarized Complaint

FEC Form 17 (Revised March 1977)

GPO 913-946

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U.S. GOVERNMENT PRINTING OFFICE

FEDERAL ELECTION COMMISSION



JUN 20 1978 1:11

General Counsel  
Federal Election Commission  
1325 K Street, NW  
Washington, D. C. 20004



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR # 687

Date Filmed 12/20/78 Camera No. --- 2

Cameraman BPC

730103105