



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-53A

Honorable Henry J. Nowak
House of Representatives
Washington, D.C. 20515

Dear Mr. Nowak:

This responds to your letter of July 28, 1978, requesting advice from the Commission as to whether you or your campaign committee are required by the Federal Election Campaign Act of 1971, as amended, to make a refund of political contributions received from the NEA Political Action Committee in connection with your campaign for election to Federal office in 1976.

As you know, 2 U.S.C. 441b prohibits separate segregated funds such as NEA-PAC from making contributions to candidates for Federal office or their campaign committees utilizing money secured by dues, fees or other monies required a condition of membership in a labor organization or as a condition of employment. On July 20, 1978, the United States District Court for the District of Columbia held that the so-called reverse checkoff system of collecting political contributions, as used by NEA-PAC, was in violation of 2 U.S.C. 441b. Federal Election Commission v. National Education Association, No. 77-1705 (D.D.C. July 20, 1978). In so holding the Court upheld the position taken by the Commission in its regulations at 11 CFR 114.5(a)(1) prescribed April 13, 1977, pursuant to 2 U.S.C. 437d(a)(8) and 438(c).

The District Court's decision in FEC v. NEA, *supra*, does not address the question of whether candidates or committees who received contributions from NEA-PAC in 1975 and 1976 must return such contributions to NEA-PAC. Nor has the Commission to date required that such contributions be refunded by their recipients. Since the Commission has no evidence that you or your campaign committee had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal, the Commission will therefore not require that you or your committee return such 1975 and/or 1976 contributions to NEA-PAC, provided that such contributions were otherwise lawful.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Joan D. Aikens
Chairman for the
Federal Election Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-53B

Honorable Butler Derrick
House of Representatives
Washington, D.C. 20515

Dear Mr. Derrick:

This responds to your letter of July 31, 1978, requesting advice from the Commission as to whether you or your campaign committee are required by the Federal Election Campaign Act of 1971, as amended, to make a refund of political contributions received from the NEA Political Action Committee in connection with your campaign for election to Federal office in 1976.

As you know, 2 U.S.C. 441b prohibits separate segregated funds such as NEA-PAC from making contributions to candidates for Federal office or their campaign committees utilizing money secured by dues, fees or other monies required a condition of membership in a labor organization or as a condition of employment. On July 20, 1978, the United States District Court for the District of Columbia held that the so-called reverse checkoff system of collecting political contributions, as used by NEA-PAC, was in violation of 2 U.S.C. 441b. Federal Election Commission v. National Education Association, No. 77-1705 (D.D.C. July 20, 1978). In so holding the Court upheld the position taken by the Commission in its regulations at 11 CFR 114.5(a)(1) prescribed April 13, 1977, pursuant to 2 U.S.C. 437d(a)(8) and 438(c).

The District Court's decision in FEC v. NEA, supra, does not address the question of whether candidates or committees who received contributions from NEA-PAC in 1976 must return such contributions to NEA-PAC. Nor has the Commission to date required that such contributions be refunded by their recipients. Since the Commission has no evidence that you or your campaign committee had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal, the Commission will therefore not require that you or your committee return such 1975 and/or 1976 contributions to NEA-PAC, provided that such contributions were otherwise lawful.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Joan D. Aikens
Chairman for the
Federal Election Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-53C

Honorable John J. LaFalce
House of Representatives
Washington, D.C. 20515

Dear Mr. LaFalce:

This responds to your letter of July 27, 1978, requesting advice from the Commission as to whether you or your campaign committee are required by the Federal Election Campaign Act of 1971, as amended, to make a refund of political contributions received from the NEA Political Action Committee in connection with your campaign for election to Federal office in 1976.

As you know, 2 U.S.C. 441b prohibits separate segregated funds such as NEA-PAC from making contributions to candidates for Federal office or their campaign committees utilizing money secured by dues, fees or other monies required a condition of membership in a labor organization or as a condition of employment. On July 20, 1978, the United States District Court for the District of Columbia held that the so-called reverse checkoff system of collecting political contributions, as used by NEA-PAC, was in violation of 2 U.S.C. 441b. Federal Election Commission v. National Education Association, No. 77-1705 (D.D.C. July 20, 1978). In so holding the Court upheld the position taken by the Commission in its regulations at 11 CFR 114.5(a)(1) prescribed April 13, 1977, pursuant to 2 U.S.C. 437d(a)(8) and 438(c).

The District Court's decision in FEC v. NEA, supra, does not address the question of whether candidates or committees who received contributions from NEA-PAC in 1975 and 1976 must return such contributions to NEA-PAC. Nor has the Commission to date required that such contributions be refunded by their recipients. Since the Commission has no evidence that you or your campaign committee had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal, the Commission will therefore not require that you or your committee return such 1975 and/or 1976 contributions to NEA-PAC, provided that such contributions were otherwise lawful.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Joan D. Aikens
Chairman for the
Federal Election Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-53D

Honorable Edward Madigan
House of Representatives
Washington, D.C. 20515

Dear Mr. Madigan:

This responds to your letter of August 2, 1978, requesting advice from the Commission as to whether you or your campaign committee are required by the Federal Election Campaign Act of 1971, as amended, to make a refund of political contributions received from the NEA Political Action Committee in connection with your campaign for election to Federal office in 1976.

As you know, 2 U.S.C. 441b prohibits separate segregated funds such as NEA-PAC from making contributions to candidates for Federal office or their campaign committees utilizing money secured by dues, fees or other monies required a condition of membership in a labor organization or as a condition of employment. On July 20, 1978, the United States District Court for the District of Columbia held that the so-called reverse checkoff system of collecting political contributions, as used by NEA-PAC, was in violation of 2 U.S.C. 441b. Federal Election Commission v. National Education Association, No. 77-1705 (D.D.C. July 20, 1978). In so holding the Court upheld the position taken by the Commission in its regulations at 11 CFR 114.5(a)(1) prescribed April 13, 1977, pursuant to 2 U.S.C. 437d(a)(8) and 438(c).

The District Court's decision in FEC v. NEA, supra, does not address the question of whether candidates or committees who received contributions from NEA-PAC in 1975 and 1976 must return such contributions - 2 - to NEA-PAC. Nor has the Commission to date required that such contributions be refunded by their recipients. Since the Commission has no evidence that you or your campaign committee had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal, the Commission will therefore not require that you or your committee return such 1975 and/or 1976 contributions to NEA-PAC, provided that such contributions were otherwise lawful.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Joan D. Aikens
Chairman for the
Federal Election Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-53E

Honorable Ronald A. Sarasin
House of Representatives
Washington, D.C. 20515

Dear Mr. Sarasin:

This responds to your letter of August 10, 1978, requesting advice from the Commission as to whether you or your campaign committee are required by the Federal Election Campaign Act of 1971, as amended, to make a refund of political contributions received from the NEA Political Action Committee in connection with your campaign for election to Federal office in 1976.

As you know, 2 U.S.C. 441b prohibits separate segregated funds such as NEA-PAC from making contributions to candidates for Federal office or their campaign committees utilizing money secured by dues, fees or other monies required a condition of membership in a labor organization or as a condition of employment. On July 20, 1978, the United States District Court for the District of Columbia held that the so-called reverse checkoff system of collecting political contributions, as used by NEA-PAC, was in violation of 2 U.S.C. 441b. Federal Election Commission v. National Education Association, No. 77-1705 (D.D.C. July 20, 1978). In so holding the Court upheld the position taken by the Commission in its regulations at 11 CFR 114.5(a)(1) prescribed April 13, 1977, pursuant to 2 U.S.C. 437d(a)(8) and 438(c).

The District Court's decision in FEC v. NEA, supra, does not address the question of whether candidates or committees who received contributions from NEA-PAC in 1975 and 1976 must return such contributions to NEA-PAC. Nor has the Commission to date required that such contributions be refunded by their recipients. Since the Commission has no evidence that you or your campaign committee had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal, the Commission will therefore not require that you or your committee return such 1975 and/or 1976 contributions to NEA-PAC, provided that such contributions were otherwise lawful.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Joan D. Aikens
Chairman for the
Federal Election Commission